

**GRASS LAKE CHARTER TOWNSHIP  
ZONING ORDINANCE  
TABLE OF CONTENTS**

<b>CHAPTER 1</b>	<b>TITLE, PURPOSE, CONSTRUCTION AND SCOPE</b>	
Section 1.01	Title	1-1
Section 1.02	Purpose	1-1
Section 1.03	Construction and Scope	1-1
Section 1.04	Interpretation and Conflict	1-2
<b>CHAPTER 2</b>	<b>DEFINITIONS AND ILLUSTRATIONS OF TERMS</b>	
Section 2.01	Intent and Purpose	2-1
Section 2.02	Use of Words and Terms	2-1
Section 2.03	Definitions "A"	2-1
Section 2.04	Definitions "B"	2-6
Section 2.05	Definitions "C"	2-6
Section 2.06	Definitions "D"	2-7
Section 2.07	Definitions "E"	2-8
Section 2.08	Definitions "F"	2-9
Section 2.09	Definitions "H"	2-10
Section 2.10	Definitions "I"	2-11
Section 2.11	Definitions "K"	2-11
Section 2.12	Definitions "L"	2-11
Section 2.13	Definitions "M"	2-12
Section 2.14	Definitions "N"	2-13
Section 2.15	Definitions "O"	2-13
Section 2.16	Definitions "P"	2-14
Section 2.17	Definitions "R"	2-15
Section 2.18	Definitions "S"	2-15
Section 2.19	Definitions "T"	2-16
Section 2.20	Definitions "U"	2-17
Section 2.21	Definitions "Y"	2-17
Section 2.22	Definitions "Z"	2-17
<b>CHAPTER 3</b>	<b>GENERAL PROVISIONS</b>	
Section 3.01	Intent	3-1
Section 3.02	Application of District Regulations	3-1
Section 3.03	Uses in Districts	3-1
Section 3.04	Lot, Yard, and Height Requirements	3-2
Section 3.05	Principal Use and Main Building Requirements	3-5
Section 3.06	Clear Vision Requirements	3-5
Section 3.07	Accessory Buildings and Uses	3-5
Section 3.08	Private Swimming Pools	3-6

Section 3.09	Single Family Dwellings Outside Manufactured Home Communities	3-6
Section 3.10	Sanitary and Dumping Restrictions	3-8
Section 3.11	Temporary Dwelling Permits	3-8
Section 3.12	Temporary or Seasonal Uses	3-9
Section 3.13	Home Occupations	3-10
Section 3.14	Buildings to be Moved	3-10
Section 3.15	Floodplains	3-10
Section 3.16	Exterior Lighting	3-11
Section 3.17	Outdoor Storage	3-11
Section 3.18	Essential Services	3-12
Section 3.19	Waterfront Related Provisions	3-19
Section 3.20	Maintenance of Animals	3-20
Section 3.21	Nonconforming Lots, Uses, and Buildings	3-21
Section 3.22	Site Condominiums	3-24
Section 3.23	Satellite Dish Antennas	3-25
Section 3.24	Landscaping, Greenbelts and Buffers, and Screening	3-26
Section 3.25	Fences and Walls	3-28
Section 3.26	Solar Energy Systems	3-29
<b>CHAPTER 4</b>	<b>ESTABLISHMENT OF ZONING DISTRICTS</b>	
Section 4.01	Zoning Districts	4-1
Section 4.02	Zoning Map	4-1
<b>CHAPTER 5</b>	<b>AG – AGRICULTURAL DISTRICT</b>	
Section 5.01	Description and Purpose	5-1
Section 5.02	Permitted Uses	5-1
Section 5.03	Special Land Uses	5-1
Section 5.04	District Regulations	5-2
<b>CHAPTER 6</b>	<b>R-1 – SINGLE FAMILY RESIDENTIAL DISTRICT</b>	
Section 6.01	Description and Purpose	6-1
Section 6.02	Permitted Uses	6-1
Section 6.03	Special Land Uses	6-1
Section 6.04	District Regulations	6-2
<b>CHAPTER 7</b>	<b>R-2 – SINGLE FAMILY RESIDENTIAL DISTRICT</b>	
Section 7.01	Description and Purpose	7-1
Section 7.02	Permitted Uses	7-1
Section 7.03	Special Land Uses	7-1
Section 7.04	District Regulations	7-2
<b>CHAPTER 8</b>	<b>R-3 – MULTIPLE FAMILY RESIDENTIAL DISTRICT</b>	
Section 8.01	Description and Purpose	8-1
Section 8.02	Permitted Uses	8-1
Section 8.03	Special Land Uses	8-1
Section 8.04	District Regulations	8-2

<b>CHAPTER 9</b>	<b>R-4 – MANUFACTURED HOUSING COMMUNITY DISTRICT</b>	
Section 9.01	Description and Purpose	9-1
Section 9.02	Permitted Uses	9-1
Section 9.03	Special Land Uses	9-1
Section 9.04	District Regulations	9-2
<b>CHAPTER 10</b>	<b>GC – GENERAL COMMERCIAL DISTRICT</b>	
Section 10.01	Description and Purpose	10-1
Section 10.02	Permitted Uses	10-1
Section 10.03	Special Land Uses	10-2
Section 10.04	District Regulations	10-2
<b>CHAPTER 11</b>	<b>HC – HIGHWAY COMMERCIAL DISTRICT</b>	
Section 11.01	Description and Purpose	11-1
Section 11.02	Permitted Uses	11-1
Section 11.03	Special Land Uses	11-1
Section 11.04	District Regulations	11-2
<b>CHAPTER 12</b>	<b>LI – LIGHT INDUSTRIAL DISTRICT</b>	
Section 12.01	Description and Purpose	12-1
Section 12.02	Permitted Uses	12-1
Section 12.03	Special Land Uses	12-2
Section 12.04	District Regulations	12-3
<b>CHAPTER 12A</b>	<b>LI/HC – LIGHT INDUSTRIAL/HIGHWAY COMMERCIAL DISTRICT</b>	
Section 12A.01	Description and Purpose	12A-1
Section 12A.02	Permitted Uses	12A-1
Section 12A.03	Special Land Uses	12A-2
Section 12A.04	District Regulations	12A-3
<b>CHAPTER 13</b>	<b>PUD – PLANNED UNIT DEVELOPMENT DISTRICT</b>	
Section 13.01	Purpose and Intent	13-1
Section 13.02	PUD Qualifications	13-1
Section 13.03	Procedure for Application and Review	13-1
Section 13.04	PUD Design Requirements	13-6
Section 13.05	Changes to an Approved PUD	13-9
Section 13.06	Appeals	13-10
<b>CHAPTER 14</b>	<b>SPECIAL LAND USES</b>	
Section 14.01	Intent and Purpose	14-1
Section 14.02	Applicability	14-1
Section 14.03	Authority to Grant Permits	14-1
Section 14.04	Application and Review Procedures	14-2
Section 14.05	Approval of Special Land Use Permit	14-2
Section 14.06	Required Standards and Findings for Making Determinations	14-3
Section 14.07	Special Land Use Specific Requirements	14-4

A. Adult Uses	14-5
B. Asphalt and Concrete Mixing Plants	14-8
C. Automobile and Vehicle Sales	14-8
D. Automobile Repair (major and minor)	14-8
E. Automobile Repair (minor)	14-8
F. Automobile Service Stations	14-9
G. Automobile Washes	14-9
H. Bed and Breakfast Establishments	14-9
I. Building Material Sales	14-10
J. Cemeteries, private	14-10
K. Churches	14-10
L. Commercial Greenhouses and Nurseries, when operated primarily as wholesaling operations and limited retail sales	14-10
M. Commercial Kennels	14-11
N. Country clubs, golf courses, riding stables, gun clubs, private athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use	14-11
O. Day care center	14-12
P. Farm machinery sales	14-12
Q. Group day care homes	14-12
R. Home Based Business	14-13
S. Hospitals	14-14
T. Hotels and/or motels	14-14
U. Indoor and outdoor commercial recreation including bowling, miniature golf course, outdoor skating rinks and similar uses	14-14
V. Intensive livestock operations	14-15
W. Manufacturing, Processing or Packing of Plastic Products such as Laminate, Pipe, Plumbing Products, and Miscellaneous Molded or Extruded Products.	14-15
X. Metal Fabrication	14-16
Y. Movie theaters or assembly halls	14-16
Z. Nursing and convalescent homes, and housing for the elderly	14-16
AA. Open air businesses	14-16
BB. Open Space Preservation Developments	14-17
CC. Private airports	14-21
DD. Private athletic grounds and parks	14-22
EE. Private, elementary, middle, and high schools, and colleges	14-22
FF. Private campgrounds	14-22
GG. Recycling Center	14-23
HH. Mining and Extraction Operations	14-23

II. Restaurants with drive-through services	14-25
JJ. Roadside stands for sale of produce grown on the premises	14-25
KK. Self Service Storage Facilities	14-26
LL. Skilled Trade and General Construction Contractor's Offices, Warehouses, and Yards	14-26
MM. Solid Waste Transfer Stations and/or Solid Waste Processing Facilities	14-26
NN. State licensed residential group care facilities	14-27
OO. Taverns	14-27
PP. Tool and Die, Job, Machine, and Skilled Trade Shops	14-27
QQ. Trucking Terminals	14-28
RR. Veterinary Clinic	14-28
SS. Agricultural Business	14-28
TT. Large Solar Energy Systems	14-30
UU. Medium Solar Energy Systems	14-40
<b>CHAPTER 15</b>	<b>SITE PLAN REVIEW</b>
Section 15.01	Intent 15-1
Section 15.02	Site Plans Reviewed 15-1
Section 15.03	Preliminary Site Plan 15-1
Section 15.04	Final Site Plan 15-2
Section 15.05	Final Site Plan Review Standards 15-3
Section 15.06	Site Plan Requirements 15-4
Section 15.07	Notice of Action or Recommendation 15-6
Section 15.08	Building Permits 15-6
Section 15.09	Expiration of Approval 15-6
Section 15.10	Site Plan Amendments 15-7
Section 15.11	Appeal of Decisions 15-8
<b>CHAPTER 16</b>	<b>OFF-STREET PARKING, LOADING, AND SITE ACCESS</b>
Section 16.01	Intent and Purpose 16-1
Section 16.02	Off-Street Parking – General Requirements 16-1
Section 16.03	Schedules of Off-Street Parking Requirements 16-3
	A. Residential Uses 16-3
	B. Institutional Uses 16-3
	C. General Commercial Uses 16-4
	D. Automotive Uses 16-4
	E. Office and Service Uses 16-5
	F. Recreational Uses 16-5
	G. Industrial Uses 16-5
Section 16.04	Off-Street Parking Design and Construction 16-5
Section 16.05	Off-Street Loading Requirements 16-6
Section 16.06	Off-Street Drive Through and Waiting Spaces 16-7
Section 16.07	Site Access Control 16-8
<b>CHAPTER 17</b>	<b>SIGNS</b>

Section 17.01	Intent and Purpose	17-1
Section 17.02	Definitions	17-1
Section 17.03	General Sign Provisions	17-2
Section 17.04	Exempted Signs	17-4
Section 17.05	Non-Conforming Signs, Illegal Signs and Signs Accessory to Non-conforming Uses	17-4
Section 17.06	Units of Measurement	17-5
Section 17.07	Regulations Applicable to All Districts	17-5
Section 17.08	General Requirements by Sign Type	17-7
Section 17.09	Permitted Billboards	17-7
Section 17.10	Permits Required	17-9
Section 17.11	Signs Permitted by Zoning District	17-10
	A. AG, R-1, R-2, R-3, R-4 Districts	17-10
	B. HC, GC, LI Districts	17-10
	C. PUD District	17-11
<b>CHAPTER 18</b>	<b>ZONING BOARD OF APPEALS</b>	
Section 18.01	Authority	18-1
Section 18.02	Membership	18-1
Section 18.03	Meetings	18-2
Section 18.04	Powers and Duties	18-2
Section 18.05	Application and Hearing Procedures	18-5
Section 18.06	Effect of Decisions	18-6
<b>CHAPTER 19</b>	<b>ADMINISTRATION AND ENFORCEMENT</b>	
Section 19.01	Purpose	19-1
Section 19.02	Duties of Zoning Administrator	19-1
Section 19.03	Zoning Compliance Permits	19-2
Section 19.04	Certificate of Occupancy	19-2
Section 19.05	Fees, Charges, and Expenses	19-3
Section 19.06	Public Notice	19-3
Section 19.07	Violations and Penalties; Nuisance Per Se: Abatement	19-5
Section 19.08	Performance Guarantee Required	19-6
Section 19.09	Vested Right	19-7
Section 19.10	Conflict With Other Laws	19-8
Section 19.11	Validity and Severability Clause	19-8
Section 19.12	Period of Effectiveness	19-8
Section 19.13	Repeal of Ordinance	19-8
Section 19.14	Effective Date	19-9

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**CHAPTER 1**  
**TITLE, PURPOSE, CONSTRUCTION AND SCOPE****SECTION 1.01 TITLE**

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Grass Lake Charter Township." The Zoning Map referred to herein and made a part of this Ordinance is entitled the "Zoning Map of Grass Lake Charter Township".

**SECTION 1.02 PURPOSE**

- A. This Ordinance has been established for the purposes explicitly permitted by the Zoning Act to provide for the regulation of land development and the establishment of districts in the portions of the township outside the limits of cities and villages.
- B. This Ordinance is intended:
1. To meet the needs of the township residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
  2. To ensure that the use of the land shall be situated in appropriate locations and relationships;
  3. To limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities;
  4. To facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements; and
  5. To promote the public health, safety, and welfare.
- C. In order to most efficiently protect and promote the public health, safety and welfare, and to accomplish the stated goals of the Grass Lake Charter Township Master Plan, the Township shall be divided into districts of such number, shape and area as it considers best suited to carry out the Zoning Act.

**SECTION 1.03 CONSTRUCTION AND SCOPE**

- A. Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which the building, structure or lot is located.

- B. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that construction shall be completed within three hundred sixty-five (365) days from the effective date and be subject thereafter to the provisions of Section 3.21, Nonconforming Lots, Uses, and Buildings.

#### **SECTION 1.04 INTERPRETATION AND CONFLICT**

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare.
- B. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or required larger open spaces, or larger lot areas than are imposed or required by any other ordinance or agreements, the provisions of this Ordinance shall control.



## CHAPTER 2

### DEFINITIONS AND ILLUSTRATIONS OF TERMS

#### SECTION 2.01 INTENT AND PURPOSE

The purpose of this Chapter is to establish rules for interpreting the text of this Ordinance, to define certain words and terms, and to provide for the interpretation of this Ordinance by adoption of a technical dictionary. Certain words and terms which may not appear in this Chapter, but which have special application may be defined in other Chapters in which they apply.

#### SECTION 2.02 USE OF WORDS AND TERMS

- A. When not inconsistent with the context, the present tense includes the future; the words used in the singular number include the plural number, and the plural includes the singular.
- B. The word "shall" designates a mandatory action.
- C. The word person always includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- D. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied".
- E. Any term not defined herein shall have the meaning of common or standard use.

#### SECTION 2.03 DEFINITIONS "A"

**Abandoned Solar Energy System:** Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of six months. (Amendment 12-11-2018)

**Accessory Buildings.** A supplementary building or structure on the same lot or parcel of land as the main building or buildings, or part of the main building occupied by or devoted exclusively to any accessory use;

**Accessory Use.** A use that is incidental and subordinate to the principal use of the land or buildings.

**Adult Uses.** A business or commercial enterprise engaging in any of the following businesses or uses: Adult Bookstore, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Adult Personal Service Business, Massage Parlor, Massage School, Nude Model Studio, and a Sexual Encounter Center. These terms and terms related to these definitions, as noted, shall have the following indicated meanings:

- A. Adult Bookstore: A commercial establishment that, as its principal business purpose, offers for sale or rental for any form of consideration any one (1) or more of the items:
1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproduction, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or
  2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
- B. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
1. Persons who appear in a state of nudity;
  2. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
  3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
  4. Persons who engage in lewd, lascivious or erotic dancing or performances which are intended for the sexual interests or titillation of an audience or customers.
- C. Adult Motel: A hotel, motel or similar commercial establishment that:
1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has as a sign visible from the public right-of-way that advertises the availability of any of the above;
  2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; and/or
  3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- D. Adult Motion Picture Theater: A commercial establishment, which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. This definition includes commercial establishments that offer individual viewing booths.

- E. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by specified sexual activities.
- F. Adult Personal Service Business: A business having, as its principal activity, a person while nude, or while displaying "Sexual Conduct" or "Specified Anatomical Areas." as defined herein, providing personal service for another person.
- G. Massage Parlor: Any place or establishment where massage is made available. "Massage Parlor" does not include:
1. A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
  2. A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
  3. A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties; provided, however that the barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only; or
  4. Myomassaologists who meet the following criteria:
    - a. Proof of graduation from a school of massage licensed by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States; and
    - b. Proof of current professional membership in the American Massage Therapy Association or other national massage therapy organization with comparable prerequisites for certification, including liability insurance.
- H. Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- I. Sexual Encounter Center: A business or commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

2. Activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is in a state of nudity.
- J. Specified Sexual Activities: Includes any of the following:
1. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
  2. Sexual arousal or gratification using animals or violence, actual or simulated;
  3. Masturbation, actual or simulated;
  4. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus or female breast; or
  5. Excretory functions as part of or in connection with any of activities set forth as 1-4 directly above.
- K. Specified Anatomical Areas
1. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Agricultural Business.\*** Seasonal, private activities for entertainment or commercial activities involving an agricultural setting, but which is not focused primarily on farming activities of a farm operations, including the following:

1. Fun houses, haunted houses, or similar entertainment facilities.
2. An organized meeting space for use by weddings, birthday parties, corporate picnics, or other similar events.
3. Any of the accessory uses provided in the definition for Agricultural Tourism where such uses are 50 percent or more of a farm's gross receipts, or are otherwise the primary use of the farm.

\*(Amendment 6-12-2018)

**Agricultural Tourism.\*** Seasonal, community-oriented activities for education and enjoyment that involve participation or involvement in the farming activities of a farm operations, including the following:

1. Seasonal U-Pick fruit and vegetable operations;

2. Seasonal outdoor mazes of agricultural origin such as straw bales or corn;
3. Agricultural festivals;
4. Accessory activities connected to the above operations, so long as these activities preserve the general agricultural character of the farm and the income from such activities represents less than 50 percent of the gross receipts from the farm. Such activities are limited to the following:
  - a. Value-added agricultural products of activities such as education tours, processing facilities, etc.;
  - b. Bakeries selling baked goods containing produce at least 50% of which is grown on-site;
  - c. Playgrounds or equipment typical of a school playground, such as slides, swings, etc., but not including motorized vehicles or rides;
  - d. Petting farms, animal displays, and pony rides;
  - e. Wagon, sleigh, and hayrides;
  - f. Nature trails;
  - g. Open air or covered picnic areas with restrooms;
  - h. Education classes, lectures, and seminars;
  - i. Historical agricultural exhibits;
  - j. Kitchen facilities, processing or cooking items for sale;
  - k. Gift shops for the sale of agricultural products and/or products related to agriculture;
  - l. Gift shops for the sales of non-agriculturally related products such as antiques or crafts, with up to 25 percent of gross sales resulting from the sale of such products.

\*(Amendment 6-12-2018)

**Alter or Alteration.** Any structural change in the supporting or load bearing members of a building, such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls.

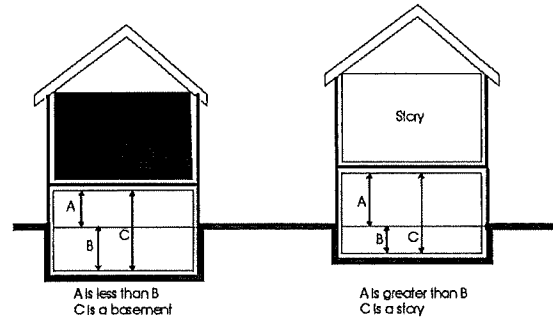
**Automobile Repair.** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rustproofing. The term "automobile" includes "vehicles".

**Automobile Service Station.** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, body fender work, or automobile repairs are conducted. The term "automobile" includes "vehicles".

**Automobile Wash.** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means. The term "automobile" includes "vehicles".

**SECTION 2.04 DEFINITIONS "B"**

**Basement.** That portion of a building having more than one-half (1/2) of its height below grade.

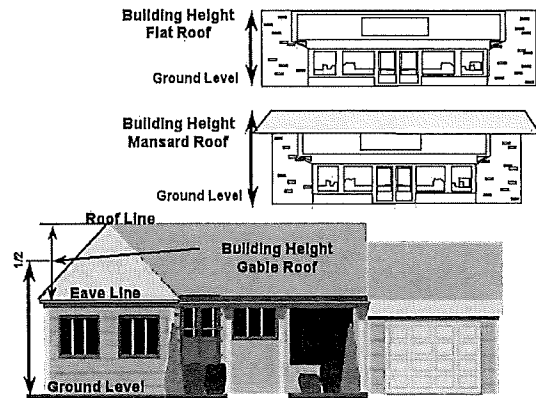


Basement and Story

**Bed and Breakfast.** A single-family residential structure that provides sleeping rooms and serves breakfast to its transient tenants.

**Board of Appeals or Board.** As used in this Ordinance, the term Board of Appeals means the Charter Township of Grass Lake, Michigan, Zoning Board of Appeals.

**Building.** An enclosed structure having a roof supported by columns or walls.



LSL Planning, Inc.

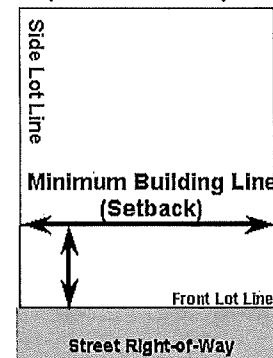
**Building Frontage.** The portion of a building that principally faces a public right-of-way.

**Building Height.** The vertical distance measured from grade to the highest point of the roof for flat roofs, to the decline of mansard roofs, and to the average height between eaves and ridges for gable, hip, or gambrel roofs.

**Building Setback Line.** The line established by the minimum required setbacks forming the area within a lot in which a main building may be located, unless otherwise provided by the Ordinance.

**Building, Main.** A building in which is conducted the principal use of the lot on which it is situated.

**Building Line (Front Setback)**



**SECTION 2.05 DEFINITIONS "C"**

**Campground.** A parcel of land in which sites are offered for the use of temporary living quarters for recreational units; or a publicly or privately owned establishment intended, or used for the purpose of supplying a location for overnight camping.

**Church.** A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

**Club.** An organization of persons for special purposes or for the promulgation agriculture, sports, arts, science, literature, politics, or the like, but not operating for profit.

**Condominium Development.** Any development undertaken under the provisions of the Michigan Condominium Act, Act 59 of Public Acts of 1978, as amended, or any other act of the Legislature of the State of Michigan providing for development of property under joint or concurrent ownership. The following other definitions shall also apply:

- A. Condominium Documents. The master deed, recorded pursuant to Condominium Act, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner in the condominium.
- B. Condominium Lot. The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is a limited common element. (See also the definition of "Lot.")
- C. Condominium Subdivision Plan. The drawing and information prepared in accordance with Section 66 of the Condominium Act.
- D. Condominium Unit. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

**Convalescent Home.** A convalescent home or nursing home is a state licensed facility for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders.

## **SECTION 2.06      DEFINITIONS "D"**

**Day Care Facilities.** The following definitions shall apply in the construction and application of this Ordinance.

- A. "Family day care home" means a private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- B. "Group day care home" means a private home in which more than six (6) but not more

than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- C. Child caring institution: means a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained by the institution for that purpose, and operated throughout the year.

**District or Zoning District.** A portion of the township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**Drive-In, or Drive-Through Establishment.** A business establishment developed so that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service (e.g. restaurants, cleaners, banks, theaters) patrons while in a vehicle.

**Dwelling.** Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling in single, two family or multiple family residential areas. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the occupied part shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions relative to dwellings.

**Dwelling, Single-Family.** A detached building designed for or occupied exclusively by one (1) family.

**Dwelling, Two-Family.** A detached building designed for or occupied exclusively by two (2) families living independently of each other. Also known as a duplex dwelling.

**Dwelling, Multiple Family.** A building used for and designed as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartments.

## SECTION 2.07 DEFINITIONS "E"

**Essential Services.** The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment or accessories reasonably developed in connection therewith for the furnishing of adequate service by public utilities or municipal departments or commissions or for the public health or general welfare.



Wireless communication facilities shall not be considered essential services.

**Excavating.** Excavating shall be the removal of sand, stone, gravel, or fill dirt to below the average grade of the surrounding land and/or the finished grade, whichever is highest, excepting common household gardening.

## SECTION 2.08 DEFINITIONS "F"

### Family.

- A. An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character, cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature for an anticipated limited duration of a school term or terms or other similar determinable period.

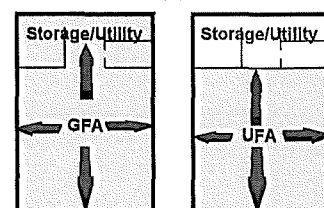
**Farm.** The land, buildings, and machinery used in the commercial production of farm products. For purposes of this Ordinance, the following additional definitions shall apply:

- A. Farm operation. A condition or activity which occurs on a farm in connection with the commercial production of farm products, and includes, but not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
- B. Farm product. Those plants and animals useful to human beings and includes, but not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.
- C. Farm Buildings: Any building or structure, other than a dwelling, maintained, used, or erected on a farm that is essential to and customarily related to agricultural activities.

**\*Amendment September 2015**

**Floor Area, Gross (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a

Floor Area



building shall include the basement floor area when more the one-half (1/2) of the basement height is above the finished lot grade. For the purposes of calculating parking, gross floor areas shall not include areas within the main building used for parking, housing of mechanical equipment, heating systems and similar uses.

**Floor Area, Usable (UFA).** For the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

## SECTION 2.09 DEFINITIONS "H"

**Hazardous Substances.** Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources, and hazardous substances as defined in Michigan Public Act 307 of 1982, as amended, and the Federal Comprehensive Environmental Response Compensation and Utility Act of 1980, Public Act 96-510, 94 STAT 2767, as amended.

**Home-Based Business.** A business operation based on the same premises as a single-family dwelling that is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises.

**Home Occupation.** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

**Hospital.** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, related facilities, such as laboratories, out patient departments, training facilities, central service facilities, and staff offices.

**Housing for the Elderly.** A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

**SECTION 2.10 DEFINITIONS "I"**

**Intensive Livestock Operation.** An agricultural operation in which animals are bred and/or raised within a confined area, at concentrated densities. These operations are further characterized as having an animal feeding building or feedlot that is a facility, other than a pasture, where animals are fed and/or confined.

**SECTION 2.11 DEFINITIONS "K"**

**Kennel, Commercial.** Any building, structure, enclosure or premises where four (4) or more dogs or cats, six (6) months of age or older, are kept for commercial purposes, including boarding, breeding, or sale, or the rendering of services for profit. For the purposes hereof, animal kept and maintained by a hobby kennel, shall not be deemed and considered a commercial kennel.

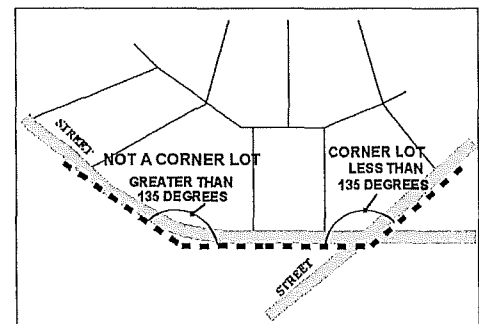
**SECTION 2.12 DEFINITIONS "L"**

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

**Lot.** A lot is a parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this Ordinance. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.

**Lot Area.** The total area within the lot lines of a lot excluding any public rights-of-way or private roadway easements.

**Lot, Corner.** A lot where the interior angle of two (2) adjacent sides at the intersection of the two (2) streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street shall be considered a corner lot for the purposes of this Ordinance if the arc is a radius of less than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended form an interior angle of less than one hundred and thirty five (135) degrees.



**Lot Depth.** The distance between the front and rear lot lines, generally measured at the center of the lot.

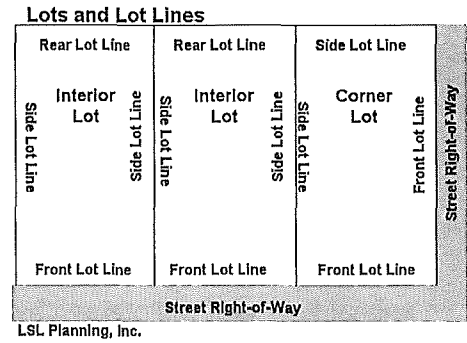
**Lot, Double Frontage.** A lot other than a corner lot having frontage on two (2) streets that are more or less parallel.

**Lot, Waterfront.** A lot having frontage directly upon a lake, river, or other reasonably sized impoundment of water. The portion of the lot adjacent to the water shall be designated as the front of the lot, and the opposite side shall be designated the rear of the lot.

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

**Lot Lines.** Any line dividing one lot from another or from a right-of-way, and thus constitutes the property lines bounding a lot.

**Lot Line, Front.** In the case of an interior lot, the front lot line shall mean the line separating the lot from the road. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that road which is designated as the front. In the case of a corner lot, there shall be a front yard for each frontage.



**Lot Line, Rear.** The rear lot line is that lot line which is opposite from the designated front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to the rear lot line for the purpose of determining depth of rear yard.

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

**Lot of Record.** A lot, the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Jackson County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor designated by the State of Michigan, and the description recorded or on file with the County.

**SECTION 2.13 DEFINITIONS "M"**

**Manufactured Home.** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. "Manufactured Home" does not include a recreational vehicle.

**Manufactured Home Park.** A parcel or tract of land under the control of a person or organization upon which three (3) or more manufactured homes are located on a continuous non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with a building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

**Master Plan.** The officially adopted Master Plan for Grass Lake Charter Township.

**Mining and Extraction Operations.** Any excavation operation for the purpose of searching for, removing, or processing peat, gravel, sand, clay, earth, or other soils, or marble, stone, slate, or other valuable natural resource in excess of five-hundred (500) cubic yards in any calendar year, including the overburdening, storage or transporting of such items on a mining and extraction site, or the reclamation of the site after removal or excavation of such items, but not including an oil or gas well. See Section 205 of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3201 *et seq.*, as amended. The following activities are not mining and extraction operations and are exempt from the special land use permit requirements of this Ordinance:

- A. Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
- B. The ordinary and necessary grading of land for the tilling and cultivation of soils to grow crops or excavation in conjunction with a farming operation conducted following generally accepted agricultural management practices.
- C. Normal lawn and landscaping installation and maintenance provided that the existing natural grade is not raised or lowered by more than twelve (12) inches over an area encompassing twenty-five percent (25%) or more of a parcel.
- D. Any excavation of material that will not involve transporting the materials outside the property where they were extracted.
- E. Excavations for ponds constructed for private use of property owners provided the pond will not be larger than five acres and material will not be removed from the site.
- F. Excavation within a public right-of-way, within public roads or drainage easements.
- G. Excavation that by its nature is of limited scope and duration and that is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, access way construction, septic tanks, swimming pools, graves, and other approved uses under this Ordinance.

**Motel/Hotel.** A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

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**SECTION 2.14 DEFINITIONS "N"**

**Non-Conforming Building.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the setback, height, or other provisions applicable to buildings in the zoning district in which it is located.

**Non-Conforming Lot.** A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance for lot area and/or lot width for the zoning district in which it is located.

**Non-Conforming Use.** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations for the zoning district in which it is located.

**Nonresidential District.** Any district that is not a Residential District.

**SECTION 2.15 DEFINITIONS "O"**

**Occupy.** The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

**Occupied.** The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

**Off-Street Parking Lot.** A facility providing vehicular parking spaces along with adequate drives and aisles. A parking lot includes that space used to provide adequate maneuvering space for ingress and egress.

**Open Air Business.** The retail sales of goods that are principally displayed outside, including:

- A. Outdoor display and sale of garages,\* automobiles, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar equipment and activities.
- B. Retail sales of trees,\* firewood, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- C. \*Outdoor recreation, including, but not limited to, tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

**\*Amendment June 2017**

**Open Space Preservation Development.** A development design technique, approved by the Township, which concentrates single-family lots in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of natural resources and features.

**Ordinary High Water Mark, or Shoreline.** The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

## SECTION 2.16 DEFINITIONS "P"

**Personal Service Establishment.** A commercial business conducting services involving the care of a person or a person's apparel that are performed primarily on the premises, such as barber or beauty shops and photographic studios.

**Photovoltaic Device:** A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use. (Amendment 12-11-2018)

**Porch, Enclosed.** A totally enclosed entrance to a building or structure which projects out from the wall of the building or structure and has a separate or integral roof with the main building or structure to which it is attached.

**Porch, Open.** An unenclosed, covered entrance to a building or structure having columns supporting the porch roof, projecting from the wall of the building or structure and has a separate or an integral roof with the main building or structure to which it is attached.

**Planned Unit Development (PUD).** A form of development usually characterized by the flexible application of zoning district regulations and a unified site design for a number of housing units, clustering buildings, providing common open space, and a mix of building types and land uses. It permits the planning of a project for an entire development, rather than on and individual lot-by-lot basis. It also refers to a process, revolving around the site plan review and rezoning processes, in which the Township will have considerable involvement in determining the nature of development.

**Principal Use.** The primary use to which the premises are devoted and the primary purpose for which the premises exist.

**Private Service/Social Clubs, Fraternal Organizations and Lodge Halls.** A building or open land whose use is restricted to members or guests. The primary purpose of the club/organization is to provide a meeting place for its members and guests to promote the intent of the club/organization. If the club/organization offers alcoholic liquors for sale to its members and guests, then the benefits and restrictions of a "tavern" prevail. (Inserted by Amendment 2010)

**Public Utility.** Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing and to the public; electricity, gas, steam, communications, telegraph, transportation, or water under Federal, State, or municipal regulations.

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**SECTION 2.17 DEFINITIONS "R"**

**Recreational Unit, or Vehicle.** A tent or 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 that is self-powered. A tent is a collapsible shelter of canvas or other fabric stretch and sustained by poles and used for camping outdoors.

**Residential District.** The AG, R-1, R-2, R-3, and R-4 Districts.

**Right-of-Way.** A legal right of passage over real property typically associated with streets and railroads.

**SECTION 2.18 DEFINITIONS "S"**

**Self-Storage Facility.** A building(s) consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods.

**Setback.** The minimum required horizontal distance between buildings or structures and the front, side and rear lot lines.

**Sign.** A name, identification, description, display, light, balloon, banner, flag or illustration which is affixed to, or painted, or otherwise located or set upon or in a building, structure or parcel of land which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible property. The definition does not include interior signs which are directed at persons within nor does it include goods for sale displayed in a business window.

**Solar Array:** Any number of Photovoltaic Devices connected together to provide a single output of electric energy or other energy. (Amendment 12-11-2018)

**Solar Energy System, Large:** A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, either for the sale, delivery or consumption of the generated energy by more than one end user, or for personal use beyond what is permitted for a Medium Solar Energy System, typically with a power output of is equal to or greater than 1 megawatt. (Amendment 12-11-2018)

**Solar Energy System, Medium:** A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located. Medium Solar Energy Systems include all solar energy systems with power output greater than 150 kilowatts but not exceeding 1 megawatt. (Amendment 12-11-2018)

**Solar Energy System, Small:** A solar energy system where the sole use is to generate



electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts. (Amendment 12-11-2018)

**Stable, Commercial.** A stable with a capacity of five (5) or more horses, mules or donkeys which are rented, hired, used or boarded on a commercial basis or for compensation.

**State Licensed Residential Facility.** A residential care family or group facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

- A. **Family:** A state licensed residential facility providing resident services to six (6) or fewer persons.
- B. **Group:** A state licensed residential facility providing resident services to more than six (6) persons.

**Story.** That portion of a building, included between the surface of any floor and the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

**Street, Public or Private.** The public or private thoroughfare that allows traffic circulation and provides principal means of access to abutting property.

**Structure.** Anything constructed or erected, the use of which requires a temporary or permanent location on the ground or is attached to something having a permanent location in, on, or below the ground.

#### SECTION 2.19 DEFINITIONS "T"

**Tavern.** A commercial establishment whose principal activity is the sale of alcoholic liquors at retail to the general public for consumption on the premises, and where no other kind of business is being maintained or conducted, except as may be accessory thereto.

**Temporary Living Quarters.** As related to camping, a recreational unit or building within a modern camp, which is occupied or used for more than four (4) hours between the hours of 10:00 p.m. to 6:00 a.m., which is not intended to be occupied or used in excess of three (3) consecutive months.

