

BRADY TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

BRADY TOWNSHIP ZONING ORDINANCE
(Ordinance No. 70, as amended)

Adopted: May 6, 1997

Effective: May 29, 1997

(Current through Ordinance No. 146, July 2020)

Format note---the existing Zoning Ordinance as amended through Ordinance No. 135 was re-paginated with an article-based page numbering system in May 2017. The conversion to this new page numbering system caused some shifts in content, but no changes in content were made.

BRADY TOWNSHIP ZONING ORDINANCE

INTRODUCTION AND USER GUIDE

This Introduction and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance to make the document easier to understand and use. Like every municipal zoning ordinance, this Zoning Ordinance regulates the development and use of land by dividing the Township into “zoning districts”, sometimes commonly referred to as “zones”. This Zoning Ordinance establishes 10 such zoning districts as noted in Section 4.1, and as shown on the Zoning Map.

This Zoning Ordinance is based on what is sometimes called a “permissive” zoning concept; that is, land in each zoning district can be used only for the land uses and activities that are specifically designated in the Zoning Ordinance as permissible in that district (Section 4.4). The permissible land uses within each zoning district are further divided into either “permitted uses” or “special land uses”. A use listed as a “permitted use” in a zoning district is recognized as being harmonious with other such uses within the same district, and therefore generally requires no prior land use approval. A “special land use” is recognized as requiring prior land use approval, pursuant to a public hearing and approval standards specified in the Zoning Ordinance, to make sure the particular location proposed for the land use will not adversely impact other property, or the general health, safety and welfare of the community. Articles VI through XIII-A of this Zoning Ordinance indicate the permitted uses and special land uses for each of the zoning districts.

Article XIV (Schedule of Lot, Yard and Area Requirements) specifies other requirements applicable in each zoning district, such as the minimum “lot” requirements for buildable property, and “setback” and other location requirements for buildings and other structures in each zoning district.

Some provisions of the Zoning Ordinance are intended to generally apply throughout the Township, such as most of the “General Provisions” in Article V. Other articles of this Ordinance, and some parts of Article V, regulate specific matters that may apply in one or more zoning districts, or throughout the Township, as indicated to be applicable. Such provisions of the Zoning Ordinance include the following articles and subject matters, for example:

- Article XV---Waterfront Development and Use Regulations
- Article XVII---Accessory Buildings/Accessory Structures/Accessory Uses
- Article XX---Sign Regulations
- Article XXI---Parking and Loading Spaces

So, to determine whether property can be used for a particular land use or activity, and what regulations may apply to that property/land use, a person using this Zoning Ordinance will generally go through the following steps:

- ❖ Step 1: find the property on the official Zoning Map and determine the “zoning district” in which the property is located.
- ❖ Step 2: make sure the property meets the minimum “lot” requirements for that zoning district, and is therefore “buildable” pursuant to the Schedule in Article XIV; or is otherwise a legal buildable “nonconforming lot” pursuant to Section 22.8. Article XXII also includes special provisions pertaining to “nonconforming” uses and building/structures lawfully established before the enactment of this Ordinance in 1997.
- ❖ Step 3: refer to the proper article covering that zoning district from Articles VI through XIII-A; and determine whether the intended land use is listed in that article as either a “permitted use” or a “special land use”.
- ❖ Step 4a: if the intended land use is listed as a “permitted use” in the zoning district in which the property is located, check Section 19.2 to see whether that use is subject to a “site plan review” requirement. If so, other provisions of Article XIX will apply.
- ❖ Step 4b: if the intended land use is listed as a “special land use” in the zoning district in which the property is located, review Article XVIII for information about applying for special land use approval and the “standards” that must be shown to be complied with before the Planning Commission can grant such approval, after a public hearing. Section 18.3 specifies what are sometimes called the criteria or general standards that apply to all special land uses; but Section 18.7 includes additional specific standards that are required of certain special land uses. Note: the “site plan review” requirements of Article XIX apply to all special land uses.
- ❖ Step 5: for every permitted use or special land use check whether additional regulations are applicable from either Article V “General Provisions” or other articles dealing with specific subjects, such as the articles listed above in the bullet points.

User hint: many words and terms used in this Zoning Ordinance are given a specific definition in Section 3.1. It is therefore important to refer to Section 3.1 to determine whether a particular word or term has a specific definition for purposes of this Ordinance. Any word or term not specifically defined in this Ordinance is defined in accordance with its most applicable customary or common meaning.

Finally, other parts of this Zoning Ordinance address what may be called “administrative” matters, including the following articles on the indicated subjects:

- Article XXIII---Zoning Board of Appeals
- Article XXIV---Administration and Enforcement of Zoning Ordinance
- Article XXV---Violation and Sanctions
- Article XXVI---Text Amendments/Rezoning Procedures

These articles are not generally relevant to determining how a particular land use is regulated by the Zoning Ordinance, but may apply in certain circumstances. For example, a potential applicant for a “variance” should review Article XXIII addressing the limited authority of the Zoning Board of Appeals to grant variance relief, and otherwise covering the authority and functions of that board.

Disclaimer: this Introduction and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance. Many zoning questions can be answered upon simple reference to the appropriate parts of this Zoning Ordinance; but some questions will require knowledgeable assistance from someone such as the Zoning Administrator, and sometimes from legal counsel with special expertise in zoning matters. Although this Introduction and User Guide is not intended to substitute for knowledgeable assistance to address a particular zoning question or issue where required, it will hopefully make this Zoning Ordinance easier to understand and use.

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BRADY TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 70

ADOPTED: May 6, 1997

EFFECTIVE: May 29, 1997

An ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Brady pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended, Act 110 of the Public Acts of 2006 (the Michigan Zoning Enabling Act), as may be amended, and any other applicable laws; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this ordinance; to establish a Zoning Board of Appeals; to prescribe penalties for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF BRADY,

KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

ARTICLE I

SHORT TITLE, PURPOSE AND SCOPE

- 1.1 SHORT TITLE: This ordinance shall be known as the Brady Township Zoning Ordinance.
- 1.2 PURPOSE: The zoning districts established by this ordinance and the regulations specified for each district have been developed in accordance with the continuing formulation of a Land Use Plan for the physical development of Brady Township as a part of Kalamazoo County. This ordinance is also designed to limit the location, height, number of stories, and size of buildings, dwellings, and structures that may be erected or altered, and the specific uses for which land may be used and dwellings, buildings and structures may be erected, used or altered in the various zoning districts. This ordinance also provides for the area of yards and other open spaces, and other sanitary, safety and protective measures applicable to dwellings, buildings and structures. In their application and interpretation the provisions of this ordinance shall be held to be minimum requirements adopted to promote the public safety, health, and general welfare. Among other purposes, these provisions are designed to conserve and protect lands, water and other natural resources in the Township for their most suitable purposes, whether for agriculture, residences, recreation, industry, trade, service, or other appropriate uses; to ensure that uses of land shall be situated in appropriate locations and relationships; to preserve productive agricultural lands for agricultural uses, and to protect such lands against encroachments by incompatible non-agricultural uses; to reduce hazards to life and property; to secure safety from fire and other dangers of excessive public costs which result from unguided community development; to avoid inappropriate concentration of population by regulating and limiting the density of use of land; to lessen congestion in the public highways and streets, and other public facilities; to facilitate the economical and efficient provision of adequate streets and highways, educational and recreational facilities, energy, sewerage, drainage and water supply systems while avoiding the installation of such utility services to illogical locations; and to enhance the social and economic stability of Brady Township.
- 1.3 SCOPE: It is not intended by this ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto. Where this ordinance imposes a greater restriction than is imposed or required by such laws, other ordinances, or private restrictions, the provisions of this ordinance shall control.

ARTICLE II

CONSTRUCTION OF LANGUAGE

- 2.1 The following rules of construction apply to the text of this ordinance:
1. The particular shall control the general.
 2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 5. A "building" or "structure" includes any part thereof.
 6. The phrases "used for", "arranged for", "designed for", "intended for", "maintained for", and "occupied for" are intended to have interchangeable meaning.
 7. The word "person" includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other entity, or a combination thereof.
 8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:
 - a. "and" indicates that all the connected items, conditions, provisions or events shall apply;
 - b. "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 9. The word "he" shall mean he or she.
 10. Any word or term not specifically defined in this Ordinance shall be considered to be defined in accordance with its most applicable customary or common meaning.

ARTICLE III

DEFINITIONS

3.1 DEFINITIONS: The following definitions of these terms and words shall apply in the interpretation and enforcement of this Ordinance, unless otherwise specifically stated:

1. Accessory Building: A building subordinate to and located on the same lot with a principal building, the use of which is incidental to that of the principal building or the use of the land, and which is not attached by any part of a common wall or common roof to the principal building. Where an accessory building is attached to a principal building, such accessory building shall be considered part of the principal building.
2. Accessory Structure: A structure (which is not a building) subordinate to and located on the same lot with a principal building, or on a contiguous lot, the use of which is incidental to that of the principal building, and which is not attached to the principal building. This definition is intended to include, among other things, satellite/cable television dish antennas and related apparatus, conventional television antenna towers and related apparatus, swimming pools, and decks; but it is not intended to include patios, for purposes of any minimum setback requirements otherwise applicable to accessory structures.
3. Accessory Use: A use of a building or lot, or portion thereof, which is incidental and subordinate to the principal use of the lot.
4. Agricultural Production: The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, aquacultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables; including in each instance the right to sell at wholesale or retail from the premises any goods or products produced thereon; but not including greenhouses as defined in this Ordinance.
5. Alter (or Alteration of) Building: A change in the supporting members of a building, or an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another.
6. Animal: See Section 16.2 of this Ordinance for definitions of related terms.