#### SECTION 2.20 DEFINITIONS "U"

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

**Unreasonable Safety Hazard:** Any condition which could reasonably be expected to create,

cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard. (Inserted by Amendment 2018)

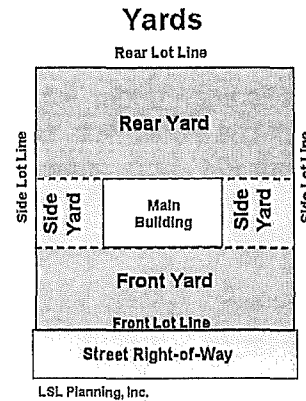
**SECTION 2.21 DEFINITIONS "Y"**

**Yard, Front.** An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the main building on the lot.

**Yard, Rear.** An open, unoccupied space extending the full width of the lot between the rear line of the lot and the rear line of the main building.

**Yard, Required.** An open space on a lot prescribed by the requirements of the zoning district in which it is located.

**Yard, Side.** An open, unoccupied space on the same lot with main building, between the side lot line of the closest building and the adjacent side lot line.



**SECTION 2.22 DEFINITIONS "Z"**

**Zoning Act.** The Zoning Enabling Act of Michigan, Public Act 110 of 2006, as amended. (Amended to reflect new law 2010)

**Zoning Administrator.** The administrative official designated by the Township Board to administer and enforce the Zoning Ordinance.

## **CHAPTER 3 GENERAL PROVISIONS**

### **SECTION 3.01 INTENT**

The intent of this Chapter is to provide for those regulations that generally apply regardless of the particular zoning district, unless otherwise indicated.

### **SECTION 3.02 APPLICATION OF DISTRICT REGULATIONS**

- A. The regulations herein established for each zoning district shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land, building, structure, or use throughout each District.
- B. Hereafter, no building shall be erected, altered or moved, nor shall any building or premises be used for any other purpose than that which is permitted in the District in which the building or premises is located; except by variance as provided in this Ordinance.
- C. Wherever the requirements of this Ordinance are different from any other adopted regulations, or ordinances, the one that is most restrictive or imposes the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied as described in this Chapter.

### **SECTION 3.03 USES IN DISTRICTS**

- A. Individual uses shall be allowed by right only if specifically listed as a Permitted Use in a zoning district.
- B. Accessory uses and buildings are permitted only if they are clearly incidental to the Permitted Uses or Special Land Uses.
- C. Special Land Uses are permitted only after approval of the Planning Commission, as required in Chapter 14.
- D. Uses Not Addressed
  - 1. In those situations where a use is not specifically addressed, or can be reasonably interpreted as being essentially the same in character to a use listed in the District, the Zoning Administrator may determine that the use is similar to the uses in the District, either as a Permitted Use or as a Special Land Use.

2. The Zoning Administrator shall base this decision on a finding that the proposed use:
  - a. Is not specifically listed in any other District.
  - b. Is generally consistent with the Intent of the district and this Ordinance.
  - c. Will not impair the present or potential use of other properties within the same district in the vicinity.
  - d. Has no greater potential effect on surrounding properties than those listed in the district, in terms of aesthetics, traffic generated, noise, potential nuisances, and other impacts related to health, safety and welfare.
3. The use not addressed shall comply with the review and approval requirements and district regulations that apply to the similar use.
4. If a use is not found to be similar to those in the Ordinance, an amendment to the Ordinance to include the use may be submitted and reviewed in accordance with the requirements of the Zoning Act.

### **SECTION 3.04 LOT, YARD, AND HEIGHT REQUIREMENTS**

- A. No lot area or width shall be so reduced or diminished that yards and other open spaces shall be smaller than specified, nor shall the density of development be increased in any manner except in conformity with the area regulations, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which the lot is located.
- B. Yard Requirements
  1. No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Ordinance shall be included as part of a yard and/or other open space similarly required for another building.
  2. Lots which abut on more than one (1) public street and/or private street easement shall provide the required front yard along every public street or private street easement.
  3. Lots which abut on an inland lake or stream shall provide the required front yard along the waterfront and the opposite side shall be designated the rear of the lot.
  4. All front yard setbacks shall be measured as the minimum perpendicular distance measured from the front lot line or street right-of-way line to the nearest point on the front foundation wall of the main building.

5. All side and rear yard setbacks shall be the measured as the minimum perpendicular distance between the nearest point on the side or rear foundation wall of the main building and the side or rear lot line parallel thereto.
- C. Exceptions to Yard Regulations
1. Terraces, patios and similar structures may project into a required yard, provided that the structure be unroofed and without walls or other continuous enclosure. These structures shall not be located nearer than five (5) feet to any property line.
  2. Unenclosed roofed porches may project into a required yard a distance of not more than five (5) feet provided that the porch shall not exceed one (1) story in height. Enclosed porches and other enclosed appurtenance shall be considered part of the main building to which they are attached and shall be subject to all yard requirements thereof.
  3. Chimneys, flues, stringcourse, leaders, sills, pilasters, cornices, eaves, gutters, and similar features may project into any required yard a maximum of twenty-four (24) inches.
  4. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into the required yard a maximum of five (5) feet.
- D. Height Requirements
1. No buildings shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit of the District in which the building is located.
  2. Exceptions to height requirements: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, stage lofts, screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. However, no structure addressed by this Section shall exceed the height limit of the District in which it is located by more than fifteen (15) feet, or be used for any purpose other than a service incidental to the principal use of the building.
- E. Minimum Street Frontage: Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private road, comply with the yard and lot requirements of the District, and have frontage on a street meeting one (1) of the following conditions:

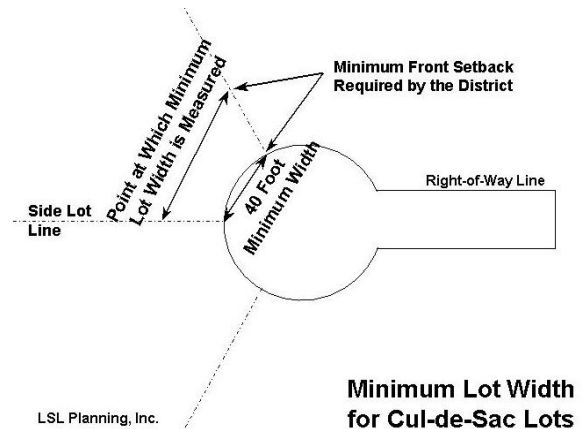
1. A public street which has been accepted for maintenance by the Jackson County Road Commission;
2. A permanent and unobstructed private street of record existing at the time of the adoption of this Ordinance. **(Amended 2010)**

F. Average Setbacks

1. Where there are nonconforming front setbacks for existing main buildings entirely or partially within two hundred (200) feet of the side lot lines on the same side of the street and in the same zoning district of the subject lot, the required front setback for the subject lot shall be the average of the front setbacks of existing main buildings within the two hundred (200) foot distance.
2. The permitted front setback reduction shall only be allowed if there are two (2) or more nonconforming buildings on lots within the two hundred (200) foot distance.
3. In no case shall the required front setback resulting from the application of this subsection be less than twenty (20) feet.

G. Cul-De-Sac Lots

1. A cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
2. The minimum lot width for a lot on a cul-de-sac shall be measured at a line drawn between the two (2) points located at the intersection of a line extending along the side lot lines equal to the distance of the required front setback.
3. A lot on a cul-de-sac shall have not less than forty (40) feet of lot frontage measured along the front lot line.

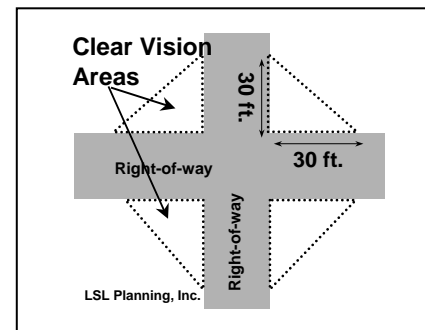


**SECTION 3.05 PRINCIPAL USE AND MAIN BUILDING REQUIREMENTS**

- A. Every building, erected, altered or moved shall be located on a lot as defined herein, or as otherwise permitted by this Ordinance.
- B. Except in the case of approved multiple family dwellings, commercial and industrial developments, there shall be no more than one (1) main building and its permitted accessory structures located on each lot in any district.
- C. For multiple family dwellings, commercial, and industrial developments, land and buildings may be considered a principal use collectively if the Zoning Administrator determines that the following conditions are met.
1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
  2. All uses, if not the same, are similar in function and/or operation.

**SECTION 3.06 CLEAR VISION REQUIREMENTS**

- A. On any corner lot, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct the visibility between the heights of three (3) feet and ten (10) feet above the road grade level in an area measuring thirty (30) feet from the point of intersection of the road right-of-way lines and the tangent connecting the thirty (30) foot extremities of the intersecting right-of-way lines.
- B. On any interior lot, no fence, wall, screen, hedge sign, or other structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of three (3) feet and ten (10) feet, measured a distance of twenty (20) feet back from the point where the driveway intersects the street.

**SECTION 3.07 ACCESSORY BUILDINGS AND USES**

- A. General Requirements
1. Nothing contained herein shall be construed to limit the size or height of accessory buildings in conjunction with a legitimate farm operation, provided all yard requirements are met.

2. An accessory building which is structurally attached to a main building shall be subject to all setback regulations applicable to main buildings.
3. Setbacks
  - a. In Residential Districts detached accessory buildings shall be located a minimum of ten (10) feet from a main building.
  - b. Detached accessory buildings under one thousand five hundred (1,500) square feet in size shall be located a minimum of ten (10) feet from any side or rear lot line.
  - c. Detached accessory buildings one thousand five hundred (1,500) square feet and over shall be located a minimum of twenty (20) feet from any side or rear lot line.
  - d. In Non-residential Districts accessory buildings and uses shall comply with applicable setback and height restrictions specified for the zoning district in which the accessory use or structure is located.
4. In no instance shall an accessory structure be located within a dedicated easement or right-of-way.
5. Except for farm buildings, accessory buildings shall not exceed the maximum permitted height of the District in which located.

### **SECTION 3.08 PRIVATE SWIMMING POOLS**

- A. \*Swimming pools shall conform to the side yard and rear yard requirements of the district in which they are located and shall not be located within any portion of a prescribed front yard.
- B. All swimming pools shall comply with applicable State of Michigan building codes.  
**\*Amendment September 2015**

### **SECTION 3.09 SINGLE FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME COMMUNITIES**

No site built single-family dwelling, manufactured home, modular home, or prefabricated home located outside a manufactured home park or manufactured home subdivision shall be permitted unless the dwelling unit conforms to the following requirements and standards.

- A. Square Footage. Each dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the district in which it is located.
- B. Dimensions. Each single-family dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty-two (22) feet.



- C. Foundation. Each single-family dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with Michigan State Construction Code Commission. All dwellings shall be securely anchored to the foundation in order to prevent displacement during storms.
- D. Undercarriage. Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- E. Sewage Disposal or Water Supply. Each single-family dwelling unit shall be connected to a public sewer and water supply or to a private facility approved by the Jackson County Health Department.
- F. Storage Area. Each single family dwelling unit shall contain a storage area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to, or of better quality, than the dwelling. The storage area shall be equal to ten percent (10%) of the square footage of the dwelling unit, or one hundred (100) square feet, whichever is less.
- G. All homes shall have a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
- H. The dwelling shall not have less than two (2) exterior doors with the second one being on either the rear or side of the dwelling. Steps shall also be required for exterior doors or porches connected to the doors where a difference in elevation requires it.
- I. The provisions of this Section shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, land contour or relief from the common or standard home design.
- J. Additions, rooms, or other areas for each dwelling unit shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the main building foundation as required herein.
- K. Each single family dwelling unit shall comply with all pertinent building and fire codes. In the case of a manufactured home all construction and plumbing, electrical apparatus, and insulation within and connected to the manufactured home shall be of a type and quality conforming to the *Manufactured Home Construction Safety Standards* as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time the standards may be amended.
- L. Building Permit. All construction required herein shall commence only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

- M. Exceptions. The requirements of this Section shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required by this Ordinance as pertaining to manufactured home parks. Manufactured homes which do not conform to the requirements of this Section shall not be used for dwelling purposes unless located within a manufactured home park or a manufactured home subdivision, or unless used as a temporary residence or as otherwise provided in this Ordinance.

### **SECTION 3.10 SANITARY AND DUMPING RESTRICTIONS**

- A. A sanitary permit shall be obtained from the Jackson County Health Department before a building permit is issued for any use where sanitary waste facilities are required.
- B. Applicable requirements of the Jackson County Health Department regarding sewage disposal, sanitary facilities and water supply shall be met prior to the issuance of a Certificate of Occupancy for any building.
- C. The use of open land in any district for the dumping, storage or disposal of waste materials including garbage, sewage, filth, junk, rubbish, refuse, scrap materials, ashes, slag, industrial waste or other obnoxious matter is not permitted. Storage of solid inorganic waste materials that do not present a health hazard, as determined by the Jackson County Health Department, is permitted if placed within an enclosed accessory building. Proper containers, kept clean and in place, shall be provided for the temporary storage of garbage and rubbish.
- D. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district provided the surface of the material is graded within ninety (90) days after dumping in a manner preventing the collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or development of other permitted land uses.

### **SECTION 3.11 TEMPORARY DWELLING PERMITS**

- A. No manufactured home, or recreational vehicle shall be used as a dwelling except in accordance with the provisions contained herein. A temporary dwelling permit may be requested from the Zoning Administrator by filing a completed application form with the Township Clerk.
- B. The Zoning Administrator may grant a permit for the temporary occupancy of manufactured homes or recreational vehicles, subject to the following conditions.
1. The temporary dwelling permits shall be issued only after the footings for the proposed permanent dwelling have been installed. Prior to issuance of a permit, a performance guarantee established in accordance with Section 19.07 shall be deposited with the Township. The performance guarantee shall be forfeited to

Grass Lake Charter Township and the temporary dwelling immediately removed should a violation of any of the conditions of the permit or applicable provision of this Ordinance occur.

2. Where a temporary dwelling permit has been issued, the period of construction of a new permanent dwelling shall not exceed a period of eighteen (18) consecutive months. The owner of the permanent dwelling and members of the owner's immediate family shall be permitted to occupy the temporary residence situated at the construction site provided the owner intends to occupy the dwelling as a residence upon completion of its construction.
3. Temporary dwelling shall not be located within the front yard setback.
4. The temporary dwelling shall contain sleeping accommodations, a flush toilet, and a tub or shower adequate to serve the occupants thereof. The temporary dwelling shall be properly connected to a septic sewage disposal system approved by the Jackson County Health Department.
5. No unoccupied temporary manufactured home shall be stored on any lot beyond the time period of the temporary dwelling permit.

### **SECTION 3.12 TEMPORARY OR SEASONAL USES**

- A. Circuses, carnivals or other transient enterprises may be permitted in any district upon approval of the Township Board.
- B. The sale of Christmas trees, pumpkins, firewood, and other seasonal items shall be considered temporary uses within any zoning district and shall be subject to the following conditions:
  1. A temporary land use permit shall be approved by the Zoning Administrator.
  2. All sales shall be conducted in a manner as to not create a traffic hazard or nuisance to neighboring properties.
- C. Upon discontinuance of the seasonal use any temporary structures shall be removed.
- D. Signs shall conform to the provisions of the District in which the seasonal use is located, as set forth in Chapter 17.
- E. Each permit for a temporary or seasonal use shall be valid for a period of not more than sixty (60) days within any consecutive six (6) month period, except that the permit may be renewed by the Zoning Administrator for up to one (1) additional successive thirty (30) day period, provided the season or event to which the use relates is continued.

**SECTION 3.13 HOME OCCUPATIONS**

- A. A home occupation must be clearly incidental and secondary to the principal use of the dwelling unit, and shall not change the character or the residential nature of the premises, both in terms of use and appearance. A home occupation shall be carried on within the dwelling and/or within a building accessory thereto. A total area of not more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be used in conducting the home occupation, including the area used in an accessory building.
- B. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area by reason of noise, vibration, traffic, parking, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from the home occupation.
- C. No employees shall be permitted, either gratuitously or for compensation of any kind, other than members of the immediate family residing in the dwelling unit.
- D. There shall be limited additional vehicular traffic permitted for the home occupation as is normally generated for a dwelling unit in a residential area, both as to volume and type of vehicles.
- E. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conducting of the home occupation other than one (1) non-illuminated sign, not exceeding eight (8) square feet in area.
- F. A request for a home occupation shall be in writing and approved by the Zoning Administrator.

**SECTION 3.14 BUILDINGS TO BE MOVED**

No building or structure to be placed on property within the township shall be moved into or within the township unless the Building Inspector has made an inspection of the building to be moved. The Building Inspector shall find that the building to be moved is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the Building Code and other codes regulating the health, safety and general welfare of the township.

**SECTION 3.15 FLOODPLAINS**

Notwithstanding any other provision of this Ordinance, land subject to periodic flooding shall be used only for agricultural and recreation uses. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Soil Conservation Service, the U.S. Army Corps of Engineers, or other official authority.

**SECTION 3.16 EXTERIOR LIGHTING**

- A. Glare emitted from any process shall be performed in a manner that cannot be seen from any point beyond the property line, and not create a public nuisance or hazard.
- B. All developments shall be designed to insure that glare from vehicle headlights are not directed into any adjacent property, particularly residential property. The Zoning Administrator may require specific screening measures to attenuate glare from vehicle headlights or other sources.
- C. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner that creates a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provision is not intended to apply to public street lighting.
- D. Light fixtures shall be no higher than thirty (30) feet and shall be provided with light cut-off fixtures that direct light downward. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of five hundred (500) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.

**SECTION 3.17 OUTDOOR STORAGE**

For those uses requiring site plan review, the outdoor storage of goods, materials, and equipment, except trucks or vehicles operated by the principal use, shall be subject to the following conditions:

- A. The location and size of areas for outdoor storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under Chapter 15, Site Plan Review.
- B. Outdoor storage shall not be located within the area between the front wall of the building, as extended across the entire width of the lot, and the street right-of-way, or in any required side or rear yard.
- C. Outdoor storage shall not be located in any required parking or loading space.
- D. Outdoor storage shall be strictly and clearly incidental to the principal use and only products, equipment and materials owned, produced or operated by the principal use shall be permitted for outdoor storage.
- E. Outdoor storage shall not be permitted as a principal use of a lot.

- F. The area for outdoor storage shall be screened from view on all sides in a manner as approved during the site plan review process.

### **SECTION 3.18 ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township. The construction of buildings associated with essential services shall be subject to the provisions of Chapter 15, Site Plan Review. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance, except where otherwise regulated herein. Wireless communication towers and facilities are not considered essential services. **(Section Amended 2010)**

#### **3.18.1 Definitions:**

As used in this section, the following definitions shall apply:

**a. Telecommunication(s) Facility:**

A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services which are licensed and marketed to the general public, except preemptions as stated in the Federal Communications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which preempt municipal regulatory authority and that do not exceed the height limitations for the appropriate zoning district. Also not included are those described facilities which are used by a single household or multiple residential units for the private use of the residents, and facilities which are receivers only.

**b. Applicant:**

The applicant for a permit to erect a telecommunication facility as defined above.

**c. Application:**

The application is a special land use request by the applicant for the permits and approvals necessary for the construction of a telecommunication facility.

**3.18.2 Application Process:**

Before any telecommunications facility is constructed within the Township, the application (with the required permit fees) shall be filed with the Township Clerk by the applicant. Such permit shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.

- a. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the telecommunication facility is 60 feet or more in height.
- b. A site survey to scale, showing all structures within 100 feet, and including a legal description of the real estate.
- c. A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees which will provide year-around screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
- d. The proposed height of the telecommunication facility.
- e. The location and size of all accessory buildings.
- f. The type of construction of the telecommunication facility.
- g. Each application shall be accompanied by plans prepared by a licensed Michigan professional engineer describing the telecommunication facility height and design, including a cross-section of the structure. The plans shall demonstrate the telecommunication facility compliance with the applicable sub-structural standards and describe the telecommunication facility's road design.
- h. The application shall be accompanied by a statement from a licensed Michigan professional engineer certifying that the telecommunication facility is in compliance with all applicable federal, state and local laws, codes, regulations and ordinances.
- i. Minimum spacing between self-supporting telecommunication facilities 75 feet and above shall be three miles in order to prevent a concentration of telecommunication facilities in one area.
- j. All applications for the construction of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and

other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review processes set forth in Section 15.04 of this Ordinance. Each such application shall undergo a full and thorough site plan review, together with meeting all of the requirements of Section 14.06 of the Grass Lake Charter Township Zoning Ordinance.

### **3.18.3 Minimum Standards:**

All commercial wireless telecommunication facilities and towers erected, constructed, or located within Grass Lake Charter Township shall comply with the following minimum standards:

- a. Commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be self-supporting and separated from structures by a distance of no less than 200 feet or the height of the telecommunication facility plus 10%, whichever is greater, except structures used for the operation of the telecommunication facility. The setback distance shall be measured from the base of the telecommunication facility to the lot line.
- b. All telecommunication facilities shall be harmonious with and in accordance with the general objectives, intent and purposes of the Grass Lake Charter Zoning Ordinance and will not be hazardous or disturbing to the existing or future neighboring uses.
- c. Such telecommunication facilities or towers shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- d. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.
- e. Minimum property line setbacks shall be thirty (30) feet plus the height of the self-supporting telecommunication facility, plus ten (10%) percent of the height of the tower, or one hundred (100) feet, whichever is greater, in Agricultural and Commercial Districts. In Industrial Districts, the setbacks shall be at least 50% of the height of the tower. Notwithstanding the foregoing language, no telecommunication facility



shall be located closer than 200 feet from the property line when the adjacent property within 500 feet is being used for residential purposes; providing, further, that where a proposed telecommunication facility will be located on a parcel of land surrounded on all four sides by commercially, agriculturally, and/or industrially zoned property, the Planning Commission may, in its' discretion, reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the telecommunication facility will be less than that required for structures erected in the zoning district in which the telecommunication facility is located. The setback distance shall be measured from the base of the telecommunication facility to the lot line.

- f. The total square footage of accessory buildings shall not exceed six hundred (600) square feet per user of the telecommunication facility. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
- g. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state noise standards, and shall conform to recommended decible standards adopted by the appropriate local, state or federal agency.
- h. Metal telecommunication facilities shall be constructed of or treated with corrosive resistant materials.
- i. Antenna and metal telecommunication facilities shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
- j. There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any telecommunication facility, except such identification as may be required for emergency purposes.
- k. All telecommunication facilities and towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- l. All telecommunication devices added to existing facilities or towers must meet the requirements of this ordinance.

**3.18.4****Abandonment:**

In the event the use of any telecommunication facility has been discontinued for a period of 180 days, the telecommunication facility shall be deemed to be abandoned. Upon abandonment, the owner/operator of the telecommunication facility shall have an additional 180 days within which to reactivate the telecommunication facility, or dismantle and remove the telecommunication facility, restoring the premises to their original condition to the extent possible. All support structures, equipment, and related components, further, shall be removed to a depth of two feet below ground level.

**3.18.5 Federal. State and Local Rules:**

The owner or applicant of the telecommunication facility shall be required to adhere to all federal, state and local rules, regulations, statues and ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication permit.

**3.18.6 Tower Space and Tower Rights :**

The applicant shall provide to Grass Lake Charter Township space and use rights for public safety communications and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

**3.18.7 Conditional or Permitted Use:**

Telecommunication facilities shall be subject to the provisions of Chapter 14 of this ordinance regardless of whether such facilities are designated as a conditional or permitted use in any zoning district. Such conditions are necessary to preserve the safety, health and welfare of the residents because of the nature of the activity.

**3.18.8 Bonds:**

The owner of the telecommunication facility or tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 180 days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunication facility or

tower.

**3.18.9 Transfer of Ownership:**

These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the telecommunication facility is transferred to another person, partnership, corporation or any other entity.

**3.18.10 False Statement on Application:**

Any application containing a false statement shall be deemed null and void. Any money on deposit with the Township shall be forfeited to the Township. Applicant may not reapply for the same site for a period of 365 consecutive days from the date of forfeiture. Any applicant who makes a false statement on an application shall be guilty of a misdemeanor, and subject to a fine not to exceed \$500.00 and/or imprisonment in the county jail not to exceed 90 days.

**3.18.11 Names of References on Application:**

The application shall state the name, address and phone number(s) of the person(s) to contact for engineering, maintenance, and other notice purposes. The application shall also include the name back haul provider, if applicable.

**3.18.12 Co-Location Requirements:**

All commercial wireless telecommunication facilities erected, constructed, or located within the Township shall comply with the following requirements:

- a. The proposal for a new commercial wireless telecommunication facility shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed telecommunication facility due to one or more of the following reasons:
  - i. The planned equipment would exceed the structural capacity of the existing or approved telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved telecommunication facility cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the telecommunication facility or building as documented by a qualified and licensed Michigan professional engineer, and the interference cannot be prevented at a reasonable cost.
  - iii. Existing or approved telecommunication facilities or buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
  - iv. Other unforeseen reasons that make it unfeasible to locate the planned telecommunication equipment upon an existing or approved telecommunication facility, tower or building. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for a minimum of three users if the telecommunication facility is over 100 feet in height, or for at least one additional user if the telecommunication facility is over 60 feet in height. Telecommunication facilities must be designated to allow future rearrangement of antennas upon the telecommunication facility to accept antennas mounted at varying heights.
- b. No telecommunication facility shall be constructed unless there is proof that co-location on an existing telecommunication facility cannot meet the needs of the applicant.
  - c. All operators of telecommunication facilities constructed under this Ordinance section may not prohibit another operator or user from co-location of its equipment at the then going rate for co-location on similar telecommunication facilities without a compelling reason approved by the Township Board. All operators must have approval before denying a co-location request.

### **3.18.13 Cases Not Covered:**

In all cases involving the construction of a telecommunication facility not covered by the provisions in Section 3.18, such must follow and be granted a conditional use permit prior to the issuance of a building permit.

### **3.18.14 Repeal of Existing Ordinance Provisions**

These provisions of the Grass Lake Charter Township Zoning Ordinance are incorporated into such Ordinance as if such originally had been included into the Ordinance. Only those portions of said Zoning Ordinance in conflict with these provisions to the Zoning Ordinance are repealed by this amendment. All portions and provisions of the Zoning Ordinance not in conflict with this amendment are not repealed and remain in full force and effect.

### **3.18.15 Penalty for Violation of Telecommunication Ordinance:**

Any person, group, association, or any other type of organization, which violates the provisions of this Ordinance, including but not limited to the failure to file or provide the reports as set forth herein, shall be guilty of the violation of this amendment and shall be subject to the penalties set forth in the Zoning Ordinance.

## **SECTION 3.19 WATERFRONT RELATED REGULATIONS**

- A. Riparian Access: The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety and to preserve the quality of recreational use of all waters within the township.
1. In all districts, there shall be at least eighty (80) feet of waterfront lot frontage, as measured along the ordinary high water mark of any waterfront lot, for each single-family dwelling unit or multiple-family dwelling unit or any other single use utilizing or accessing the body of water.
  2. The minimum lot depth of any parcel used for access shall be not less than one hundred (100) feet.
  3. No canal or channel shall be excavated for the purpose of increasing the lot frontage required by this Section.
  4. The restrictions of this Section shall apply to all waterfront lots and parcels in all districts regardless of whether access shall be by easement, park common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- B. Dock Regulations: Private boat docks, accessory to residential uses, shall be permitted, subject to the following provisions:
1. One (1) private boat dock per dwelling shall be permitted for each single-family and two-family dwelling unit. Docks may not extend further than thirty (30) feet from and perpendicular to the shoreline, or to a minimum distance at which a depth in the water of four (4) feet is reached, unless the regulation of any state

- or federal agency requires a lesser distance, in which case the lesser distance shall apply.
2. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to the requirements of this Ordinance and other state and federal regulations.
- C. Private boat docks, accessory to non-residential uses, subject to the following provisions:
1. One (1) private dock per dwelling shall be permitted for each lot or parcel. Docks may not extend further than thirty (30) feet from and perpendicular to the shoreline, or to a minimum distance at which a depth in the water of four (4) feet is reached, unless the regulation of any state or federal agency requires a lesser distance, in which case the lesser distance shall apply.
  2. Boat docks and boat slips shall be used by patrons of the premises or their guests and shall not be leased, rented or otherwise make available for compensation, unless approved as a marina, subject to the requirements of the Ordinance.

### **SECTION 3.20 MAINTENANCE OF ANIMALS**

The keeping or raising of livestock, poultry, rabbits, fur bearing animals and other farm animals other than household pets or those kept as part of an active farm operation shall be restricted to lots greater than five (5) acres and located in the AG, R-1, and R-2 Districts. Land owner must follow generally accepted agricultural practices.

\*Chickens: Chickens may be kept on a lot or premises zoned residential and greater than one half (1/2) acre in size except where prohibited by private restrictions on the use of property. Private restrictions shall remain enforceable and take precedence. Private restrictions include, but are not limited to, deed restrictions, neighborhood association by-laws, and covenant deeds.

The keeping or housing of chickens shall comply with the following requirements:

1. Keep no more than six (6) chickens.
2. The principal use for the property is a single family dwelling or a two family dwelling.
3. Keep no roosters (male adult chickens)

4. Confine chickens in a coop with a minimum area of one (1) square foot per bird. An outside run, no larger than eight (8) feet by eight (8) feet, may be attached to the coop. Fenced runs are subject to all provisions of Section 4.3 (Fences).
5. Chickens shall not be kept in any location of the property other than the backyard and subject to setback provisions of Section 3.07 (Accessory Building and Uses). For the purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single family or two- family structure and extending to the side lot line.
6. The coop and any fenced run shall be designed and kept in good repair at all times to discourage rodents and wild birds from entering.
7. All feed and other items associated with the keeping of chickens that are likely to attract rats, mice, or other rodents shall be stored in rodent proof containers.
8. Waste materials (feed, manure and litter) shall be dispensed of in a way that does not cause a hazard of nuisance to neighboring properties.
9. The keeping of chickens shall not cause a hazard or nuisance to neighboring properties.

**\*Amendment February 2014**

### **SECTION 3.21 NONCONFORMING LOTS, USES, AND BUILDINGS**

#### **A. Intent**

1. Within the districts established by this Ordinance, or any subsequent amendments thereto, it is recognized that there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Section to permit these nonconformities to continue until they are removed but not to encourage their continuation. It is further the intent of this Section that nonconformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same District.
2. Nonconforming uses are declared by this Ordinance to be incompatible with uses allowed in the districts involved. A nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the District involved.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or

amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, the excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Lots of Record

1. In any district, main and accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance, provided the erection of the buildings is in accordance with all other applicable township, county, and state regulations.
2. The provisions of this subsection shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the District, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the District in which the lot is located.
3. The Zoning Board of Appeals may grant a variance from minimum yard requirements if the applicable variance review standards of Section 18.04, D, are satisfied.

C. Nonconforming Uses: Where at the time of passage of this Ordinance a lawful use of land exists which would not be permitted by the regulations of this Ordinance may be continued so long as it remains otherwise lawful, provided:

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase, or greater area:
  - a. Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
  - b. Shall comply with all parking, sign, or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase, or greater area;
  - c. Shall comply with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.



- d. Shall not be larger than twenty five percent (25%) of the area encompassing the nonconforming use as determined by the area occupied when the use originally became nonconforming.
  2. No nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this Ordinance.
  3. Any additional structures erected in connection with a nonconforming use of land shall comply with the requirements of this Ordinance.
  4. If any nonconforming use of land or structure is abandoned for a period of six (6) months or longer, any subsequent use of the land shall conform to the regulations specified by this Ordinance for the District in which the land is located.
  5. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed by the Zoning Administrator to constitute an intent on the part of the property owner to abandon the nonconforming use:
    - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
    - b. The property, buildings, and grounds, have fallen into disrepair;
    - c. Signs or other indications of the existence of the nonconforming use have been removed;
    - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
    - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
- D. Nonconforming Buildings and Structures: Where a nonconforming building or structure exists by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building or structure, the building or structure may be continued so long as it remains otherwise lawful, subject to the following:
  1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity. Any building or structure or portion thereof may be altered to decrease its nonconformity.
  2. Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

3. Repairs and Maintenance
    - a. Any normal repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of the building or structure beyond its natural life except for repairs necessary to maintain public safety.
    - b. If a nonconforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
  4. Nonresidential nonconforming buildings or structures damaged by fire, wind, explosion, Act of God, or public enemy may be rebuilt or restored if the cost thereof does not exceed fifty percent (50%) of the cash value of the nonconforming building or structure prior to its damage or destruction. If the cost of restoration or repair would exceed fifty percent (50%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted only if it complies with the requirements of this Ordinance.
  5. Residential nonconforming dwellings damaged by fire, wind, explosion, Act of God, or public enemy may be rebuilt or restored provided that the reconstruction takes place within the confines of the original nonconforming footprint.
- E. Uses and Buildings Approved by Special Land Use or Variances
1. Any Special Land Use approved by the Planning Commission after the effective date of this Ordinance shall not be deemed a nonconforming use in the District. The Planning Commission may approve a Special Land Use existing prior to the effective date of this Ordinance, subject to the limitations and conditions of this Ordinance as though the existing use were a newly initiated use, in which case the use would thereafter have the status of a conforming use as provided for above.
  2. Variances approved by the Zoning Board of Appeals shall be deemed to be conforming to the regulations established for the use or building as approved by the Board.

### **SECTION 3.22 SITE CONDOMINIUMS**

All streets proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance, the

Subdivision Control Ordinance, and the comparable requirements of the Jackson County Road Commission, if applicable. (Amended 2010)

### **SECTION 3.23      SATELLITE DISH ANTENNAS**

#### **A.      Placement**

1.      In Residential Districts a satellite dish antenna shall be permitted only in a rear yard, or mounted or attached to a building.
2.      A satellite dish antenna shall comply with the side and rear yard setback requirements applicable to main buildings in the District in which it is located.
3.      In Nonresidential Districts a satellite dish antenna shall be located only in the side or rear yard or mounted on top of a building. No more than two (2) satellite dish antennas shall be located on the same lot as a main building. Satellite dish antennas are permitted only in connection with, incidental to and on the same lot as a principal use or main building.

#### **B.      Height**

1.      In Residential Districts, a ground mounted satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fourteen (14) feet in height, or ten (10) feet in diameter.
2.      In Nonresidential Districts, a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed the maximum height permitted for main buildings in the District in which it is located.

#### **C.      General Provisions**

1.      The regulations of this Section shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters (78.74 inches) or less in diameter in Nonresidential Districts.
2.      A satellite dish antenna, shall not be erected, constructed, or installed until a building permit has been obtained from the Building Inspector.
3.      The Building Inspector may waive any provision of this Section if its enforcement inhibits or prevents the proper operation of the satellite dish antenna.

4. A satellite dish antenna shall be anchored in a manner approved by the Building Inspector as being adequate to secure the satellite dish antenna during high winds
5. No portion of a satellite dish antenna shall contain any name, message, symbol, or other graphic representation visible from adjoining properties, except as required by the manufacturer or federal regulations for safety purposes.
6. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that dish antennas are located and constructed in a manner that will reduce the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.

### **SECTION 3.24 LANDSCAPING, GREENBELTS AND BUFFERS, AND SCREENING**

- A. The intent of this Section is to promote the public health, safety, and welfare and improve the visual appearance of the township by requiring landscaping for each proposed development. A landscape plan meeting the requirements set forth in this Section shall be submitted and approved as part of any site plan review conducted in accordance with the requirements of Chapter 15.
- B. Landscape Requirements
  1. A landscape plan shall be submitted demonstrating all requirements of this Section and shall include, but not necessarily be limited to, the following requirements:
    - a. Plans shall be submitted at a minimum scale of 1 inch = 50 feet for property less than three (3) acres; or 1 inch = 100 feet for property three (3) acres or more.
    - b. Location, spacing, size, root type, and descriptions for each proposed plant type.
    - c. On parcels of more than one (1) acre, existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed (2) feet.
    - d. Significant construction details to resolve specific site conditions and to ensure proper installation and establishment of proposed plant materials.
    - e. Identification of existing trees and vegetative cover to be preserved.
    - f. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with requirements of this Ordinance.
  2. The following minimum standards shall apply:

- a. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- b. Berms shall be constructed with slopes not to exceed a 1:4 gradient. Berms shall be protected with sod, seed, or other form of natural ground cover.
- c. Wherever practical, the Planning Commission may require the preservation and incorporation of existing trees as part of the landscape plan.
- d. Required plantings shall meet the requirements of this Section based upon reasonably anticipated growth over a period of three (3) years.

C. Screening Between Land Uses

1. Whenever a non-residential land use abuts a Residential District or use, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries. A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least eighty percent (80%).
2. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen.
3. Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the Planning Commission. A wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade.
4. The Planning Commission, or Building Inspector for plans not reviewed by the Planning Commission, shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, pre-cast brick face panels having simulated face brick, stone or wood.

D. Greenbelts. Where required by this Ordinance or by the Planning Commission, Township Board, or Zoning Board of Appeals, greenbelts shall be provided in accordance with the following requirements:

1. The depth of the greenbelt shall equal the required front yard of the District in which the proposed use is located. The greenbelt shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper or two and one-half (2½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage.

The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.

2. Access drives from public rights-of-way through required greenbelts shall be permitted.
- E. Residential Landscaping. Landscaping for single and two family residential developments approved as part of a site plan review, in accordance with the provisions of Chapter 15 shall be provided in accordance with the following requirements:
1. Screening From Public Road. Where a residential development abuts a public road right-of-way located outside of the boundaries of that development the screening requirements set forth in Section 3.25, C shall be met.
  2. Other Site Improvements. A landscape plan for a residential development as provided in this Section shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvements that would be enhanced through the addition of landscaping.
- F. Screening of Trash Containers. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural material used in the site development.

### **SECTION 3.25 FENCES AND WALLS**

- A. Residential Districts
1. Fences constructed in front of the front building line of any residential building shall be ornamental in design and shall be limited to a height of three (3) feet. Such fences may be modified for confinement of livestock.
  2. Fences located in a side or rear yard shall be constructed of commercially available materials and limited to a height of eight (8) feet.
  3. On waterfront lots, fences which are located on the waterfront side of the main building shall be of an open air type, permitting visibility through at least fifty percent (50%) of its area and shall not exceed three (3) feet in height.
- B. In any Nonresidential District, fences, walls or other screening structures shall not exceed twelve (12) feet in height.
- C. No fence shall contain any barbed wire or electrification except for security in

Nonresidential Districts, or for the containment of farm animals as permitted in the Districts allowing agricultural uses, or for the protection of public utility buildings or improvements. For non-agricultural uses the barbed portion of the fence shall be at least six (6) feet from the ground.

### **SECTION 3.26 SOLAR ENERGY SYSTEMS**

- A. Any Small Solar Energy System mounted on the ground shall comply with those requirements applicable to an accessory building under Section 3.07, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy System is located, whichever are more stringent.
- B. A site plan shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- C. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
- D. Any Small or Medium Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small or Medium Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
- E. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
- F. No Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.
- G. All Solar Energy Systems must conform to all applicable federal, state and county requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.
- H. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways.
- I. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of solid fencing consistent with Section 3.25, or the installation of a wall, hedge, or other vegetation not

less than four (4) feet and no more than eight (8) feet in height.

- J. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground. The Township Board may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
- K. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times, and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.
- L. An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.

**(Amendment 12-11-2018)**



**CHAPTER 4  
ESTABLISHMENT OF ZONING DISTRICTS**

**SECTION 4.01 ZONING DISTRICTS**

For the purpose of this Ordinance, Grass Lake Charter Township is hereby divided into the following districts:

AG	Agricultural District
R-1	Single Family Residential District
R-2	Single-Family Residential District
R-3	Multiple Family Residential District
R-4	Manufactured Housing Community District
GC	General Commercial District
HC	Highway Commercial District
LI	Light Industrial District
LI/HC	Light Industrial/Highway Commercial District
PUD	Planned Unit Development District

**SECTION 4.02 ZONING MAP**

A. The zoning districts as provided in Section 4.01 are defined on the map entitled "Zoning Map of Grass Lake Charter Township." The Zoning Map, along with all notations, references, and other explanatory information, shall be made part of this Ordinance.

B. Authority. Regardless of the existence of purported copies of

the Zoning Map that may be published, a true and current copy of the Zoning Map shall be available for public inspection, and shall be located in and maintained by the office of the Township Clerk. The Clerk's copy, which bears the signatures of the Township Supervisor and Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the township.

C. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning Map, the following rules shall apply:

1. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following that centerline.
2. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
3. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following that line.
4. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following that line.
5. A boundary indicated as following a shoreline shall be construed as following the shoreline. In the event of a change in the shoreline, it shall be construed as following the shoreline as it exists at the time the interpretation is made.

6. A boundary indicated as following the centerline of a stream, river, canal, lake or other water body shall be construed as following that centerline.
  7. A boundary indicated as parallel to, or as an extension of features named in the preceding paragraphs shall be so construed.
  8. A distance not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- D. Where a physical or cultural feature on the ground is at variance with that shown on the Zoning Map or any other circumstances not covered in this Section, the Zoning Board of Appeals shall interpret the location of the boundary.
- E. Where a district boundary line divides a lot that is under single ownership at the time of the adoption of this Ordinance, the Board of Appeals may permit an extension of the zoning regulations for either portion of the lot to the nearest lot line. However, the extension shall not extend any further than fifty (50) feet beyond the district line into either portion of the lot.
- F. In every case where land has not been included within a district on the Zoning Map, the land shall be in the AG District.
- G. Wherever any street, alley or other public right-of-way within Grass Lake Charter Township shall have been vacated by official government action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public right-of-way, that land shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as the lands to which it shall attach, and that same land shall be used for the same use as permitted under this Ordinance for adjoining lands. If a vacated area is bordered by two (2) different districts, the area is divided along a line halfway between them according to the adjacent district, unless the Township Board shall otherwise designate.
- H. Whenever any fill is placed in any lake or stream, the land created shall automatically and without further governmental action, be subjected to the same zoning regulations as are applicable to lands to which the area is attached or adjacent, and the area shall be used for the purposes as permitted under this Ordinance for the adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

## CHAPTER 5

### AG - AGRICULTURAL DISTRICT

#### SECTION 5.01 DESCRIPTION AND PURPOSE

This District is intended for large tracts used for farming, or farm lands which are idle, and single-family dwellings. Agricultural uses and other uses generally associated with agriculture, single-family residential development on larger lots, and related non-residential uses are provided within the district. The overall purpose of this District is to preserve larger tracts of land for agricultural use while allowing for residential development at appropriate densities.

#### SECTION 5.02 PERMITTED USES

Land and/or buildings in the AG District may be used for the following purposes as Permitted Uses:

- A. Agricultural Tourism. **(Amendment 6-12-2018)**
- B. Commercial greenhouses and nurseries, when operated primarily as wholesale operations and/or retail sales.
- C. Conservation and recreation areas, including forest preserves, game refuges, nature preserves, and other similar areas of low intensity uses.
- D. Family day care homes.
- E. Farms for both general and specialized farming, together with a farm dwelling and buildings and other installation useful to farms.
- F. Roadside stands for the sale of produce grown on the premises.
- G. Single-family dwellings, including home occupations in accordance with the requirements of Section 3.13.
- H. Small Solar Energy Systems. **(Amendment 12-11-2018)**
- I. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- J. Utility and public service buildings, without storage yards.
- K. Accessory buildings, structures, and uses customarily incidental to any Permitted or Special Land Use.

#### SECTION 5.03 SPECIAL LAND USES

Land and/or buildings in the AG District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Agricultural Business. **(Amendment 6-12-2018)**
- B. Bed and breakfast establishments.
- C. Churches.
- D. Commercial kennels.

- E. Country clubs, golf courses, riding stables, gun clubs, private athletic grounds and parks, and other similar uses, including related uses such as snack bars, and small retail shops selling goods directly related to the primary use.
- F. Home Based Businesses.
- G. Intensive livestock operations.
- H. Large Solar Energy Systems. **(Amendment 12-11-2018)**
- I. Medium Solar Energy Systems. **(Amendment 12-11-2018)**
- J. Open Air Business **(Amendment June 2017)**
- K. Open Space Preservation Developments.
- L. Private airports.
- M. Private elementary, middle, and high schools, and colleges.
- N. Private campgrounds.
- O. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- P. Veterinary clinics.

**SECTION 5.04 DISTRICT REGULATIONS**

- A. No main building or accessory structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 15.
- C. Parking is required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 17.
- E. Lot, yard, and dwelling unit size requirements are as noted below.

<b>AG DISTRICT DEVELOPMENT REQUIREMENTS</b>			
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
<b>Yards (lots 5 acres or less)</b>	60 ft.	15 ft.	25 ft.
<b>Yards (lots greater than 5 acres)</b>	60 ft.	30 ft.	50 ft.
<b>Building Height</b>	35 ft. (2½ stories) maximum		
<b>Lot Requirements</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Coverage</b>
	200 ft	2 acres	Maximum 20%
<b>Dwelling Unit Minimum Sizes</b>	<b># Stories</b>	<b>Total UFA</b>	<b>Ground Floor</b>
	1	1,000 sq. ft.	1,000 sq. ft.
	1 1/2	1,000 sq. ft.	850 sq. ft.
	2	1,600 sq. ft.	850 sq. ft.

Amendment September 2015

## **CHAPTER 6**

### **R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 6.01 DESCRIPTION AND PURPOSE**

This District is intended primarily for single-family dwellings. Agricultural uses and other uses generally associated with agriculture, single-family residential development on larger lots, and related non-residential uses are provided within the District.

#### **SECTION 6.02 PERMITTED USES**

Land and/or buildings in the R-1 District may be used for the following purposes as Permitted Uses:

- A. Family day care homes.
- B. Farms for both general and specialized farming, together with a farm dwelling and buildings and other installations useful to such farms, including greenhouses and nurseries without a retail outlet.
- C. Single-family dwellings, including home occupations in accordance with the requirements of Section 3.13.
- D. Small Solar Energy Systems. **(Amendment 12-11-2018)**
- E. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- F. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- G. Accessory buildings, structures and uses, customarily incidental to any Permitted or Special Land Use.

#### **SECTION 6.03 SPECIAL LAND USES**

Land and/or buildings in the R-1 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Country clubs, golf courses, private athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use.
- B. Bed and breakfast establishments.
- C. Cemeteries, private.
- D. Churches.

- E. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- F. Group day care homes.
- G. Home Based Business.
- H. Open Space Preservation Developments.
- I. Private, elementary, middle, and high schools, and colleges.
- J. Private campgrounds.
- K. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- L. Roadside stands for sale of produce grown on the premises.

**SECTION 6.04 DISTRICT REGULATIONS**

- A. No main building or accessory structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 15.
- C. Parking is required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 17.
- E. Lot, yard, and dwelling unit size requirements are as noted below.

<b>R-1 DISTRICT DEVELOPMENT REQUIREMENTS</b>			
<b>Yards</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
	35 ft.	15 ft.	25 ft.
<b>Building Height</b>	35 ft. (2½ stories) maximum		
<b>Lot Requirements</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Coverage</b>
	150 ft.	1 Acre	Maximum 20%
<b>Dwelling Unit Minimum Sizes</b>	<b># Stories</b>	<b>Total UFA</b>	<b>Ground Floor</b>
	1	1,000 sq. ft.	1,000 sq. ft.
	1 1/2	1,000 sq. ft.	850 sq. ft.
	2	1,600 sq. ft.	850 sq. ft.

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## **CHAPTER 7**

### **R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 7.01 DESCRIPTION AND PURPOSE**

This District is composed of those areas of the township whose principle use is and should be single-family dwellings on moderately sized lots. The regulations of this district are designed to preserve and enhance those areas that are suitable for higher densities of residential development. In addition to the dwellings permitted in the zoning district, certain non-residential uses are permitted which have been regulated to make them compatible with the principal uses of this District.

#### **SECTION 7.02 PERMITTED USES**

Land and/or buildings in the R-2 District may be used for the following purposes as Permitted Uses:

- A. Family day care homes.
- B. Farms for both general and specialized farming, together with a farm dwelling and buildings and other installations useful to such farms, including greenhouses and nurseries without a retail outlet.
- C. Single-family dwellings, including home occupations in accordance with the requirements of Section 3.13.
- D. Small Solar Energy Systems. **(Amendment 12-11-2018)**
- E. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- F. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- G. Accessory buildings, structures and uses, customarily incidental to any Permitted or Special Land Use.

#### **SECTION 7.03 SPECIAL LAND USE**

Land and/or buildings in the R-2 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Country clubs, golf courses, private athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use.
- B. Bed and breakfast establishments.

- C. Churches.
- D. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- E. Group day care homes.
- F. Home Based Businesses.
- G. Open Space Preservation Developments.
- H. Private, elementary, middle, and high schools, and colleges.
- I. Private campgrounds.
- J. Roadside stands for sale of produce grown on the premises.

**SECTION 7.04 DISTRICT REGULATIONS**

- A. No main building or accessory structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 15.
- C. Parking is required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 17.
- E. Lot, yard, and dwelling unit size requirements are as noted below.

<b>R-2 DISTRICT DEVELOPMENT REQUIREMENTS</b>					
<b>Yards</b>	<b>Front</b>	<b>Side</b>		<b>Rear</b>	
	25 ft.	10 ft. minimum /total 25 ft. *		25 ft	
<b>Lot Requirements</b>	<b>Residential uses - With public sanitary sewer</b>		<b>All uses and residential uses without public sanitary sewer</b>		<b>Lot Coverage</b>
	<b>Lot Area</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Width</b>	
	10,000 sq. feet.	80 feet	1/2 acre *	100 feet *	30%
<b>Building Height</b>	No main buildings and no structures shall exceed a height of two and one-half (2½) stories, but not exceeding thirty-five (35) feet.				

\*Corrected by Amendment 2010



## **CHAPTER 8**

### **R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT**

#### **SECTION 8.01 DESCRIPTION AND PURPOSE**

This District is intended for a wider variety of residential uses, including low rise multiple family dwellings, located where access to utilities is more readily available, residential services are provided, and roadways are sufficient to accommodate increased traffic, or can be improved to accommodate that traffic. Accordingly, densities of residential development will be dependent on utility and public services. Development should incorporate the preservation of open space and natural features. Sound design practices should be used to provide a quality living environment to residents.

#### **SECTION 8.02 PERMITTED USES**

Land and/or buildings in the R-3 District may be used for the following purposes as Permitted Uses:

- A. Churches.
- B. Family day care homes.
- C. Multiple family dwellings (see Section 8.04, E).
- D. Single-family dwellings, including home occupations in accordance with the requirements of Section 3.13.
- E. Small Solar Energy Systems. **(Amendment 12-11-2018)**
- F. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- G. Two family dwellings.
- H. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- I. Accessory buildings, structures and uses, customarily incidental to any Permitted or Special Land Use.

#### **SECTION 8.03 SPECIAL LAND USES**

Land and/or buildings in the R-3 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Bed and breakfast establishments.
- B. Day care centers.
- C. Group day care homes.
- D. Nursing and convalescent homes and housing for the elderly.

- E. Private athletic grounds and parks.
- F. State licensed residential group care facilities.

**SECTION 8.04 DISTRICT REGULATIONS**

- A. No main building or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 15.
- C. Parking is required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 17.
- E. All multiple-family developments shall contain an area or areas provided for common recreation of three thousand (3,000) square feet per dwelling unit. The common recreation areas shall be located and designed to meet the recreational needs of the prospective residents of the development. The recreational facilities may include such facilities as swimming pools, tennis courts, playground, picnic areas, and jogging trails.
- F. Lot, yard, and dwelling unit size requirements are as noted below.

<b>R-3 DISTRICT DEVELOPMENT REQUIREMENTS</b>			
<b>Single Family Dwellings and Non-Residential Main Buildings</b>			
<b>Yards</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
	35 ft.	15 ft.	25 ft.
<b>Building Height</b>	35 ft. (2½ stories) maximum		
<b>Lot Requirements</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Coverage</b>
	100 ft	½ Acre (21,780 sq. ft.)	Maximum 20%
<b>Dwelling Unit Minimum Sizes</b>	<b># Stories</b>	<b>Total UFA</b>	<b>Ground Floor</b>
	1	1,000 sq. ft.	1,000 sq. ft.
	1 1/2	1,000 sq. ft.	850 sq. ft.
	2	1,600 sq. ft.	850 sq. ft.

<b>R-3 DISTRICT DEVELOPMENT REQUIREMENTS – Multiple Family Dwellings</b>							
<b>Buildings on Individual Lots</b>				<b>Multiple Family Development</b>			
<b>Yards/Setbacks / Densities</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>From Internal Drive/Street</b>	<b>From Perimeter Line Property</b>	<b>From Internal Parking Lot</b>	
	35 ft.	15 ft.	25 ft.	25 ft.	50 ft.	10 ft.	
	<b>Lot Area/Density</b>				<b>Lot Width</b>	<b>Distance Between Buildings</b>	
	6,000 sq. ft. + 3,500 sq. ft. for each unit over 4; overall density shall not exceed 12 units/acre				100 ft.	35 ft.	
<b>Dwelling Unit Minimum Sizes</b>	Efficiency/1 Bedroom			600 sq. ft.			
	Two Bedrooms			800 sq. ft.			
	3 Bedrooms or More			1,000 sq. ft.			
<b>R-3 DISTRICT DEVELOPMENT REQUIREMENTS – Two Family Dwellings</b>							
<b>Yards</b>	<b>Front</b>		<b>Side</b>		<b>Rear</b>		
	35 ft.		15 ft.		25 ft.		
<b>Building Height</b>	35 ft. (2½ stories) maximum						
<b>Lot Requirements</b>	<b>Lot Width</b>		<b>Lot Area</b>		<b>Lot Coverage</b>		
	100 ft		½ Acre (21,780 sq. ft.)		Maximum 20%		
<b>Dwelling Unit Minimum Sizes</b>	<b># Stories</b>		<b>Total UFA</b>		<b>Ground Floor</b>		
	1		1,000 sq. ft.		1,000 sq. ft.		
	1 1/2		1,000 sq. ft.		850 sq. ft.		
	2		1,600 sq. ft.		850 sq. ft.		

## **CHAPTER 9**

### **R-4 MANUFACTURED HOUSING COMMUNITY DISTRICT**

#### **SECTION 9.01 DESCRIPTION AND PURPOSE**

This District is intended to encourage an appropriate location for manufactured home parks and single family residential developments in areas where the natural resource base is capable of supporting that development and the property is served by the necessary public services and infrastructure.

#### **SECTION 9.02 PERMITTED USES**

Land and/or buildings in the R-4 District may be used for the following purposes as Permitted Uses:

- A. Churches.
- B. Family day care homes.
- C. Manufactured home parks, in accordance with the requirements of this Chapter.
- D. Single-family dwellings, including home occupations in accordance with the requirements of Section 3.13.
- E. Small Solar Energy Systems. **(Amendment 12-11-2018)**
- F. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Accessory buildings, structures and uses, customarily incidental to any Permitted or Special Land Use.

#### **SECTION 9.03 SPECIAL LAND USES**

Land and/or buildings in the R-4 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Bed and breakfast establishments.
- B. Group day care homes.
- C. Private, elementary, middle, and high schools, and colleges.

**SECTION 9.04 DISTRICT REGULATIONS**

- A. No main building or accessory structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 15.
- C. Parking is required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 17.
- E. Lot, yard, and dwelling unit size requirements for single family dwellings and non-residential main buildings outside manufactured home parks are as noted below.

<b>R-4 DISTRICT DEVELOPMENT REQUIREMENTS</b>			
<b>Yards</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
	35 ft.	15 ft.	25 ft.
<b>Building Height</b>	35 ft. (2½ stories) maximum		
<b>Lot Requirements</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Coverage</b>
	100 ft.	½ Acre (21,780 sq. ft.)	20%
<b>Dwelling Unit Minimum Sizes</b>	<b># Stories</b>	<b>Total UFA</b>	<b>Ground Floor</b>
	1	1,000 sq. ft.	1,000 sq. ft.
	1 1/2	1,000 sq. ft.	850 sq. ft.
	2	1,600 sq. ft.	850 sq. ft.

- F. The Manufactured Home Code, as established by the Manufactured Home Commission and the Michigan Department of Public Health Rules under the authority of 1987 PA 96, as amended, regulates development of manufactured home parks. All manufactured home parks must be constructed according to the standards of the Code. The following conditions are in addition to the rules and standards of the State of Michigan.
  - 1. Manufactured Home Parks shall be constructed, licensed, operated and managed in accordance with the provisions of the Manufactured Home Commission Act, Act 419, P.A. 1976, and subsequently adopted rules and regulations governing manufactured home parks.
  - 2. Manufactured Home Parks shall not be permitted on parcels less than fifteen (15) acres in size.

3. Individual manufactured home sites within a Manufactured Home Park shall have a minimum lot size of five thousand five hundred (5,500) square feet per manufactured home being served.
  - a. This five thousand five hundred (5,500) square foot minimum may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet.
  - b. For each square foot of land gained through this reduction of the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space.
  - c. In no case shall the open space requirements be less than that required under R125.1946, Rule 946 of the Michigan Administrative Code.
4. The minimum Setback for Manufactured Home Parks shall be fifty (50) Feet from a public right-of-way. Manufactured home parks shall be landscaped as follows:
  - a. If the Manufactured Home Parks abuts an existing residential development, the park shall be required to provide screening along the boundary abutting the residential development.
  - b. If the park abuts a non-residential development, the park need not provide screening.
  - c. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way. The landscaping shall consist of evergreen trees or shrubs of minimum three (3) feet in height, and spaced to provide a continuous screen at maturity. Alternative screening may be utilized if it conceals the manufactured home park as effectively as the required landscaping described above.
5. Manufactured Home Parks shall be subject to preliminary plan review requirements in accordance with 1987 PA 96, as amended and Chapter 15 of this Ordinance.
6. A permit shall not be required for the construction or erection of canopies or awnings that are open on three (3) sides. A building permit shall be required, however, before the construction or erection of any screened, glassed-in, or otherwise enclosed awning or canopy.
7. The Michigan Residential Code established the requirement for a building permit for any enlargement of a structure and exempts only those detached accessory structures less than two hundred (200) square feet from permits, regardless of whether the sides are open or not.

## CHAPTER 10

### GC GENERAL COMMERCIAL DISTRICT

#### SECTION 10.01 DESCRIPTION AND PURPOSE

- A. This District is intended for commercial development of a general nature near areas where greater concentrations of residential development occur. The designated areas are intended to provide locations for commercial development that might otherwise not be able to locate on the smaller properties within the Village. The General Commercial District is distinguished from the Highway Commercial District by relying less on auto dependent businesses and providing more services related to township and area residents.
- B. Development within the General Commercial District will be planned with specific consideration of such factors as compatibility with surrounding existing and planned land use; traffic safety and convenience; shared driveways and parking areas; consistent site elements, such as signs, landscaping and lighting; roadway improvements, including such elements as turning and deceleration lanes; and other factors that are consistent with the neighborhood and rural character.

#### SECTION 10.02 PERMITTED USES

Land and/or buildings in the GC District may be used for the following purposes as Permitted Uses:

- A. Financial and business service establishments, banks and credit unions, with or without drive through services.
- B. Funeral homes.
- C. Health and fitness clubs.
- D. Personal services establishments such as repair shops for personal items (watches, small appliances, shoes, etc.), beauty shops and barbershops, dry cleaning retail outlets and other similar services.
- E. Private service clubs, fraternal organizations and lodge halls.
- F. Professional offices for doctors, dentists, lawyers, architects, engineers and other similar professions.
- G. Restaurants, excluding those with drive-through services, and taverns.
- H. Retail businesses which supply commodities such as groceries, meats, dairy products, baked goods, drugs, gifts and notions, books or hardware.
- I. Small Solar Energy Systems. **(Amendment 12-11-2018)**
- J. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- K. Veterinary clinics.
- L. Accessory buildings, structures and uses, customarily incidental to any Permitted or Special Land Use.

**SECTION 10.03 SPECIAL LAND USES**

Land and/or buildings in the GC District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Automobile and vehicle sales.
- B. Automobile repair (minor).
- C. Automobile service stations.
- D. Automobile washes.
- E. Commercial kennels.
- F. Commercial greenhouses and nurseries, when operated primarily as retail operations and limited wholesales.
- G. Day care center.
- H. Hotels and/or motels.
- I. Indoor and outdoor commercial recreation including bowling, miniature golf course, outdoor skating rinks and similar uses.
- J. Movie theaters or assembly halls.
- K. Open-air businesses.
- L. Restaurants with drive-through services.
- M. Taverns.

**SECTION 10.04 DISTRICT REGULATIONS**

- A. No main building or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 15.
- C. Parking is required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 17.
- E. Lot and yard requirements are as noted below.

<b>GC DISTRICT DEVELOPMENT REQUIREMENTS</b>			
<b>Yards</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>
	35 ft.	15 ft.	40 ft.
	No parking is permitted in the required front yard	25 ft. if abutting a Residential District or use	
<b>Building Height</b>	30 ft. (2½ stories) maximum		
<b>Lot Requirements</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Coverage</b>
	100 ft	15,000 sq. ft.	Maximum 40%



- F. Driveways within the General Commercial District shall be provided as follows:
1. Each lot may be permitted one (1) driveway, provided the spacing requirements of this subsection can be achieved.
  2. The Planning Commission may permit additional driveways for any site, providing the spacing and alignment criteria listed in this subsection are met, and a traffic impact study is completed that justifies an additional driveway.
  3. The Planning Commission may permit two (2) one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
  4. The applicant shall submit evidence indicating that the sight distance requirements of the Jackson County Road Commission are met.
  5. Driveways shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the driveway has potential to be signalized, the site shall be designed and way-finding signs provided to direct traffic flow to use the signal. Way finding signs may be in addition to those otherwise permitted in the District and shall contain no advertising and be used only for purposes of directing traffic. No way finding sign shall exceed two (2) square feet or be higher than three (3) feet.
  6. Interior drives shall provide circulation between uses through the use of shared driveways and internal access connections rather than separate, individual driveways. Site plan or other zoning approvals shall be conditioned on the submission of easement agreements that clearly describe future access conditions and restrictions.
  7. Stacking or queuing depth at driveways shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
  8. Driveway Spacing:
    - a. Driveways shall be spaced at least one hundred fifty (150) feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
    - b. The Planning Commission may modify the spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant the modification, based on traffic studies or other professional opinion.

- c. Connections between parking lots may be required by the Planning Commission to provide the means for shared driveways or to provide a safer access point to the main street.
- G. Parking is not permitted in the required front yard. The required front yard, except for necessary entrance or service drives, shall be landscaped.
- H. Lighting shall comply with the provisions of Section 3.16, in addition to the provisions noted below:
  - 1. Off-street parking areas shall be adequately lit to ensure security and safety.
  - 2. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
  - 3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
  - 4. Canopy lighting shall be mounted flush with the canopy surface.
- I. Site Design Requirements:
  - 1. Buildings shall be sited to protect natural features. To the extent possible, natural features such as natural grade, trees, vegetation, water bodies, and others shall be incorporated into the site plan.
  - 2. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
  - 3. Brick shall be used as the predominant material utilized on facades that are visible from a public right-of-way or parking lots. Other materials may be used for architectural accents, provided the materials shall have the appearance of wood or cut or cast stone. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
  - 4. Buildings with exterior walls greater than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.

5. Walls visible from a public street shall be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length.
6. Other walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.
7. On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
8. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.

## **CHAPTER 11**

### **HC HIGHWAY COMMERCIAL DISTRICT**

#### **SECTION 11.01 DESCRIPTION AND PURPOSE**

This District is intended primarily for uses emphasizing highway related service, such as service stations, restaurants, and other related uses. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well planned access points will be stressed. Efforts will be made to discourage the placement of loading areas, outside storage and other unattractive features in areas clearly visible from the highway.

#### **SECTION 11.02 PERMITTED USES**

Land and/or buildings in the HC District may be used for the following purposes as Permitted Uses:

- A. Financial and business service establishments, banks and credit unions without drive through services.
- B. Professional offices for doctors, dentists, lawyers, architects, engineers and other similar professions.
- C. Restaurants, excluding those with drive-through services.
- D. Small Solar Energy Systems. **(Amendment 12-11-2018)**
- E. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

#### **SECTION 11.03 SPECIAL LAND USES**

Land and/or buildings in the HC District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Automobile and vehicle sales.
- B. Automobile repair (minor).
- C. Automobile service stations.
- D. Automobile washes.
- E. Commercial kennels.
- F. Churches.
- G. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and retail sales.
- H. Day care center.
- I. Financial and business service establishments, banks and credit unions with drive through services.
- J. Hospitals.
- K. Hotels and/or motels.
- L. Indoor and outdoor commercial recreation including bowling, miniature golf course, outdoor skating rinks and similar uses.

- M. Movie theaters or assembly halls.
- N. Open-air businesses.
- O. Retail businesses which supply commodities such as groceries, meats, dairy products, baked goods, drugs, gifts and notions, books or hardware.
- P. Restaurants with drive-through services.
- Q. Self-service storage facilities.
- R. Taverns.
- S. Veterinary clinics.
- T. Accessory buildings, structures and uses, customarily incidental to any Permitted or Special Land Use.

**SECTION 11.04 DISTRICT REGULATIONS**

- A. No main building or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 15.
- C. Parking is required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 17.
- E. Lot and yard requirements are as noted below.

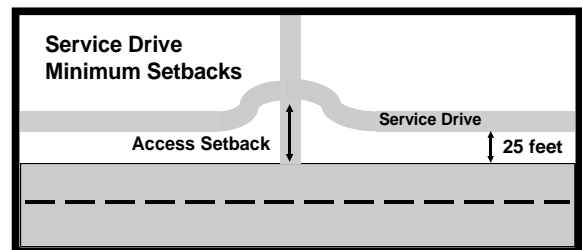
<b>HC DISTRICT DEVELOPMENT REQUIREMENTS</b>					
<b>Yards</b>	<b>Front</b>		<b>Side</b>	<b>Rear</b>	
	With service drive in front yard		35 ft.	25 ft.	40 ft.
	With no service drive in front yard		40 ft.		
	No parking is permitted in the front yard				
<b>Building Height</b>		30 ft. (2½ stories) maximum			
<b>Lot Requirements</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Coverage</b>		
	200 ft	1 acre	Maximum 40%		

- F. Driveways within the Highway Commercial District shall be provided as follows:
  - 1. Each lot may be permitted one (1) driveway, provided the spacing requirements of this subsection can be achieved.
  - 2. One (1) additional driveway may be permitted on parcels with lot widths exceeding five hundred (500) feet.

3. The Planning Commission may be permit additional driveways for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed that justifies an additional driveway.
4. The Planning Commission may permit two (2) one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
5. The applicant shall submit evidence indicating that the sight distance requirements of the Michigan Department of Transportation (MDOT) or Jackson County Road Commission, as appropriate, are met.
6. Driveways shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the driveway has potential to be signalized, the site shall be designed and way-finding signs provided to direct traffic flow to use the signal. Way finding signs may be in addition to those otherwise permitted in the District and shall contain no advertising and be used only for purposes of directing traffic. No way finding sign shall exceed two (2) square feet or be higher than three (3) feet.
7. Interior drives shall provide circulation between uses through the use of shared driveways and internal access connections rather than separate, individual driveways. Site plan or other zoning approvals shall be conditioned on the submission of easement agreements that clearly describe future access conditions and restrictions.
8. Stacking or queuing depth at driveways shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
9. Driveway Spacing:
  - a. Driveways shall be spaced a minimum of one hundred eighty five (185) feet from driveways on the same side of the street, centerline to centerline.
  - b. Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of one hundred fifty (150) feet, centerline to centerline.
  - c. Driveways shall be spaced at least one hundred fifty (150) feet from an intersection of a private or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
  - d. The Planning Commission may modify the spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant the modification, based on traffic studies or other professional opinion.

## G. Frontage Roads and Service Drives:

1. The Planning Commission may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.
2. In particular, the Planning Commission shall require development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto an abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress the site.
3. Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.
4. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the service drive.



## H. Setbacks and Landscaping:

1. Parking is not permitted in the front yard. The front yard, except for necessary entrance or service drives, shall be landscaped.
2. The Planning Commission shall consider a landscape plan submitted in conjunction with any site plan in the Highway Commercial District.
3. No outside storage shall be permitted in any yard adjacent to the I-94 right-of-way. Any yard abutting the I-94 right-of-way shall be landscaped.

## I. Lighting shall comply with the provisions of Section 3.16, in addition to the provisions noted below:

1. Off-street parking areas for uses in the Highway Commercial District shall be adequately lit to ensure security and safety.
2. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
4. Canopy lighting shall be mounted flush with the canopy surface.

J. Site Design Requirements:

1. Buildings shall to be sited to protect natural features. To the extent possible, natural features such as natural grade, trees, vegetation, water bodies, and others shall be incorporated into the site plan.
2. Mechanical equipment and service areas should be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings should include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards. Brick ought to be used as the predominant material utilized on facades that are visible from a public right-of-way or parking lots. Other materials may be used for architectural accents, provided the materials shall have the appearance of wood or cut or cast stone.
3. Buildings with exterior walls greater than fifty (50) feet in horizontal length should be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls visible from a public street ought to be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length.
4. Other walls shall incorporate architectural features and landscaping for at least thirty percent (30%) of the wall length.
5. On-site landscaping should abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
6. The predominant building materials ought to be those characteristic of the township, such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
7. Exterior colors should be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.



## **CHAPTER 12**

### **LI LIGHT INDUSTRIAL DISTRICT**

#### **SECTION 12.01 DESCRIPTION AND PURPOSE**

- A. This District is intended for Industrial uses generally limited to those areas that are or may be served by public utilities. Certain industrial uses may be permitted without utilities, but will usually be restricted to those operations not requiring large scale waste disposal or water use, such as automobile repair businesses and small machine and fabricating shops.
- B. Industrial properties will generally have the following characteristics:
1. Access to an appropriate roadway capable of accommodating the weights and/or volumes of trucks.
  2. Availability of public utilities.
  3. Sufficient property to accommodate generous setbacks for parking, loading, and other activity areas.
  4. Designed to limit any negative effects on existing homes or other uses.
- C. The intent of the District is also to provide opportunities for more intensive development that allows for economic and employment opportunity expansion within the township without detracting from the rural character of the rest of the community.

#### **SECTION 12.02 PERMITTED USES**

Land and/or buildings in the LI District may be used for the following purposes as Permitted Uses:

- A. Manufacturing, research, assembly, testing and repair of components, devices, equipment and systems of professional, scientific and controlling instruments, photographic and optical goods, and electronic and electrical equipment such as:
1. Appliances.
  2. Audio units, radio equipment and television equipment.
  3. Communication, transmission and reception equipment such as coils, tubes, semi-conductors, navigation control equipment and systems guidance equipment.
  4. Computer equipment and accessory systems.
  5. Food products, bakery goods, candy and beverages.
  6. Graphics and art equipment.
  7. Metering instruments.
  8. Optical devices, equipment and systems.

9. Photographic equipment.
  10. Radar, infrared and ultra-violet equipment and systems.
  11. Scientific and mechanical instruments such as calipers and transits.
  12. Testing equipment.
- B. Manufacturing, processing, packaging or assembling of the following:
1. Fabrication of paper and wood products such as office supplies, bags, books, cabinets, furniture, and toys.
  2. Pharmaceutical preparation, cosmetics, and toiletries.
  3. Prefabricated buildings and structured members.
  4. Stone, clay, glass and leather products.
- C. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
- D. Financial and business service establishments, banks and credit unions, with or without drive through services.
- E. Health and fitness clubs.
- F. Printing, publishing and related activities.
- G. Private service clubs, fraternal organizations and lodge halls.
- H. Professional offices for doctors, dentists, lawyers, architects, engineers and other similar professions.
- I. Research and design centers where said centers are intended for the development of pilot or experimental products, together with related office buildings for such research facilities where those offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
- J. Small Solar Energy Systems. **(Amendment 12-11-2018)**
- K. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- L. Veterinary clinics and commercial kennels.
- M. Warehousing, refrigerated and general storage.
- N. Accessory buildings, structures and uses, customarily incidental to any Permitted or Special Land Use.
- O. Self Service Storage Facility.

### **SECTION 12.03 SPECIAL LAND USES**

Land and/or buildings in the LI District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Adult Uses.
- B. Asphalt and concrete mixing plants.
- C. Automobile repair (major and minor).
- D. Automobile service stations.

- E. Building material sales.
- F. Farm machinery sales.
- G. Indoor and outdoor commercial recreation including bowling, miniature golf course, outdoor skating rinks and similar uses.
- H. Large Solar Energy Systems. **(Amendment 12-11-2018)**
- I. Medium Solar Energy Systems. **(Amendment 12-11-2018)**
- J. Solid waste transfer stations and/or solid waste processing facilities.
- K. Manufacturing, processing or packaging of plastic products such as laminate, pipe, plumbing products, and miscellaneous molded or extruded products.
- L. Metal fabrication.
- M. Recycling centers.
- N. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- O. Skilled trade and general construction contractors’ offices, warehouses and yards.
- P. Tool and die, job, machine, and skilled trade shops.
- Q. Trucking terminals.