7. Animal Units: (the definition of "animal units" included in the Generally Accepted Agricultural and Management Practices For Site Selection and Odor Control For New and Expanding Livestock Production Facilities, as adopted by the Michigan Commission of Agriculture in July, 2004 (see addendum), and as may subsequently be specified by the Michigan Commission of Agriculture in accordance with the Michigan Right To Farm Act (1981 PA 93, as amended), is adopted by reference).

Addendum: pursuant to the above-referenced July 2004 Michigan Commission of Agriculture document, the "animal unit" equivalency for various types of animals is as follows:

- A. slaughter and feeder cattle: 1.0
 - B. mature dairy cattle: 1.4
 - C. swine (weighing over 55 lbs): 0.4
 - D. sheep and lambs: 0.1
 - E. horses: 2.0
 - F. turkeys: 0.018
 - G. laying hens or broilers: 0.01
 - H. all other animal classes, types or sizes: calculated as 1,000 lbs live weight = 1.0 animal unit
8. Aquaculture: The commercial production of fish or other natural produce of water.
9. Automotive Repair Garage: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration, including body and paint work.
10. Automotive Sales Area: An area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, trailers, or similar equipment.
11. Automotive Service Station: A building or structure designed or used for the retail sale of fuel, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair, or servicing; but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of new or used cars, trucks, motorcycles or other vehicle type, or sales unrelated to service station use.
12. Bar: A facility (whether free-standing or part of another land use, such as a hotel) which is devoted to the serving of alcoholic beverages for

consumption by patrons on the premises and in which any serving of food is incidental to the consumption of such beverages.

13. Basement: A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.
14. Bed & Breakfast Facility: A use which is subordinate to the principal use of a single family dwelling in which transient guests are provided a sleeping room and board in return for compensation for a period not to exceed seven days.
15. Billboard: See "Sign" definitions.
16. Biofuel: Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and that meets applicable quality standards, including, but not limited to, ethanol and biodiesel; but not including methane or any other fuel product from an anaerobic digester. For purposes of this term "ethanol" means a substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
17. Boarding House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging, for compensation, to more than two persons other than members of the resident family occupying such dwelling, for a period exceeding seven days.
18. Building: An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons, animals or property of any kind. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.
19. Building Code/Township Building Code: The nationally recognized model building, mechanical, plumbing and electrical code(s) in effect in Brady Township.
20. Building Coverage: The area of the ground "footprint" of a building measured from the exterior faces of the exterior walls.
21. Building or Structure Height: The vertical distance measured from the average grade at the building or structure foundation to the highest point of the building roof or structure.

22. Building Line: The line adjacent to a building and parallel to the front lot line, formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjacent ground.
23. Building/Occupancy and Use Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or occupancy and use of a building. Also see "Zoning Compliance Permit" definition.
24. Building Official/Inspector: The person or persons appointed by the Township Board or State to inspect buildings for conformance to the building codes and administer the building codes effective in this Township.
25. Building/Structure Setback Line (Minimum): The line which pertains to and defines those minimum building/structure setback lines which are established parallel to the front, side and rear lot lines and within which setback areas no part of a building or structure shall project or be located, except as otherwise provided for by this ordinance.
26. Child (Family) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which 1-6 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.
27. Child (Group) Day Care Home: A private residence properly registered or licensed under 1973 Public Act 116, as amended, (MCLA 722.111 et seq), in which more than 7-12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term is not intended to include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.
28. Child Day Care Center: A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center is not, however, intended to include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
 - B. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
29. Church: A building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain public worship for a local congregation.
30. Commercial Recreation Enterprise: A facility providing athletic or other recreational use on a commercial basis, including golf driving range, miniature golf, baseball batting cage, ice or rollerskating rink, bowling alley, or other similar or compatible recreational use, with such similarity and compatibility to be determined, if necessary, by the Zoning Board of Appeals.
31. Contiguous: Adjoining; actually touching at a point or common boundary line.
32. Contractor's Workshop: A place of business for contractors providing personal services directly to their clients in the electrical, plumbing, heating, painting, woodwork or similar occupations, where any production, assembly or fabrication of a product is by the owner and/or not to exceed two employees, and where there is no manufacturing, assembling or fabrication of products on a wholesale basis for other persons or businesses.
33. Convalescent or Nursing Home: A facility licensed pursuant to Article 17, Part 213 (MCL 333.21301 et seq) or Part 217 (MCL 333.21701 et seq) of the Michigan Public Health Code that provides organized nursing and/or personal care to the aged or persons suffering or convalescing from illness, injury or infirmity. This term is not intended to include foster care facilities as defined in this Ordinance, hospitals, any kind of correctional facility, or any facility for the care of violent, psychotic, or other mentally ill patients.
34. Deck: An exterior structure consisting primarily of flooring which is raised above the grade of the natural surrounding ground surface, and which may be constructed as part of the principal building or structure, or as an accessory structure. Also see related definition of "patio".

35. District (or Zoning District): An area within which certain designated uses of land and buildings are allowed and all others are prohibited; yards and other open spaces are required, and lot areas, building height limits, and other requirements are established.
36. Dwelling or Residence: A building, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family. In no case shall a recreational vehicle, automobile chassis, tent or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for purposes of complying with the area requirements in this ordinance.

All dwellings shall comply with the standards set forth in Section 5.5 of this ordinance.

- A. Dwelling, Multiple-Family: A building containing three or more separate dwelling units designed for residential use.
- B. Dwelling, Private: A building occupied by only one family.
- C. Dwelling, Single-Family: A detached building containing only one dwelling unit designed for residential use.
- D. Dwelling, Two-Family: A detached building containing two separate dwelling units designed for residential use.
- E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living and cooking facilities for not more than one family.
37. Earth Removal: The digging and/or screening and washing of soil, sand, gravel, rock, minerals, clay, or other earthen material from a land surface for a commercial, manufacturing or industrial purpose other than the improvement, development, grading and selling of land; but not including any quarrying, asphalt manufacturing or concrete or cement manufacturing operations, except as allowed by this Ordinance.
38. Essential Services: The erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police

call boxes, traffic signals, hydrant or other similar equipment and accessories in connection therewith, not including buildings, electrical substations or gas regulator stations, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety, or general welfare (not including buildings other than those which are primarily enclosures or shelters of the above essential service equipment).

39. Family: One or more persons related by blood, marriage, or adoption, including those related as foster children or servants, and not than one additional unrelated person, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one dwelling under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary and resort-seasonal in character or nature.
40. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation).
41. Farm Market: An area and/or permanent or temporary building/structure where transactions between a farm market operator and customers involving only farm products (fruit, vegetables, grains, or other farm produce) take place as a seasonal or year round operation, and where at least 50% of the products marketed for sale (as measured by retail space used to display products) are produced on and by a farm under the same ownership or control as the farm market. A farm product sold at a farm market may be unprocessed, or processed to convert it into a value-added product that is more marketable for direct sales (such as by washing, sorting, packaging, canning, drying, freezing, or otherwise preparing the product for sale). A farm market may include other activities and services directly related to the farm products sold at the farm market (such as a cider mill accessory to an apple producer's farm market), but shall not otherwise include indirectly related or unrelated activities and services to attract and entertain customers and/or facilitate retail trade transactions unless such activity or service is otherwise permissible in the zoning district at issue and has been granted all required zoning approvals. Note: this land use is allowed as a principal permitted use and is also permissible as an accessory use accessory to a dwelling or other applicable use in the Agricultural District, in each instance subject to the applicable regulations specified in Section 5.24.

42. Farm Structure: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential to and customarily used on farms of that type for the pursuit of their agricultural activities.
43. Fill, or Filling: The depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.
44. Floor Area:
- A. Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, excluding any basement floor area (see "Basement" definition), and also excluding any space devoted to off-street parking or loading, breezeways, unfinished attics, porches (enclosed or unenclosed) or garages.
 - B. Floor Area, Usable: The portion of the floor area measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities.
45. Foster Care Facility:
- A. Foster Care (Small Group) Facility: A residential facility licensed by the state pursuant to 1979 Public Act 218, as amended (MCLA 400.701 et seq), or 1973 Public Act 116, as amended (MCLA 722.111 et seq), which provides resident services, supervision and care for 6 or fewer persons 24 hours a day.
 - B. Foster Care (Large Group) Facility: A residential facility licensed by the state pursuant to 1979 Public Act 218, as amended (MCLA 400.701 et seq), or 1973 Public Act 116, as amended (MCLA 722.111 et seq), which provides resident services, supervision and care for 7-20 persons 24 hours a day.
46. Front Line: See "Lot Line, Front" definition.
47. Game and Fish Preserve: An area where fish and/or game are raised for the purpose of providing hunting and/or fishing privileges to the general public for a fee and which are licensed as such by the State of Michigan.

48. Golf Course: A comparatively large area of land laid out for the game of golf, which may include a clubhouse/pro shop providing locker facilities and the sale of food/beverages and golf related merchandise.
49. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.
50. Greenhouse:
- A. Greenhouse (retail): An enclosed structure used as a facility for the production and retail sale of bedding plants directly to the general public.
 - B. Greenhouse (wholesale): An enclosed structure used as a facility for the production and wholesale sale of bedding plants.
51. Health Department: The Kalamazoo County Human Services Department or comparable governmental agency.
52. Home Occupation: Any occupation or activity (except restaurant) carried out for gain and conducted as an accessory use in a residential dwelling unit, which has the following characteristics:
- A. The occupation is operated in its entirety by the person or persons residing in the dwelling.
 - B. The occupation is operated in its entirety within the dwelling unit, and not in a garage or accessory building.
 - C. The occupation is clearly incidental and secondary to the residential use of the building, and does not utilize more than 20% of the gross floor area of the dwelling, or 300 square feet, whichever is less.
 - D. All goods sold from the premises are created on the premises, or are incidental to services sold on the premises.
 - E. The dwelling has no exterior evidence indicating that the building is being utilized for any purpose other than that of a dwelling, except a name plate sign not exceeding one square foot in area containing the name and occupation of the occupant of the premises.
 - F. Noise or other objectionable characteristics associated with the home occupation are not discernable beyond the boundaries of the premises.