**SECTION 12.04 DISTRICT REGULATIONS**

- A. No main building or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 15.
- C. Parking is required in accordance with Chapter 16.
- D. Signs are permitted in accordance with the requirements of Chapter 17.
- E. Lot and yard requirements are as noted below.

<b>LI DISTRICT DEVELOPMENT REQUIREMENTS</b>			
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
<b>Yards</b>	50 ft.	50 ft.	40 ft.
	No parking is permitted in the first 35 ft. of the front yard from the front lot line	No parking, loading or other activities are permitted in the first 25 ft. of the front yard from the front lot line	No parking, loading or other activities are permitted in the first 25 ft. of the front yard from the side lot line
<b>Building Height</b>	60 ft.		
	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Coverage</b>
<b>Lot Requirements</b>	150 ft	1 acre	Maximum 40%

- F. Driveways within the Light Industrial District shall be provided as follows:
1. Each lot may be permitted one (1) driveway, provided the spacing requirements of this Section can be achieved. An additional driveway may be permitted where necessary to separate truck or delivery traffic from other site related traffic.
  2. The Planning Commission may permit additional driveways for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed that justifies an additional driveway.
  3. The applicant shall submit evidence indicating that the sight distance requirements of the Jackson County Road Commission are met.
  4. Driveways shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the driveway has potential to be signalized, the site shall be designed and way-finding signs provided to direct traffic flow to use the signal. Way finding signs may be in addition to those otherwise permitted in the District and shall contain no advertising and be used only for purposes of directing traffic. No way finding sign shall exceed two (2) square feet or be higher than three (3) feet.
  5. Stacking or queuing depth at driveways shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
  6. Driveway Spacing:
    - a. Driveways shall be spaced at least one hundred fifty (150) feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
    - b. The Planning Commission may modify the spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant the modification, based on traffic studies or other professional opinion.
- G. Parking is not permitted in the first thirty-five (35) feet of the front yard (as measured from the front lot line). This front yard area, except for necessary entrance or service drives, shall be landscaped.
- H. Lighting shall comply with the provisions of Section 3.16, in addition to the provisions noted below:
1. Off-street parking areas shall be adequately lit to ensure security and safety.

2. Notwithstanding the requirements of Section 3.16, light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. The Planning Commission may allow higher fixtures for parking lots containing more than two hundred (200) spaces provided that the fixtures do not adversely affect neighboring or nearby properties.
  3. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
  4. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
  5. Canopy lighting shall be mounted flush with the canopy surface.
- I. Site Design Requirements:
1. Buildings shall be sited to protect natural features. To the extent possible, natural features such as natural grade, trees, vegetation, water bodies, and others shall be incorporated into the site plan.
  2. Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas.
  3. Architectural designs for buildings shall include design features to contain and conceal trash enclosures, dumpsters, loading docks and service yards. Brick, wood, native stone and tinted/textured concrete masonry units and/or glass products shall be used as the predominant material utilized on facades that are visible from a public right-of-way. Other materials may be used for architectural accents, provided the materials shall have the appearance of these materials.
  4. Walls visible from a public street shall be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length.
  5. On-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
  6. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.

## CHAPTER 12A

### LI/HC LIGHT INDUSTRIAL/HIGHWAY COMMERCIAL DISTRICT

#### SECTION 12A.01 DESCRIPTION AND PURPOSE

This District is intended primarily for uses emphasizing highway related service, such as service stations, restaurants, and other related use and/or intended for Industrial uses generally limited to those areas that are or may be served by public utilities. Certain industrial uses may be permitted without utilities. Managing access to individual properties will receive strong consideration during the review of individual sites. The use of combined drives, service drives, and well planned access points will be stressed. Efforts will be made to discourage the placement of loading areas, outside storage and other unattractive features in areas clearly visible from the front roadway.

Industrial properties will generally have the following characteristics:

1. Access to an appropriate roadway capable of accommodating the weights and/or volumes of trucks.
2. Availability of public utilities.
3. Sufficient property to accommodate generous setbacks for parking, loading, and other activity areas.
4. Designed to limit any negative effects on existing homes or other uses.

#### SECTION 12A.02 PERMITTED USES

Land and/or buildings in the LI/HC District may be used for the following purposes as Permitted uses:

- A. Accessory buildings, structures and uses, customarily incidental to any Permitted or Special Land Use.
- B. Financial and business service establishments, banks and credit unions with or without drive through services.
- C. Data processing and computer centers including the servicing and maintenance of electronic data processing equipment.
- D. Health and fitness clubs.
- E. Manufacturing, research, assembly, testing and repair of components, devices, equipment and systems of professional, scientific and controlling instruments, photographic and optical goods, and electronic and electrical equipment such as:

1. Communication, transmission and reception equipment such as coils, tubes, semi-conductors, navigation control equipment and systems guidance equipment.
  2. Computer equipment and accessory systems.
  3. Food products, bakery goods, candy and beverages.
  4. Graphics and art equipment.
  5. Metering instruments.
  6. Optical devices, equipment and systems.
  7. Photographic equipment.
  8. Radar, infrared and ultra-violet equipment and systems.
  9. Scientific and mechanical instruments such as calipers and transits.
  10. Testing equipment.
- F. Manufacturing, processing, packaging or assembling of the following:
1. Fabrication of paper and wood products such as office supplies, bags, books, cabinets, furniture, and toys.
  2. Pharmaceutical preparation, cosmetics, and toiletries.
  3. Stone, clay, glass and leather products.
- G. Professional offices for doctors, dentists, lawyers, architects, engineers and other similar professions.
- H. Printing, publishing and related activities.
- I. Research and design centers where said centers are intended for the development of pilot or experimental products, together with related office buildings for such research facilities where those offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
- J. Restaurants with or without drive through services.
- K. Small Solar Energy Systems.
- L. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

### **SECTION 12A.03 SPECIAL LAND USES**

Land and/or buildings in the LI/HC District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 14, including consideration of the Specific Special Land Use Requirements of Section 14.07:

- A. Building material sales.
- B. Churches.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and retail sales.

- D. Day care center.
- E. Farm machinery sales.
- F. Hospitals.
- G. Hotels and/or motels.
- H. Indoor and outdoor commercial recreation including bowling, miniature golf course, outdoor skating rinks and similar uses.
- I. Manufacturing, processing or packaging of plastic products such as laminate, pipe, plumbing products, and miscellaneous molded or extruded products.
- J. Metal fabrication.
- K. Open-air businesses.
- L. Retail businesses, which supply commodities such as groceries, meats, dairy products, baked goods, drugs, gifts and notions, books or hardware.
- M. Skilled trade and general construction contractors’ offices, warehouses and yards.
- N. Tool and die, job, machine, and skilled trade shops.

**SECTION 12A.04 DISTRICT REGULATIONS**

- A. No main building or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.
- B. Site Plan Review is required in accordance with Chapter 16.
- C. Parking is required in accordance with Chapter 17.
- D. Signs are permitted in accordance with the requirements of Chapter 18.
- E. Lot and yard requirements are as noted below.

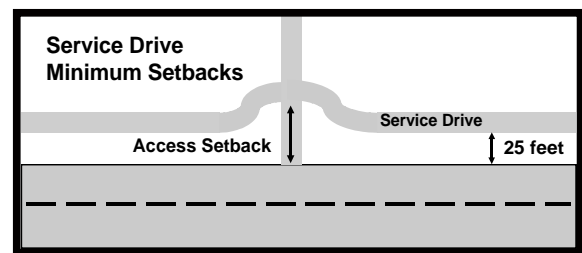
<b>LI/HC DISTRICT DEVELOPMENT REQUIREMENTS</b>					
<b>Yards</b>	<b>Front</b>		<b>Side</b>	<b>Rear</b>	
	With service drive in front yard		35 ft.	25 ft.	40 ft.
	With no service drive in front yard		50 ft.		
	No parking is permitted in the front yard				
<b>Building Height</b>	60 ft.				
<b>Lot Requirements</b>	<b>Lot Width</b>	<b>Lot Area</b>	<b>Lot Coverage</b>		
	200 ft	1 acre	Maximum 40%		



- F. Driveways within the Light Industrial/Highway Commercial District shall be provided as follows:
1. Each lot may be permitted one (1) driveway, provided the spacing requirements of the Section can be achieved. An additional driveway may be permitted where necessary to separate truck or delivery traffic from other site related traffic.
  2. The Planning Commission may be permit additional driveways for any site, providing the spacing and alignment criteria listed below are met, and a traffic impact study is completed that justifies an additional driveway.
  3. The Planning Commission may permit two (2) one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
  4. The applicant shall submit evidence indicating that the sight distance requirements of the Michigan Department of Transportation (MDOT) or Jackson County Department of Transportation (JCDOT), as appropriate, are met.
  5. Driveways shall be spaced from existing signalized intersections adequately to minimize conflicts with signal operations. If the site has access to a traffic signal or if the driveway has potential to be signalized, the site shall be designed and way-finding signs provided to direct traffic flow to use the signal. Way finding signs may be in addition to those otherwise permitted in the District and shall contain no advertising and be used only for purposes of directing traffic. No way finding sign shall exceed two (2) square feet or be higher than three (3) feet.
  6. Interior drives shall provide circulation between uses through the use of shared driveways and internal access connections rather than separate, individual driveways. Site plan or other zoning approvals shall be conditioned on the submission of easement agreements that clearly describe future access conditions and restrictions.
  7. Stacking or queuing depth at driveways shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation.
  8. Driveway Spacing:
    - a. Driveways shall be spaced a minimum of one hundred eighty five (185) feet from driveways on the same side of the street, centerline to centerline.
    - b. Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of one hundred fifty (150) feet, centerline to centerline.
    - c. Driveways shall be spaced at least one hundred fifty (150) feet from an intersection of a private or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
    - d. The Planning Commission may modify the spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant the modification, based on traffic studies or other professional opinion.

## G. Frontage Roads and Service Drives:

1. The Planning Commission may require the construction of frontage roads or rear service drives along parcels to connect future or existing developments.
2. In particular, the Planning Commission shall require development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto an abutting roadway, and as a means to ensure that traffic is able to safely ingress and egress the site.
3. Where service drives and frontage roads are constructed they shall be set back as far as reasonably possible from the intersection of the access driveway with the street.
4. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the service drive.



## H. Setbacks and Landscaping:

1. Parking is not permitted in the front yard. The front yard, except for necessary entrance or service drives, shall be landscaped.
2. The Planning Commission shall consider a landscape plan submitted in conjunction with any site plan in the Light Industrial/Highway Commercial District.
3. No outside storage shall be permitted in any yard adjacent to the I-94 right-of-way. Any yard abutting the I-94 right-of-way shall be landscaped.

## I. Lighting shall comply with the provisions of Section 3.16, in addition to the provisions noted below:

1. Off-street parking areas shall be adequately lit to ensure security and safety.
2. Notwithstanding the requirements of Section 3.16, light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. The Planning Commission may be allow higher fixtures for parking lots containing more than two hundred (200) spaces provided that the fixtures do not adversely affect neighboring or nearby properties.
3. Lighting shall illuminate only the parking lot or other areas approved for illumination by the Planning Commission.
4. Canopy lighting shall be mounted flush with the canopy surface.

## J. Site Design Requirements:

1. Buildings shall to be sited to protect natural features. To the extent possible, natural features such as natural grade, trees, vegetation, water bodies, and others shall be incorporated into the site plan.
2. Mechanical equipment and service areas should be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings should include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards. Brick, wood, native stone and tinted/textured concrete masonry units and/or glass products shall be used as the predominant material utilized on facades that are visible from a public right-of-way. Other materials may be used for architectural accents, provided the materials shall have the appearance of these materials.
3. Buildings with exterior walls greater than fifty (50) feet in horizontal length should be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls visible from a public street ought to be designed using architectural features and landscaping (abutting the building) for at least fifty percent (50%) of the wall length.
4. Other walls shall incorporate architectural features and landscaping for at least thirty percent (50%) of the wall length.
5. On-site landscaping should abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
6. The predominant building materials ought to be those characteristic of the township, such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
7. Exterior colors should be of low reflectance, subtle, neutral or earth tone colors. High intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim.

## **CHAPTER 13**

### **PUD - PLANNED UNIT DEVELOPMENT DISTRICT**

#### **SECTION 13.01 PURPOSE AND INTENT**

The Planned Unit Development (PUD) District is intended to provide for various types of land uses planned in a manner which shall; encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the township; and bring about a greater compatibility of design and use. The provisions of this Chapter provide enabling authority and standards for the submission, review, and approval of applications for rezoning to a Planned Unit Development District.

#### **SECTION 13.02 PUD QUALIFICATIONS**

An applicant must demonstrate all of the following qualifications as a condition to being considered for review as a planned unit development:

- A. Approval of the PUD will result in one (1) or more of the following:
  - 1. A recognizable and material benefit to the ultimate users of the project and to the township, where that benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  - 2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where that benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
  - 3. A non-conforming use, to a material extent, is rendered more conforming, or less offensive, to the District in which it is situated.
- B. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
- C. The proposed PUD shall have a minimum of five (5) contiguous acres.

#### **SECTION 13.03 PROCEDURE FOR APPLICATION AND REVIEW**

- A. The PUD approval shall require a rezoning to the PUD District upon receipt of a recommendation of the Planning Commission and approval of the Township Board.

- B. Pre-application Conference - Prior to the submission of an application for a PUD, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Zoning Administrator deems appropriate. The applicant shall present at the conference, a sketch plan of the proposed PUD, as well as the following information:
1. Total number of acres in the project;
  2. A statement of the number of residential units, if any;
  3. Number and type of nonresidential uses,
  4. Number of acres to be occupied by each type of use;
  5. Known deviations from Ordinance regulations to be sought;
  6. Number of acres to be preserved as open or recreational space; and,
  7. All known natural resources and natural features to be preserved.
- C. Preliminary Plan
1. Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed PUD. A narrative report shall accompany the site plan providing a description of the project and explaining the manner in which the criteria set forth in this Chapter have been met. The preliminary site plan for a PUD shall contain at a minimum the following information:
    - a. Evidence of ownership, location and description of site dimensions and areas.
    - b. General topography; soil information.
    - c. Scale, north arrow, date of plan.
    - d. Existing zoning of site; existing land use and zoning or adjacent parcels; location of existing buildings, drives, and streets on the site and within five hundred (500) feet of the site.
    - e. Location, type, and land area of each proposed land use; dwelling unit density (dwelling units per acre).
    - f. Location, size, and uses of open space.
    - g. General description of the method and organization that will maintain common areas and facilities.
    - h. General landscape concept showing tree masses to be preserved or added, buffer areas, and similar features.
    - i. General descriptions of proposed water, sanitary, and storm drainage systems with calculations for sizing retention and detention basins.
    - j. Existing natural and man-made features to be preserved or removed; location of existing structures, streets, and drives; location, width, and purpose of existing easements.
    - k. General location, function, surface width, and right-of-way of proposed public and private streets.
    - l. General location of proposed parking areas and approximate number of spaces to be provided in each area.
    - m. Location and area of each development phase.

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2. Notice

The Planning Commission shall hold a public hearing upon any application for PUD approval, notice of which shall be given in accordance with the requirements of Article 19, Section 19.06.01 of this ordinance.

3. Planning Commission Action. The Planning Commission shall review the preliminary site plan and shall take one (1) of the following actions:

- a. Approval. Upon finding that the preliminary plan meets the criteria set forth in this Chapter, the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall only confer upon the applicant the right to proceed to preparation of the final plan. Approval of The preliminary plan by the Planning Commission shall not bind the Township Board to approval of the final plan or the rezoning.
- b. Tabling. Upon finding that the preliminary plan does not meet the criteria set forth in this Chapter, but could meet the criteria if revised, the Planning Commission may table action until a revised preliminary plan is resubmitted.
- c. Denial. Upon finding that the preliminary plan does not meet the criteria set forth in this Chapter, the Planning Commission shall deny preliminary approval.

4. Final Plan

- a. Within six (6) months following receipt of the Planning Commission approval of the preliminary plan, the applicant shall submit a final plan and supporting materials conforming to this Section. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.
- b. Information Required: A final site plan and application for a PUD rezoning shall contain the following information:
  - i. A final site plan meeting all requirements of Chapter 15, Site Plan Review, of this Ordinance.
  - ii. A separately delineated specification of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in the absence of this Chapter.
  - iii. A specific schedule of the intended development and construction details, including phasing and timing.
  - iv. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signs, the mechanisms designed to reduce noise, utilities, and visual screening features.

- v. Specification of the exterior building materials with respect to the structures proposed in the project.
  - vi. Signatures of all parties having an interest in the property.
- c. Planning Commission Recommendation and Township Board Action
  - i. The final plan shall constitute an application to rezone the property to the PUD District, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission, the County, and the Township Board, as provided by law, using the procedures and requirements necessary for the rezoning of property.
  - ii. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the PUD project including, without limitation, recommendations with respect to matters on which the Township Board must exercise discretion.
  - iii. The Township Board, upon recommendation of the Planning Commission, shall ensure that all applicable regulations of the Zoning Ordinance, the applicable provisions of the Master Plan, and other Township standards or policies are met.
  - iv. When approved, the PUD, with all conditions imposed, if any, shall constitute the rezoning of land to the PUD District and act as the land use authorization for the property, and all improvements and uses shall conform to that approval.
  - v. Notice of adoption of the rezoning, including the final PUD plan and conditions, shall be recorded at the office of the Jackson County Register of Deeds, in addition to the requirements of the Zoning Act.
- d. In addition to the requirements of Chapter 15, Site Plan Review, the Planning and Commission and Township Board shall find prior to approving the final site plan and rezoning that the PUD application complies with the following standards:
  - i. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, street and utilities.
  - ii. The proposed development shall be consistent with the public health, safety and welfare of township residents.
  - iii. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
  - iv. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

- v. The proposed development shall be consistent with the Goals and Policies of the Grass Lake Charter Township Master Plan.

D. Conditions

1. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities will be sufficient to serve the proposed land use, protecting the natural environment, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
2. Conditions imposed shall be designed to protect public health, safety, and welfare reasonably related to the purposes affected by the PUD; necessary to meet the intent and purpose of this Ordinance, and; related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved PUD.

E. Phasing and Commencement of Construction

1. Phasing - Where a project is proposed for construction in phases, each phase, upon completion, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area.
2. For PUDs with both residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board after recommendation from the Planning Commission. Uses within each phase shall meet the requirements of Section 13.04 c.3.d.
3. Commencement and Completion of Construction. Construction shall be commenced within one (1) year following final site plan approval of the PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by this Chapter. If construction is not commenced within this time, the approval of a final site plan shall expire and be null and void. The Township Board may grant an extension of the approval for a specified period upon good cause shown, if the request is made in writing to the Township Board prior to the expiration of the initial period.
4. In the event a final site plan has expired, the Township Board, based on a recommendation from the Planning Commission, may rezone the property in any reasonable manner, or, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in accordance with the requirements of this Ordinance.



**SECTION 13.04 PUD DESIGN REQUIREMENTS**

- A. Any use authorized in any District of this Ordinance may be included in a PUD, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- B. Residential Design Requirements
  - 1. Residential uses shall be permitted within the densities permitted by the Residential District in which the property is situated immediately prior to rezoning to PUD under this Chapter. Land area under water, public street rights-of-way, and private street easements shall not be included in the gross density calculation.
  - 2. The Township Board, in its sole discretion, may consider a Residential Density Bonus based upon the following considerations and a demonstration by the applicant that the proposed PUD project is consistent with the Master Plan and will result in a material benefit to the township, adjacent land uses, and/or the ultimate users of the project, where that benefit would otherwise be unlikely to be achieved without the application of the PUD regulations. In no case shall the Residential Density Bonus exceed fifty percent (50%).

<b>Residential Density Bonus</b>		
<b>Facility/Open Space Provided</b>		<b>Density Bonus</b>
Open Space Percentage (open space proposed to be included for the purposes of bonus density shall meet the Open Space Requirements of this Section, including minimum dimensions)	50%	Up to 10%
	55%	Up to 20%
	60%	Up to 30%
Providing walking trails/pathways through the entire PUD		Up to 10%
Providing active recreation areas (ball field, tennis court, tot lot, swimming pool, etc.) at a ratio of at least one facility per 25 dwelling units.		Up to 20%
Providing innovative design features, such as traditional neighborhood development, traffic calming measures, and other similar features.		Up to 30%

- C. Non-Residential Design Requirements
  - 1. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses.
  - 2. The non-residential uses, including parking and vehicular traffic ways, shall be properly integrated with any residential uses within the PUD.

3. In PUDs containing predominately residential uses, the gross area designated for commercial use including parking, accessways, and yards or open space shall not exceed ten percent (10%) of the gross site area of the PUD; or the total area zoned HC or GC immediately prior to rezoning to PUD under this Chapter, whichever is less. These areas shall meet the following requirements:
  - a. Uses shall be integrated into the design of the project with similar architectural and site elements, such as signs, landscaping, etc.;
  - b. The presence of the uses shall not materially alter the residential character of the neighborhood and/or the PUD;
  - c. \*All merchandise for display, sale or lease shall be entirely within an enclosed building(s); unless otherwise allowed during the site plan approval process.
  - d. Buildings designed for commercial uses shall be constructed according to the following schedule:
    - i. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
    - ii. If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.

**\*Amendment September 2015**

D. General Design and Development Requirements

1. All regulations applicable to setback, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is first listed as a Permitted Use or Special Land Use. In all cases, the strictest provisions shall apply.
2. Deviations from specific regulations may be granted as part of the overall approval of the PUD, provided there are features or elements demonstrated by the applicant and deemed adequate by the Township Board designed into the project plan for the purpose of achieving the objectives of this Chapter.
3. To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features.
4. There shall be a perimeter setback and berming, as found to be necessary by the Township Board, for the purpose of buffering the development in relation to surrounding properties. If the PUD includes nonresidential uses adjacent to residential uses, a perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Township Board. The setback distance need not be uniform at all points on the perimeter of the development.

5. Thoroughfare, drainage, and utility design shall meet or exceed the applicable requirements in connection with each of the respective types of uses served.
6. There shall be underground installation of utilities, including electricity and telephone, as found necessary by the Township Board.
7. The pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares, as found necessary by the Township Board.
8. Signs, lighting, landscaping, building materials for the exterior of all structures, and other features of the PUD, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the township, surrounding development or developments, and natural features of the area.
9. Where non-residential uses adjoin Residential Districts or uses, noise reduction and visual screening methods such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Township Board, in its discretion, shall review and approve the design and location of these methods.
10. Open Space. Any open space provided in the PUD shall meet the following considerations and requirements:
  - a. The PUD shall have a minimum of thirty percent (30%) open space.
  - b. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space. Any area used in the calculation of required open space shall have a minimum dimension of fifty (50) feet.
  - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
  - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units or used to separate residential and non-residential land uses.
  - e. All open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
  - f. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

**SECTION 13.05 CHANGES TO AN APPROVED PUD** (section added by Amendment 2015)

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. **Notify Zoning Administrator.** The holder of an approved PUD final development plan shall notify the zoning administrator of any desired change to the approved PUD.
- B. **Minor Change Determination.** Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. The Zoning Administrator, at his/her sole discretion, may refer minor changes to the Planning Commission for review or may request a Planning Commission determination regarding whether a proposed change is a minor or major change. Minor changes shall include the following:
1. Reduction of the size or lot coverage of any building
  2. Reduction in the size of any sign
  3. Movement of buildings and/or signs by no more than ten feet
  4. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent
  5. An addition to a building, of up to ten percent of the total floor area, but not more than 2,000 square feet which do not alter the character of the building use.
  6. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design
  7. Movement of or alterations to proposed storm water management facilities, such as detention or retention ponds related to a reduction in the lot coverage of a building or buildings, provided such movement or alteration is first reviewed and approved by the township engineer
  8. Changes required or requested by the Township Board or Planning Commission or other county, state, or federal regulatory agency in order to conform to other laws or regulations
  9. Other changes of a minor nature determined by the Zoning Administrator to be not material or significant in relation to the entire PUD or its permitted land uses
- C. **Major Change Determination.** A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application in accordance with **Section 13.03.**

**SECTION 13.06 APPEALS** (section added by Amendment 2015)

The Zoning Board of Appeals shall have no jurisdiction or authority to accept or consider an appeal from any PUD determination or decision, or any part thereof, nor shall the Zoning Board of Appeals have authority to grant variances for or with respect to a PUD or any part thereof.

## **CHAPTER 14**

### **SPECIAL LAND USES**

#### **SECTION 14.01 INTENT AND PURPOSE**

- A. This Chapter is intended to address the functions and characteristics of an increasing number of new land uses, combined with conclusive experience regarding some of the older, familiar uses, which call for a more flexible and equitable procedure for properly accommodating these activities in the township. Rather than assigning all uses to special, individual, and limited zoning districts, it is important to provide control and reasonable flexibility in requirements for certain uses that will allow practical latitude for the applicant, but will maintain adequate provision for the security of health, safety, convenience, and general welfare of the township's inhabitants.
- B. In order to accomplish this dual objective of flexibility with adequate protections, provisions are made in this Ordinance for a more detailed consideration of each specified activity as it may relate to proposed conditions of location and design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.
- C. There are special land uses that may be necessary or desirable to allow in certain districts but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of Grass Lake Charter Township. Land and structure uses possessing these particularly unique characteristics are designated as special land uses and may be authorized by the issuance of a Special Land Use Permit which contains conditions and safeguards necessary for the protection of the public welfare.
- D. The following sections, together with previous references in other Chapters of this Ordinance designate those uses requiring a Special Land Use Permit. With any noted exceptions, the procedures for obtaining such a Special Land Use Permit shall apply to all special land uses indicated.

#### **SECTION 14.02 APPLICABILITY**

The provisions of this Chapter shall apply to all conditional land uses approved under previous Zoning Ordinances.

#### **SECTION 14.03 AUTHORITY TO GRANT PERMITS**

The Planning Commission shall have the authority to deny, approve, or approve with conditions, requests for special land uses. The decision on a special land use shall be incorporated in a statement of conclusions for the use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

**SECTION 14.04 APPLICATION AND REVIEW PROCEDURES**

- A. Application for any special land use shall be made to the Planning Commission through the Zoning Administrator. Applications shall be submitted in a sufficient time prior to Planning Commission consideration to permit the required public notices to be completed, mailed, and published, as determined by the Zoning Administrator. Incomplete or partial applications shall not be accepted.
- B. An application shall consist of the following, at a minimum:
1. Completed application form, available from the Township offices.
  2. Preliminary or final site plan, submitted in compliance with the requirements of Chapter 15.
  3. Application fee, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.
  4. Legal description of the property under consideration.
- C. Any expansion or alteration of an existing special land use beyond that approved by the Township shall be considered a new special land use and subject to the review and approval of the Planning Commission in accordance with all procedures and standards set forth herein. See also the provisions of Section 3.21.E related to existing uses.
- D. The Planning Commission shall hold a public hearing upon any application for special land use, notice of which shall be given in accordance with the requirements of Chapter 19 Section 19.06.01.

**SECTION 14.05 APPROVAL OF SPECIAL LAND USE PERMIT**

- A. Upon review of the application and site plan in accordance with the requirements of Section 14.04, and following the required public hearing, the Planning Commission shall approve, approve with conditions, or deny the special land use permit.
- B. A special land use permit shall not be issued for the uses specified in this Section unless complying with the General Review Standards of Section 14.06 and the Specific Standards of Section 14.07. The Planning Commission may impose additional conditions and safeguards when deemed necessary, in accordance with the requirements of Section 14.05.D.
- C. Site Plan Approval
1. A preliminary site plan may be considered by the Planning Commission and special land use approval granted by the Planning Commission on the basis of the preliminary site plan. However, a Special Land Use Permit shall not be issued until the final site plan has been submitted and approved by the Planning Commission in accordance with the provisions of Chapter 15.

2. Upon approval of the Special Land Use Permit, a copy of the approved final site plan shall be forwarded to the Clerk, Zoning Administrator, and Planning Commission along with full documentation regarding the findings of the review.
- D. Imposition of Conditions
1. As part of an approval of a special land use, the Planning Commission may require reasonable conditions necessary to accomplish the following:
    - a. Ensure that public services and facilities affected by the proposed land use or activity shall be capable of accommodating increased service and facility loads generated by the land use or activity.
    - b. Protect the natural environment and conserve natural resources and energy.
    - c. Ensure compatibility with adjacent land uses.
    - d. Promote the use of land in a socially and economically desirable manner.
  2. Conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval and shall remain unchanged except upon mutual consent of the Planning Commission and the holder of the Special Land Use Permit.
- E. Voiding of Special Land Use Permit
1. Any Special Land Use Permit granted under this Ordinance shall become null and void unless construction and/or use is commenced and is proceeding toward completion within one (1) year (365 days) following the date of approval.
  2. A violation of a requirement, condition or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to consider termination of the Special Land Use Permit.
  3. Prior to termination of a Special Land Use Permit, the Planning Commission shall hold a public hearing, in accordance with the requirements related to special land uses in this Chapter.

#### **SECTION 14.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS**

- A. The Planning Commission shall review the proposed special land use application and preliminary or final site plan in terms of the following general standards, and shall find and record adequate data, information and evidence showing that the use on the proposed site, lot or parcel meets or does not meet these standards. The proposed special land use shall:



1. Be harmonious with and in accordance with the Purposes of this Ordinance.
2. Be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
3. Be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for those services.
4. Not be hazardous or disturbing to existing or future neighboring uses.
5. Not create excessive additional requirements for public facilities and services at the public's cost.
6. Satisfy the Special Land Use Specific Requirements under Section 14.07.

#### **SECTION 14.07 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The general standards of Section 14.06 are basic to all special land uses. The specific and detailed requirements set forth in this Section relate to particular uses and are requirements that must be met by those uses in addition to the foregoing general standards and requirements.

- A. Adult Uses.
- B. Asphalt and concrete mixing plants.
- C. Automobile and vehicle sales.
- D. Automobile repair (major and minor).
- E. Automobile repair (minor).
- F. Automobile service stations.
- G. Automobile washes.
- H. Bed and breakfast establishments.
- I. Building material sales.
- J. Cemeteries, private.
- K. Churches.
- L. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- M. Commercial kennels.
- N. Country clubs, golf courses, riding stables, gun clubs, private athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use.
- O. Day care center.
- P. Farm machinery sales.
- Q. Group day care homes.
- R. Home Based Business.

- S. Hospitals.
- T. Hotels and/or motels.
- U. Indoor and outdoor commercial recreation including bowling, miniature golf course, outdoor skating rinks and similar uses.
- V. Intensive livestock operations.
- W. Manufacturing, processing or packaging of plastic products such as laminate, pipe, plumbing products, and miscellaneous molded or extruded products.
- X. Metal fabrication.
- Y. Movie theaters or assembly halls.
- Z. Nursing and convalescent homes, and housing for the elderly.
- AA. Open-air businesses.
- BB. Open Space Preservation Developments.
- CC. Private airports.
- DD. Private athletic grounds and parks.
- EE. Private, elementary, middle, and high schools, and colleges.
- FF. Private campgrounds
- GG. Recycling centers.
- HH. Mining and Extraction Operations. (Amendment 2-9-2021)
- II. Restaurants with drive-through services.
- JJ. Roadside stands for sale of produce grown on the premises.
- KK. Self-service storage facility.
- LL. Skilled trade and general construction contractors' offices, warehouses and yards.
- MM. Solid waste transfer stations and/or solid waste processing facilities.
- NN. State licensed residential group care facilities.
- OO. Taverns.
- PP. Tool and die, job, machine, and skilled trade shops.
- QQ. Trucking terminals.
- RR. Veterinary clinics.
- SS. \*Agricultural Business  
\*(Amendment 6-12-2018)
- TT. Large Solar Energy Systems (Amendment 12-11-2018)
- UU. Medium Solar Energy Systems (Amendment 12-11-2018)

## **A. Adult Uses**

1. Intent and Findings
  - a. In the development and execution of this Section, it is recognized that there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. These uses are referred to in this Section as "adult uses."
  - b. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move from

- or avoid the township, increase crime and contribute a blighting effect on the surrounding area.
- c. This subsection describes the uses regulated and the specific standards needed to ensure that the secondary adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts. These deleterious secondary effects of the uses regulated have been recognized and documented in other communities in the form of studies and reports reviewed and considered by the Township.
  - d. It is the purpose of this subsection to regulate adult uses to promote the health, safety, morals and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of adult uses within the township. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this subsection to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this subsection to condone or legitimize the distribution of obscene material.
2. No person shall operate or maintain or cause to be operated or maintained an adult use within five hundred (500) feet of:
- a. A church, synagogue, mosque, temple or other building used primarily for religious worship and related religious activities.
  - b. A public or private educational facility, including but not limited to child day care facilities, nursery schools, preschools, public or private elementary or high schools, vocational schools, continuation education schools, special education schools, junior colleges and universities. For purposes of this subsection, the term "school" shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
  - c. Family day care homes or group day care homes.
  - d. An entertainment use which has as its principal use children or family entertainment.
  - e. A lot devoted to a residential use.
  - f. Any other adult use.
  - g. A public park or recreational area which has been designated for park or recreational activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, wilderness area or other similar public land within the township which is under the control, operation or management of the Township.
  - h. The zoning district boundary of a Residential District.

3. Distance Measurements
  - a. For purposes of the uses listed in subsections 2, a - f of this subsection, the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the lot occupied by the adult use to the nearest point of the lot occupied by any of the uses so listed in subsections 2, a - f of this subsection.
  - b. For purposes of subsections 2, g - h, of this subsection, the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the lot occupied by the adult use to the nearest point of the property line occupied by the public park or other recreational areas listed or the zoning district boundary of the Residential District.
4. No building, premises, structure or other facility that contains any adult use shall contain any other kind of adult use.
5. Adult uses shall comply with all sign requirements under this Ordinance. Where inconsistencies exist between the provisions of this subsection and the sign requirements in this Ordinance, the provisions of this subsection shall control.
6. No advertisement, display of product or entertainment on the premises, signs or other exhibits which depict, describe or relate to specified sexual activities and/or specified anatomical areas shall be displayed in window areas or any other area where they can be viewed by pedestrians and motorists on any street, sidewalk or other public place.
7. No person shall reside in, or permit any person to reside in, the premises of an adult use.
8. No person operating an adult use shall permit any person under the age of eighteen (18) to be on the premises of the business either as an employee or customer.
9. No person shall become the lessee or sublessee of any property for the purpose of using the property for an adult use without the express written permission of the owner of the property for such use and appropriate approvals from the Township.
10. The building and site, including building openings, entries, exits and windows, shall be designed, constructed and maintained so that material, entertainment and/or performances which depict, describe or relate to specified sexual activities and/or specified anatomical areas cannot be observed by pedestrians and motorists on any street, sidewalk or public right-of-way, or from an adjacent land use.
11. The adult use shall satisfy all landscaping, traffic, and access management requirements of this Ordinance. The site shall include a diagram that shows all land uses and zoning districts as described in subsection 3 of this subsection which are located within five hundred (500) feet of the proposed adult use. The diagram shall be drawn to a scale of not greater than one (1) inch equals twenty (20) feet.

12. Change of Use by Lessee: No lessee or sublessee of any property shall convert that property from any other use to an adult use without the express written permission of the owner of the property for such use and the appropriate approvals from the Township.
13. Expansion
  - a. Adult uses shall not be enlarged, increased or expanded in any manner without first applying for and receiving the approval of the Planning Commission as provided in this subsection.
  - b. Further, if a use subject to the control of this subsection is discontinued or abandoned, the use may not be reestablished without applying for and receiving the approval of the Planning Commission as provided in this Section.
  - c. For purposes of this subsection, enlarging, increasing or expanding an adult use shall mean an increase in floor areas occupied by the establishment or business by more than twenty five percent (25%) as the floor areas exist on the date the special land use permit is granted.

**B. Asphalt and Concrete Mixing Plants.**

1. Minimum lot area shall be two (2) acres.
2. No parking shall be allowed in the front thirty-five (35) feet of the front yard. This area shall be landscaped.
3. The first ten (10) feet of the rear yard setback area shall be landscaped and not used for parking, loading, or other activities.

**C. Automobile and Vehicle Sales.**

**D. Automobile Repair (Major and Minor).**

**E. Automobile Repair (Minor).**

1. The requirements described in this subsection apply to all of the automobile related uses noted as Section 14.07, C, D, and E.
2. All activity related to vehicle repair shall be conducted entirely within an enclosed building and shall be located not less than one hundred (100) feet from any residentially zoned property.
3. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than thirty (30) days, unless enclosed within an area which is completely screened from view by a solid fence of at least eight (8) feet in height. In no case shall storage be permitted in front of the front building line.
4. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.