53. Horse Boarding or Riding Stable: A facility with a confined capacity for more than 3 but less than 25 horses (50 animal units) for boarding by persons not residing on the premises and/or where riding horses are rented and/or where horse riding lessons are given, including the indoor and outdoor facilities for same.
54. Institutional or Public Use: Churches, schools teaching academic subjects, public parks or outdoor recreational facilities, cemeteries, libraries, and other public or semi-public uses, including governmental administration or service buildings, community centers, and municipally-owned and operated farmers markets; provided this term is not intended to include a public or quasi-public access site to a waterway, a public or quasi-public boating access site, a public or quasi-public boat ramp, a public/quasi-public or private marina, or any other land use specifically designated as a permitted use or special exception use in the provisions of this ordinance pertaining to any zoning district.
55. Interior Boundary Line: A property boundary line which is not contiguous to or within a street.
56. Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.
57. Junk/Salvage Yard: Any place where the storing, dismantling, wrecking, and disposition of junk is carried on, including automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials. This term does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance.
58. Kennel: The housing or keeping of more than six dogs and/or cats on a lot or in a structure, for any purpose whatsoever, either permanently or temporarily, excluding not more than one litter per year of less than six months of age.
59. Livestock: Domestic animals raised or kept for any purpose, including but not limited to, cattle, sheep, hogs, horses, chickens, rabbits, ducks, goats, turkeys and geese, but excluding dogs and cats.
60. Lot: A parcel of land (including a "unit" within a site condominium development) with frontage on a public street, or on a private road as may be allowed by this Ordinance, and separated from other parcels by legal description, deed or subdivision plot; and also including a "zoning lot", as

defined in this Ordinance, and in such cases the outside perimeter of the group of lots or portions of lots shall constitute the lot boundary lines.

- A. Lot, Area: The total horizontal area within the lot lines of a lot, not including the area of the street right-of-way contiguous to any portion of the lot.
- B. Lot, Depth: The average horizontal distance from the front lot line to the rear lot line.
- C. Lot, Corner: A lot situated at the intersection of two (2) or more streets.
- D. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- E. Lot, Frontage/Width: The horizontal distance between the side lot lines, measured at both the front lot line (see definition of "Lot Line, Front") and the building line (see definition of "Building Line"). Notwithstanding the foregoing, the lot frontage/lot width of a waterfront lot shall be determined at both that portion of the property abutting the water, and that portion of the property abutting the right-of-way of a public street (or the right-of-way of a lawful private road, in the case of a lawfully established nonconforming lot abutting such a private road).
- F. Lot, Interior: A lot other than a corner lot with one (1) lot line fronting on a street.
- G. Lot, Waterfront: A lot having frontage directly upon a natural or man-made lake, river, stream, pond, or other waterway.
- H. Lot, Lines: Any line dividing one (1) lot from another or from the street right-of-way, and thus constituting property lines bounding a lot.
- I. Lot Line, Front: That portion of a lot abutting the right-of-way of a public street (or the right-of-way of a lawful private road, in the case of a lawfully established nonconforming lot abutting such a private road); except that the front line of a waterfront lot shall be that portion of the lot abutting the water. In the case of a corner or double frontage lot, the front lot line shall be that line separating the lot from that street which is designated as the front street in the plat and/or in the request for a Building Permit or Zoning Compliance Permit.
- J. Lot Line, Rear: That boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the

rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.

- K. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
 - L. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Kalamazoo County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded with the county.
 - M. Lot, Zoning: One or more contiguous lots or portions of lots in single ownership, where the grouping of such lots for zoning purposes is required or allowed by this Ordinance.
- 61. Mini-Storage Facility: A facility with one or more completely self-enclosed buildings containing separate and individualized units rented or leased solely for the storage of personal property.
 - 62. Mobile Home: A portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equaling or exceeding twelve (12) feet in width and sixty (60) feet in length, and not motorized or self-propelled. Modular, prefab, pre-cut or sectional dwelling units which require being transported to the site separately in two (2) or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which are non-movable after erection, shall not be considered a mobile home if same complies with the Township Building Code and the provisions of this ordinance. Recreational vehicles, as defined in this Ordinance, are not mobile homes.
 - 63. Mobile Home Park: A specifically designated parcel of land designed and developed to accommodate three (3) or more mobile home sites for continual and non-recreational residential use.
 - 64. Mobile Home Site: A plot of ground within a mobile home park designed to accommodate and support one (1) mobile home. It is not the same as a building lot.
 - 65. Mobile Home Subdivision: An area of land with mobile home lots subdivided, surveyed, recorded, and sold in accordance with 1967 Public Act 288, as amended.

66. Modular, Prefab, Pre-cut and Sectional Dwellings: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a site-built residence.
67. Motel: A group of attached or detached dwellings not more than two stories in height containing guest rooms which are provided for transient occupancy only, including motor lodges, tourist homes, and similar transient lodging facilities not otherwise within the scope of another term defined in this Ordinance (such as Bed & Breakfast Facility, Boarding House, etc.).
68. Nightclub: A facility (whether free-standing or part of another land use, such as a hotel) usually open only at night, serving alcoholic beverages and sometimes food for consumption by patrons on the premises, and providing music and a space for dancing by patrons.
69. Non-Conforming Use, Building/Structure or Lot of Record:
- A. Non-Conforming Use: A use which lawfully occupied a building/structure or land prior to the enactment of this ordinance or amendments thereto, and that does not conform to the use regulations of this ordinance for the zoning district in which it is located.
 - B. Non-Conforming Building/Structure: A building/structure or portion thereof lawfully existing prior to the enactment of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. setbacks, height, lot coverage) of this ordinance for the zoning district in which it is located.
 - C. Non-Conforming Lot of Record: A lot lawfully existing of record prior to the enactment of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).
70. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, used for, or intended to be inhabited, not necessarily for dwelling purposes.
71. On-Farm Biofuel Production Facility (Type I): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:
- A. The facility is located on land used in the commercial production of farm products.
 - B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.

- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
 - D. The facility meets all otherwise applicable setback requirements.
 - E. At least 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
 - F. At least 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.
72. On-Farm Biofuel Production Facility (Type II): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:
- A. The facility is located on land used in the commercial production of farm products.
 - B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
 - C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
 - D. The facility meets all otherwise applicable setback requirements.
 - E. Less than 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
 - F. Less than 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.
73. On-Farm Biofuel Production Facility (Type III): A facility designed and intended to be used to produce biofuel, and having all of the following characteristics:
- A. The facility is located on land used in the commercial production of farm products.
 - B. The facility has a designed annual production capacity of at least 100,000 gallons but not more than 500,000 gallons of biofuel.
 - C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
 - D. The facility meets all otherwise applicable setback requirements.

74. Parking Area, Off-Street: An area (not utilizing any portion of a public street right-of-way) providing vehicular parking spaces along with adequate drives and aisles.
75. Parking Space: That area required by this Ordinance for the parking or storage of one automobile or other motor vehicle.
76. Patio: An exterior structure consisting entirely of flooring at (or lower than) the grade of the natural surrounding ground surface, and which may be constructed as part of the principal building or structure, or as an accessory structure. Also see related definition of “deck”.
77. Permitted Use: See Section 4.5 of this Ordinance.
78. Planning Commission: The Brady Township Planning Commission.
79. Principal Building: A building in which is conducted the principal use of the lot upon which it is situated.
80. Principal Use: The main, primary or predominant use of a lot.
81. Private Non-Commercial Club Facility: A facility for the meetings and related activities of a non-commercial lodge, association, or other type of club organized for charitable, eleemosynary, or educational purposes, which is not operated for profit and which holds and maintains an income tax exempt status under the laws and regulations administered by the federal Internal Revenue Service, which excludes the general public from its premises or place of meeting or congregating thereon, and which does not serve alcoholic beverages for consumption by members or other persons on the premises.
82. Private Road: A private right-of-way for vehicular access to abutting properties which has been lawfully established in accordance with this Ordinance and any other applicable ordinances of Brady Township, and any other applicable county or state laws, rules and regulations.
83. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under governmental regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.
84. Public Utility Service Facilities: Gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures.
85. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for

temporary lodging. This term includes folding campers, truckmounted campers, and motor homes, but does not include mobile homes.

86. Recreational Vehicle Campground: A recreational oriented facility for the overnight or short term use of recreational vehicles and tents, including a year-round residence for the facility owner/operator.
87. Residential District (or Zone): Any one or more of the following zoning districts established by this ordinance: "RR" Single Family Rural Residential District, "R-1" Single Family Residential District, "R-2" Single Family Residential District, "R-3" Two Family and Multiple Family Residential District, "R-4" Mobile Home Park Residential District, and any other subsequently established zoning district which includes an "R" or the word "Residential" in its title.
88. Roadside Stand: An area or temporary or permanent building or structure designed and used by the residents of the property for the purpose of the display and sale of fresh/unprocessed (except washed) garden produce, fruit, grains, or other similar unprocessed cultivated food products actually grown on the premises upon which the roadside stand is located. Note: this land use is allowed as a principal permitted use in the Agricultural District, and is also permissible as an accessory use accessory to a dwelling or other applicable use in the Agricultural District and Residential Districts, in each instance subject to the applicable regulations specified in Section 5.24.
89. Seasonal Mobile Home Park: A parcel or tract of land upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, including a year-round residence for the park owner/operator.
90. Setback (Building or Structure): The minimum horizontal distance required to exist between a building or structure (including steps or porches), and the front, side or rear lot line. The required setback area is that area encompassed by the respective lot lines and setback lines.
91. Shoreline: (as used in any provision of this ordinance requiring a setback measurement or other delineation, such as Section 15.3): the ordinary or normal high water line of a waterway that persists through successive changes in water levels and 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, as determined by either the Michigan Department of Natural Resources and Environment or the Zoning Administrator. This definition shall also apply to the term "watercourse" where that term is used in any provision of this ordinance in

such a manner as to require a setback measurement or other delineation, such as Section 15.3, rather than referring to the body of the waterway itself.

92. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons. Also see Section 20.2 of this Ordinance for additional definitions of related terms.
93. Special Exception Use: See Section 4.6 of this Ordinance.
94. Street (or Road): A dedicated public right-of-way, other than an alley, over which the public has the right of vehicular access.
95. Street Line: The right-of-way line of a street.
96. Structure: Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
97. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing.
98. Township Board: The Brady Township Board.
99. Utility-Scale Solar Energy Electricity Generating Facility: A facility comprised of multiple ground-mounted photovoltaic energy collector panels and associated structures/equipment designed and intended to generate electrical energy exclusively for a public utility power grid (and for the facility itself).
100. Variance: A modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties because of circumstances unique to the individual property on which the variance is granted.
101. Waterway: a natural or man-made lake, river, stream, pond, or other natural or artificial watercourse.
102. Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

103. Wireless Communications Support Structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-support lattice tower, guyed tower, water tower, utility pole, or building; provided that for purposes of this Ordinance this term shall not include any tower or other support structure under 50' in height that is owned and operated by a federally-licensed amateur radio station operator or that is used exclusively for receive-only antennas.

A tower or other structure within the scope of this definition shall not be considered to be either "Essential Services" or "Public Utility Service Facilities" for purposes of this Ordinance, as those terms are defined in Section 3.1 of this Ordinance.

See Section 18.7.3 for other related defined terms used in that section.

104. Yard, Side-Rear-Front: A general term applied to the space on a lot which contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot line facing each building.

105. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot line, on the same land with a building or group of buildings, lying in the area between the building or group of buildings and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein.

A. Front: An open space extending across the full width of a lot between the front lot line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.

B. Rear: An open space extending across the full width of a lot between the rear lot line and the nearest line of a building, porch or projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building, porch or projection thereof.

C. Side: An open space extending on each side of the lot from the required front yard to the required rear yard. The width of such yard shall be the shortest distance between the side lot lines and the nearest point of a building, porch or projection thereof.

106. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance; may also be known as the Zoning Ordinance Enforcement Officer.

107. Zoning Board of Appeals: The Brady Township Zoning Board of Appeals.

108. Zoning Compliance Permit: An authorization issued by the Zoning Administrator indicating that the proposed use and location of a building or structure conforms with the pertinent provisions of this ordinance, including the setback and yard requirements.

ARTICLE IV

CLASSIFICATION AND USE DISTRICTS

4.1 ZONING DISTRICTS: For the purpose of this Ordinance Brady Township is hereby divided into the following Zoning Districts:

- AG AGRICULTURAL DISTRICT
(Formerly "A" Agriculture District)

- RR SINGLE FAMILY RURAL RESIDENTIAL DISTRICT

- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
(Formerly "R-1" Residential District, Single Family)

- R-2 SINGLE FAMILY RESIDENTIAL DISTRICT
(Formerly "R-2" Residential District, Single-Family)

- R-3 TWO FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICT
(Consolidation of former "R-3" Residential District, Single and Two Family, and R-4 Residential District, Multiple Family)

- R-4 MOBILE HOME PARK RESIDENTIAL DISTRICT
(Formerly "R-4" Mobile Home Park District)

- R-5 MULTIPLE USE DEVELOPMENT RESIDENTIAL DISTRICT

- C-1 GENERAL COMMERCIAL DISTRICT
(Consolidation of former "C-1" Commercial District, Local; "C-2" Commercial District, General; "C-3" Commercial District, Shopping Center; and "C-4" Commercial District, Highway)

- I-1 LIGHT INDUSTRIAL DISTRICT
(Consolidation of former "I-1" Industrial District, Restricted; "I-2" Industrial District, Manufacturing; "I-3" Industrial District, Service)

- P/RU PUBLIC/RECREATIONAL USE DISTRICT

4.2 ZONING MAP AND USE DISTRICT BOUNDARIES: The location and boundaries of the zoning districts established in the Township shall be shown on a map entitled the "Zoning Map" of Brady Township, as same may be amended subsequent to the adoption thereof. The Zoning Map together with all notations, dimensions and other data shown thereon are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein. The Brady Township Supervisor shall be the official custodian of the Zoning Map.

- 4.3 AREAS NOT INCLUDED WITHIN A DISTRICT: Lakes, other waterways, and any other areas that are not shown on the Zoning Map to be clearly within a zoning district, shall be considered to be located within the same zoning district as adjacent property.
- 4.4 PERMISSIVE ZONING CONCEPT: Land uses are allowed in the various zoning districts by express specific designation in this Ordinance. Where a use is not so designated it is prohibited, unless construed by the Zoning Board of Appeals to be sufficiently similar to a use expressly allowed. No land contained within any zoning district within Brady Township shall be used for any purpose other than those uses specifically allowed in the district in which the building or land is located, except as otherwise provided herein.
- 4.5 PERMITTED USES: A use listed as a "permitted use" in Article VI through and including Article XIII of this Ordinance is recognized as a use of land and buildings which is harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the various applicable provisions of this Ordinance, but otherwise it is considered to be a lawful use not requiring special or extraordinary controls or conditions.
- 4.6 SPECIAL EXCEPTION USES: A use listed as a "special exception use" in Article VI through and including Article XIII of this Ordinance is recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating prior Planning Commission authorization and compliance with standards and conditions in order to safeguard the general health, safety and welfare of the community. (Also see Article XVIII).

ARTICLE V

GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless specifically stated otherwise.

- 5.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.
- 5.2 RESTORING UNSAFE BUILDINGS: Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.
- 5.3 BUILDING PERMITS AND PLANS/UTILITY SERVICES: No building or structure shall hereafter be erected, enlarged, altered, moved or reconstructed until a building permit, and all other applicable code permits, have been obtained in accordance with the Township Building Code.
- 5.4 ZONING COMPLIANCE PERMITS: A building or structure which is exempt from a building permit requirement pursuant to the Township Building Code shall not be constructed, enlarged, altered, occupied, or otherwise used in whole or in part until a zoning compliance permit has been issued by the Zoning Administrator/Building Official, certifying that the location of the building or structure and the intended use thereof is in compliance with the provisions of this Ordinance.
- 5.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:
1. It shall have a minimum gross floor area in accordance with the requirements of Article XIV for the applicable zoning district, and shall have a minimum floor to ceiling height of 7.5 feet.
 2. It shall have a minimum width or depth of 20 feet for 50% of the entire length of the dwelling.
 3. It shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, which attachment shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the

Michigan Mobile Home Commission pursuant to regulations promulgated under Act 96 of the Public Acts of 1987, as amended. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

4. No exposed towing mechanisms, undercarriage, wheels or chassis shall be permitted. Any space that may exist between the foundation/ground and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area. If the dwelling is on a slab-type foundation the slab shall consist of approved materials and shall be at least four (4) inches in thickness, with footings in accordance with the Township Building Code.
5. The dwelling shall be connected to a public sewer and water supply or to private sewer and water facilities approved by the County Health Department.
6. The dwelling shall have at least two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to all exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
7. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than 6" on all sides, or alternatively, with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of residential development located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving

such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

8. The dwelling and all additions or other areas shall comply with all pertinent building and fire codes. In the case of mobile homes, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards", effective June 15, 1976, promulgated at 24 CFR 3280, and in compliance with such amended standards as may from time to time be promulgated. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Township Building Code, then, and only in that event, the less stringent federal or state standards or regulations shall apply. In addition, all dwellings shall meet or exceed applicable roof snow load and strength requirements.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state law pertaining to such parks.

- 5.6 USED DWELLINGS: All the dwelling standards in Section 5.5 of this Ordinance apply to a used dwelling which is to be installed in the Township. A building permit shall be obtained for any used dwelling proposed to be installed in the Township. A certificate indicating that the dwelling complies with all pertinent building and fire codes shall be submitted with the application for a building permit. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development, the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54, as may be amended.
- 5.7 PRINCIPAL USE: No lot may contain more than one principal building, subject to the following exceptions:
 1. Groups of multiple-family dwelling buildings under single ownership shall be deemed a principal use collectively.
 2. Retail business buildings under single ownership may be considered a principal use collectively.
 3. In the P/RU Public/Recreational Use District the Zoning Administrator and Planning Commission may designate more than one building per lot as a

principal building, and may also treat multiple uses as a principal use, collectively, where such buildings/uses are part of a site plan for an integrated municipally-owned/operated public use area.