**F. Automobile Service Stations**

1. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and arranged so that motor vehicles shall not be supplied with gasoline or serviced while waiting in, parked upon, or overhanging any public sidewalk, street or right-of-way.
2. All activities related to vehicle service and repair equipment shall be conducted within an entirely enclosed building.
3. Inoperative or unlicensed vehicles shall not be stored outside for more than seven (7) days. Such storage shall not occur in the front yard or in any required rear or side yard.
4. Vehicle sales shall not be permitted on the premises of any automobile service station.

**G. Automobile Washes**

1. All activities related to vehicle washing shall be entirely enclosed within a building.
2. Auto vacuum stations shall be located at least fifty (50) feet from any Residential District or use property line.
3. Sufficient stacking area shall be provided to ensure that vehicles are not waiting on any adjacent public or private street to enter the site.

**H. Bed and Breakfast Establishments**

1. Each establishment must be occupied and operated by its owner as a primary residence.
2. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
3. No bed and breakfast sleeping room shall be permitted that does not comply with the construction code adopted by the Township.
4. There shall be no separate cooking facilities used for the bed and breakfast use apart from that of the principal resident owner/operator.
5. Bedrooms shall be a minimum of one hundred twenty (120) square feet for the first two (2) occupants and an additional thirty (30) square feet for each additional occupant.
6. The stay of bed and breakfast occupants shall be no more than thirty (30) consecutive days and not more than sixty (60) days in any one (1) calendar year.
7. One (1) bathroom for every three (3) sleeping rooms shall be provided, with a minimum of two (2) bathrooms.
8. Every bed and breakfast bedroom shall contain a functioning smoke detector. An approved fire extinguisher shall be located on each floor on which such sleeping room is located.
9. One (1) identification sign shall be permitted subject to any approval by the Zoning Administrator, as permitted by Section 17.10.
10. One (1) off street parking space shall be provided within the interior side or rear

area for each bed and breakfast bedroom. The Planning Commission may increase or decrease required parking in order to meet the purposes of this subsection and protect the public health and safety.

**I. Building Material Sales**

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be one hundred and fifty (150) feet.
3. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
4. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
5. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities

**J. Cemeteries, Private**

1. The cemetery shall be designed to provide principal access directly to a County Primary Road or State highway.
2. The minimum lot area shall be ten (10) acres.
3. No mausoleum, crematory, or chapel shall be erected within fifty (50) feet of the lot or parcel boundary on which the cemetery is located.
4. The perimeter of the site shall be fenced.

**K. Churches**

1. The minimum lot area shall be three (3) acres.
2. The minimum lot width shall be three hundred (300) feet.
3. All front, side and rear yard setbacks shall be a minimum of fifty (50) feet, unless the District in which the property is located requires a greater setback. Parking shall be permitted within the setbacks if otherwise permitted by the District in which the church is located.

**L. Commercial Greenhouses and Nurseries, When Operated Primarily as Wholesaling Operations and Limited Retail Sales**

1. Minimum lot width shall be two hundred (200) feet.
2. The Planning Commission may require a six (6) foot tall or greater fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. All such businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. The lot area used for parking for customers shall be gravel or other similar surface, unless the Planning Commission requires a paved asphalt or concrete surface. The display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

5. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District, provided that no display area shall be located within ten (10) feet of a street right-of-way line.
6. All loading activities and parking areas shall be provided on the same premises (off-street).
7. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

**M. Commercial Kennels**

1. Kennels shall require a minimum lot size of two (2) acres and a minimum lot width of two-hundred (200) feet.
2. Any building or fenced area where animals are kept shall be located a minimum of two hundred (200) feet from any public right-of-way, one hundred (100) feet from any property line, and one hundred-fifty (150) feet from any residential dwelling located off the premises.
3. The kennel shall be established and maintained in accordance with all applicable State, County and Township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.
4. The following minimum setbacks shall be maintained for any buildings housing animals or other activities related to the kennel:
  - a. Front yard setback - sixty (60) feet.
  - b. Side yard setback - thirty (30) feet.
  - c. Rear yard setback - fifty (50) feet.

**N. Country Clubs, Golf Courses, Riding Stables, Gun Clubs, Private Athletic Grounds and Parks, and Other Similar Uses, Including Related Uses, such as Snack Bars, Small Retail Shops Selling Goods Directly Related to the Primary Use**

1. The minimum lot area required for a commercial stable shall be ten (10) acres. Six (6) horses shall be permitted on the first ten (10) acres. Thereafter, one (1) additional horse shall be permitted for each full one (1) acre in excess of the first ten (10) acres. All other uses shall have a minimum lot area of two (2) acres and a minimum lot width of two-hundred (200) feet.
2. Animals shall be confined in a suitable fenced area.
3. The following minimum setbacks shall be maintained for any buildings housing animals or other activities related to the principal use:
  - a. Front yard setback - sixty (60) feet.
  - b. Side yard setback - thirty (30) feet.
  - c. Rear yard setback - fifty (50) feet.
  - d. In no case shall any structure be located any closer than two hundred (200) feet from adjacent residentially zoned or used property.



4. Adequate setbacks, fencing and/or buffering shall be provided to prevent golf balls from landing on adjacent property.
5. All outdoor storage, service and maintenance areas when visible from adjoining residentially zoned or used land shall be screened from view either by a wall or fence at least six (6) feet in height or landscaped in accordance with this Ordinance.
6. The minimum site area for a golf course shall be sixty (60) acres for a nine (9) hole course and one hundred twenty (120) acres for an eighteen (18) hole course. The minimum site area for a par-3 course may be reduced by fifty percent (50%).
7. The location of structures such as the clubhouse and accessory buildings and their operations shall be reviewed by the Planning Commission to ensure minimum disruption of the adjacent properties and that as much distance as is practical is provided between golf course structures and activities and abutting residential properties.

**O. Day Care Center**

1. A separate drop-off and pick-up area shall be provided and located so as to not create congestion on the site or within a public street.
2. There shall be an outdoor play area that is at least three thousand (3,000) square feet. The play area shall not be located within a required front setback. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height but no higher than six (6) feet.
3. Appropriate licenses with the State of Michigan shall be maintained on file with the Township.

**P. Farm Machinery Sales**

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

**Q. Group Day Care Home**

1. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
2. The hours of operation shall not exceed sixteen (16) hours within a twenty-four (24) hour period with a limitation on activity between the hours of 10:00 p.m. and 6:00 am.

3. There shall be an outdoor play area, not located within a required front yard setback, and enclosed by a fence at least four (4) feet in height but no higher than six (6) feet designed to discourage climbing.
4. The home shall be located at least one thousand five hundred (1,500) feet away from other group day care homes, adult foster care group homes, substance abuse treatment centers servicing seven (7) or more people or community correction centers, resident homes and halfway houses for inmates under the jurisdiction of the Department of Corrections.
5. Adequate off-street parking for employees shall be provided.
6. Appropriate licenses with the State of Michigan shall be maintained on file with the Township.

#### **R. Home-Based Business**

1. No person other than the resident occupants and one (1) employee who need not be a resident shall be engaged on the premises as part of the operation of the home based business, except that home-based businesses operated on a lot greater than one (1) acre in lot area may be allowed up to three (3) employees who need not be residents to be engaged in the home-based business. This does not preclude the use of additional employees who may be employed by the home-based business but who work in other locations off the premises.
2. The use of the dwelling unit for the home-based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home-based business shall be operated in its entirety on the same premises as the principal dwelling. Accessory buildings meeting the requirements of District in which it is located may be used.
3. The area of the main building dedicated to the operation of the home-based business shall not exceed a floor area equal to twenty percent (20%) of the total floor area of the dwelling unit.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home-based business other than that permitted by this subsection and further that one (1) sign shall be permitted, not exceeding six (6) square feet in area, non-illuminated, and set back at least one-half (1/2) of the setback required for the main building, and be not greater than four (4) feet high.
5. Any traffic generated by such home-based business shall not be so great or occur at such a time so as to cause serious adverse effects within or upon the surrounding neighborhood.
6. No equipment or process shall be used on the premises of the home-based business, which, in the opinion of the Planning Commission may create excessive noise, vibration, glare, fumes, odors, or electrical interference.
7. Parking or storage of vehicles or other equipment related to the home-based business shall not be permitted in any required yard setback. In addition, parking or storage shall be set back a minimum of forty (40) feet from any side yard. The permitted parking or storage area shall be screened from adjoining premises and adjacent streets by landscaping or screening meeting the requirements of this subsection. Any outside parking or storage shall occupy no more than ten

- percent (10%) of the total lot area, to a maximum of two-thousand five hundred (2,500) square feet.
8. Only those goods or products that are clearly incidental to the home-based business shall be sold on the premises. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building and no sign or device relative to the sale of merchandise shall be displayed on the premises in such a manner as to be visible outside the dwelling.
  9. Home-based businesses existing at the time of the adoption of this amendment shall be permitted to continue but shall be subject to the nonconforming use requirements of Section 3.21, C. Home-based businesses existing at the time of the adoption of this amendment may not be extended to occupy more land without receiving the approval of the Planning Commission in compliance with this Chapter.

#### **S. Hospitals**

1. Hospitals shall be developed only on sites consisting of at least ten (10) acres in area or one thousand five hundred (1,500) square feet per bed, whichever is greater.
2. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.
3. The minimum distances between any hospital structure or accessory use and any adjacent Residential District or use property line shall be at least one hundred (100) feet.

#### **T. Hotels and Motels**

1. Each unit shall contain not less than two hundred fifty (250) square feet of GFA.
2. Cooking and/or kitchen facilities may be provided upon demonstration by the applicant that all applicable Fire Prevention and Building Codes have been met.
3. The stay of occupants shall be no more than thirty (30) consecutive days and not more than sixty (60) days in any one (1) calendar year.
4. Every room shall have a functioning smoke detector. An approved fire extinguisher shall be located on each floor where resident units are located.

#### **U. Indoor and Outdoor Commercial Recreation Including Bowling, Miniature Golf Course, Outdoor Skating Rinks and Similar Uses**

1. The site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.

2. There shall be at least one hundred (100) feet between any main building or outdoor activity area and any adjacent Residential District or use property line.

**V. Intensive Livestock Operations**

1. All structures and confined lots designed to house or contain livestock or animal waste shall be set back at least two hundred fifty (250) feet from the property line that abuts any County Road or State highway, and five hundred (500) feet from other abutting property lines.
2. All structures and confined lots designed to house or contain livestock or animal waste must be set back seven hundred fifty (750) feet from any existing residences except for that of the intensive animal feeding operator; fifteen hundred (1,500) feet from any existing church, business, school, recreational area (public or private) or public building; and two thousand (2,000) feet from any recorded residential plat, multiple family or site condominium development.
3. The need for the preparation of an environmental impact statement (EIS) and/or a hydrological study shall be determined by the regulating State agency. The Zoning Administrator shall be notified in writing should these requirements be waived by the regulating agencies and the reasons for the waiver. A copy of any hydrological study shall be provided to the Zoning Administrator.
4. The design and construction of all equipment, facilities and structures to be used for disposal of animal waste, shall be approved by and meet the current requirements and standards of the Jackson County Soil and Water Conservation District, and applicable County, State and Federal agencies. Evidence that these requirements have been met and approvals obtained shall be provided to the Zoning Administrator prior to the start of operation of the waste disposal equipment, facilities and structures.
5. The design, installation and operation of all facilities and equipment required to monitor ground water, soil and air contamination, including monitoring and test wells, shall meet the current requirement specified by the applicable County, State and Federal agencies.
6. Proven methods shall be used to minimize odor, smoke, flumes, dust, insects or rodents, generated as a result of the operation.
7. A copy of all reports and results of ground water, soils and/or air quality tests required by the regulating state or federal agency's monitoring program shall be provided to the Zoning Administrator. This requirement shall also apply to intensive animal feeding operations existing at the time of this Ordinance.

**W. Manufacturing, Processing or Packaging of Plastic Products such as Laminate, Pipe, Plumbing Products, and Miscellaneous Molded or Extruded Products.**

1. To be determined.

**X. Metal Fabrication**

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

**Y. Movie Theaters or Assembly Halls**

1. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adversely affect adjacent properties.
2. The Planning Commission may require a traffic study to determine the most efficient and safest means of providing ingress and egress from the site, and circulation within the site.

**Z. Nursing and Convalescent Homes, and Housing for the Elderly.**

1. The use shall be served by public sewer and water or a private water and waste-water treatment system approved by the Jackson County Health Department.
2. A separate drop-off and pick-up area shall be provided and located so as to not create congestion on the site or within a public roadway.
3. There shall be an outdoor activity area that is at least three thousand (3,000) square feet. The area shall not be located within a required front setback. All outdoor areas shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.
4. Appropriate licenses with the State of Michigan shall be maintained on file with the Township.

**AA. Open-Air Businesses**

1. Minimum lot width shall be two hundred (200) feet.
2. The Planning Commission may require a six (6) foot or greater fence or wall to be constructed along the rear and/or sides of the lot or areas of activity to keep trash, paper, and other debris from blowing off the premises. The fence or wall shall be tall enough to screen the view of the contents of the storage area.
3. All open-air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. The Planning Commission may require the owner to furnish a performance guarantee in accordance with Section \*19.08 of this Ordinance to ensure strict compliance with any regulation contained herein and required as a condition of special land use approval.

5. The lot area used for parking \*and the display or storage areas are subject to approval by the Planning Commission in the Site Plan approval process, shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
6. In the case of a plant materials nursery\*or firewood sales establishment:
  - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District. \* Heavy machinery and other processing equipment operation shall be reviewed with emphasis on the impact on existing sensitive noise receptors on adjacent properties. A minimum distance of 300 feet shall be provided between processing equipment operations and the locations of identified existing noise receptors.
  - b. All loading activities and parking areas shall be provided on the same premises (off-street).
  - c. The storage of any \*firewood, soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
  - d. No display area shall be located within ten (10) feet of a road right-of-way line.
- \*7. In the case of firewood sales establishments firewood tree processing and storage may be allowed on site subject to the approval of the Planning Commission as a Special Land Use as regulated by Chapter 14. The Planning Commission will consider and require additional conditions related to the proposed use, including, but not limited to, the following:
  - a. Time of operation including daily, weekday/weekend and seasonal periods.
  - b. Operations in accordance with Grass Lake Charter Township Police Power Noise Ordinance dated October 11, 2005.
  - c. Location of proposed areas of operation on the property.
  - d. Temporary and seasonal storage of processing equipment including, but not limited to offsite visual impacts from adjacent and proximate properties.
  - e. Other uses necessary or appropriate to limit the property's impact on neighboring properties or the District as a whole.

**\*Amendment June 2017**

## **BB. Open Space Preservation Developments**

1. Intent. It is the intent of this subsection to promote the goals of the Grass Lake Charter Township Master Plan to permit the development of single-family dwellings in patterns that will:
  - a. Protect rural character and productive agricultural lands.
  - b. Minimize demand for public service.
  - c. Encourage a more creative approach to single family residential development than conventional land division and allow greater flexibility in the placement of units.

- d. Provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, water bodies, and other natural assets.
  - e. Reduce the number of driveways accessing County primary and local roads.
  - f. Encourage the provision of open space.
2. The open space preservation developments shall be located on a minimum of ten (10) contiguous acres.
  3. Criteria: In the review of a proposed development under this subsection, the Planning Commission shall make the following findings:
    - a. That the intent of the open space preservation option, as set forth in this Section is met;
    - b. The parcel contains natural assets that would be preserved through the use of open space development. These assets may include natural stands of large trees; land which serves as a natural habitat for wildlife; wetlands; bodies of water (i.e., streams, rivers, and lakes); unusual topographic features; major topographic conditions which make development under normal zoning impractical; or other natural assets that would be preserved; or the parcel contains productive agricultural lands which would be preserved through the use of an open space development;
    - c. Due to the size and shape of the parcel, utilization of the open space preservation option would result in the more creative and efficient use of the property and would not create a negative effect upon surrounding properties.
  4. Site Design Requirements: All open space preservation developments shall conform to the following site design requirements.
    - a. Only single family detached dwelling units are permitted within the development.
    - b. The number of dwelling units permitted under the open space preservation option shall not exceed the number of dwelling units if the site were developed with a parallel plan, using a conventional layout under the existing zoning that would otherwise be approved by the Township and which meets all applicable ordinances and laws.
    - c. The parallel plan shall meet the following minimum requirements:
      - i. The parallel plan shall contain enough detail to permit the Planning Commission to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the practical feasibility of the parallel plan.
      - ii. All lots or buildings shown on the parallel plans shall be located on

buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an areas of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), stormwater detention/retention, and required driveways, streets, or other means of permitted access.

- iii. Rights-of-way or easements designated for road purposes or land that is under water (lakes, streams, water courses, and other similar bodies of water), and other unbuildable areas shall not be included within buildable areas or lot area calculations. Wetlands or other natural features may be included in lots, provided that sufficient lot area exists to permit an adequate building site meeting the requirements of the district.

d. Density Bonus

- i. A density bonus may be allowed in the discretion of the Planning Commission, provided the density shall not exceed permissible density by fifty percent (50%). In consideration of allowing a density bonus, the Planning Commission shall determine that the following criteria are met:
  - (a) Where open space development is used to preserve agricultural lands, the increase in density shall not result in the removal of more agricultural land than if the bonus were not granted.
  - (b) The proposed density shall not result in an unreasonable increase in the need for or burden upon public services.
- ii. An open space preservation development may qualify for density bonuses in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space (see g, below)	55% open space	10%
	60% open space	20%
	65% open space	30%
Community or Public Sanitary Sewer Service		30%
Community or Public Water Service		20%
Community or Public - Sanitary Sewer & Water Service		50%

- e. Common Access. No lot or parcel shall have direct driveway access to County designated primary or local roads. All lots or parcels shall have frontage on and direct access to a newly constructed public or private



road meeting one (1) of the following conditions:

- i. A public street which has been accepted for dedication by the Jackson County Road Commission;
- ii. A permanent and unobstructed private street approved and built in accordance with the Grass Lake Charter Township standards for private streets.

f. Setbacks: Minimum setback requirements shall be established in a manner which permits variation in the placement of individual dwelling units in order to encourage creativity in design and compatibility with natural features. The following minimum setback and lot requirements for each dwelling unit shall be applied:

<b>Minimum Lot and Yard Requirements</b>		
Yards	Front	30 ft.
	Side	10 ft.
	Rear	25 ft.
Lots	Width	80 ft.
	Area	15,000 sq. ft.

g. Open Space: When completed, the development shall have a minimum of fifty percent (50%) of area devoted to open space for the use and enjoyment of residents of the development or the public, as applicable, subject to the following standards:

- i. Designated open space shall remain either in its natural state and/or used for specifically designed recreational purposes.
- ii. Designated open space may include area within the development setback as required by subsection h, below.
- iii. Designated open space shall not include: rights-of-way or easements designated for road purposes; areas within lots; or, land which is under water (lakes, streams, water courses, and other similar bodies of water).
- iv. The reservation of open space areas under this subsection shall be conditioned upon recordation of appropriate conservation easements or other instruments for the purpose of providing for long term maintenance and preservation of common areas, open space areas, wooded areas and/or other areas with natural resources or features to be preserved on the property. Any easement and/or other instrumentation shall be in a form and contain the content approved by the Township attorney.
- v. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire development may utilize the available open space.

- vi. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
- h. Development Setback
  - i. Any lot on which a principal use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the development.
  - ii. No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
  - iii. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the Intent of the Open Space Preservation Development.
  - iv. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:
    - (a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.
    - (b) Have a depth of unoccupied land of at least fifty (50) feet.
    - (c) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.
    - (d) Consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
  - v. Sites abutting more than one (1) public street shall be permitted to reduce the setback on the shortest side of the abutting streets to one hundred (100) feet without a natural screen. No native or natural vegetation shall be removed from the one hundred (100) foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
- i. Transition from Adjacent Parcels: To provide an orderly transition of density when an open space development abuts a Residential District of equal or lower density, the Township may require open space along the common boundaries; screening in accordance with the requirements of this Ordinance, and/or an area or row of lots generally equal or nearly

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equal in size and character with neighboring residential lots.

### **CC. Private Airports**

1. The area proposed shall be sufficient to meet the applicable Michigan Aeronautics Commission and Federal Aeronautics Administration's (FAA) requirements for the class of airport proposed.
2. There are no existing flight obstructions such as towers, chimneys or other tall structures, or natural obstructions outside the proposed airport that would fall within the approach zone to any of the proposed runways or landing strips of the airport.
3. There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the FAA or any other applicable authority. Satisfactory evidence of air rights or easements acquired from owners of abutting properties in the approach zones shall be submitted with the application.
4. Any building, hangers, or other structures shall be at least one hundred (100) feet from any street or lot line.
5. The site plan submitted for review and approval shall, in addition to the site plan information required by Chapter 15, include the proposed layout of runways, landing strips or areas, taxi strips, aprons, roads, parking areas, hangers, buildings and other structures and facilities; the location and height of all buildings, structures, trees, and overhead wires falling within the airport approach zone and less than five hundred (500) feet distance from the boundary lines of the airport.

### **DD. Private Athletic Grounds and Parks**

1. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.
2. The minimum distances between any main building or outdoor activity area and any adjacent Residential District or use property line shall be at least one hundred (100) feet.

### **EE. Private Elementary, Middle, and High Schools, and Colleges**

1. Except as noted in 2, below, all schools shall conform to the minimum yard requirements for the District in which it is located.
2. The minimum distances between any main building or outdoor activity area and any adjacent Residential District or use property line shall be at least one hundred (100) feet.

**FF. Private Campgrounds**

1. The minimum lot area shall be twenty (20) acres.
2. A minimum one hundred (100) foot perimeter buffer shall be provided and maintained in its natural state between any campsite, cabin, bathroom, picnic shelter or storage building and adjacent Residential District or use property lines.
3. Where the natural vegetation or land contours are insufficient to buffer the campground from the adjacent Residential Districts or uses, the Planning Commission may require additional setback landscaping and/or berming.
4. Manufactured homes shall not be permitted to be located within a campground, except one (1) manufactured home may be permitted as a caretaker's residence.
5. The use and occupancy of a campground shall be in strict compliance with the current laws and requirements governing these uses in the State of Michigan.

**GG. Recycling Center**

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

**HH. "Mining and Extraction Operations"**

1. **Purpose:** The Township recognizes that sand, gravel, and other valuable natural resources within the Township have beneficial uses when extracted from the earth. The Township further understands that mining and extraction operations have the potential to impose very serious consequences, as the term is used in Section 205 of the Michigan Zoning Enabling Act, on township residents and visitors if not appropriately regulated. This section regulates mining and extraction operations to promote utilization of these resources in a manner that is compatible with surrounding land uses and to prevent very serious consequences related to impacts on property values, pedestrian and traffic safety, the environment, other land uses, and other identifiable health, safety, and welfare interests. See Section 205 of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3201 *et seq.*, as amended.

**2. Permitting**

- a. Permit Required. It is unlawful to conduct a mining and extraction operation without obtaining a special land use permit and meeting all requirements of the Township Zoning Ordinance.

- b. Length of Permit. A mining and extraction operation special land use permit shall be issued for five (5) years. The Planning Commission must annually review special land use permits for mining and extraction operations according to the Annual Compliance Review described below. No renewal of any special land use permit for a mining and extraction operation shall allow such use to continue for more than five (5) years without submission of a new special land use permit application containing all information required by Township Zoning Ordinance.
- c. Annual Compliance Review. As a condition of a special land use permit for a mining and extraction operation, the Township shall annually inspect the operation for compliance with the Township Zoning Ordinance and conditions of a special land use permit before renewing a special land use permit. This review shall consider, but is not limited to, (1) permit holder disclosure of all violations of local, state, and federal laws and regulations by a mining and extraction operation, (2) a physical inspection of a mining and extraction operation for compliance with Township Ordinances, special land use permits, site plans, zoning permits, and local, state, and federal laws and regulations by the Township Zoning Enforcement Officer or any other individual designated to inspect a site by the Township, and (3) a review of the plant material to determine whether any unhealthy or dead plants shall be replaced. Any existing Special Land Use permit may be invalidated, revoked or terminated early based on findings of non-compliance uncovered during the Annual Compliance Review pursuant to the Zoning Ordinance.
- d. Renewal Report. Before renewing a special land use permit for a mining and extraction operation, and 60 days prior to each annual anniversary of a special land use permit, a permit holder must submit to the Planning Commission for approval a report of the land use's operations necessary for the Annual Compliance Review. This Renewal Report shall include:
- i. Materials related to all complaints received by the permit holder and all permit holder actions to resolve such complaints;
  - ii. Copies of all permits obtained and renewed during the past year from local, state, and federal governmental entities related to the operation of a mining and extraction operation;
  - iii. Materials related to all inspection reports conducted on a mining and extraction operation;
  - iv. Information outlining all materials, including aggregates, imported to a mining and extraction operation;

- v. A description of the expected future extraction operations and locations of future extraction operations;
  - vi. A description of restoration and reclamation activities performed to date and plans for reclamation activities in the future;
  - vii. Proof of a financial guarantee and liability insurance compliant with this Ordinance;
  - viii. Information related to any changes in or withdrawal of any permits required by this Ordinance; and
  - ix. Any information reasonably requested by the Planning Commission to determine if a permit shall be renewed.
- e. Inspections. Mining and extraction operations are subject to site inspections as determined by the Township. As a condition of obtaining a special land use permit, applicants and permit holders are deemed to have authorized these inspections and will cooperate fully in making the mining and extraction operations available for inspections. If violations of the conditions of the Special Land Use permit are determined based on the inspection, the Special Land Use permit may be invalidated, revoked or terminated pursuant to the Zoning Ordinance.
- f. Lot Size. Mining and extractions operations shall occur on a parcel with a minimum lot size of 10 acres.

### 3. Application for Special Land Use Permit for Mining and Extraction Operation

- a. Applicants who apply for a special land use permit for a mining and extraction operation must, in addition to all the information required for a special land use permit application (12 copies of the full application shall be provided), include the following information:
  - i. **Site Plan:** Applicants must submit a preliminary and final site plan under the Zoning Ordinance. Site plans for mining and extraction operations include the following information in addition to the information requirements in Chapter 15 of the Zoning Ordinance:
    - 1. The proposed excavation area;
    - 2. A list of any deed restrictions and easements of record appearing in the chain of title;

3. The location and size of sediment ponds, drainage diversions, and offsite discharge points; and
4. The location of permanent site equipment.

**ii. Hydrogeological Report:**

1. A Hydrogeological Report is required where a proposed mining and extraction operation plans to extract material from below the water table and requires the use of dewatering, defined as the removal of water from the site. If required, applicants must submit a Hydrogeological Report by a registered professional engineer, certified geologist, or other qualified individual selected and/or approved by the Planning Commission, regarding hydrogeological impacts from a proposed mining and extraction operation. This report shall include the items listed below:
  - a. Evidence that shows an applicant will obtain all necessary permits required by local, state, and/or federal governmental agencies including all permits required by the Michigan Department of Environment, Great Lakes, and Energy or its successor agency.
  - b. Test pumping data at the proposed site and computations used to assess any potential site dewatering impacts;
  - c. Information regarding the direction and rate of groundwater movement and how this movement will be impacted by a proposed mining and extraction operation;
  - d. Information identifying the water up-gradient and down-gradient;
  - e. Information identifying aquifer characteristics when an applicant plans to use soil dewatering or plans to extend extraction operations within 20 feet of the highest recorded groundwater level;
  - f. Information discussing any impacts on surrounding water supply wells;

- g. Identification and locations of any proposed monitoring wells that are consistent with all local, state, and federal laws and regulations;
  - h. Information documenting the effect of the proposed operation on the surrounding area's watershed;
  - i. Information documenting the operation's effect on any wetlands;
  - j. Should an applicant create any water bodies; information outlining the life-span of such bodies of water, the depth of such bodies, and any impacts they will have on surrounding land used; and
  - k. Any other information requested by the Planning Commission reasonably related to whether to grant a special land use permit.
- iii. **Extraction Master Plan:** Applicants must submit an extraction master plan that assesses the operation's impact on natural features of the property and outlines their proposed operation by including:
- 1. A statement outlining compatibility with surrounding land uses;
  - 2. Information describing proposed excavation methods, including projected depths and drainage methods;
  - 3. A plan to control the impacts of dust from the operation;
  - 4. Information regarding the amount of material and types of material to be taken from the site;
  - 5. Information regarding the market's demand for the materials to be extracted from the site;
  - 6. Information regarding proposed clearance methods and debris clean-up;
  - 7. Information regarding how an applicant plans to control erosion;



8. Information regarding the control or storage of ponded or surface water;
9. A statement outlining the type of mobile and nonmobile equipment to be used at the site, including, but not limited to, available manufacturer specifications regarding noise levels, size, height, and operational characteristics;
10. The location of the proposed haul routes including where traffic will enter and exit the proposed mining and extraction operation;
11. A vertical aerial photograph enlarged to a scale equal to one (1) inch equal two hundred (200) feet, which identifies site boundaries, land uses within one half (1/2) mile of the parcel, and proposed locations of all extraction activities and phases;
12. Proposed plans regarding fencing and signage;
13. Information relating to the time, duration, phasing, and proposed work schedule of the total project;
14. Identification of all materials, including fill imported to the site and its necessity to a mining and extraction operation;
15. Information discussing necessary permits from any local, state, and/or federal governmental entity necessary to conduct the proposed operation and how the applicant intends to obtain or has obtained the necessary permits. An applicant must provide a sworn affidavit that they will obtain and comply with all necessary permits from governmental agencies and provide a copy of the permits to the Planning Commission for review, before operating a mining and extraction operation;
16. Information related to proposed drainage systems, settling ponds, and retention ponds as appropriate;
17. A description of the area from which extraction will take place in the first year of operation and likewise for each successive year to completion; and
18. Topography information based on United States Geological Survey (USGS) or North American Vertical Datum (NAVD) data

for the site, or similar acceptable sources, and 100 feet of adjoining property showing:

- a. Existing and Proposed Contours at two (2) foot intervals for property 5 acres and greater;
- b. Existing and Proposed Contours at one (1) foot intervals for property less than 5 acres.

19. Any other information deemed reasonably required by the Planning Commission to determine whether a permit should be issued or not.

iv. **Land Reclamation Plan:** Applicants must include a land reclamation plan prepared by a State of Michigan licensed professional engineer, landscape architect, or other State of Michigan licensed qualified professional, selected and/or approved by the Planning Commission, that identifies, at the minimum, the following:

1. The anticipated future use of the restored land;
2. Steps to be taken to preserve topsoil;
3. The placement of a three (3) inch layer of arable topsoil over the excavated area, except exposed rock surfaces or areas lying below natural water level, in accordance with the proposed reclamation use;
4. Identification of all structures and equipment that must be removed from the premises upon completion of the extraction activity other than those necessary for reclamation;
5. The restoration of the site topography so that no gradients in the disturbed area are steeper than a slope of 1:4;
6. Identification of fill and soils to be used. Fill and soils must be of sufficient quality to be well-drained and non-swelling and cannot be overly compacted. To the extent the reclamation plan involves the construction or development of buildings, fill and soils must be of proper bearing capacity to support foundations and waste disposal systems.

7. Location and extent of all natural features to be retained after extraction operations, including but not limited to wetlands, streams, and wooded areas;
8. The slope of all restored areas;
9. Proposed completed topography at contour intervals of not more than five feet;
10. A schedule describing the phases of reclamation. All areas shall be progressively restored to mitigate hazards and to blend with the general surrounding environment to appear reasonably natural. Applicants must restore land as soon as reasonably practical once extraction activities cease on a portion of a mining and extraction operation;
11. Proposed ground cover and other plants to stabilize the soil surface and to restore the area;
12. A description of the methods and materials to be utilized restoring the site;
13. A sketch plan of the proposed use of the restored site when restored;
14. An estimate of the costs to restore land impacted by the mining and extraction operation in compliance with the Township Zoning Ordinance including an itemized list of how the applicant calculated such costs; and
15. Any other information deemed reasonably required by the Planning Commission to determine whether a permit should be issued or not.

#### 4. Financial Guarantee

- a. Guarantee. To ensure successful restoration of a mining and extraction operation, an applicant must deposit with the Township cash, a certified check, irrevocable bank letter of credit, or a performance bond acceptable ("Financial Guarantee") to the Township before issuance of a special land use permit. The Planning Commission will review and determine the amount required in the Financial Guarantee so it can sufficiently restore the disturbed area of the site. In determining the amount of such security, the Planning Commission shall take

into account the size and scope of the proposed excavation, probable cost of reclamation of the site upon default of operator, recommendation of appropriate consultants, estimated expenses, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application. The costs of restorations will include the administrative costs to the township for performing restoration. In addition to the Financial Guarantee, applicants must enter into a Restoration Agreement with the Township to the satisfaction of the Township that outlines when the Township may draw from the Financial Guarantee to restore a disturbed site.

- b. The Financial Guarantee shall be submitted by applicant prior to the issuance of any permit and shall be held by the Township until restoration is completed and has been approved by the Township. At no time shall any excavation be undertaken or continued unless, and until the Township receives an acceptable Financial Guarantee and an executed Restoration Agreement
- c. Insurance. The applicant shall maintain liability insurance (for property damage and bodily harm specific to proposed site) in an amount determined reasonable by the Planning Commission, shall name the Township as an additional insured, and provide the Township with a copy of the insurance policy to be kept on file with the Township Clerk.

**5. Specific Operating Requirements**

A mining and extraction operation is subject to all the Specific Operating Requirements below.

- a. Setbacks.

Activity	Setbacks <sup>1</sup> (ft.)		
	From Adjoining Property Line		From Public Streets
	Adjoining Property With Residence	Adjoining Property Without Residence	
Mining/Excavation	200	100	100
Loading and Weighing <sup>2</sup>	200	100	300
<b>Processing:</b>			
Stationary Plant <sup>3</sup> : Screening and Washing	500	300	300
Portable Plant <sup>4</sup> : Screening and Washing	200	100	100
<b>Stockpiling</b>	200	150	150
<b>Landscaping Berm<sup>5</sup></b>	10	10	10
Natural Features <sup>6</sup>	--	--	--

<sup>1</sup>Setback: defined as the distance from the property line or edge of the public street. The setback for mining operations may not be used for any use related to an extraction operation, except access roads, berms, fencing, and public notice signs identifying the use as an excavation.

<sup>2</sup>Weighing via on-board scales

<sup>3</sup>Stationary Plant: immobile mining equipment/machines that are fixed in place.

<sup>4</sup>Portable Plant: mining equipment/machines that are easily moved and transported.

<sup>5</sup>Landscaping Berm: the berm shall be located within the mining operation setbacks listed in the table above. Refer to this Ordinance for further discussion regarding landscaping berm.

<sup>6</sup>Natural Features: 50 foot natural feature setback shall be maintained from the ordinary high water mark (shoreline) of any lake, pond, or stream and to the edge of any drainageway or regulated wetland.

- b. The setback areas shall not be used for any use related to an extraction operation, except access roads, berms, fencing, and public notice signs identifying the use as an excavation. All physical limits on the extent of extraction shall be clearly identified on the site plan and restoration plan approved by the Planning Commission.
- c. Complaint Resolution. Mining and extraction operations must provide and post on an area accessible to the public a sign that notes a telephone number to call with any complaints related to a mining and extraction operation. Permit holders must keep a log of all complaints received from the number referenced above and detail: (1) all complaints received and a description of each complaint; (2) action taken to resolve each complaint; and (3) any action taken to prevent future similar complaints.
- d. Building Line for Operation Structure. To reduce effects of airborne dust, dirt, and noise, all equipment and structures for sorting, crushing, and loading, excluding scales, shall not be built or located closer than five hundred (500) feet from any public street right-of-way or from any adjoining property line.
- e. Access/Road Maintenance Agreement. All means of access to the property shall only be from roads designated by the Jackson County Department of Transportation and shall not be from private roads unless authorized by the Planning Commission. The Planning Commission shall have the discretion to review and approve all proposed haul routes. The first 150 feet of access into a mining and extraction operation from the edge of a public road may not be gravel and must be paved (e.g. by asphalt concrete or Portland cement concrete). Permit holders must enter into a road maintenance agreement with the Jackson County Department of Transportation or other applicable governmental entity to maintain roads utilized as part of an operation's haul route in a well-maintained manner that ensures pedestrian and traffic safety.
- f. Gates and Fences. All access points to a mining and extraction operation must include a lockable gate. Said gates shall be closed and locked at all times except

during the permitted hours of operation. The perimeter of the operation where excavation has occurred or is being conducted shall be fenced with a six (6) foot high woven wire fence. The fence shall well-maintained at all times and in good repair. All required gates and fencing must be installed before any mining or extraction operation commences unless waived by the Planning Commission.