- 5.8 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, and other open spaces shall comply with the lot, yard and area requirements of the zoning district in which they are located. A lot is not "buildable" unless it complies with the minimum lot area and minimum lot frontage requirements of the Zoning District in which the lot is located. No lot, yard or other open space shall be divided, altered or reduced so as to make it less than the minimum required under this ordinance, and if already less than the minimum required it shall not be further divided, altered or reduced. No yard or other open space provided about any building for the purpose of complying with the requirements of this Ordinance shall be considered as a yard or open space for any other building. See Article XIV of this ordinance for the lot, yard and area requirements for the various zoning districts.
- 5.9 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone no solid fence, retaining wall or other structure, or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.
- 5.10 WALLS AND FENCES: Walls and fences are permitted in the required yards of all zones. Walls and solid fences of not more than six feet in height are permitted in the front yard, and not more than eight feet in height are permitted in side or rear yards, in any zone. Wire protective fencing without height limitation is permitted in all yards in all zones. The provisions of Section 5.9 must be met in all instances. All types of walls and fencing shall be constructed only of stone, wood, metal, or other conventional wall/fencing material aesthetically compatible with the surrounding area. All walls and fences shall be properly maintained and repaired so as to assure proper alignment of structure, and also so as to not become unsightly or dilapidated in appearance or function through disrepair or exposure to the elements. (See Section 15.5 for special wall/fencing requirements for waterfront lots; and also see Section 5.18 for special screening requirements applicable to commercial and industrial uses adjacent to a Residential zoning district).
- 5.11 HEIGHT EXCEPTIONS: The height limitations of all zoning districts may be exceeded by the following structures: flag poles, chimneys, farm structures, non-commercial television and radio antennas, communication towers/antennas (except as otherwise specifically regulated in this Ordinance), monuments, cupolas, belfries, steeples, spires or other ornamental projections, water towers, or fire towers. In the Industrial zone, smokestacks, chimneys, cooling and fire towers, parapet walls, elevator buildings and bulkheads, roof storage tanks and roof structures for other necessary appurtenances are also permitted above the

height limitations provided they are located at least the same distance as their height from any adjoining property lines.

5.12 TEMPORARY PERMITS:

1. Construction Site. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months, subject to renewal by the Zoning Administrator for up to four additional successive periods of six calendar months at the same location if such construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site at frequent intervals during construction and within 15 days after the completion or abandonment of the construction work.
2. Housing Project Office. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and shall be valid for a period of not more than six calendar months, subject to renewal by the Zoning Administrator for up to four additional successive periods of six calendar months at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
3. Recreational Vehicle. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:
 - A. Not more than one recreational vehicle or tent is allowed per lot.
 - B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
 - C. Such a recreational vehicle or tent may not be occupied for more than 30 days, calculated cumulatively, within any calendar year.
 - D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
 - E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.

- F. When not in use such a recreational vehicle or tent must be stored neatly in the rear yard or side yard or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

- 5.13 ESSENTIAL SERVICES: Essential services may be located in any zone following the review and approval of a site development plan by the Zoning Administrator prior to the issuance of a building permit. Before approving such site plan said agency shall determine that all aspects therein conform to the requirements of this ordinance and that the physical layout and relationship of improvements will provide for the convenience, safety and welfare of the general public and will not adversely affect existing or potential adjacent primary permitted uses; provided, however, that the repair, maintenance or replacement of existing essential services in residential zones shall not be subject to the site plan requirement.
- 5.14 SEWER AND WATER: Where municipal water and/or sewer services are available, no building or occupancy permit shall be issued for any building to be occupied for human purposes unless provisions have been made to install the available municipal water and/or sewer services to such building. In the absence of such municipal services, no building or occupancy permit shall be issued for any building to be occupied for human purposes unless all required well system and septic system permits have first been obtained from the Health Department and/or other governmental agency with jurisdiction.
- 5.15 JUNK/REFUSE: Nothing herein shall be construed to allow the storage collection or placing of discarded materials, inoperable or unlicensed motor vehicles (or parts thereof), or junk or refuse, for purposes of operating a junk, salvage or scrap yard, or for any other purposes, without complying with Article XIII and any other applicable provisions of this Ordinance.
- 5.16 SWIMMING POOLS: A swimming pool shall be considered as an accessory structure for the purpose of determining required yard spaces and maximum lot coverage. See Brady Township Building Code for other regulations applicable to location and maintenance of swimming pools.
- 5.17 ENVIRONMENTAL REGULATIONS: All commercial and industrial uses, regardless of the zoning district in which they are situated, shall comply with the following regulations:
 - 1. Stormwater shall be retained on-site by the use of retention areas and other necessary measures.
 - 2. No obnoxious, toxic or corrosive fumes or gases shall be emitted except for those produced by internal combustion engines under design operating conditions.

3. No odorous gases or other odorous materials shall be emitted in such quantities as to be a nuisance at or beyond the lot boundaries; provided that any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system fails, or odor producing activity shall immediately cease until odor control equipment is operable.
4. No smoke shall be emitted other than that produced by normally operating heating equipment.
5. There shall be no discharge into the air of dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing.
6. No heat shall be produced which is humanly perceptible at or beyond the lot boundaries.
7. All lighting shall be utilized in a manner which produces no glare on public streets or on any other property.
8. No physical vibrations shall be produced that are humanly perceptible at or beyond the lot boundaries.
9. No electromagnetic radiation or radioactive emission shall be produced which is injurious to human beings, animals, or vegetation, or of any intensity that interferes with the use of any other property.
10. No one shall engage in the production or unsafe storage of any material designed for use as an explosive, nor in the use of such materials in production.

5.18 SCREENING OF COMMERCIAL AND INDUSTRIAL USES ADJACENT TO RESIDENTIAL ZONING DISTRICT: Every commercial or industrial use occupying land immediately adjacent to a Residential District shall have a screening area separating the commercial or industrial use from the adjoining residential district. The screen shall be in the form of either a wall, berm, fence or evergreen planting, or combination of same, which is compact and maintained in good condition at all times. Such screening materials shall be at least six feet in height, except where the height of the screen would interfere with traffic safety, in which case it may be reduced to not less than three feet in height.

5.19 GARAGE SALE/YARD SALE REGULATIONS: Garage sales, yard sales and similar activities may be held as an accessory use to a dwelling in any zoning district, subject to the following regulations:

1. Such sales shall be held not more than two times per year per lot.

2. Such sale shall not exceed three days in length.
3. Only normal household personal property and residential goods may be sold.
4. Within 24 hours of the close of the sale all items not sold or being held for pickup shall be placed inside a fully enclosed building.
5. Within 24 hours of the close of the sale the owner of the lot where the sale was located shall collect and properly store or dispose of all signs or other advertising materials relating to the sale.

5.20 REMOVAL OF UNUSED BUILDING FOUNDATIONS AND RESTORATION OF LOT GRADE: In the event a dwelling or other type of building is destroyed or otherwise removed from its foundation, within three days the site shall be posted and fenced so as to preclude entry by unauthorized persons. Further, no more than 30 days after the destruction or removal of the building the building site shall be filled so as to restore the established grade; provided, however, that this latter requirement shall not apply if rebuilding operations have been projected or approved, and during the preconstruction period, which shall not exceed six months, the building site is fenced so as to preclude access by unauthorized persons, the lot is maintained free from the accumulation of rubbish and all unsafe or hazardous conditions which are unsightly or endanger the health or safety of the public, and provision is made to prevent damage from water runoff or otherwise to any adjoining property.

5.21 EARTH REMOVAL: Top soil, sand or other earth material may be removed from a lot for the purpose of erecting or constructing a building, rather than for the purpose of mining, without cubic yard limitation. Top soil, sand or other earth material may also be removed from a lot for the purpose of constructing a structure or pond on the lot, rather than for the purpose of mining, provided that not more than 2,000 cubic yards of material is removed from a lot in any Residential zoning district (10,000 cubic yards for a lot in any non-Residential zoning district). In addition, earth materials may be moved from one part of a lot to another part of the same lot, provided that not more than 2,000 cubic yards of material is involved on a lot in any Residential zoning district (10,000 cubic yards for a lot in any non-Residential zoning district); and further provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the groundwater table, or damage to adjoining properties. All other activities involving "earth removal" as defined in this Ordinance shall be allowed only where designated by this Ordinance in a particular zoning district, and pursuant to all applicable use and site plan approval requirements.

5.22 FILL REGULATIONS:

1. Statement of Purpose. The purpose of the regulations in this part of the ordinance is to assure that filling activities on any property in the Township

for building site preparation, or otherwise, comply with applicable state laws, utilize appropriate fill materials, and are undertaken and completed in such a manner as to reduce hazards to life and property, and generally protect the public health, safety and welfare. Nothing herein is intended to allow the establishment of a disposal area regulated by Part 115 of the Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended (Solid Waste Management), or otherwise affect the provisions of that Act requiring certain waste materials to be disposed of in a solid waste disposal area constructed and licensed pursuant to that Act.

2. Fill Permit Requirement. A fill permit is required for any activity where either a, b, or c below apply:
 - a. In all Residential zoning districts, except the RR Single Family Rural Residential District, where the total volume of fill will exceed five cubic yards either brought to the subject property from off-site or moved from another location on the property.
 - b. In all zoning districts, regardless of the volume of fill, where a reasonable person would determine the proposed fill activity will or may cause the existing natural flow of precipitation run-off to be re-directed from the subject property to an abutting property, or will or may cause an increase in the existing natural flow of precipitation run-off from the subject property to an abutting property.
 - c. In all zoning districts, regardless of the volume of fill, where a reasonable person would determine the proposed fill activity will or may cause the existing natural flow of precipitation run-off to be re-directed from the subject property to any public right-of-way including any public road right-of-way, or will or may cause an increase in the existing natural flow of precipitation run-off from the subject property to any public right-of-way including any public road right-of-way; except where all such re-directed and/or increase in run-off will go only to a drain under the jurisdiction of the Kalamazoo County Drain Commissioner and the applicant has filed with the Zoning Administrator the written approval of the Drain Commissioner to accept that run-off to that drain.
3. Application for Fill Permit. An application for a Fill Permit shall be filed with the Township Zoning Administrator and shall include the following information:
 - a. Name and address of applicant.
 - b. Common address and legal description of property to be filled.

- c. Owner of property to be filled.
- d. Type(s) of fill material to be deposited.
- e. Volume of fill material requested to be permitted (in cubic yards).
- f. Location or portion of subject property where filling activities will take place.
- g. Existing topographic elevation of the area proposed to be filled (existing grades); unless the Zoning Administrator reasonably determines this requirement can be waived because the elevation information isn't necessary to find whether the permit approval standards in subsection 5.b are met, due to the volume of the proposed fill or the location of the proposed fill activity on the subject property.
- h. Final topographical elevation of the area proposed to be filled, if permitted (final grades); unless the Zoning Administrator reasonably determines this requirement can be waived because the elevation information isn't necessary to find whether the permit approval standards in subsection 5.b are met, due to the volume of the proposed fill or the location of the proposed fill activity on the subject property
- i. A copy of all issued state and/or county permits applicable to the proposed fill activity (such as a state wetland fill permit, or a county soil erosion and sedimentation control permit).
- j. The original of a diagram and written statement from a licensed civil engineer showing the directional flow of precipitation run-off resulting from the proposed final grades, and certifying the proposed fill activity for which the permit is requested, if permitted and implemented, will not cause the existing natural flow of precipitation run-off to be re-directed from the subject property to any abutting property, or to any public right-of-way including any public road right-of-way, and will not cause any increase in the existing natural flow of precipitation run-off from the subject property to any abutting property, or to any public right-of-way including any public road right-of-way; provided the Zoning Administrator may in his or her reasonable discretion waive this engineer certification requirement where the Zoning Administrator reasonably determines from relevant information that none of the foregoing specified consequences are likely to be caused by the proposed fill activity due to the volume of fill material requested to be permitted, the location or portion of the subject property where

filling activities will take place, or other specific circumstances of the subject property sufficient to support that determination.

- k. The fee for a fill permit application as established by the Township Board pursuant to Section 24.4 of the Zoning Ordinance, which shall be set so as to cover all costs reasonably likely to be incurred by the Township to properly administer the application in accordance with the requirements of this Section 5.22, including the required inspections.
4. Processing of Application for Fill Permit. The Zoning Administrator shall determine if the fill permit application is administratively complete, and may require the applicant to provide one or more of the required application content in the form of a site plan that generally conforms to the formal site plan content requirements specified in Section 19.4 of this Ordinance, and may otherwise require the application to be supplemented to correct any content deficiencies. Upon determining a fill permit application to be administratively complete, the Zoning Administrator shall promptly review and act on the application in accordance with the review requirements and standards specified in subsection 5 below.
5. Fill Permit Application Review Requirements and Standards. The Zoning Administrator shall review and act on each fill permit application in accordance with the following requirements and standards:
 - a. The Zoning Administrator shall not approve a fill permit application that is determined to be administratively incomplete.
 - b. The Zoning Administrator shall approve a fill permit application (as a zoning compliance permit) for a term of 60 days upon finding the application shows all the following standards are met:
 - (1) All applicable state and/or county permits required for the fill activity have been obtained.
 - (2) The final grade of all areas proposed to be filled will not cause the existing natural flow of precipitation run-off to be re-directed from the subject property to an abutting property, or to any public right-of-way including any public road right-of-way, or cause any increase in the existing natural flow of precipitation run-off from the subject property to an abutting property, or any public right-of-way including any public road right-of-way.
 - (3) The requested fill activities will not have any harmful affect on any abutting or nearby properties, except to the extent that any such affects are unavoidable and inherent in the filling process, but will be temporary in duration, lasting only

so long as the filling activities are taking place, but not exceeding the term of the permit.

- (4) The requested fill activities can be conducted in compliance with all applicable Brady Township ordinance requirements, including the regulations specified in subsection 6 below.
 - c. Where the Zoning Administrator determines a fill permit application will meet the standards for approval, but only if certain reasonable conditions are imposed on the approval, the Zoning Administrator shall approve the fill permit with the appropriate reasonable conditions imposed on the same grounds as conditions may be imposed on a granted special exception use application as specified in *MCL 125.3504(4)* [replicated in the Zoning Ordinance at Section 18.4].
 - d. The Zoning Administrator shall deny approval of a fill permit application where the Zoning Administrator determines the applicant has not shown the standards for approval to be met.
6. Fill Regulations Applicable to all Fill Activities. The following regulations shall apply to all fill activity for which a fill permit is required by subsection 2 of this Section 5.22, and shall also apply to any fill activity that is not subject to a permit requirement under that subsection:
- a. State Wetland Permit Requirement: No fill activities shall take place in a wetland subject to regulation by the State of Michigan pursuant to Part 303 of the Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended (Wetland Protection), without a permit first being obtained from the Michigan Department of Environmental Quality as required pursuant to that Act.
 - b. State Soil Erosion and Sedimentation Permit Requirement: No fill activities which may result in or contribute to soil erosion or sedimentation of surface waters shall take place without a permit first being obtained from the appropriate state or county agency as required pursuant to Part 91 of the Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended (Soil Erosion and Sedimentation Control).
 - c. Fill Material Content: Only inert soil, sand, clay, gravel, stone, and other inert/nonorganic material may be used as fill materials. Fill material shall have sufficient porous materials (such as soil, sand or gravel) to bed any non-porous materials (such as rock, or pieces of concrete or brick).

- d. Maximum Size of Non-porous Materials: Allowable non-porous materials (such as rock, or pieces of concrete or brick) shall be no greater in size than a standard concrete construction block. If larger pieces of material are encountered they shall be broken up to a conforming size or removed and lawfully disposed of.
 - e. Compaction of Fill Material: All fill material shall be compacted to at least a 90% density.
 - f. Leveling and Finishing of Filled Areas: Within 30 days after filling is completed, or as soon thereafter as is practicable, all filled areas shall be graded and leveled, completely covered with clean top soil at a depth of at least six inches, and seeded with a grass or other appropriate form of vegetation sufficient to control erosion. Note: this requirement is not applicable to any part of a filled area within the footprint of a proposed building/structure for which a building permit has been issued or is issued within 30 days after the filling is completed.
 - g. Final Grade and Runoff Control: The final grade of all filled areas shall not cause the existing natural flow of precipitation run-off to be re-directed from the subject property to an abutting property, or to any public right-of-way including any public road right-of-way, or cause any increase in the existing natural flow of precipitation run-off from the subject property to an abutting property, or to any public right-of-way including any public road right-of-way; provided this regulation is met where all such redirected and/or increase in run-off will go to a drain under the jurisdiction of the Kalamazoo County Drain Commissioner, and the Drain Commissioner has accepted in writing that run-off to that drain.
7. Required Inspections. The following shall apply to each fill permit application:
- a. Upon receiving a fill permit application, the Zoning Administrator shall visit the subject property before taking any action on the application, to make such observations as may be applicable to properly administering the application as required by this Section 5.22.
 - b. The person to whom a fill permit is issued shall promptly notify the Zoning Administrator of the completion of the fill activity for which the permit was approved. The Zoning Administrator shall thereafter promptly inspect the property for compliance with all applicable requirements, including any conditions imposed on the permit approval, and shall promptly notify the person to whom the permit

was issued, in writing, of any noncompliance with any requirement of this Ordinance and the measures necessary to remedy same.

- c. As an implied condition on every fill permit application, the applicant and any other owner/occupants of the subject property consents to access to the property by the Zoning Administrator at any reasonable time, without further required notification to the applicant/owner/occupants, for the purpose of administering the requirements of this Section 5.22.

5.23 KEEPING OF ANIMALS: See Article XVI of this Ordinance for the provisions concerning the keeping of animals, including exotic and wild animals, farm animals, and domestic animals.

5.24. ROADSIDE STAND AND FARM MARKET REGULATIONS.

1. Roadside Stand. One 'roadside stand', as defined in Section 3.1 of this Ordinance, is allowed on any lawful lot in the Agricultural District or a Residential District as an accessory use accessory to a single family dwelling or other lawful principal use (and is also allowed as a principal permitted use in the Agricultural District), subject to the following requirements:
 - A. If the roadside stand involves a permanent building or structure, such building/structure shall comply with all otherwise applicable building size, height, and setback requirements as specified in Article XIV of this Ordinance (Schedule of Lot, Yard and Area Requirements).
 - B. If the roadside stand involves a temporary structure, or an area but no structure at all, such temporary structure/area shall not be subject to any minimum setback requirements.
 - C. Any such roadside stand which is an accessory use and/or includes an accessory building/structure shall comply the provisions of Article XVII generally applicable to all accessory uses and accessory buildings/structures.
 - D. An otherwise permissible roadside stand which is an accessory use accessory to a single family dwelling in the Agricultural District or a Residential District is not intended to be subject to any approval requirements for a Home Occupation or Family Business, or any site plan review requirements.
2. Farm Market. One 'farm market', as defined in Section 3.1 of this Ordinance, is allowed on any lawful lot as a principal permitted use in the Agricultural District (and is also allowed as an accessory use accessory to

a single family dwelling or other lawful principal use in the Agricultural District), subject to the following requirements:

- A. If the farm market involves a permanent building or structure, such building/structure shall comply with all otherwise applicable building size, height, and setback requirements as specified in Article XIV of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- B. If the farm market involves a temporary structure, or an area but no structure at all, such temporary structure/area shall not be subject to any minimum setback requirements.
- C. Any such farm market which is an accessory use and/or includes an accessory building/structure shall comply with the provisions of Article XVII generally applicable to all accessory uses and accessory buildings/structures.
- D. An otherwise permissible farm market is not intended to be subject to any site plan review requirements, and where the farm market is an accessory use accessory to a single family dwelling in the Agricultural District or a Residential District is not intended to be subject to any approval requirements for a Home Occupation or Family Business.