- g. Signs. Mining and extraction operations must post warning signs at 200-foot intervals along the perimeter of the property that inform the public to keep out of the property.
- h. Noise, Vibration, and Air Pollution. Any noise, odors, smoke, fumes, or dust generated on said property by any digging, excavating, loading or processing operation borne, or able to be borne, by the wind shall be controlled so as not to cause a nuisance or hazard to any adjoining property or road.
- i. Pollution of Waters. The removal or storage of materials shall not cause unauthorized contamination by any material to any body of water.
- j. Access Roads. All private access roads shall be treated to minimize dust creation.
- k. Slopes. Finished and restored slopes of the banks of the excavation shall in no event exceed a minimum of four (4) feet to one (1) foot (four feet to one foot vertical). Where ponded water results from the operations, slopes must be maintained and extended into the water to a depth of five (5) feet.
- l. Elevation of Plant Site. Wherever practical, all aggregate processing plants shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual and noise of the plant structure.
- m. Stockpiles. There shall be no stockpiling or equipment storage or repair on the site outside of any required screening berms or closer than two hundred (200) feet from any property line or any public highway right of way. Stockpiles of stripped topsoil shall be seeded with grass or other materials so to prevent erosion.
- n. Water and Sewage Disposal. On-site domestic water supply and domestic sewage disposal systems shall be approved, if required, by the Jackson County Health Department.
- o. Survey Markers. Permanent and readily visible markers shall be placed and maintained which show where surveyed lines of road rights-of-way, property lines, and setback lines exist. The markers shall be a minimum of five (5) feet in

height and be placed along the required locations around the site. Such shall be placed at a distance, not to exceed three hundred fifty (350) feet for each marker. The markers shall be placed at intervals so that the line of sight from one marker to two adjacent markers is visible.

- p. Material Importation. Mining and extraction operations may not import any materials, including aggregates or soils, unless disclosed in an approved Extraction Master Plan or Land Reclamation Plan.
- q. Crushing. Crushing of non-native or imported material is prohibited.

## 6. Hours of Operation

- a. Mining and extraction operations may only occur between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday, and between 7:00 A.M. and 2:00 P.M. on Saturday. Operations on Saturday shall be for load out only, no extraction or processing.
- b. Transporting and Loading. No transporting or loading of aggregates from the site shall be permitted prior to 7:00 A.M. and after 6:00 P.M., Monday through Friday, and prior to 7:00 A.M. and after 2:00 P.M. on Saturday.
- c. Repair of Equipment. Repair and maintenance of equipment site shall be permitted only during the hours of 6:00 A.M. through 9:00 P.M. Monday through Friday and 6:30 A.M. through 5:00 P.M. on Saturdays.
- d. Sunday Operations. No operations may occur on Sundays.
- e. Operations on Holidays. No operations may occur on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, and Christmas Day.

## 7. Landscaping

- a. Landscaping Plan Required: A separate detailed landscape plan must be submitted as part of a special land use permit for a mining and extraction operation to minimize negative impacts on adjacent properties. The landscape plan shall be prepared at a minimum scale of 1"= 100' and identify all berms. The landscape plan shall include the following items:
  - i. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Ordinance.

ii. Identification of grass and other proposed ground cover and method of planting.

iii. Identification of existing trees and vegetative cover to be preserved.

b. Berms. The construction of a screening berm shall be initiated immediately upon the initiation of extraction operations on a site and shall be completed within three months of the of such extraction operations. Berms serve to visually screen the operations on the site as well as reduce noise and dust from properties. Berms shall be located as indicated on the approved site and landscaping plans and shall meet the following requirements.

- i. Berms shall be located along all sides of active extractive or processing operations that abut a public or private road or a parcel requiring a 200-foot setback under this Ordinance and on which a dwelling is currently.
- ii. Berms shall be of a slope of one foot of vertical rise for each two feet of horizontal run. The location and height of berms must be adequate to visually screen the operation.
- iii. Berms must be designed to prohibit changes in drainage patterns on abutting properties and rights-of-way.
- iv. Berms must be seeded or otherwise planted maintained with vegetative character of the area. Trees, shrubs and ornamental grasses may be included in the landscaping to enhance the screening function.
- v. Berm plantings include at a minimum, one coniferous tree of at least six feet in height per forty linear feet of berm where the Planning Commission finds such screening is necessary to minimize negative visual or audio impacts upon abutting roads and parcels. The trees shall be located between the berm and the property but not in any right of way, or located on the berm. All plantings proposed along or on berms or otherwise in setback areas shall be of an informal character, such as but not limited to shrubbery or ornamental grasses, rely on native species, and include a combination of coniferous and deciduous plant material.
- vi. Berms may be removed in the process of reclamation when the operations that were being screened have moved or have been completed.



- c. Quality of Plant Material. Plant material and grasses shall be of acceptable varieties and species, free of insects or diseases, and hardy to the climate. Plant species that are generally considered undesirable due to limited disease tolerance, low wood strength, and/ or high tendencies toward splitting of wood, such as box elder, mulberry, and willows, are not permitted unless authorized by the Planning Commission. Plant material shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within (1) year of or death or the next appropriate planting period, whichever comes first.
- d. Unexcavated Areas. Unexcavated areas shall be left in such a condition to ensure growth of vegetation, soil stabilization and erosion control. Topsoil of a quality equal to that occurring naturally in the area shall be replaced, if necessary, to a depth of four (4) inches on unexcavated areas that have been disturbed.

## **8. Waiver and Modification**

- a. Permit holders must notify the Township of any changes of operations contrary to any application materials submitted as part of a special land use permit for a mining and extraction operation. The Township Planning Commission must approve these changes in writing.
- b. The Planning Commission reserves the rights to waive requirements in this section if it determines that some requirements are not necessary or do not apply to a proposed mining and extraction operation.

## **II. Restaurants With Drive-Through Services**

1. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.
2. Driveways shall meet the applicable District Regulations and be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
3. Minimum lot width shall be two hundred (200) feet.
4. Sufficient stacking area shall be provided to ensure that vehicles are not waiting on any adjacent public or private street to enter the site.

## **JJ. Roadside Stands for Sale of Produce Grown on Premises**

1. Only produce grown by the farm on which the roadside stand is situated shall be sold.

2. The Planning Commission may require a six (6) foot or greater fence or wall to be constructed along the rear and/or sides of the area used for the roadside stand to keep trash, paper, and other debris from blowing off the premises.
3. All such businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
4. No display area shall be located within ten (10) feet of a street right-of-way line.
5. The area used for parking for customers shall be off-street, out of the street right-of-way, and no closer than twenty (20) feet from the pavement.
6. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from the nearest part of any street intersection.

#### **KK. Self-Service Storage Facilities**

1. Self-service storage facilities shall be devoted exclusively to the rental of enclosed storage space and outside storage space for vehicles. No other wholesale, retail, industrial or other business use shall be operated from the facility.
2. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited.
3. Other than the storage of vehicles, all storage shall be contained within a building. All vehicle storage shall be screened from the view of neighboring properties and public streets.
4. All storage units must be accessible by safe drives, clearly marked to distinguish direction of traffic flow and separate from the parking lanes. Parking lanes a minimum of ten (10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane-driveway must maintain the following minimum standards:
  - a. When storage units open onto both sides, thirty-six (36) feet of width shall be provided for one-way traffic, and forty (40) feet of width for two-way traffic
  - b. When storage units open on one (1) side only twenty-six (26) feet of width shall be provided for one-way traffic and thirty (30) feet for two-way traffic.

#### **LL. Skilled Trade and General Construction Contractor's Offices, Warehouses, and Yards.**

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for

parking, loading, or other activities.

**MM. Solid Waste Transfer Stations and/or Solid Waste Processing Facilities**

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

**NN. State Licensed Residential Group Care Facilities**

1. The property shall be maintained in a manner that is consistent with the character of the neighborhood.
2. It shall be located at least one thousand five hundred (1,500) feet away from other group day care homes, adult foster care group homes, substance abuse treatment centers servicing seven (7) or more people or community correction centers, resident homes and halfway houses for inmates under the jurisdiction of the Department of Corrections.
3. Adequate off-street parking for employees shall be provided.
4. Required state licenses shall be maintained with the Township.

**OO. Taverns**

1. No person shall operate or maintain or cause to be operated or maintained a tavern within five hundred (500) feet of:
  - a. A church, synagogue, mosque, temple or other building used primarily for religious worship and related religious activities.
  - b. A public or private educational facility, including child day care facilities, nursery schools, preschools, public or private elementary or high schools, vocational schools or special education schools. For purposes of this subsection, the term "school" shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.
  - c. Family day care homes or group day care homes.
  - d. A lot devoted to a residential use.
2. Driveways shall meet the applicable District Regulations.
3. The proposed site shall have direct access to a County Primary Road, or State Highway. The Planning Commission may permit access to a local road in cases where the traffic impact will not place an inordinate burden on the roadway or adjacent properties.

**PP. Tool and Die, Job, Machine, and Skilled Trade Shops**

1. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred and fifty (150) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet of the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

**QQ. Trucking Terminals**

1. Minimum lot area shall be three (3) acres and minimum lot width shall be two hundred and fifty (250) feet unless the District in which the use is located requires a greater lot width.
2. No parking shall be allowed in the first thirty-five (35) feet from the front yard.
3. The first twenty-five (25) feet of the side yard shall be landscaped and not used for parking, loading, and other activities.
4. The first ten (10) feet of the rear yard shall be landscaped and not used for parking, loading, or other activities.

**RR. Veterinary Clinic**

1. Any building or fenced area where animals are kept shall be located a minimum of two hundred (200) feet from any public right-of-way, one hundred (100) feet from any property line, and one hundred-fifty (150) feet from any residential dwelling located off the premises.
2. The clinic shall be established and maintained in accordance with all applicable State, County and Township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.
3. The following minimum setbacks shall be maintained for any buildings housing animals or other activities related to the clinic:
  - a. Front yard setback - sixty (60) feet.
  - b. Side yard setback - thirty (30) feet.
  - c. Rear yard setback - fifty (50) feet.

**SS. \*Agricultural Business**

1. **Intent.** The intent of this section is to promote the preservation and viable use of existing property and structures of recognized agricultural heritage in a manner that is harmonious with neighboring properties while maintaining peace and quiet of the area.

2. **Permitted Use of Agricultural Business.** Consideration of a Special Land Use Permit for Agricultural Business requires review of the following conditions, in addition to the conditions generally applicable to all Special Land Uses as described in Chapter 14.
- a. All parking must be located on site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved. There shall be sufficient on-site parking provided to accommodate all vehicles related to the events with no on-street parking or parking on a neighboring parcel without the written permission of the owner and occupant of that parcel. All parking areas shall be clearly marked and shall be adequate to satisfy the volume of anticipated or actual use. Dust and drainage from the parking area shall not create a nuisance or hazard to adjoining property or uses. Parking shall not be within any recorded conservation easement.
  - b. All events shall be located on-site not less than one hundred (100') feet from any property line and not less than two hundred (200') from any neighboring residence existing at the time the use is approved.
  - c. Sight and sound barriers such as walls, berms and/or vegetation screens may be required in order to minimize impacts to neighboring properties.
  - d. Applicant must demonstrate, via specific and certified written plans, approved by the Township, that all structures related to an Agricultural Business are structurally safe and adequately protected against the risk of fire. The maximum occupancy of all such structures shall be included in any application for an Agricultural Business.
  - e. All event areas shall be depicted on a site plan as required by Chapter 15 of this Ordinance.
  - f. Applicant shall provide a notarized written statement, satisfactory to the Township, indemnifying and holding the Township harmless for any loss, damage, personal injury, or other liability associated with an Agricultural Business. This statement shall include a provision agreeing to pay any attorney's fees the Township incurs in defending itself in a suit related to an Agricultural Business occurring on the relevant property or the activities occurring as a part of such events, including if such a suit is filed challenging the approval of a permit authorized by this Section.
  - g. Applicant shall provide proof of proper insurance naming Grass Lake Charter Township as an additional insured. This proof of insurance shall be provided to the Township annually, or upon demand of the Township Zoning Administrator. A certificate of insurance shall not be adequate to satisfy the requirements of this Section.
  - h. A Special Land Use Permit for an Agricultural Business shall be valid for five (5) years from the date of issuance. Upon expiration, a Special Land Use Permit may be reissued after an additional application as provided by this Section.
  - i. Applicant shall provide a plan detailing the management and operation of an Agricultural Business. The plan must address the following:

1. How the use meets the intent of this Section, the Zoning District in which the Agricultural Business will take place, and the Ordinance as a whole;
2. Proper sanitation, including the type, location of, and frequency of trash or garbage disposal;
3. Preparation and source of food related to Agricultural Business will be prepared and served;
4. Availability and service of alcoholic beverages will be provided and served, including whether proper licenses have been obtained regarding the same;
5. Potential traffic concerns, including a description of the volume and frequency of increased traffic, and, if alcoholic beverages are to be served at an Agricultural Business, measures Applicant will have in place in order to prevent drunk driving;
6. Use of outdoor areas, including a description of where each specified use is anticipated to occur;
7. The volume and duration of music played in connection with an Agricultural Business, including whether such music is to be provided by a live band or disc jockey, whether amplification equipment shall be used, and measures to be taken to mitigate the effects of any sounds originating from an Agricultural Business on neighboring properties;
8. Operating hours and frequency of events;
9. Security to be provided while an Agricultural Business is operational;
10. Measures to ensure that events shall end on a timely and consistent basis;
11. Anticipated size and location of all structures or outdoor areas in which an Agricultural Business will occur, the average attendance during normal operation of the Agricultural Business, and the minimum and maximum number of people permitted at the same;
12. The location, type, and hours of operation of outdoor lighting associated with an Agricultural Business, including measures to prevent such light from interfering with the use or enjoyment of neighboring properties.

\*(Amendment 6-12-2018)

## TT. Large Solar Energy Systems

- A. Purpose and Intent: The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the Agricultural and Light Industrial Districts as a Special Land Use.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn

to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:

1. All requirements for a site plan contained in Chapter 15 of the Zoning Ordinance.
2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
4. Vicinity map showing the location of all surrounding land uses.
5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
6. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Jackson County Department of Transportation or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and

- access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomic or an Abandoned Solar Energy System.
  13. A copy of the manufacturer's safety measures.
  14. Planned lighting protection measures.
  15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
    - a. Impact on area water resources
    - b. Impact on air quality
    - c. Noise impacts caused by the Solar Energy System
    - d. Impact on utilities and infrastructure
    - e. Protection of neighboring property owners and children
    - f. Impact on wildlife
    - g. Effects on floodplains and wetlands
    - h. Unique farmlands or soils
    - i. Areas of aesthetic or historical importance
    - j. Archeological or cultural concerns
    - k. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility



16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Jackson County Drain Commission.
  17. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
  18. Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
- C. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Special Land Use Permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
- D. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any Special Land Use Permit under this section.

- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the Township.
- F. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- G. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- H. Setbacks: A minimum setback distance of forty (40) feet from all property boundaries on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 (eight) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this

Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Special Land Use Permit.

2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Special Land Use Permit previously granted.
  3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- K. Signage: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the Special Land Use Permit or other applicable law.
- L. Noise: No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of

the project.

- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- N. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- O. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- P. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review prior to issuance of the Special Land Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
- Q. General Standards: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit unless it finds that all of the applicable standards for Special Land Uses contained in Chapter 14 of this Ordinance are met, or will be met through the implementation of appropriate conditions.
- R. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- S. Conditions and Modifications: Any conditions and modifications approved

by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.

- T. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- U. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- V. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Jackson County Department of Transportation or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
- W. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:

1. Continuing Restoration Security: If a Special Land Use Permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.
  
2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Special Land Use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Land Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- X. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a Special Land Use.
- Y. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a Special Land Use Permit is granted, and must be completed within a period of three (3) consecutive years from the date a Special Land Use Permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval. Failure to complete construction within the permitted time period shall result in the approved Special Land Use Permit being rendered null and void.
- Z. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
- AA. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.  
(Amendment 12-11-2018)

**UU. Medium Solar Energy Systems**

- A. Purpose and Intent: The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Medium Solar Energy Systems within the Agricultural and Light Industrial Districts as a Special Land Use.
- B. Requirements: Medium Solar Energy Systems require a Special Land Use Permit and are subject to all provisions applicable to Large Solar Energy Systems as set forth in Chapter 14, Section 14.07(TT) of this Ordinance, except the following subsections or parts thereof:
1. Subsection (B), part 3;
  2. Subsection (B), part 17;
  3. Subsection (Z). (Amendment 12-11-2018)



## **CHAPTER 15**

### **SITE PLAN REVIEW**

#### **SECTION 15.01 INTENT**

The intent of this Chapter is to require site plan review and to provide for consultation and cooperation between the developer and the Township so as to realize maximum utilization of land and minimum adverse effects upon the surrounding land uses. Through application of these provisions, compliance with the Zoning Ordinance and the Master Plan of the Township will be assured, and the township will develop in an orderly fashion consistent with public health, safety and welfare.

#### **SECTION 15.02 SITE PLANS REVIEWED**

- A. A review of a final Site plan will be required by the Planning Commission in the following circumstances:
1. All special land uses.
  2. All Permitted Uses in the HC, GC, LI, R-3, R-4 and LI/HC Districts, except as noted in B, below, including existing main buildings or principal uses where an alteration, addition, expansion, change or conversion constitutes an increase to the existing structure or use in excess of one thousand (1,000) square feet.
  3. All site condominium developments.
  4. All Large Solar Energy Systems. **(Amendment 12-11-2018)**
  5. All Medium Solar Energy Systems; and **(Amendment 12-11-2018)**
  6. All Planned Unit Developments.
- B. The Zoning Administrator shall be responsible for site plan review and approval for one-family detached dwellings, two-family dwellings, agricultural uses, family day care and family foster care facilities, and accessory buildings and uses.

#### **SECTION 15.03 PRELIMINARY SITE PLAN**

- A. A preliminary site plan shall be submitted for review on A1, A3, A4, (above), by the Planning Commission prior to a review of a final site plan. The purpose of a preliminary review is to confirm compliance with Township standards, policies and relationship to the Master Plan, as well as to suggest changes necessary, if any, for the final site plan approval.
- B. Twelve (12) copies of a preliminary site plan, along with a completed application form and required fees, shall be submitted to the Zoning Administrator at least twenty (20) days prior to consideration by the Planning Commission, and shall include the information meeting the requirements set forth in Section 15.06, unless deemed unnecessary by the Zoning Administrator. Incomplete applications shall not be considered.

- C. The Planning Commission shall review the preliminary site plan and recommend changes necessary, if any, for the final site plan review. Review of the preliminary site plan by the Planning Commission shall vest no rights for approval of the final site plan.

#### **SECTION 15.04 FINAL SITE PLAN**

- A. All final site plans shall be submitted to the Zoning Administrator at least twenty (20) days prior to the next scheduled meeting of the Planning Commission and shall include the following information unless deemed unnecessary by the Zoning Administrator. Incomplete or partial applications shall not be accepted.
1. A completed application form.
  2. A minimum of twelve (12) copies of the site plan meeting the requirements set forth in Section 15.06. Incomplete site plans will not be accepted.
  3. Required fees.
- B. Upon receipt of a complete application and site plans, the Zoning Administrator shall place the application on the next Planning Commission agenda.
- C. The Planning Commission will consider the application and take one (1) of the following actions:
1. **Approval:** Upon a finding that the application and site plan meet the Site Plan Review Standards of Section 15.05, the Planning Commission shall approve the site plan.
  2. **Approval with Minor Revisions:** Upon a finding that the application and site plan meets the Site Plan Review Standards of Section 15.05, the Planning Commission shall approve the site plan, except for minor revisions which can be made and confirmed without further technical review, the Planning Commission may approve the site plan, conditioned upon the required revisions being made and reviewed by the Zoning Administrator.
  3. **Tabling:** Upon a finding that the application and site plan do not meet the Site Plan Review Standards of Section 15.05, but could meet the Review Standards with revisions, the Planning Commission may table the request until the revised Plan is resubmitted to the Planning Commission. After resubmission, the Commission may approve, approve with minor revisions, table the plan for further revisions, or deny the site plan.
  4. **Denial:** Upon finding that the application and site plan do not meet one (1) or more of the Site Plan Review Standards of Section 15.05 and that revisions necessary to meet those criteria are so extensive as to require the preparation of a new site plan, the Planning Commission shall deny the final site plan.

- D. Upon approval of the Final Site Plan, the Planning Commission Chair, or the Chair's designee, shall sign three (3) copies. One (1) signed copy shall be made a part of the Township's files; one (1) copy of the Final Site Plan shall be forwarded to the Building Official for issuance of a building permit; and one (1) copy shall be returned to the applicant.

## **SECTION 15.05 FINAL SITE PLAN REVIEW STANDARDS**

The site plan shall be reviewed and approved upon a finding that the following standards are met:

- A. The arrangement of buildings, outside storage receptacles, parking areas, screen walls and utility areas will not be injurious to the surrounding neighborhood.
- B. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas and provisions have been made for acceleration, deceleration and passing lanes or approaches so as to preserve the safety and convenience of pedestrian and vehicular traffic.
- C. The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
- D. The site plan provides for proper development of streets, easements and public utilities and protects the general health, safety, welfare, and character of the township.
- E. The site plan meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, stormwater facilities, parking lots, driveways, water mains, sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the Township Engineer and set forth in the Township Design and Construction Standards.
- F. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
- G. Natural resources will be preserved to the maximum extent possible by developing in a manner which will not destroy or have a detrimental affect on natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater and woodlands.
- H. The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.
- I. The proposed development will compensate for soil erosion or sedimentation control.

- J. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site.
- K. Wastewater treatment systems, including on-site septic systems will be located and designed to minimize any potential degradation of surface water or groundwater quality.
- L. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.
- M. The location of buildings, parking, drives, landscaping and other improvements on the site is appropriate and consistent with professional design standards for the lot size, shape and general location.
- N. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
- O. The proposed use is in compliance with all Township Ordinances and any other applicable laws.

**SECTION 15.06 SITE PLAN REQUIREMENTS**

Site plans shall consist of an overall plan for the entire development. A site plan submitted for review and approval shall contain all of the following data prior to its submission to the Planning Commission for review, unless deemed unnecessary by the Zoning Administrator.

<b>PRELIMINARY SITE PLAN REQUIREMENTS</b>
Small scale sketch of an area within one quarter (1/4) mile of the subject property showing the property location.
Existing adjacent and proposed streets, existing buildings or structures, and curb cuts within one hundred (100) feet of the property.
All lot lines with dimensions.
Parking lots (including required parking calculations) and access points.
Proposed buffer strips or screening.
Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, flood plains, hills, and other significant natural features.
Existing and proposed buildings, and location of any signs not attached to the building
General topographical features including contour intervals no greater than ten (10) feet.
Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space including dwelling unit densities by type, if applicable.

Proposed method of providing storm drainage, sewer and water service, as well as other public and private utilities.
Any other information deemed necessary to properly illustrate the development concept to the Planning Commission.
Sewer Capacity Assessment from the Regional Utility Authority and Engineering firm for hook-up to the waste water treatment plant as applicable.

<b>FINAL SITE PLAN REQUIREMENTS</b>
<b>General Information</b>
Sheet size shall be at least 24" x 36" with plan view drawn to a scale of 1" = 50', for property less than three acres or 1" = 100' for property three or more acres.
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions;
Legal and common description of property
Scale of site plan, and North point
Location map drawn at scale of 1"= 2,000' with north point indicated, including proximity to major thoroughfares and section corners
Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal
Zoning classification of petitioner's parcel and all abutting Parcels
Gross acreage figure
<b>Physical Features</b>
Proposed lot line, property lines and all structures, parking areas, etc. within the site, and within 100 feet of the site. Centerline of existing and proposed right of way line of any street.
Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within 100 feet of the site
Acceleration, deceleration and passing lanes and approaches
All site lighting, including building and parking areas and other security areas. Plans shall show height and type of light fixture.
Proposed locations and dimensions of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use
Location of existing and proposed service facilities above and below ground, including Well sites
Septic systems and other wastewater treatment systems. The location of the septic tank and the drain field (soil absorption system) should be clearly shown.
Chemical and fuel storage tanks and containers
Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels
Water mains, hydrants, pump houses, standpipes and building services and sizes, where applicable
Sanitary sewers and pumping stations, where applicable
Storm water control facilities and structures including storm sewers, retention and detention basins, drainage ways and other facilities, including calculations for size
Location and dimension of all easements
Location and dimensions of all existing and proposed structures with dimensioned floor plans, setback and yard dimensions and typical elevation views
Trash receptacle and transformer pad location and method of screening
Dedicated road or service drive locations
Entrance details including sign locations and size
Designation of fire lanes
Any other pertinent physical features

<b>FINAL SITE PLAN REQUIREMENTS</b>
<b>Natural Features</b>
Social characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Jackson County, Michigan", 1981
Existing topography with a maximum contour interval of 2 feet. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of 2 feet, correlated with existing contours so as to clearly indicate required cutting filling and grading.
Location of existing drainage courses and associated bodies of water, on and off site, and their elevations
Location of existing wetlands
Location of natural resource features, including woodlands and areas with slopes greater than 10% (1 foot of vertical elevation for every 10 feet of horizontal distance)
<b>Additional Regulations for Residential Developments</b>
Density calculations by type of unit by bedroom counts
Designation of units by type and number of units in each building
Carport locations and details where proposed
Specific amount and location of recreation spaces
Type of recreation facilities to be provided in recreation space
Detail of Community Building and fencing of swimming pool, if proposed
<b>Additional Requirements for Commercial and Industrial Developments</b>
Loading/unloading areas
Total of usable floor area
Number of employees at peak use

**SECTION 15.07 NOTICE OF ACTION OR RECOMMENDATION**

The Planning Commission shall note on a Final Site Plan any action or recommendation regarding that Plan and provide at least one (1) copy of that Plan together with any required written findings, conditions or reasons to the Clerk. A copy of the Planning Commission minutes shall be sufficient to satisfy this requirement.

**SECTION 15.08 BUILDING PERMITS**

After filing of the approved application and final site plan, satisfaction of any conditions of the approval and compliance with this and other Township Ordinances, a building permit may be issued. All development and construction shall be in complete conformity with the site plan as approved, together with any conditions imposed.

**SECTION 15.09 EXPIRATION OF APPROVAL**

- A. Final site plan approval is valid for a period of one (1) year from the date of Planning Commission action within which time all necessary Building or Construction Permits shall be secured and construction substantially commenced. The Planning Commission may grant an extension on site plan approval for up to one (1) additional year. All requests for extensions shall be made in writing prior to the expiration of approval, and include a

statement of why the extension is necessary and confirmation of ability to complete construction in conformity with the site plan as approved.

- B. Should the site plan approval expire, the approved site plan shall become null and void and a new site plan review application shall be submitted in order to receive site plan approval.

### **SECTION 15.10 SITE PLAN AMENDMENTS**

Amendments to an approved Final Site Plan may occur only under the following circumstances:

- A. The holder of a valid Final Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. The Zoning Administrator shall consider the following to be a minor change:
1. Reduction of the size of any building and/or sign.
  2. Movement of buildings and/or signs by no more than ten (10) feet provided that such movement does not cause a violation of this Ordinance or condition attached to the site plan approval.
  3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  4. Changes in floor plans that do not alter the character of the use or increase the amount of required parking.
  5. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
  6. Changes required or requested by the Township or a Jackson County department for health and safety reasons.
- C. Should the Zoning Administrator determine that the requested modification to the approved Final Site Plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter, including payment of a fee.

**SECTION 15.11 APPEAL OF DECISIONS**

A person aggrieved by the decision of the Planning Commission or Zoning Administrator with respect to an action regarding the Final Site Plan may appeal that in accordance with the requirements of Section 18.04, B.



## **CHAPTER 16**

### **OFF-STREET PARKING, LOADING, AND SITE ACCESS**

#### **SECTION 16.01 INTENT AND PURPOSE**

The purpose of this Chapter is to ensure the provision of off-street parking loading, and drive-through facilities that are sufficient in number, adequately sized and properly designed to meet the range of needs and demands that are associated with land uses allowed by this Ordinance. It is also the intent of this Chapter to regulate access to a site in the interest of public safety.

#### **SECTION 16.02 OFF-STREET PARKING – GENERAL REQUIREMENTS**

- A. Off-street parking for motor vehicles shall be provided as herein prescribed for the use of occupants, employees, and patrons of a principal use hereafter erected, altered, or expanded after the effective date of the Ordinance. Required off-street parking shall be maintained so long as the principal use remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.
- B. No off-street parking that exists at the time this Ordinance becomes effective or which is provided for the purpose of complying with provisions of this Ordinance shall thereafter be reduced below the requirements established by this Ordinance.
- C. The amount of required off-street parking spaces for new uses or buildings, and additions to existing building shall be determined in accordance with the Schedules set forth in Section 16.03. Where multiple uses occur, parking shall be calculated separately on the basis of each use.
- D. Parking and Vehicle Storage Restrictions
  1. Residential Districts
    - a. Outside parking of motor vehicles for each dwelling unit in Residential Districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light, delivery type, not to be provided in garages conforming to the provisions of this Ordinance.
    - b. The parking of a recreational vehicle for the purpose of temporary lodging shall be permitted within the Residential Districts for a period not to exceed fourteen (14) days.
  2. Commercial Districts
    - a. The requirement of off-street parking is not intended to provide for the storage of vehicles or prolonged parking in any parking area.
    - b. Parking or storage of trucks over one (1) ton and semi-trailers, except those owned and operated by the principal use of the lot, shall be prohibited for a period of more than twenty-four (24) hours in a month.
    - c. The only exception to this requirement shall be vehicle storage space used in conjunction with a motor vehicle repair use.

3. All Districts
  - a. Storage of products, materials, or equipment semi-trailers shall be prohibited in any District, except in the AG, LI, HC and GC Districts.
  - b. Sales of products, merchandise, or other materials from semi-trailers or other similar equipment shall be prohibited in any District.
- E. Location of Parking
  1. Parking facilities for nonresidential and multiple family residential uses shall be on the premises or within three hundred (300) feet thereof, as measured from the nearest point of the building the parking serves to the nearest portion of the parking lot, without crossing any major street.
  2. Off-street parking for all other uses shall be located on the same lot or parcel as the building or buildings they are intended to serve.
- F. Units and Methods of Measurement. For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
  1. Floor Area: Where floor area is the unit determining the required number of off-street parking spaces, it shall mean the gross floor area (GFA), unless otherwise noted, and except that the GFA shall not include areas within the main building used for housing of mechanical equipment, heating systems and similar uses.
  2. Employees: For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during operating hours of the use.
  3. Places of Assembly: In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- G. Similar Uses and Requirements: When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply, as determined by the Zoning Administrator.
- H. Deferred Parking
  1. Where an applicant demonstrates through parking studies or other relevant information that the requirements of Section 16.03 would be excessive, a final site plan may be approved designating portions of required parking spaces and paving reserved for future use. Likewise, a parking deferment may be imposed by the Township upon a finding that the standard parking requirements would be initially excessive, subject to the requirements of Section 16.02, I.

2. The deferred parking approval shall require reserved areas to be maintained in a landscaped appearance and shall include conditions under which the reserved parking areas must be paved.
3. Adding parking spaces in the deferred parking area may be initiated by the owner or required by the Zoning Administrator, based on parking needs, and shall not require the submission and approval of an amended site plan if originally included in the final site plan approval.

I. Maximum Parking Requirement

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces greater than ten percent (10%) of the number of spaces required by Section 16.03, except as may be approved by the Planning Commission.
2. In granting any additional spaces, the Planning Commission shall determine that the parking is necessary, based on documented evidence of actual use and demand or other equivalent information provided by the applicant. The Planning Commission shall also consider impacts on the property and surrounding properties including any natural features thereon.
3. This subsection shall apply only to those parking lots that require a minimum of fifty (50) parking spaces as required in Section 16.03.

### SECTION 16.03 SCHEDULES OF OFF-STREET PARKING REQUIREMENTS

Use	Required No. of Parking Spaces Per Each Unit of Measure as Follows:
<b>A. Residential Uses</b>	
Single-or Two-Family Dwelling	2 per each dwelling unit
Multiple-Family Dwelling	2 per each dwelling, + 1 per each 5 dwelling units
Senior Citizen Housing	1.5 per each dwelling unit
Manufactured Home Park	2 per each manufactured home site, + 1 per each 5 dwelling units
<b>B. Institutional Uses</b>	
Churches	1 per each 3 seats based on maximum seating capacity in the main place of assembly herein, + 5 per each classroom
Private Clubs and Lodges	1 per each 3 individual members allowed within the maximum occupancy load as established by fire and/or building codes.
Hospitals	1 per each administrative, professional and staff, + 1 per each 3 beds
Convalescent Homes, Homes for the Aged, Nursing Homes, Childrens' Homes	1 per each administrative, professional and staff member, + 1 per each 3 beds

Use	Required No. of Parking Spaces Per Each Unit of Measure as Follows:	
High Schools (private), Trade Schools, Colleges, and Universities	1 per each administrative and staff member, + 8 per each classroom	
Middle Schools (private)	1 per each administrative and staff member, + 2 per each classroom	
Elementary Schools (private)	1 per each administrative and staff member + 2 per each classroom	
Child Caring Institution, Group Day Care Home, and Nursery Schools	1 per each administrative and staff member, + 1 per each 4 students of licensed capacity	
Stadiums, Sport Arenas, and Auditoriums	1 per each 4 seats, based on maximum seating capacity	
Libraries and Museums	1 per each 200 sq. ft. of UFA, + 1 per each employee	
<b>C. General Commercial Uses</b>		
Retail Stores, except as otherwise specified herein	1 per 200 sq. ft. of UFA	
Supermarkets, drugstores, and other self-serve retail establishments	1 per 250 sq. ft. of UFA	
Convenience stores	1 per 100 sq. ft. of UFA	
Planned shopping center	1 per 200 sq. ft. of UFA for the first 15,000 sq. ft., + 1 per 250 sq. ft. of UFA in excess of 15,000 sq. ft.	
Furniture, appliances, hardware, household equipment sales	1 per each 300 sq. ft. of UFA	
Motels and hotels	1.5 per each guest bedroom, + amount required for accessory uses, such as a restaurant or cocktail lounge	
Fast Food Restaurants	1 per each 75 sq. ft. of floor area	
Sit-Down Restaurants	1 per each 2 seats, based on maximum seating capacity	
Taverns	1 per each 2 persons allowed within maximum occupancy load as established by Fire and/or building codes	
Building Material Sales, and Open Air Businesses	1 per each 400 sq. ft. of UFA, + 1 per each 1,500 sq. ft. of warehouse floor area, + 1 per each 1,000 sq. ft. of lot area used for open air display sales	
Movie Theaters	1 to 4 screens	One (1) for each 2.5 seats
	5 to 6 screens	One (1) for each 3 seats
	7 - 8 screens	One (1) for each 3.5 seats
	9 to 10 screens	One (1) for each 3.7 seats
	More than 10 screens	One (1) for each 3.9 seats
<b>D. Automotive Uses</b>		
Auto Sales	1 per each 200 sq. ft. of showroom floor area, + 3 per each service stall	
Automobile Repair Facilities, including Collision and Bump Shops	3 per each service stall + 1 per each service vehicle	
Automobile Service Stations without Convenience Store	1 per pump unit, + 3 per each service stall	

Use	Required No. of Parking Spaces Per Each Unit of Measure as Follows:
Automobile Service Station with Convenience Store	1 per pump unit, + 3 per each service stall, + 1 per each 100 sq. ft. of UFA
Automobile Washes (self-serve)	See Section 16.06
Automobile Washes (Automatic)	1 per 200 sq. ft. of UFA, + 1 per each vacuum station
<b>E. Office and Service Uses</b>	
Medical and Dental Office	1 per each 150 sq. ft. of floor area
Business and Professional Offices	1 per each 200 sq. ft. of floor area
Banks	1 per each 200 sq. ft. of floor area
Barber and Beauty Shops	3 per each chair
Funeral Homes	1 per each 3 persons allowed within maximum occupancy load as established by fire and/or building codes
<b>F. Recreational Uses</b>	
Bowling Alleys	4 per bowling lane, + amount required for accessory uses such as a restaurant or cocktail lounge
Private Tennis, Swim or Golf clubs, or other similar uses	1 per each 3 persons allowed within maximum occupancy load as established by fire and/or building codes.
Golf Course	5 per each hole, + amount required for accessory uses such as a restaurant or cocktail lounge
Equestrian Training Facilities	1 per each 2 stalls, + 1 per each employee
<b>G. Industrial Uses</b>	
Industrial, Manufacturing, or Research Establishments	1 per 200 sq. ft. of office floor area, + 1 per each 1,000 sq. ft of floor area outside the office area
Warehouses and Wholesale Establishments	1 per each 200 sq. ft. of office floor area, + 1 per each 2,000 sq. ft. of floor area outside the office area
Contractor's Office	1 per 200 sq. ft. of office floor area, + 1 per 1,500 sq. ft. of warehouse floor area, + 1 per each vehicle or item of equipment stored outside

## SECTION 16.04 OFF-STREET PARKING DESIGN AND CONSTRUCTION

- A. All parking lots, maneuvering lanes, driveways, or loading areas required for uses other than single- or two-family dwellings shall be paved with hard-surfaced asphalt or concrete and shall be completed prior to a Certificate of Occupancy being issued. The Planning Commission shall have the discretion of waiving certain paving requirements provided the following conditions are met:
1. Proposed driveways, loading, turn-around, or storage areas will receive only limited use and are not used for employee parking, customer parking, or primary access.
  2. Gravel surfacing and potential problems arising from dust or scattered gravel will not unreasonably affect neighboring properties.
  3. Paving would significantly increase storm water run-off and create a potential for flooding and/or soil erosion.