5.25 OPEN SPACE PRESERVATION DEVELOPMENT: In order to comply with Section 506 of the Michigan Zoning Enabling Act (2006 Public Act 110), notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements in Article XIV of this Ordinance (Schedule of Lot, Yard and Area Requirements), land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

- 1. the land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
- 2. not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
- 3. the development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.

4. the development option provided pursuant to this section has not previously been exercised with respect to the subject property.

The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

- (a) The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 506 of the Michigan Zoning Enabling Act (MCL 125.3506).
- (b) The Land Division Act/Subdivision Control Act (MCL 560.101 et sec).
- (c) Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
- (d) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
- (e) Rules for on-site sewage disposal for land not served by public sewers.

As used in this section the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course; but may include a recreational trail, picnic area, children=s play area, greenway, or linear park.

A residential development proposed pursuant to this section shall be submitted to the Planning Commission for review and a determination as to whether the development complies with the open space preservation/clustering provisions of 2006 PA 110, and all other applicable laws and ordinances.

ARTICLE VI

"AG" AGRICULTURAL DISTRICT

- 6.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This District is intended to embody the planning program set forth in the Brady Township Land Use Plan for agricultural areas, and is composed of those areas of the Township where agricultural production and other rural-type activities exist and should be preserved or encouraged as the principal land uses within the foreseeable future. Large vacant areas, fallow land and wooded areas are also included in this district. The regulations of this district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature; however, large non-agricultural uses, such as housing developments and subdivisions, should be discouraged from locating in this district, to minimize conflicts between agricultural production and non-agricultural uses, and also to preserve an agricultural land base for the production of a food supply essential to the health and welfare of the Township, and the county, state and nation.
- 6.2 PERMITTED USES: The following land uses are designated as permitted uses in the "AG" Agricultural District:
1. Accessory Uses, Buildings and Structures incidental to any use allowed in this district, in accordance with Article XVII of this Ordinance.
 2. Agricultural Production.
 3. Child (Family) Day Care Home.
 4. Essential Services.
 5. Foster Care (Small Group) Facility.
 6. Greenhouse (wholesale).
 7. Home Occupation.
 8. Signs, in accordance with Article XX of this Ordinance.
 9. Single Family Dwelling.
 10. On-Farm Biofuel Production Facility (Type I).
 11. Roadside Stand.
 12. Farm Market.

6.3 SPECIAL EXCEPTION USES: The following land uses are designated as special exception uses in the "AG" Agricultural District, subject to special exception use approval and site plan approval in accordance with this Ordinance:

1. Bed & Breakfast Facility (for specific standards see Section 18.7.1 of this Ordinance).
2. Child (Group) Day Care Home (for specific standards see Section 18.7.2 of this Ordinance).
3. Wireless Communications Support Structure (for specific standards see Section 18.7.3 of this Ordinance).
4. Earth Removal and Commercial Excavation (for specific standards see Section 18.7.4 of this Ordinance).
5. Family Business (for specific standards see Section 18.7.5 of this Ordinance).
6. Foster Care (Large Group) Facility (for specific standards see Section 18.7.6 of this Ordinance).
7. Game and fish preserve.
8. Golf Course (for specific standards see Section 18.7.7 of this Ordinance).
9. Greenhouse (retail).
10. Horse Boarding or Riding Stable (for specific standards see Section 18.7.8 of this Ordinance).
11. Institutional or Public Use (for specific standards see Section 18.7.9 of this Ordinance).
12. (deleted)
13. Kennel (for specific standards see Section 18.7.11 of this Ordinance).
14. Private Airstrip (for specific standards see Section 18.7.13 of this Ordinance).
15. Public Utility Service Facilities (for specific standards see Section 18.7.14 of this Ordinance).
16. Recreational Vehicle Campground (for specific standards see Section 18.7.15 of this Ordinance).

17. Seasonal Mobile Home Park (for specific standards see Section 18.7.16 of this Ordinance).
 18. Storage and maintenance facilities for vehicles, machinery and equipment used in an earth removal business (or similar business vehicles, machinery and equipment) (for specific standards see Section 18.7.18 of this Ordinance).
 19. Storage of vehicles and equipment used in a marl/lime business (for specific standards see Section 18.7.17 of this Ordinance).
 20. On-Farm Biofuel Production Facility (Type II or Type III) (for specific standards see Section 18.7.22 of this Ordinance).
 21. Utility-Scale Solar Energy Electricity Generating Facility (for specific standards see Section 18.7.23 of this Ordinance).
- 6.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XIV of this Ordinance.
 - 6.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance.
 - 6.6 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
 - 6.7 WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance.
 - 6.8 KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

ARTICLE VII

"RR" SINGLE FAMILY RURAL RESIDENTIAL DISTRICT

- 7.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This zoning district is derived from the Medium Density Residential land use classification in the Brady Township Master Plan. This district is composed of certain land in areas presently of a rural residential character where relatively large lot single family residential development (two acres or more) has occurred or is likely to occur and which does not require urban services such as municipal water supply or sanitary sewer facilities. This district is intended to apply to areas which serve as a buffer between the Agricultural zoning district intended to provide for agricultural uses and zoning districts intended to provide for residential development at a higher density than is allowed in this district, and may also apply to areas which have topographical limitations or soil characteristics which render the area generally unsuitable for agricultural uses or for large-scale residential development. This district is intended to meet the needs of those persons who wish to live in a rural environment, while protecting those portions of the Township which are appropriately zoned for agricultural uses from haphazard residential growth. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life in a rural environment. To these ends, development is restricted to very low density single family residential use and other compatible uses consistent with limited rural type facilities and services. The provisions of this Ordinance pertaining to the keeping of farm animals recognize some areas in this district may be determined by the Michigan Department of Agriculture & Rural Development to be acceptable for new or expanding commercial livestock production facility land uses pursuant to siting criteria issued by the State under the authority of the Michigan Right To Farm Act. Such State siting determinations may preempt and render unenforceable conflicting provisions of a local ordinance. This Ordinance makes a limited allowance for the keeping of livestock on a purely non-commercial basis for personal use and enjoyment by residents as an accessory use to the residential use of premises in this residential district (see Section 16.6.2).
- 7.2 PERMITTED USES: The following land uses are designated as permitted uses in the "RR" Single Family Rural Residential District:
1. Accessory Uses, Buildings and Structures incidental to any use allowed in this district, in accordance with Article XVII of this Ordinance.
 2. Child (Family) Day Care Home.
 3. Essential Services.
 4. Foster Care (Small Group) Facility.

5. Home Occupation.
6. Signs, in accordance with Article XX of this Ordinance.
7. Single Family Dwelling.
8. Crop farming.

7.3 SPECIAL EXCEPTION USES: The following land uses are designated as special exception uses in the "RR" Single Family Rural Residential District, subject to special exception use approval and site plan approval in accordance with this Ordinance:

1. Bed & Breakfast Facility (for specific standards see Section 18.7.1 of this Ordinance).
2. Child (Group) Day Care Home (for specific standards see Section 18.7.2 of this Ordinance).
3. Family Business (for specific standards see Section 18.7.5 of this Ordinance).
4. Foster Care (Large Group) Facility (for specific standards see Section 18.7.6 of this Ordinance).
5. Golf Course (for specific standards see Section 18.7.7 of this Ordinance).
6. Institutional or Public Use (for specific standards see Section 18.7.9 of this Ordinance).
7. Public Utility Service Facilities (for specific standards see Section 18.7.14 of this Ordinance).
8. Utility-Scale Solar Energy Electricity Generating Facility (for specific standards see Section 18.7.23 of this Ordinance).

7.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XIV of this Ordinance.

7.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance.

7.6 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.

7.7 WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance.

7.8 KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

ARTICLE VIII

"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

- 8.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This zoning District is derived from the Medium Density Residential land use classification in the Brady Township Land Use Plan, and is intended for single family dwellings on medium or larger size lots which do not require urban services, such as municipal water or sewer facilities. This District is intended to allow for suburban-style single family development in certain outlying areas of the Township, including relatively larger size lots around Indian Lake, as well as other areas of the Township, such as near the Village of Vicksburg, where medium density residential development has occurred or appears desirable to occur. Non-residential uses are therefore essentially excluded from this district, or severely restricted, to avoid disrupting the single family residential nature of the District.
- 8.2 PERMITTED USES: The following land uses are designated as permitted uses in the "R-1" Single Family Residential District:
1. Accessory Uses, Buildings and Structures incidental to any use allowed in this district, in accordance with Article XVII of this Ordinance.
 2. (deleted)
 3. Child (Family) Day Care Home.
 4. Essential Services.
 5. Foster Care (Small Group) Facility.
 6. Home Occupation.
 7. Signs, in accordance with Article XX of this Ordinance.
 8. Single Family Dwelling.
- 8.3 SPECIAL EXCEPTION USES: The following land uses are designated as special exception uses in the "R-1" Single Family Residential District, subject to special exception use approval and site plan approval in accordance with this Ordinance:
1. Child (Group) Day Care Home (for specific standards see Section 18.7.2 of this Ordinance).
 2. Foster Care (Large Group) Facility (for specific standards see Section 18.7.6 of this Ordinance).