- B. Lighting of all parking lots shall be shielded to prevent glare onto neighboring properties and public roads. Lighting shall comply with the provisions of Section 3.16 and other applicable provisions of this Ordinance.
- C. Ingress and egress to the parking lot shall be provided by limited and clearly defined drives. All internal access drives and/or maneuvering lanes which provide the principal means of access for emergency vehicles to the site and/or buildings shall be a minimum of twenty-four (24) feet in width.
- D. Wheel stops or curbing shall be provided to prevent any vehicle from encroaching upon pedestrian walkways or damaging required landscaping.
- E. Access to parking space shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
- F. Plans for the layout of automobile off-street parking facilities shall be in accordance with the following minimum regulations.

Parking Pattern	Maneuvering Lane		Parking Space Dimensions	
	One-Way	Two-Way	Width	Length
0° Parallel	12 ft.	20 ft.	9 ft.	24 ft.
30° - 53°	12 ft.	20 ft.	9 ft.	18 ft.
54° - 74°	15 ft.	20 ft.	9 ft.	18 ft.
75° - 90°	20 ft.	20 ft.	9 ft.	18 ft.

- G. Truck and Recreational Vehicle Parking
- In addition to parking required in Section 16.03, off-street parking for buses, trucks, and recreational vehicles at restaurants, service stations, and similar establishments, shall be of sufficient number and size to adequately serve those vehicles and not interfere with other vehicles that use the same facilities.
  - Spaces for larger vehicles shall not be less than ten (10) feet in width and fifty-five (55) feet in length. Upon review of the site plan, the Planning Commission shall determine if separate truck and recreational vehicle parking is required for the proposed use.
- H. Barrier-Free Parking: In addition to parking required for passenger vehicles set forth in Section 16.03, off-street barrier-free parking facilities shall be provided and designed in accordance with applicable State and/or Federal standards.

### **SECTION 16.05 OFF-STREET LOADING REQUIREMENTS**

- A. On the same premises as any use which involves the receipt or distribution of vehicles, material or merchandise, adequate space shall be provided and maintained for standing, loading and unloading of delivery vehicles in order to avoid interference with or congestion of adjacent streets, neighboring sites, or off-street parking facilities. The

Planning Commission shall determine the required number of loading spaces at the time of site plan review.

- B. At a minimum, the following loading spaces will be required, unless the Planning Commission determines that no separate loading and unloading areas are required.

GFA (sq. ft)	Loading and Unloading Spaces Required
0 - 1,400	None
1,401 – 20,000	1 space
20,001 - 100,000	1 space plus 1 space for each additional 20,001 sq. ft. of UFA not exceeding 100,000 sq. ft. UFA
100,001 and over	5

- C. Loading and unloading spaces, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty-five (55) feet, with fourteen (14) foot height clearance sufficient to accommodate vehicles using the loading space.
- D. Loading and unloading space provided by truck wells located below surface grade shall be of sufficient width to accommodate truck maneuvering but shall be not less than ten (10) feet by fifty-five (55) feet. Secure railings or guardrails shall protect exposed sides. Drainage shall be provided to prevent the collection of stormwater at the bottom of the truck well.
- E. Required Greenbelt, Setbacks, and Screening
1. Off-street loading areas, including maneuvering lanes, shall not be located within any landscaped areas required in accordance with Section 3.24. Unless otherwise required by this Ordinance, off-street parking shall be permitted within the required side or rear yard setbacks, provided a minimum ten (10) foot setback is maintained between off-street loading and the abutting side and rear lot lines.
  2. Off-street loading that abuts residentially zoned or used property shall be screened in accordance with Section 3.24, C.
- F. Double Count. Off-street loading space areas shall not be counted toward supplying off-street parking.

## **SECTION 16.06 OFF-STREET DRIVE-THROUGH AND WAITING SPACES**

- A. Drive-Through Facilities
1. In addition to meeting off-street parking requirements, all uses which provide drive-through facilities shall provide adequate off-street stacking space within a defined stacking lane that meets the following requirements:
    - a. Each stacking lane shall be one-way and a minimum of twelve (12) feet in width.

- b. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner that promotes pedestrian and vehicular safety.
2. Each drive-through facility shall have an escape lane to allow other vehicles to pass those waiting to be served.
3. The number of stacking spaces per service lane shall be provided for the uses listed below. Each stacking space shall be computed on the basis of twenty (20) feet in length. When a use is not specifically mentioned, the requirements for off-street stacking space for the similar use shall apply.

Use	Stacking Spaces/ Service Lane	
Banks, Photo Service, Dry-Cleaning	4	
Fast-food Restaurants	6	
Automobile Washes (self-service)	Entry	1
	Exit	3
Automobile Washes (Automatic)	Entry	12
	Exit	2

- B. Off-Street Waiting Space: Uses such as day care facilities, schools, hospitals, nursing homes, and churches, shall provide a safe and efficient means for passengers to be dropped off and picked up. Off-street waiting spaces shall be clearly marked so as to ensure the safety of pedestrians and motorists.

## SECTION 16.07 SITE ACCESS CONTROL

- A. Access to public roads shall be controlled in the interest of public safety.
- B. All sites shall comply with the minimum street frontage and access requirements set forth in the Zoning District in which they are located.
- C. General Requirements
  1. All uses subject to site plan review shall meet the requirements contained in this Section.
  2. Each building or group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public roads by a curb, or other suitable barrier against unchanneled motor vehicle access, except as authorized herein.
- D. Driveway Performance Standards: Unless otherwise required by the District in which a use is located, driveways shall conform to standards adopted by the Jackson County Road Commission, unless more stringent standards are required by this subsection or by the district in which the use is located, and the following additional standards:



1. Driveway design and placement must be compatible with internal circulation and parking design so that the entrance can absorb the maximum rate of inbound traffic during a normal weekday peak traffic period.
  2. There must be sufficient on-site stacking to accommodate vehicles waiting to park or exit without using any portion of the public right-of-way, obstructing vehicle sight distance, or otherwise interfering with street traffic.
  3. Unless prevented by topographic conditions or other natural physical barrier provisions for circulation between adjacent parcels shall be provided through coordinated or joint parking systems or connections between parking lots.
  4. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation of entry and exit lanes within driveways.
  5. Driveway design and location shall ensure that loading and unloading activities will not hinder vehicle ingress or egress.
  6. Driveway design and location shall meet the sight distance requirements of the Jackson County Road Commission.
- E. Driveway Spacing
1. Except for the HC, GC, LI, LI/HC Districts, driveway spacing will be determined according to the standards adopted by the Jackson County Road Commission.
  2. Driveways In the HC, GC, LI, LI/HC Districts shall conform to the requirements of Sections 10.04, F; 11.04, F; 12.04, F, 12A.04, F respectively.
- F. Traffic Impact Analysis. The Township may require a traffic impact analysis in order to analyze the effect of development upon existing street traffic. The traffic impact analysis shall examine existing and proposed traffic flows, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation, site ingress/egress, and other factors that may be deemed necessary by the Township. A qualified, registered engineer shall prepare the traffic impact analysis.

## **CHAPTER 17 SIGNS**

### **SECTION 17.01 INTENT AND PURPOSE**

The intent of this Chapter is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their harmful effects on the public health, safety and welfare. While this Chapter recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the township, conflicts between different types of land use, and reduction in traffic safety to pedestrians and motorists.

### **SECTION 17.02 DEFINITIONS**

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. Awing sign: A sign affixed flat against the surface of an awning.
- C. Balloon sign: A sign composed of a non-porous bag of material filled with air or gas.
- D. Banner sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. Construction Sign: A sign that identifies the owners, financiers, contractors, architects, and/or engineers of a project under construction.
- F. Directional Sign: A sign that gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as a parking, or exit and entrance sign.
- G. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- H. Government Sign: A temporary or permanent sign erected by Grass Lake Charter Township, state or federal government or other appropriate governmental agencies.
- I. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- J. Marquee: A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- K. Marquee Sign: A sign affixed flat against the surface of a marquee.

- L. Mural: A design or representation painted or drawn on a wall that does not advertise an establishment, product, service, or activity.
- M. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- N. Political Sign: A temporary sign used in connection with an official city, village, township, school district, county, state, or federal election, referendum, or public issue.
- O. Portable Sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- P. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than forty-eight (48) inches from the face of the building or wall.
- Q. Reader Board: A portion of a sign on which copy is changed manually.
- R. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- S. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- T. Roof Sign: A sign erected above the roofline of a building.
- U. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- V. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- W. Wall Signs: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- X. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

### **SECTION 17.03 GENERAL SIGN PROVISIONS**

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, except as noted in Section 17.04 and 17.09.

- B. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions that impairs legibility or intelligibility. Broken or damaged parts of signs shall be repaired as soon as possible after the damage occurs.
- C. Sign supports, braces, guys and anchors shall be maintained in a manner as not to cause a hazard.
- D. Signs may be internally or externally illuminated, except for home occupation signs, which shall not be illuminated. External light fixtures shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- E. No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.
- F. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
- G. No sign shall be placed in, upon or over any public right-of-way, or other public place, except as may be otherwise permitted by this Chapter, or placed so as to interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
- H. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for that use.
- I. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- J. No commercial vehicles, which, in the opinion of the Zoning Administrator, have the intended function of acting as signs, shall be parked in any area abutting the street, unless no other parking area is available.
- K. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light. This provision is not intended to exclude those signs that give the time or temperature, provided no other animated messages are displayed.
- L. No wall sign shall extend beyond the edge of the wall to which it is affixed or extend above the roofline of a building.
- M. No sign shall be erected above the roofline of a building.

- N. No obscene message or profanity, as determined by the Zoning Administrator, shall be displayed on any sign.
- O. Only signs that direct attention to a business or profession conducted as an allowed use or to a principal commodity, service or entertainment sold or offered as an allowed use upon property where the sign is located are permitted, except where expressly provided otherwise in this Ordinance.
- P. Any sign not expressly permitted by this Ordinance is prohibited.

#### **SECTION 17.04 EXEMPTED SIGNS**

The following signs shall be exempt from the provisions of the Grass Lake Charter Township Zoning Ordinance.

- A. Flags or insignia of any nation, state, county, community organization, or educational institution.
- B. Government signs.
- C. Historical markers.
- D. Memorial signs or tablets.
- E. Murals.
- F. Signs for essential services.
- G. Signs not visible from any street.
- H. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
- I. Window signs.

#### **SECTION 17.05 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES**

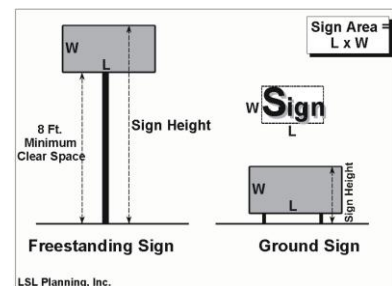
- A. Every permanent sign that does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- B. Except as noted in C, below, non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For purposes of this Chapter, a non-conforming sign may be altered provided that the alteration results in a diminished size or dimension. The copy of the sign may be amended or changed without jeopardizing the privilege of non-conforming sign.
- D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty percent (50%) of the value of the

sign on the date of loss.

- E. Any sign, including non-conforming signs, which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which the sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.

### SECTION 17.06 UNITS OF MEASUREMENT

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face. The back-to-back sign faces shall be no greater than eighteen (18) inches apart.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.



### SECTION 17.07 REGULATIONS APPLICABLE TO ALL DISTRICTS

The following sign regulations are applicable to all districts:

- A. All ground, wall and freestanding signs may include reader boards.
- B. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- C. The following signs are permitted subject to the restrictions noted.
1. Political signs cannot be placed more than 30 days prior to an election. Political signs shall be removed by the candidate or candidate's designee within seven (7) days after the official election or referendum to which the sign pertains.
  2. Real estate signs shall be removed within thirty (30) days after completion of the

sale or lease of the property.

3. Construction signs:
  - a. Signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
  - b. Signs shall not be erected until a building permit has been issued for the project that is the subject of the proposed sign and construction activity has begun.
  - c. Signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure that is the subject of the construction sign.
4. Special event signs, including banner signs:
  - a. No more than five (5) signs shall be displayed for each event. The signs may be located either on or off the lot on which the event is held.
  - b. The display of the signs shall be limited to the twenty-one (21) days immediately preceding the event and be removed within forty-eight (48) hours of the conclusion of the event that is being advertised.
  - c. The signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
5. Directional signs:
  - a. A sign may contain a logo of an on-premise establishment, but no advertising copy but shall be limited to traffic control functions only.
  - b. No sign shall exceed six (6) square feet in area or four (4) feet in height.
6. Garage, yard, basement, estate sale, and similar signs:
  - a. One (1) sign per premises is permitted, located on the premises on which the sale is being conducted, and set back a minimum of five (5) feet from any property line.
  - b. The sign shall not exceed six (6) square feet in area.
  - c. The sign shall be erected no more than seven (7) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.
7. Temporary and portable signs:
  - a. No more than one (1) sign is allowed on the premises and shall be located on the same lot as the business to which the sign pertains.
  - b. Display shall be limited to seven (7) days in any thirty (30) day period and no more than fourteen (14) days in any six (6) month period.

- c. Maximum allowed size is thirty-two (32) square feet in area, with a maximum height of six (6) feet and set back a minimum of fifteen (15) feet from any property line.
- d. Signs shall not be located in any required parking space or located so as to interfere with the vision of motorists or pedestrians, as determined by the Zoning Administrator.

## **SECTION 17.08 GENERAL REQUIREMENTS BY SIGN TYPE**

### **A. Wall Signs**

1. No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of a mansard roof are considered to be wall signs.
2. All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, straps of wood or nails.
3. No more than one (1) wall sign is permitted for each building, except buildings with frontages on more than one (1) public right-of-way are permitted a wall sign on both building frontages.

### **B. Freestanding Signs (except as provided in Section 17.10):**

1. One (1) sign shall be permitted per street frontage, provided that each frontage meets the minimum lot width requirements of the district for the lot on which the use is located. The second sign shall not exceed fifty percent (50%) of the area allowed for the sign.
2. The sign shall have a setback equal to one-half (1/2) of the required setback of the district in which the sign is located and a setback distance equal to the height of the sign from all other property lines.

## **SECTION 17.09 PERMITTED BILLBOARDS (Section Added by Amendment 2010)**

The following regulations shall apply to billboards:

- 17.09.1 Where Permitted. Billboards shall be permitted only in the LI – Light Industrial District and HC – Highway Commercial District, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
- 17.09.2 Spacing.



- A. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. Double-faced and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem or stacked billboard faces shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in Subsection B below.
  - B. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
  - C. No billboard shall be located within two hundred (200) feet of residentially zoned or used property. An illuminated billboard shall be located at least three hundred (300) feet from residentially zoned or used property.
  - D. No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.
- 17.09.3 The height of a billboard shall not exceed thirty (30) feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two streets or roads having different levels, the height of the billboard shall be measured from the higher street or road.
- 17.09.4 Surface Area. The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.
- 17.09.5 Illumination. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have a flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- 17.09.6 Construction and Maintenance.
- A. No billboard shall be on top of, cantilevered or otherwise

suspended above the roof of any building.

- B. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and contained readability of message.

## **SECTION 17.10 PERMITS REQUIRED**

- A. It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit. The Building Official shall issue a permit only if the proposed sign meets all requirements of the Ordinance.
- B. The following signs shall not require a sign permit:
  - 1. Directional signs.
  - 2. Placards.
  - 3. Government signs.
  - 4. Political signs.
  - 5. Special event signs.
  - 6. Temporary sale signs of four (4) square feet in size or less.
  - 7. Window signs.
- C. When a sign permit has been issued by the Township, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without prior approval of the Building Official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Township.
- D. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Applications shall be made in writing on forms furnished by the Township and shall be signed by the applicant. The application shall be accompanied by the following plans and other information:
  - 1. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
  - 2. The location by street address of the proposed sign structure.
  - 3. A site plan, elevation drawings and caption of the proposed sign.
  - 4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings and materials.
  - 5. Application for, and required information for the application, an electrical permit for all signs requiring an electrical connection.

6. A statement of valuation.

### SECTION 17.11 SIGNS PERMITTED BY ZONING DISTRICT

<b>A. AG, R-1, R-2, R-3, R-4 Districts</b>	
<b>Freestanding signs for residential subdivisions, site condominiums, manufactured home communities, multiple family complexes, other permitted non-residential uses.</b>	
Number	1 per major entrance
Size	32 sq. ft.
Location	See Section 17.08, B
Height	5 feet
<b>Wall Signs</b>	
Number	1 per street frontage
Size	1 sq. ft. for each lineal foot of building wall to which the sign is attached up to maximum
Location	On wall facing street
Height	N/A
<b>Political Signs</b>	
Number	1 per candidate or issue
Size	6 sq. ft.
Location	A minimum of 5 ft. from any property line
Height	4 ft.
<b>Real Estate Signs</b>	
Number	1 per lot which is the subject of the sign
Size	6 sq. ft.
Location	A minimum of 5 ft. from any property line
Height	4 ft.
<b>B. HC, GC, LI Districts</b>	
<b>Freestanding signs</b>	
Number	1 per lot, except as provided in Section 17.08, B
Size	50 sq. ft.
Location	See Section 17.08, B
Height	12 ft., with 8 ft. between the bottom of the sign and the ground within 10 ft. of the sign
<b>Wall Signs</b>	
Number	1 per street frontage
Size	1 sq. ft. for each lineal foot of building wall to which the sign is attached
Location	On wall facing street
Height	N/A
<b>Political Signs</b>	
Number	1 per candidate or issue
Size	20 sq. ft.
Location	A minimum of 5 ft. from any property line
Height	4 ft.
<b>Real Estate Signs</b>	
Number	1 per lot which is the subject of the sign
Size	20 sq. ft.
Location	A minimum of 5 ft. from any property line
Height	4 ft.

- C. Signs in the PUD District shall adhere to the requirements of the District in which the use to which the sign is referring would be permitted either as a Permitted Use or by Special Land Use.

## CHAPTER 18

### ZONING BOARD OF APPEALS

#### SECTION 18.01 AUTHORITY

There is hereby established a Zoning Board of Appeals, the membership, powers and duties of which are prescribed in the Zoning Act. The Zoning Board of Appeals, in addition to the general powers and duties conferred upon it by Public Act 110 of the State of Michigan (2006), in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purpose and intent as hereinafter set forth. **(Amended to reflect new law 2010)**

#### SECTION 18.02 MEMBERSHIP

- A. The Board shall consist of five (5) members, appointed by the Township Board.
  1. The first member shall be a member of the Planning Commission.
  2. The second member may be a member of the Township Board.
  3. The additional members shall be selected from among the electors residing in the unincorporated area of the Township.
  4. An employee or contractor of the Township Board shall not serve as a member of the Board.
- B. The terms of membership for a Board member shall be three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them.
- C. All vacancies for unexpired terms shall be filled by appointment of the Township Board for the remainder of that term.
- D. Members of the Board shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest may be considered misconduct in office.
- E. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals.
  1. An alternate member may be called by the Chairman of the Zoning Board of Appeals to serve as a regular member of the Board in the absence of a regular member if the regular member is absent from or will be unable to attend two (2)

or more consecutive meetings of the Board or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days.

2. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
3. The alternate member appointed shall serve in the case until final decision is made.
4. When serving, the alternate member has the same voting rights as a regular member of the Board.

### **SECTION 18.03 MEETINGS**

- A. All decisions of the Board shall be made at a meeting open to the public. All deliberations of the Board constituting a quorum of its members shall take place at a meeting open to the public except as may be provided in compliance with the Open Meetings Act, Act 267 of 1976 as amended.
- B. A majority of the members of the Board shall constitute a quorum for purposes of transacting the business of the Board and the Open Meetings Act, Act 267 of 1976, as amended. Each member of the Board shall have one (1) vote.
- C. Regular meetings of the Board shall be called as needed in response to receipt of a Notice of Appeal or application for a variance or other matter, so long as the meeting is scheduled within twenty (20) days of the filing of an application. The meeting can be called by the Township Clerk; the Chairman of the Zoning Board of Appeals, or, in his absence, the Vice-Chairman or Secretary.
- D. Public notice of a meeting must state the date, time, and place of a public meeting of the Board and shall be posted by the Township Clerk in the Grass Lake Charter Township Hall at least seven (7) days before the meeting.
- E. The business of the Board shall be conducted in accordance with its adopted bylaws.

### **SECTION 18.04 POWERS AND DUTIES**

- A. General. The Board has the power to act on matters as provided in this Ordinance and the Zoning Act. The Board shall not have the power to alter or change zoning district boundaries or the text of this Ordinance. The specific powers of the Board are enumerated in this Section.

**B. Appeals**

1. The Board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or other duly authorized enforcing agent, in enforcing any provision of this Ordinance.
2. The Board may also hear appeals from a decision of the Planning Commission with respect to Site Plan Reviews in accordance with the provisions of Section 15.11 and this Chapter.
3. An appeal from a determination of the Zoning Administrator, Planning Commission (for Site Plan Review), or other duly authorized enforcing agent shall be made by the applicant within thirty (30) days of the date of the order issuance or refusal to issue permit, requirement, denial, or other final action.

**C. Interpretations**

1. The Board shall hear and decide requests for interpretation of the text or the Zoning Map of this Ordinance from an applicant, taking into consideration the requirements of Section 4.02, the intent and purpose of the Ordinance and the Township Master Plan.
2. Upon request of the Zoning Administrator or Planning Commission, the Zoning Board of Appeals shall make an interpretation of the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one (1) meaning. In deciding upon the request, the Board shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance and the Chapter in which the language in question is contained.
3. The Zoning Board of Appeals shall keep a record of all decisions for interpretation of the text or Zoning Map of this Ordinance and variances approved under the terms of this Chapter.
4. The Board may request that the Planning Commission and Township Board consider any amendment to the Zoning Ordinance it deems necessary or advisable.

**D. Variances**

1. **Non-Use Variance:** The Board shall have the power to hear and authorize variances from the provisions of this Ordinance. The Board of Appeals may grant a variance where, due to special conditions, a literal enforcement of the provisions of this Ordinance would result in a practical difficulty as related to the property under consideration. To ensure that a practical difficulty exists, the Board shall not grant a variance unless all of the following conditions are met:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
    - i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
    - ii. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
    - iii. By reason of the use or development of the property immediately adjoining the property in question; or
    - iv. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
  - b. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance.
  - c. The special conditions and circumstances referenced in subparagraph a, above, do not result from the actions of the applicant.
  - d. The variance is the minimum variance that will make possible the reasonable use of the land, building, or site.
  - e. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and Master Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
2. Use Variance: A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship related to the property under consideration in the official record of the hearing, and that all of the following conditions are met:
- a. That the building, structure, or land cannot be reasonably used for a use allowed in the zoning district in which it is located;
  - b. That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zoning district. Such unique conditions or situations include:
    - i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance;
    - ii. Exceptional topographic conditions or other extraordinary situation on the land, building or structure;
    - iii. The use or development of the property immediately adjoining the property in question; or
    - iv. Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary
  - c. That the proposed use will not alter the essential character of the neighborhood; and



- d. That the immediate unnecessary hardship causing the need for the variance request was not created by an affirmative action of the applicant.

## **SECTION 18.05 APPLICATION AND HEARING PROCEDURES**

- A. An applicant requesting any action by the Board shall file an application, on the form supplied by the Township, accompanied by a fee as determined by the Township Board, and all plans, studies and any other information and data as applicable, all of which shall be made a part of the record.
- B. The Board shall fix a time for a hearing on the application, and shall notify the parties of the time and place of the hearing. Notice of all public hearings conducted by the Board shall be provided as required in Chapter 19, Section 19.06.01.
- C. The Board shall not decide on an application until after a public hearing. Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their application. The Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Board of Appeals.
- D. The concurring vote of a majority of the total number of members (three [3] members) of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector or other duly authorized enforcing agent, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance, or to effect any variance from the terms of this Ordinance.
- E. The Zoning Board of Appeals may attach conditions to any affirmative decision. Conditions attached shall meet all of the following requirements:
  1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the township as a whole.
  2. Be related to the valid exercise of the police power, and purposes that are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- F. Violations of any of conditions attached to an action of the Zoning Board of Appeals shall be deemed a violation of this Ordinance, enforceable as such, and/or may be grounds for revocation or reversal of the decision.

**SECTION 18.06 EFFECT OF DECISIONS**

- A. All decisions of the Board shall be in writing and so far as it is practicable, in the form of a general statement or resolution in the minutes of the meeting reciting the conditions, facts, and findings of the Board. The applicant shall be advised of the decision within a reasonable time after the public hearing unless the Board moves for a continuation of the hearing.
- B. Any decision of the Board favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
- C. The Board may reconsider an earlier decision if, in the opinion of the Board, circumstances justify taking such action. Reconsideration must take place within thirty (30) days of the date of the approval of the minutes in which the action being reconsidered was final. A request for reconsideration shall not include the time for taking an appeal under the provisions of Section 18.06, F. Only one (1) request for reconsideration on each request shall be permitted.
- D. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period of longer than one (1) year, unless a building permit for the erection or alteration is obtained within that period, and the erection or alteration is started and proceeding to completion in accordance with the terms of the permit.
- E. No order of the Board of Appeals permitting a use of building or premises shall be a valid for a period no longer than one (1) year, unless the use is established within the same period; provided, however, that the order shall continue in force and effect if a building permit for the erection or alteration is obtained within that period, and the erection or alteration is started and proceeding to completion in accordance with the permit.
- F. Any person or persons, or any board or department of the Township having an interest affected by a decision of the Board shall have the right to appeal to the Circuit Court on questions of law and fact. An appeal to the Circuit Court must be taken within twenty-one (21) days after the date of the Board's decision.

## **ARTICLE 19 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 19.01 PURPOSE**

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

### **SECTION 19.02 DUTIES OF ZONING ADMINISTRATOR**

- A. Except when herein otherwise stated, the Zoning Administrator shall administer the provisions of this Ordinance.
- B. The Zoning Administrator shall:
  - 1. Receive all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance, and implement the decisions of the Planning Commission.
  - 2. Receive all applications for appeals, variances, interpretations or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer the applications to the Board, along with recommendations in accordance with the applicable review standards, if desired by the Board.
  - 3. Receive all applications for amendments to this Ordinance and refer to the Planning Commission all applications, together with recommendations if desired by the Planning Commission.
  - 4. Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy to be maintained by the Township Clerk.
  - 5. Maintain written records of all actions taken by the Zoning Administrator and meet with the Planning Commission, Township Board, or Zoning Board of Appeals, upon request.
  - 6. Be responsible for providing forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance, and be responsible to ensure that the information necessary on those forms is as complete as possible to allow for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.
  - 7. Grant zoning compliance permits, temporary dwelling permits, certificates of occupancy and make periodic site inspections of the Township to determine

Ordinance compliance and answer complaints on Zoning Ordinance violations.

### **SECTION 19.03 ZONING COMPLIANCE PERMITS**

#### **A. Issuance of Zoning Compliance Permits**

1. No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a Zoning Compliance Permit having been obtained from the Zoning Administrator for the building, structure, or land.
2. A Zoning Compliance Permit application shall be completed and submitted to the Zoning Administrator. The Zoning Administrator may require that all applications for Zoning Compliance Permits be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
  - a. The actual dimensions and shape of the lot to be built upon; and
  - b. The exact size and location of existing structures on the lot, if any; and
  - c. The location and dimensions of the proposed structure or alteration.
3. When required, one (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after the copy has been approved or disapproved, and attested to by the Zoning Administrator's signature on that copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files.

B. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a Zoning Compliance Permit within ten (10) days of the filing thereof. Where action of the Zoning Board of Appeals, Planning Commission, or Township Board is required as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following final action.

C. Any Zoning Compliance Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is completed within five hundred forty-five (545) days of the date of issuance. A Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

### **SECTION 19.04 CERTIFICATE OF OCCUPANCY**

#### **A. Issuance of Certificate of Occupancy.**

1. No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until

a Certificate of Occupancy shall have been issued for that use. The holder of a Zoning Compliance Permit for the construction, erection, or moving of any building, structure or part thereof: for the establishment of a use shall make application to the Zoning Administrator immediately upon the completion of the work authorized by the Zoning Compliance Permit for a final inspection.

2. A Certificate of Occupancy shall be issued by the Zoning Administrator within five (5) days after receipt of application if it is found that the building or structure or part thereof, is in accordance with the provisions of this Ordinance.
- B. Any Certificate of Occupancy granted under this Ordinance may become null and void if the use, buildings, or structure for which the certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance. The Zoning Administrator, upon finding the violation, shall immediately notify the Grass Lake Charter Township Board of the violation and void the Certificate of Occupancy.

#### **SECTION 19.05 FEES, CHARGES, AND EXPENSES**

- A. The Grass Lake Charter Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure for site plans, special land uses, rezonings, Zoning Compliance Permits, Certificates of Occupancy, appeals, temporary dwelling permits and application for variances and appeals and any other matter pertaining to this Ordinance.
- B. The schedule of fees shall be posted in the Township offices, and may be altered or amended only by resolution of the Grass Lake Charter Township Board. No permit, certificate, special land use, temporary dwelling permits, application for appeal, or variance or other action shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full.
- C. The Planning Commission, Township Board, or Zoning Board of Appeals may refer any matter pertaining to the administration or enforcement of this Ordinance to one (1) or more expert consultants. The cost of such services shall be borne by the applicant.

#### **SECTION 19.06 PUBLIC NOTICE (Section Amended 2010)**

**19.06.01 PUBLIC NOTIFICATION:** All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this Section with regard to public notification.

- A. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Grass Lake Charter Township and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:

1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
4. Written comments: Include a statement describing when and where written comments will be received concerning the request. The public may appear at the public hearing in person or by counsel.
5. Handicap access: The meeting facility is handicap accessible.

C. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request and one occupant of all structures within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Charter Township of Grass Lake. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
  - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 19.06.02, Registration to Receive Notice by Mail.

- d. Other governmental units or infrastructure agencies within One (1) Mile of the property involved in the application.
  2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. The Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval. [THIS MEANS IT MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AND FOR THOSE RECEIVING PERSONAL NOTICE, DEPOSITED FOR DELIVERY OR PERSONALLY DELIVERED, NOT LESS THAN 15 DAYS BEFORE THE HEARING.]

#### **19.06.02 REGISTRATION TO RECEIVE NOTICE BY MAIL:**

- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Clerk to receive written notice of all applications for development approval pursuant to Section 19.06.01.C.c. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- B. Requirements: The requesting party must provide the Clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue.

#### **SECTION 19.07 VIOLATIONS AND PENALTIES; NUISANCE PER SE; ABATEMENT**

- A. Notice of Violation - The Ordinance Enforcement Officer (OEO) shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension repair, use or occupancy of a structure or lot in violation of this Ordinance, or in violation of a certificate of zoning compliance issued hereunder. The order shall direct the discontinuance of the illegal action or condition, and abatement of the violation.
- B. Stop-Work Order - Upon notice from the Zoning Administrator that work on any structure or premises is being prosecuted contrary to the provisions of this Ordinance, that work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions under which the work may be

resumed. The stop-work order shall be posted on the property. Any person who continues any work in or about the structure or premises after having been served with a stop-work order, except any work as the person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be liable for the penalties set forth in paragraph C below.

- C. Violations; Penalties - Any person who violates a provision of this Ordinance or fails to comply with any of its requirements, or who erects, constructs, alters or repairs a structure in violation of an approved plan or directive of the Zoning Administrator, or of a certificate or permit issued under this Ordinance, shall be guilty of a ***municipal civil infraction violation and penalties are covered on the Municipal Ordinance Violations Bureau Ordinance.***
- D. Nuisance Per Se: Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changes after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
- E. Rights and Remedies: The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

#### **SECTION 19.08 PERFORMANCE GUARANTEE REQUIRED**

- A. In the interest of ensuring compliance with the Zoning Ordinance, protecting the natural resources and the health, safety, and welfare of the residents of the township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township Board, Planning Commission, or Zoning Board of Appeals may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls, and landscaping.
- B. Performance guarantees, as used herein, shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- C. Where a performance guarantee is required, it shall be deposited with the Township Treasurer prior to the issuance of a building permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township may issue the appropriate building permit.
- D. The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period



- will begin from the date of the issuance of the building permit.
- E. The Zoning Administrator, upon the written request of the obligated party, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- F. Upon the satisfactory completion, as determined by the Zoning Administrator, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the Township is not required to deposit the performance guarantee in an interest-bearing account.
- G. Default
1. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited, and any interest earned thereon, to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
  2. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
  3. Should the Township use the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after the completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultants, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.
  4. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with the proposed use prior to the Township approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

#### **SECTION 19.09 VESTED RIGHT**

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or

grant to any person, firm, or corporation any vested right, license, privilege or permit.

#### **SECTION 19.10 CONFLICT WITH OTHER LAWS**

- A. Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in ways other than degree or restrictiveness are hereby repealed.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, it shall be governed by the provisions of this Ordinance.

#### **SECTION 19.11 VALIDITY AND SEVERABILITY CLAUSE**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, that ruling shall not affect any other provisions of this Ordinance not included in the ruling. If any court of competent jurisdiction shall declare invalid the application or any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, that ruling shall not affect the application of the provision to any other land, parcel, lot, district, use, building or structure not specifically included in that ruling.

#### **SECTION 19.12 PERIOD OF EFFECTIVENESS**

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

#### **SECTION 19.13 REPEAL OF ORDINANCE**

The Zoning Ordinance of Grass Lake Charter Township adopted by the Board of Grass Lake Charter Township on November 11, 1994 and all amendments thereto are hereby repealed concurrent with the effective date of this Ordinance.

**SECTION 19.14 EFFECTIVE DATE**

This Ordinance was adopted by the Grass Lake Charter Township Board at a public meeting held on January 10, 2006 and the adopted ordinance is posted on the Grass Lake Charter Township Website at: ([www.grasslakect.com](http://www.grasslakect.com)).

Date: January 10, 2006 Supervisor: *James Stornant*

Date: January 10, 2006 Clerk: *Marjorie A. Clark*

Amendment Date: October 14, 2010

Amendment Date: February 11, 2014 - \*Section 3.20 – Maintenance of Animals

Clerk: *Catherine U. Zuz*

Amendment Date: September 8, 2015 - Section 2.08 – Definitions "F" – Farm, Section 3.08 – Private Swimming Pools, Section 5.04 – District Regulations – AG District Development Requirements, Section 13.04 – PUD Design Requirements – Non-Residential Design Requirements, Section 13.05 - Change– to an Approved PUD, Section 13.06 – Appeals

Clerk: *Catherine U. Zuz*

Amendment Date: June 27, 2017 - Section 2.15 Definitions "O" Open Air Business, Section 5.03 – added Open Air Business, Section 14.07-AA-corrections 4, 5, 6 and added 7.

Clerk: *Catherine U. Zuz*

Amendment Date: June 12, 2018 – Chapter 2, Section 2.03 Definitions "A" Agricultural Business, Agricultural Tourism; Chapter 5, Section 5.02-Permitted Uses "Agricultural Tourism", Section 5.03-Special Land Uses "Agricultural Business", Chapter 14, Section 14.07 –Special Land Use Specific Requirements "SS – Agricultural Business".

Clerk: *Catherine U. Zuz*

Amendment Date: December 11, 2018 - Chapter 2, Section 2.03; Chapter 2, Section 2.16; Chapter 2, Section 2.18; Chapter 2, Section 2.20; Chapter 5, Section 5.02, entitled "Permitted Uses," is amended to add "Small Solar Energy; Chapter 5, Section 5.03, entitled "Special Land Uses," is amended to add "Large Solar Energy System" and "Medium Solar Energy System"; Chapter 6, Section 6.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 7, Section 7.02, entitled "Permitted Uses," is amended to add "Small Solar

Energy System"; Chapter 8, Section 8.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 9, Section 9.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 10, Section 10.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 11, Section 11.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 12, Section 12.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 12, Section 12.03, entitled "Special Land Uses," is amended to add "Large Solar Energy System" and "Medium Solar Energy System"; Chapter 3, is amended to add Section 3.26, entitled "Solar Energy Systems,"; Chapter 15, Section 15.02 is amended to add the following section, requiring site plan review for any Large Solar Energy Systems or Medium Solar Energy Systems; Chapter 14, Section 14.07;

Clerk: Catherine U. Zenz

Amendment Date: November 12, 2019 – Chapter 13 LI/HC Light Industrial/Highway Commercial District; December 10, 2019 – changed chapter number to Chapter 12A. Chapter 4, Section 4.01 amended to add LI/HC District; Chapter 15, Section 15.02.A.2 amended to add LI/HC District; Chapter 16, Section 16.07.E.1 amended to add LI/HC District and Section 16.07.E.2 amended to add LI/HC District and 12A.04.F; Chapter 17, Section 17.09.1 amended to add LI/HC District, Section 17.11.B amended to add LI/HC District; Functional Index amended to add LI/HC-Light Industrial/Highway Commercial District, Chapter 12A.

Clerk: Catherine U. Zenz

Amendment Date: February 9, 2021 - Amendment of Chapter 2, Section 2.13, Definitions "M": The Grass Lake Charter Township Zoning Ordinance, Chapter 2, Section 2.13 shall be amended to include the definition of Mining and Extraction Operations below. All other Ordinance definitions shall remain the same. Amendment of Chapter 14, Section 14.07(HH), Removal and Processing of Topsoil, Stone, Rock, Water, Sand, Gravel, Lime or Other Soil or Mineral Resources: The Grass Lake Charter Township Zoning Ordinance, Chapter 14, Section 14.07(HH) shall be renamed to "Mining and Extraction Operations".

Clerk: Catherine U. Zenz

Shared (svr2k8) (G:)Planning Commission/Zoning Ordinance Book

**Grass Lake Charter Township Zoning Ordinance**  
**Functional Index**

Abandoned Solar Energy System.....Section 2.03  
Accessory Buildings, Structures, and Uses- Definition ..... Section 2.03  
Accessory Buildings, Structures, and Uses- Regulations ..... Section 3.07  
Administration and Enforcement ..... Chapter 19  
Adult Uses - Definition..... Section 2.03  
Adult Uses - Regulations..... Section 14.07, A  
Application and Review Procedures - Special Land Uses ..... Section 14.04  
Application Procedures - Site Plan Review.....Sections 15.03, 15.04  
AG Agricultural District ..... Chapter 5  
Agriculture Business..... Chapter 2-Section 2.03, Chapter 5-Section 5.03, Chapter 14-Section 14.07  
Agriculture Tourism..... Chapter 2-Section 2.03, Chapter 5-Section 5.02, Chapter 14-Section 14.07  
Bed and Breakfast Establishments..... Sections 2.04; 14.07, H  
Buildings and Site Design Requirements ..... Sections 10.04, I; 11.04, J; 12.04, I  
Canopies ..... Sections 10.04, H; 11.04, I; 12.04, H  
Certificate of Occupancy..... Section 19.04  
Clear Vision Corners ..... Section 3.06  
Construction Signs - Definition .....Section 17.02, F  
Construction Signs - Regulations..... Section 17.07  
Corner Lots - Definition ..... Section 2.12  
Corner Lots - Regulations ..... Section 3.04, B, 2  
Cul-De-Sac Lots (Minimum Lot Width For) ..... Section 3.04, G  
Day Care - Definition..... Section 2.06  
    Family Day Care..... Section 2.06  
    Group Day Care ..... Section 2.06  
Decks..... Section 3.04, C  
Docks..... Section 3.20  
Drive through and waiting spaces ..... Section 16.06  
Driveways..... Sections 10.04, F; 11.04, F; 12.04, F; 16.07  
Enforcement..... Section 19.06  
Essential Services..... Sections 2.07; 3.18  
Fees..... Section 19.05  
Fences ..... Section 3.25  
Foster Care (State Licensed Residential Care Facilities) ..... Section 2.18  
GC – General Commercial District..... Chapter 10  
HC - Highway Commercial District..... Chapter 11  
Height - Exceptions ..... Section 3.04, D, 2  
Height - Signs.....Section 17.06  
Height - Buildings - Definitions..... Section 2.04  
Home Occupations - Definition..... Section 2.09  
Home Occupations - Regulations..... Section 3.13  
Intensive Livestock Operations..... Sections 2.10; 14.07, V  
Landscaping ..... Section 3.24

Light Industrial District ..... Chapter 12

Light Industrial/Highway Commercial District.....Chapter 12A

Lighting ..... Section 3.16

Lots - Required Lots, Yards, and Frontage ..... Section 3.04

Multiple Family Dwellings..... Section 2.07

Nonconforming Lots of Record (Existing Lot of Record ..... Sections 2.14, 3.21, B

Nonconforming Buildings and Structures ..... Sections 2.14, 3.21, D

Nonconforming Signs ..... Section 17.05

Nonconforming Uses ..... Sections 2.14, 3.21, C

Off-Street Loading Requirements ..... Section 16.05

Off-Street Parking Requirements .....Section 16.02-04

Parking..... Chapter 14

Parking Lot Design Standards ..... Section 14.20

Parking Restrictions..... Sections 14.10

Performance Guarantees ..... Section 17.80

Porches ..... Sections 2.60

Principal Use..... Sections 3.05

Projections Into Yards ..... Section 3.04, C

PUD Planned Unit Development ..... Chapter 13

R-1 Single Family Residential District..... Chapter 6

R-2 Single Family Residential District..... Chapter 7

R-3 Multiple Family Residential District ..... Chapter 8

R-4 Manufactured Housing Community District .....Chapter 9

Riparian Access..... Section 3.19

Satellite Dish Antennas..... Section 3.23

Signs - Definitions ..... Section 17.02

Signs Permitted in All Districts ..... Section 17.07

Signs for Planned Unit Developments ..... Section 17.10, C

Signs, Units of Measurement ..... Section 17.06

Signs Permitted in Commercial and Industrial Districts ..... Section 17.10, B

Signs Permitted in Residential Districts ..... Section 17.10, A

Single-Family Dwellings, Minimum Requirements Outside Manufactured Home  
Communities..... Section 3.09

Site Condominiums ..... Section 3.22

Site Plan Review ..... Chapter 15

Site Plan Amendments ..... Section 15.10

Site Plan - Preliminary Review..... Section 15.03

Site Plan - Final Review ..... Section 15.04

Solar Array.....Section 2.18

Solar Energy Systems.....Section 3.26

Solar Energy System, Large.....Section 2-15, Section 5.03, Section 12.03, Section 14.07, Section 15.02

Solar Energy System, Medium.....Section 2-15, Section 5.03, Section 12.03, Section 14.07, Section 15.02

Solar Energy System, Small.....Section 2-16, Section 5.02, Section 6.02, Section 7.02, Section 8.02,  
.....Section 9.02, Section 10.02, Section 11.02, Section 12.02

Special Land Uses ..... Chapter 14

Special Land Uses - Applications ..... Section 14.04  
Special Land Uses – Required Standards ..... Section 14.06  
Special Land Uses – Specific Requirements ..... Section 14.07  
Special Land Uses – Specific Requirements ..... Section 14.07  
Swimming Pools..... Section 3.08  
Temporary Dwellings..... Section 3.11  
Traffic Impact Analysis .....Section 16.07, F  
Unreasonable Safety Hazard.....Section 2.20  
Variances – Applications ..... Section 18.05  
Variances - Review Standards - Nonuse Variances ..... Section 18.04 D, 1  
Variances - Review Standards - Use Variances ..... Section 18.04 D, 2  
Violations - Ordinance ..... Section 19.06  
Yards - Projections Into ..... Section 3.04, C  
Yards - Definitions..... Section 2.21  
Zoning Administrator.....Sections 2.22,19.02  
Zoning Compliance Permits..... Section 19.03  
Zoning Board of Appeals..... Chapter 18  
Zoning Districts..... Chapter 4  
Zoning Map ..... Section 4.02 (obtain Zoning Map from Township)

<b>Anti-Noise and Public Nuisance Ordinance:</b>						<b>Length: 5 Pages</b>			
<b>Reviewed</b>									
<b>Revised</b>	<b>*10/05</b>	11/10							

\*denotes date of origin

**Purpose of Ordinance:**

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Grass Lake Charter Township, Jackson County, Michigan, by the regulation of noise within said Township.

**I. Title of Ordinance:**

This ordinance shall be known and cited as the Grass Lake Charter Township Anti-Noise and Public Nuisance Ordinance.

**II. Unlawful acts: public nuisances**

It shall be unlawful and it shall be deemed a public nuisance for any person to unreasonably make, continue, or cause to be made or continue any noise that annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities, or that injures or endangers the health, peace or safety of the public within the township. The following acts, among others, are declared to be unlawful noise violations:

A. *Radios, CD players and musical instruments.* Operating, playing or permitting the operation or playing of any radio, CD player, television set, amplified or un-amplified musical instrument, drum, loudspeaker, tape recorder, or other sound-producing device, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, or residence. The operation of any such set, instrument, CD player, machine, or device in such a manner as to be plainly and clearly audible on real property or in a dwelling unit other than that from which the noise originates or emanates shall be evidence of a violation of this ordinance.

B. *Shouting and whistling.* Yelling, shouting, hooting, whistling, singing, or making any other loud noises on the public streets, sidewalks, bike pathways, or other streets or paths located within the township between the hours of 11:00pm and 7:00am the following day, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, or residence.

C. *Construction.* Operating or permitting the operation of any tools or equipment used in the construction, excavation, demolition, alteration or repair or any building, street or highway between the hours of 9:00pm and 6:00am the following day, Monday through Saturday, and in between the hours of 9:00pm Saturday and 8:00am the following Sunday, such that the sound there from is plainly audible in any dwelling, office, or residence, or on any residential property



other than the property from which the noise emanates or originates, unless a variance therefore is first obtained from the township supervisor.

- D. *Engines.* Operating or permitting the operation of any steam engine or internal combustion engine, whether stationary or mobile, so as to annoy or disturb the quiet, comfort or repose of a person of normal sensitivities in any office, dwelling or residence. This shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar device used outdoors in residential areas, between the hours of 7:00am and 9:00pm the same day, nor shall it prohibit the operation of snow removal equipment at any time necessary. This shall not prohibit the operation of a farm implement or state licensed motor vehicle in a manner expressly permitted by state law.
- E. The emission or creation of any excessive noise which unreasonably interferes with the operations of any school or church is not permitted.
- F. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property is not permitted. Call 911 – Animal Control to report complaint.
- G. The erection, excavation, demolition, alteration or repair of any building or premises in any part of Grass Lake Charter Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other people, other than between the hours of 7:00am and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the Building Inspector or Ordinance Enforcement Officer of the Township, which permit shall limit the periods that the activity may continue.
- H. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying equipment emits loud and raucous noises easily heard from nearby adjoining residential property.
- I. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.

III. **“Person” defined.**

In addition to its normal meaning, the term “person,” as used in this ordinance, means a person who causes or makes an unlawful noise, or a person who is in control of property or premises from which an unlawful noise originates or emanates.

**IV. Exceptions for Emergency**

The provision of this ordinance shall not apply to the emission of sound for the purpose of alerting persons of the existence of an emergency or the emission of sound in the performance of emergency work.

**V. Variance to permit noise during prohibited hours**

The township supervisor may grant an application of variance of this ordinance to permit construction noises and outdoor events during hours otherwise prohibited under this ordinance, after notice and hearing upon a showing that compliance with this ordinance would constitute an unreasonable hardship on the applicant, community or other persons.

**VI. Abatement of public nuisance**

The township supervisor may act to abate a public nuisance, as provided by law, without giving notice if the public health, safety or welfare requires immediate action. The cost of abating such nuisance shall be charged to the person found to be in violation of this ordinance.

**VII. Exceptions**

None of the prohibitions hereinbefore enumerated shall apply to the following:

- A. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaging in necessary emergency activities.
- B. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Grass Lake Charter Township, or the County of Jackson, between sundown and 7:00am when the public welfare, safety and convenience render in impossible to perform such work during other hours.
- C. Normal operation of equipment for farming or construction.

**Note:** The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). To learn more you can log on to the GAAMPs website at <http://www.michigan.gov/mda> click on "Farming," then "Environment," and then click "GAAMPs" to access.

**VIII. Public Nuisance Regulations**

No person, firm or corporation shall create, cause or maintain any public nuisance within the Township. The word "Nuisance" as used in this ordinance means any act or acts or omission to act on the part of any person which creates or permits the existence of a situation which annoys, injures or endangers the peace, welfare, order, health or safety of the public in their persons or property. As defined herein, a nuisance includes, but is not limited to, conditions which render persons insecure in life or in the use and enjoyment of their property, such as effects and emanations from noise, glare, lights, vibration, dust, smoke, odor, gas, steam, fly-ash, soot, acids, chemicals, fumes, cinders, worms, insects, rodents, flies, decaying matter,

whether such effects and emanations are natural or result from human or mechanical alteration or manipulation of materials. A nuisance also includes residue or leaching from deposits of matter which seep into water on the surface or in the ground thereby making it unfit or unpalatable for human consumption, or for use by domestic animals. A nuisance includes a condition which is indecent, obnoxious, or offensive to the senses.

**Note:** The Michigan legislature passed into law the Michigan Right to Farm Act (Act 93 of 1981) which requires the establishment of Generally Accepted Agricultural and Management Practices (GAAMPs). To learn more you can log on to the GAAMPs website at <http://www.michigan.gov/mda> click on "Farming," then "Environment," and then click "GAAMPs" to access.

**IX. Severability**

If any section, subdivision sentence, regulation, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, subdivision, sentences, regulation, clauses and phrases of this ordinance or the regulation as an entirety.

**X. Penalties and Civil Fines/Cost**

Any person, firm or corporation found violating the provisions of this Ordinance, is responsible for a Municipal Civil Infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule: Each day that a violation shall continue, it constitutes a separate offense. The fine starts the day after the deadline date stated on the notice. Checks for fines shall be made payable to Grass Lake Charter Township.

First Violation within a 3-year period*.....	\$50.00/per day
Second violation within a 3-year period*.....	\$100.00/per day
Third violation within a 3-year period*.....	\$200.00/per day
Fourth or subsequent violation within a 3-year period..	\$400.00/per day

*(\*determined on the basis of the date of the violation(s))*

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

**XI. Supercedes**

This Ordinance shall supercede Grass Lake Township Ordinance No 77-1.

**XII. Effective Date**

This Ordinance shall take effect immediately upon publication or posting as required by law following adoption by the Township Board. Adoptive Date 10-11-2005.

Marjorie A. Clark  
Grass Lake Charter Township, Clerk  
ldp

<b>BLIGHT ELIMINATION ORDINANCE:</b>						<b>Length: 4 Pages</b>			
<b>Reviewed</b>									
<b>Revised</b>	<b>*10/05</b>								

\*denotes date of origin

**Definition of Ordinance:**

An ordinance to prevent, or eliminate blight, blighting factors or causes of blight within Grass Lake Charter Township, Jackson County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to enacting authority therefore provided by act 334 of the Public Acts of 1945, as amended.

**I. Title of Ordinance:**

This ordinance shall be known and cited as the Grass Lake Charter Township Blight Elimination Ordinance.

**II. Purpose**

A. Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce, or eliminate blight or potential blight in Grass Lake Charter Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

**III. Causes of Blight or Blighting Factors**

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in Grass Lake Charter Township owned, leased, rented or occupied by such person, firm or corporation.

A. In any area zoned for residential purposes, the storage upon any property of building materials unless there is in force a valid building permit issued by Grass Lake Charter Township for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.

B. In any area, the storage or accumulation of junk, trash, rubbish, or refuse of any kind without a landfill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term "junk" shall include unused stoves or other appliances stored in the open, remnants of

wood, metal or any other material or other cast off material of any kind whether or not the same could be put to any reasonable use.

- C. In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster, or physical deterioration is no longer habitable, as a dwelling, and is no longer useful for any other purpose of which it may have been intended.
- D. In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing building permit issued by Grass Lake Charter Township and unless such construction is completed within one year after issuance thereof, unless this time is extended by the building inspector.

**IV. Severability**

If any section, subdivision sentence, regulation, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, subdivision, sentences, regulation, clauses and phrases of this ordinance or the regulation as an entirety.

**V. Penalties and Civil Fines/Cost**

Any person, firm or corporation found violating the provisions of this Ordinance, is responsible for a Municipal Civil Infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule: Each day that a violation shall continue, it constitutes a separate offense. The fine starts the day after the deadline date stated on the notice. Checks for fines shall be made payable to Grass Lake Charter Township.

First Violation within a 3-year period*.....	\$50.00/per day
Second violation within a 3-year period*.....	\$100.00/per day
Third violation within a 3-year period*.....	\$200.00/per day
Fourth or subsequent violation within a 3-year period..	\$400.00/per day

*(\*determined on the basis of the date of the violation(s))*

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less then \$9.00 or more the \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

Any violation of this ordinance shall also constitute a public nuisance, which may be abated by injunctive relief or any other remedy permitted by law.

**VI. Notice Information:**

- A. Whenever the Township Ordinance Enforcement Officer determines that the whole or any part of any property has blight or blighting factor(s) the Township Ordinance Enforcement Officer shall issue a notice of the condition.
- B. Such notice shall be directed to each owner or party in interest whose name the property appears on the last local tax assessment records.
- C. All notices shall be in writing and shall be served upon the owner or party in interest directly and personally, or in lieu of personal service may be mailed by certified mail – returned receipt requested and addressed to the owner or party in interest at the address shown on the tax records, at least ten (10) days before the date of the hearing described in the notice. A copy of the notice shall be posted upon a conspicuous place at the property.
- D. The Township Ordinance Enforcement Officer shall file with the Township Board a copy of the notice of blight or blighting factor(s).
- E. The notice shall specify the time and place of a hearing to be held before the Township Board, at which time and place the person or persons to whom the notice is directed shall have the opportunity to show cause why the blight or blighting factor(s) should not be ordered to be removed or otherwise made safe.

**VII. Hearing Information:**

- A. The Township Board shall take testimony from the Township Ordinance Enforcement Officer, the owner of the property, and any interested party or other witness. The Township Board shall render its decision either closing the proceedings or ordering the blight or blighting factor(s) to be made safe.
- B. If the owner or party in interest neglects or refuses to comply with the order, the Township Ordinance Enforcement Officer shall file a report of its findings and a copy of its order with the Township Board and request that the necessary action be taken to remove the blight or blighting factor(s). A copy of the findings shall be served on the owner or party in interest.
- C. The Township Board shall fix a date for a hearing, reviewing the findings and order of the Township Ordinance Enforcement Officer, and shall give notice to the owner or party in interest of the time and place of the hearing. At the hearing the owner or party in interest shall be given the opportunity to show cause why the blight or blighting factor(s) should not be made safe and the Township Board shall either approve, disapprove, or modify the order.
- D. The cost for removing the blight or blighting factor(s) shall be a lien against the real property and shall be reported to the assessing officer of the Township who shall assess the cost against the property on which the blight or blighting

factor(s) is located.

- E. The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If the owner or party in interest fails to pay within thirty (30) days after mailing by the assessor of the amount due, the assessor shall add the cost to the next tax roll of the Township and the amount due shall be collected in the same manner as provided by law for the collection of taxes by the Township.

**VIII. Judicial Review:**

An owner or party in interest aggrieved by any final decision or order of the Township board may appeal the decision or order the circuit court by filing a petition for an order of superintending control within twenty (20) days from the date of the decision.

**IX. Effective Date**

This Ordinance shall take effect immediately upon publication or posting as required by law following adoption by the Township Board. Adoptive Date 10-11-2005.

Marjorie A. Clark  
Grass Lake Charter Township, Clerk  
ldp



<b>DANGEROUS BUILDINGS ORDINANCE:</b>						<b>Length: 6 Pages</b>			
<b>Reviewed</b>									
<b>Revised</b>	<b>* 7/09</b>	<b>6/14/2011</b>							

\*denotes date of origin

An ordinance to promote the health, safety and welfare of the people of Grass Lake Charter Township, Jackson County, Michigan, by regulating the maintenance and safety of certain buildings and structures; to define the classes of buildings and structures affected by the ordinance; to establish administrative requirements and prescribe procedures for the maintenance or demolition of certain buildings and structures; to establish remedies, provide for enforcement, and fix penalties for the violation of this ordinance; and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF Grass Lake, Jackson COUNTY, MICHIGAN, ORDAINS:

**Section I: Title**

This ordinance shall be known and cited as the Grass Lake Charter Township Dangerous Buildings Ordinance.

**Section II: Definition of Terms**

As used in this ordinance, including in this section, the following words and terms shall have the meanings stated herein:

**A. "Dangerous building"** means any building or structure, residential or otherwise, that has one or more of the following defects or is in one or more of the following conditions:

1. A door, aisle, passageway, stairway or other means of exit does not conform to the Township Fire Code or Township Building Code.
2. A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Township Building Code for a new building or structure, purpose or location.
3. A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.
4. A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of Michigan, Public Act 167 of 1917, as amended, (MCL 125.401, *et seq.*), or the Township Building Code.
5. The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
6. The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is used.
7. The building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables

persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

8. A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that the health officer of the township or county determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling.

9. A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

10. A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease or rent with a real estate broker licensed under Article 25 of the Occupational Code, Public Act 299 of 1980, (MCL 339.2501, *et seq.*), or is not publicly offered for sale by the owner. This subdivision does not apply to either of the following:

a. A building or structure as to which the owner or agent does both of the following:

(1) Notifies the County Sheriff's Department that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given by the owner or agent not more than 30 days after the building or structure becomes unoccupied.

(2) Maintains the exterior of the building or structure and adjoining grounds in accordance with this ordinance and the Housing Law of Michigan, Public Act 167 1917, as amended, (MCL 125.401, *et seq.*), or the Township Building Code.

b. A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the County Sheriff's Department that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this subparagraph shall notify the County Sheriff's Department not more than 30 days after the dwelling no longer qualifies for this exception. As used in this subparagraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of year.

**B. "Enforcing agency"** means this township, through the Township Building Official and/or such other official(s) or agency as may be designated by the Township Board to enforce this ordinance.

**C. "Township Building Code"** means the building code administered and enforced in the township pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, (MCL 125.1501, *et seq.*).

### **Section III: Prohibition of Dangerous Buildings**

It shall be unlawful for any owner or agent thereof to keep or maintain any building or part thereof which is a dangerous building as defined in this ordinance.

### **Section IV: Notice of Dangerous Building; Hearing**

**A. Notice Requirement.** Notwithstanding any other provision of this ordinance, if a building or structure is found to be a dangerous building, the enforcing agency shall issue a notice that the building or structure is a dangerous building.

**B. Parties Entitled to Notice.** The notice shall be served on each owner of or party in interest in the building or structure in whose name the property appears on the last local tax assessment records of the township.

**C. Contents of Notice.** The notice shall specify the time and place of a hearing on whether

the building or structure is a dangerous building and state that the person to whom the notice is directed shall have the opportunity at the hearing to show cause why the Hearing Officer should not order the building or structure to be made safe, properly maintained or demolished.

**D. Service of Notice.** The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served upon a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least 10 days before the date of the hearing included in the notice.

**Section V: Dangerous Building Hearing Officer; Duties; Hearing; Order**

**A. Appointment of Hearing Officer.** The Hearing Officer shall be appointed by the Township Supervisor to serve at his or her pleasure. The Hearing Officer shall be a person who has expertise in housing matters, including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the enforcing agency shall not be appointed as a Hearing Officer.

**B. Filing Dangerous Building Notice with Hearing Officer.** The enforcing agency shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

**C. Hearing Testimony and Decision.** At a hearing prescribed by this ordinance, the Hearing Officer shall take testimony of the enforcing agency, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either closing the proceedings or ordering the building or structure to be made safe, properly maintained, or demolished.

**D. Compliance with Hearing Officer Order.** If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall so order, fixing a time in the order for the owner, agent or lessee to comply with the order. If the building is a dangerous building under Section II.A.10. of this ordinance, the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees and shrubs.

**E. Noncompliance with Hearing Officer Order/Request to Enforce Order.** If the owner, agent or lessee fails to appear or neglects or refuses to comply with the order issued under Section V.D. of this ordinance, the Hearing Officer shall file a report of the findings and a copy of the order with the Township Board not more than five days after noncompliance by the owner and request that necessary action be taken to enforce the order. If the Township Board has established a Dangerous Building Board of Appeals pursuant to Section IX of this ordinance, the Hearing Officer shall file the report of the findings and a copy of the order with the Board of Appeals and request that necessary action be taken to enforce the order. A copy of the findings and order of the Hearing Officer shall be served on the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance.

**Section VI: Enforcement Hearing Before the Township Board or Dangerous Building Board of Appeals**

The Township Board, or the Dangerous Building Board of Appeals, as applicable, shall fix a date not less than 30 days after the hearing prescribed in Section V.C. of this ordinance for a hearing on the findings and order of the Hearing Officer and shall give notice to the owner, agent or lessee in the manner prescribed in Section IV.D. of this ordinance of the time and place of the hearing. At the hearing, the owner, agent or lessee shall be given the opportunity to show cause why the order should not be enforced. The Township Board or the Board of Appeals shall either approve, disapprove or modify the order. If the Township Board or the Board of Appeals approves or modifies the order, the Township Board shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent or lessee shall comply with the order within 60 days after the date of the hearing under this section. In

the case of an order of demolition, if the Township Board or the Board of Appeals determines that the building or structure has been substantially destroyed by fire, wind, flood or other natural disaster and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent or lessee shall comply with the order of demolition within 21 days after the date of the hearing under this section.

**Section VII: Implementation and Enforcement of Remedies**

**A. Implementation of Order by Township.** In the event of the failure or refusal of the owner or party in interest to comply with the decision of the Township Board, or the Board of Appeals, as applicable, the Township Board may, in its discretion, contract for the demolition, making safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure.

**B. Reimbursement of Costs.** The costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, incurred by the Township to bring the property into conformance with this ordinance shall be reimbursed to the Township by the owner or party in interest in whose name the property appears.

**C. Notice of Costs.** The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the township assessor of the amount of the costs of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure, by first class mail at the address shown on the Township records.

**D. Lien for Unpaid Costs.** If the owner or party in interest fails to pay the costs within 30 days after mailing by the assessor of the notice of the amount of the cost, in the case of a single-family dwelling or a two-family dwelling, the Township shall have a lien for the costs incurred by the Township to bring the property into conformance with this ordinance. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the costs shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Public Act 206 of 1893, as amended, (MCL 211.1, *et seq.*).

**E. Court Judgment for Unpaid Costs.** In addition to other remedies under this ordinance, the Township may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. In the case of a single-family dwelling or a two-family dwelling, the township shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed and recorded as provided for by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

**F. Enforcement of Judgment.** A judgment in an action brought pursuant to Section VII.E. of this ordinance may be enforced against assets of the owner other than the building or structure.

**G. Lien for Judgment Amount.** In the case of a single-family dwelling or a two-family dwelling the Township shall have a lien for the amount of a judgment obtained pursuant to Section VII.E. of this ordinance against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against which the judgment is obtained. A lien provided for in this subsection does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

**Section VIII: Sanction for Nonconformance with Order**

Any person or other entity who fails or refuses to comply with an order approved or modified by the Township Board, or Board of Appeals, as applicable, under Section VI of this ordinance

within the time prescribed by that Section is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

**Section IX: Dangerous Building Board of Appeals**

**A. Establishment and Duties.** The Township Board may establish a Dangerous Building Board of Appeals to hear all of the cases and carry out all of the duties of the Township Board described in Section VI of this ordinance. If the Township Board establishes a Board of Appeals, the establishment and operation of the Board of Appeals shall be controlled by the following provisions of this section.

**B. Membership.** The Board of Appeals shall be appointed by the Township Board and shall consist of the following members:

1. A building contractor;
2. A registered architect or engineer;
3. Two members of the general public;
4. An individual registered as a building official, plan reviewer or inspector under the Building Officials and Inspectors Registration Act, Public Act 54 of 1986, (MCL 338.2301, *et seq.*). The individual may be an employee of the enforcing agency.

**C. Terms.** Board of Appeals members shall be appointed for three years, except that of the members first appointed, two members shall serve for one year, two members shall serve for two years, and one member shall serve for three years. A vacancy created other than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment. A member may be reappointed for additional terms.

**D. Officers.** The Board of Appeals annually shall select a chairperson, vice chairperson and other officers that the Board of Appeals considers necessary.

**E. Quorum and Final Action Votes.** A majority of the Board of Appeals members appointed and serving constitutes a quorum. Final action of the Board of Appeals shall be only by affirmative vote of a majority of the board members appointed and serving.

**F. Compensation and Expenses.** The Township Board shall fix the amount of any per diem compensation provided to the members of the Board of Appeals. Expenses of the Board of Appeals incurred in the performance of official duties may be reimbursed as provided by law for employees of the Township Board.

**G. Open Meetings Act Applicable.** A meeting of the Board of Appeals shall be held pursuant to the Open Meetings Act, Public Act 267 of 1976, as amended, (MCL 15.261, *et seq.*). Public notice of the time, date and place of the meeting shall be given in the manner required by the Open Meetings Act.

**H. Freedom of Information Act Applicable.** A writing prepared, owned, used, in the possession of, or retained by the Board of Appeals in the performance of an official function shall be made available to the public pursuant to the Freedom of Information Act, Public Act 442 of 1976, as amended, (MCL 15.231, *et seq.*).

**Section X: Appeal of Township Board/Board of Appeals Decision**

An owner aggrieved by any final decision or order of the Township Board, or the Board of Appeals, as applicable, under Section VI of this ordinance may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within 20 days from

the date of the decision.

**Section XI: Severability**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**Section XII: Repeal**

All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Building Code.

**Section XIII: Effective Date**

This ordinance shall take effect 30 days after publication as required by law.

Marjorie A. Clark  
Grass Lake Charter Township, Clerk

<b>MUNICIPAL ORDINANCE VIOLATIONS BUREAU ORDINANCE:</b>						<b>Length: 4 Pages</b>			
<b>Reviewed</b>									
<b>Revised</b>	<b>*10/05</b>	<b>1/15</b>							

\*denotes date of origin

**Definition of Ordinance:**

An ordinance adopted pursuant to 1994 Public Act No. 12 to establish a Municipal Ordinance Violations Bureau for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions for which municipal ordinance violation notices have been issued and served by authorized officials; to collect and retain civil fines/costs for such violations as prescribed herein; and to repeal all conflicting ordinances or parts or ordinances.

Grass Lake Charter Township, Jackson County, Michigan

**I. Title and Purpose of Ordinance:**

This ordinance shall be known and cited as the Grass Lake Charter Township Municipal Civil Infraction Ordinance. The purpose of this ordinance is to decriminalize the misdemeanor penalty provisions in specific township ordinances; ordinances affected include:

1. Anti-Noise and Public Nuisance Ordinance
2. Blight Elimination Ordinance
3. Dangerous Building Ordinance
4. Garbage & Rubbish Disposal Ordinance
5. Junk Vehicle Ordinance
6. Zoning Ordinance

**II. Establishment, Location and Personnel of Municipal Ordinance Violations Bureau**

A. Establishment. Grass Lake Charter Township Municipal Ordinance Violations Bureau (hereafter "Bureau") is hereby established pursuant to 1994 Public Act 12 (MCL600.8396), as it may be amended from time to time, for the purpose of accepting admission or responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.

B. Location. The Bureau shall be located at Grass Lake Charter Township Office or such other location in the Township as may be designated by the Township Board.

C. Personnel. All personnel of the Bureau shall be Township employees. The Township Board may by resolution designate a Bureau Clerk with the duties prescribed herein as otherwise may be delegated by the Township Board.

**III. Bureau Authority**

The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violation notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this Ordinance or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed and alleged violation nor who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.

**IV. Ordinance Violation Notice Requirements Admission/Denial of Responsibility**

A. Ordinance Violation Notice Requirements. Municipal civil infraction violation notices shall be issued and served by authorized Township officials as provided by law. A municipal civil infraction ordinance violation notice shall include, at a minimum, all of the following:

1. the violation
2. the time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
3. the amount of the scheduled fines/cost for the violation;
4. the methods by which the violation may be admitted or denied;
5. the consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
6. the address and telephone number of the Bureau;
7. the days and hours that the Bureau is open.

B. Denial of Responsibility. Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau Clerk or other designated Township employee(s) shall advise the complainant to issue and file a municipal civil infraction citation for such violation with the court having jurisdiction of the matter. The violation filed with the court shall consist of a sworn complaint containing, at a minimum, the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation. A copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation shall thereafter be processed in the manner required by law.

**V. Penalties and Civil Fines/Cost**

Any person, firm or corporation found violating the provisions of this Ordinance, is



**Municipal Ordinance Violations Bureau  
Ordinance**

responsible for a Municipal Civil Infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule: Each day that a violation shall continue, it constitutes a separate offense. The fine starts the day after the deadline date stated on the notice. Checks for fines shall be made payable to Grass Lake Charter Township.

First Violation within a 3-year period\*..... \$50.00/per day

Second violation within a 3-year period\*..... \$100.00/per day

Third violation within a 3-year period\*..... \$200.00/per day

Fourth or subsequent violation within a 3-year period.. \$400.00/per day

*(\*determined on the basis of the date of the violation(s))*

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

**VI. Records and Accounting**

The Bureau Clerk or other designated Township official/employee shall retain a copy of all municipal ordinance violation notices, and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township Treasurer at such intervals as the Treasurer shall require, and shall be deposited in the general fund of the Township.

**VII. Availability of Other Enforcement Options**

Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of an ordinance violation notice. As to each ordinance violation designated as a municipal civil infraction the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

**VIII. Severability**

If any section, subdivision sentence, regulation, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, subdivisions, sentences, regulations, clauses and phrases of this ordinance or the regulation as an entirety.

**IX. Repeal**

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby

repealed.

**X. Effective Date**

This Ordinance shall take effect immediately upon publication or posting as required by law following adoption by the Township Board. Adoptive Date 10-11-2005.

Marjorie A. Clark  
Grass Lake Charter Township, Clerk  
ldp

<b>MICHIGAN RESIDENTIAL CODE ORDINANCE: PPO-12</b>									
<b>Reviewed</b>	<b>9-10- 2019</b>	<b>10-8- 2019</b>							
<b>Revised</b>									

**Purpose of Ordinance:**

An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of Grass Lake Charter Township, Jackson County, Michigan, by the regulation of Michigan Residential Code/ 2009, Michigan Building Code/ 2009, Michigan Mechanical Code/2012, Michigan Plumbing Code/2011, Michigan State Electrical Code/2017, including Michigan Part 8 Electrical Rules/2017 and National Electrical Code/2017, International Fuel Gas Code/2009, Rehabilitation Code/2009, and Michigan Uniform Energy Code/2009.

To provide for the enforcement of violations of the Michigan Residential Building, Electrical, Mechanical, and Plumbing Codes through the issuance of municipal civil infractions and to repeal all conflicting Ordinances or parts of Ordinances.

**I. Title of Ordinance:**

This ordinance shall be known and cited as the Grass Lake Charter Township Michigan Residential Code Ordinance.

II. Pursuant to the provisions of Act 230 of 1972, as amended, the Grass Lake Charter Township hereby elects to assume responsibility for the Administration and enforcement of codes above named throughout its' Corporate limits.

**III. Severability:**

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the ordinance which shall continue in full force and effect.

**IV. Repeal:**

All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

**V. Effective Date:**

This Ordinance shall become effective within thirty (30) days after notice of its adoption is published in a local newspaper.

VI. This Ordinance shall be published in the manner provided by law.

**VII. Penalties and Enforcement**

Penalty: Any person, corporation, or entity who violates the provisions of this Ordinance

by violating sections of the Michigan Residential, Building, Electrical, Mechanical, or Plumbing Codes is responsible for a municipal civil infraction as authorized by the Stille-Derossett-Hale Single State Construction Code Act, Act 230 of 1972, MCL 125.1501, as *amended*, and is subject to a civil fine of not more than five hundred dollars (\$500.00), plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees.

A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation. The imposition of any sentence shall not exempt this offender from compliance with the provisions of the Ordinance.

**VIII. Supersedes**

This Ordinance shall supersede Grass Lake Township Ordinance No. 01-04.

Catherine Zenz  
Grass Lake Charter Township, Clerk