3. Hospital or Medical Clinic (Human).
 4. Institutional and Public Use (for specific standards see Section 18.7.9 of this Ordinance).
 5. Public Utility Service Facilities (for specific standards see Section 18.7.14 of this Ordinance).
-
- 8.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XIV of this Ordinance.
 - 8.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance.
 - 8.6 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
 - 8.7 WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance.
 - 8.8 KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

ARTICLE IX

"R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

- 9.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This zoning District is derived from the Medium Density Residential land use classification in the Brady Township Land Use Plan, and is intended for single family dwellings on medium-small size lots which do not require urban services, such as municipal water or sewer facilities. This District is intended to allow for a slightly more dense suburban style of single family development than is allowed in the "R-1" Single Family Residential District, in certain areas of the Township including on the relatively smaller lots around Indian Lake, and near the Village of Vicksburg where comparable residential development has occurred or appears desirable to occur. Non-residential uses are therefore essentially excluded from this district, or severely restricted, to avoid disrupting the single family residential nature of the District.
- 9.2 PERMITTED USES: The following land uses are designated as permitted uses in the "R-2" Single Family Residential District:
1. Accessory Uses, Buildings and Structures incidental to any use allowed in this district, in accordance with Article XVII of this Ordinance.
 2. (deleted)
 3. Child (Family) Day Care Home.
 4. Essential Services.
 5. Foster Care (Small Group) Facility.
 6. Home Occupation.
 7. Signs, in accordance with Article XX of this Ordinance.
 8. Single Family Dwelling.
- 9.3 SPECIAL EXCEPTION USES: The following land uses are designated as special exception uses in the "R-2" Single Family Residential District, subject to special exception use approval and site plan approval in accordance with this Ordinance:
1. Child (Group) Day Care Home (for specific standards see Section 18.7.2 of this Ordinance).
 2. Foster Care (Large Group) Facility (for specific standards see Section 18.7.6 of this Ordinance).

3. Hospital or Medical Clinic (Human).
 4. Institutional and Public Use (for specific standards see Section 18.7.9 of this Ordinance).
 5. Public Utility Service Facilities (for specific standards see Section 18.7.14 of this Ordinance).
-
- 9.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XIV of this Ordinance.
 - 9.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance.
 - 9.6 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
 - 9.7 WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance.
 - 9.8 KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

ARTICLE X

"R-3" TWO FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICT

- 10.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This zoning District is derived from the High Density Residential land use classification in the Brady Township Land Use Plan, and is intended for two family dwellings and multiple family dwellings (and also single family dwellings) on medium-small size lots which are more likely to require urban services such as municipal water supply or sanitary sewer facilities. The District is intended to allow for a slightly more dense suburban/urban type of development than is allowed in the R-2 Single Family Residential District, generally in close proximity to the Village of Vicksburg. Property situated in the R-3 District should be able to accommodate the increased traffic and other characteristics generated by such development. As with the R-2 District, non-residential uses are essentially excluded from this District, or severely restricted, to avoid disrupting the residential nature of the District.
- 10.2 PERMITTED USES: The following land uses are designated as permitted uses in the "R-3" Two Family and Multiple Family Residential District:
1. Accessory Uses, Buildings and Structures incidental to any use allowed in this district, in accordance with Article XVII of this Ordinance.
 2. Child (Family) Day Care Home.
 3. Essential Services.
 4. Foster Care (Small Group) Facility.
 5. Home Occupation.
 6. Signs, in accordance with Article XX of this Ordinance.
 7. Single Family Dwelling.
 8. Two Family Dwelling.
- 10.3 SPECIAL EXCEPTION USES: The following land uses are designated as special exception uses in the "R-3" Two-Family and Multiple Family Residential District, subject to special exception use approval and site plan approval in accordance with this Ordinance:
1. Bed & Breakfast Facility (for specific standards see Section 18.7.1 of this Ordinance).

2. Boarding House.
 3. Child (Group) Day Care Home, in a single family dwelling or two family dwelling, only (for specific standards see Section 18.7.2 of this Ordinance).
 4. Convalescent and Nursing Home.
 5. Foster Care (Large Group) Facility (for specific standards see Section 18.7.6 of this Ordinance).
 6. Institutional or Public Use (for specific standards see Section 18.7.9 of this Ordinance).
 7. Multiple Family Dwelling.
 8. Public Utility Service Facilities (for specific standards see Section 18.7.14 of this Ordinance).
- 10.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XIV of this Ordinance.
- 10.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance.
- 10.6 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
- 10.7 WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance.
- 10.8 KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

ARTICLE XI

"R-4" MOBILE HOME PARK RESIDENTIAL DISTRICT

- 11.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This zoning District is derived from the High Density Residential land use classification in the Brady Township Land Use Plan, and is intended solely for mobile home parks and accessory uses, under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas, as well as the residents of adjoining premises. Any area zoned for such purposes should be able to accommodate the increased traffic generated from such developments and the requirements of same, and be suitable for high density residential use.
- 11.2 PERMITTED USES: The following land uses are designated as permitted uses in the "R-4" Mobile Home Park Residential District:
1. Accessory Uses, Buildings and Structures incidental to a mobile home park, such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities, in accordance with Article XVII of this Ordinance.
 2. Child (Family) Day Care Home.
 3. Essential Services.
 4. Foster Care (Small Group) Facility.
 5. Home Occupation.
 6. Mobile Home Park, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site, subject, however, to the following conditions and limitations:
 - A. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health.
 - B. Off-street parking areas shall be provided in accordance with Article XXI of this Ordinance.
 7. Signs, in accordance with Article XX of this Ordinance.

- 11.3 SPECIAL EXCEPTION USES: The following land use is designated as a special exception use in the “R-4” Mobile Home Park Residential District, subject to special exception use approval and site plan approval in accordance with this Ordinance:
1. Public Utility Service Facilities (for specific standards see Section 18.7.14 of this Ordinance).
- 11.4 DENSITY, AREA, HEIGHT AND PLACEMENT REGULATIONS: In accordance with Article XIV of this Ordinance.
- 11.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance.
- 11.6 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
- 11.7 WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance.
- 11.8 KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

ARTICLE XI-A

“R-5” MULTIPLE USE DEVELOPMENT RESIDENTIAL DISTRICT

- 11.1-A STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This zoning district is intended to function only in the area of the Township on the northeast side of Indian Lake where a spiritual conference center and related facilities have existed for many years. The regulations for this district are designed to provide an opportunity to recognize the patterns of historical development in the area and/or facilitate a redevelopment of the area through multiple use development regulations intended to promote an efficient, integrated use of the land for the various uses provided for herein. These regulations are also intended to promote harmony between the multiple use development and residential development within and in the immediate vicinity of the district.
- 11.2-A PERMITTED USES: The following land uses are designated as permitted uses in the “R-5” Multiple Use Development Residential District:
1. All permitted uses designated in Section 8.2 pertaining to the “R-1” Single Family Residential District.
- 11.3-A SPECIAL EXCEPTION USES: The following land uses are designated as special exception uses in the “R-5” Multiple Use Development Residential District, subject to special exception use approval and site plan approval in accordance with this Ordinance:
1. All special exception uses designated in Section 8.3 pertaining to the "R-1" Single Family Residential District.
 2. Multiple Use Development in accordance with Section 11.9-A of this Ordinance.
- 11.4-A DENSITY, AREA, HEIGHT AND PLACEMENT REGULATIONS: In accordance with Article XIV of this Ordinance, except as otherwise specified for a Multiple Use Development in Section 11.9-A of this Ordinance.
- 11.5-A OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance, except as otherwise specified for a Multiple Use Development in Section 11.9-A of this Ordinance.
- 11.6-A SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance, except as otherwise specified for a Multiple Use Development in Section 11.9-A of this Ordinance.

11.7-A WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance, except as otherwise specified for a Multiple Use Development in Section 11.9-A of this Ordinance.

11.8-A KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

11.9-A MULTIPLE USE DEVELOPMENT:

A. Authority and Purpose: These ordinance provisions are enacted pursuant to Sections 502 and 503 of the Michigan Zoning Enabling Act (MCL 125.3502-MCL 125.3503). It is the purpose of this Section of the Zoning Ordinance to establish regulations and conditions which, following a public hearing and approval by the Planning Commission, would allow the combination and coordination of various land uses and structures into one development appropriately associated with an existing spiritual conference center and/or retreat facility within a small portion of the Township on the northeast side of Indian Lake. Thus, the regulations applicable to this district are designed to permit some flexibility of land use and development requirements in order to recognize historical development patterns and/or to promote a more efficient and logical development of the area, to preserve open space for park-like and recreational uses, to protect the environment, to encourage safe and efficient vehicular and pedestrian traffic movements, to limit inappropriate overcrowding of land and congestion of population, and to promote the public health, safety, and general welfare.

B. Allowable Uses and Structures: All uses within a Multiple Use Development are special exception uses. The Planning Commission shall have discretion to determine which of the potentially allowable uses shall be approved, based on an evaluation of the internal compatibility of the proposed uses, and based further on the standards for approval as referenced and specified in Section 11.9-A, subsection F.3b of this Ordinance, and the purpose of the Ordinance as specified in Section 1.2 of the Zoning Ordinance. The following uses and structures may be allowed by the Planning Commission within an approved Multiple Use Development, subject to all conditions imposed thereon by the Planning Commission:

1. All permitted uses and special exception uses allowed in this District pursuant to Section 11.2-A and 11.3-A of this Ordinance.
2. Assembly, conference and meeting facilities.

3. Church/tabernacle.
4. Classroom/education building.
5. Lodging facilities for staff, guests, and lessees, including:
 - a. Single-family housing.
 - b. Two-family housing.
 - c. Dormitory-style housing, in a building with a residential-style appearance aesthetically compatible with single-family homes in the area.
 - d. Hotel/motel units.
 - e. Rustic cabins, in a building with a residential-style appearance aesthetically compatible with single-family homes in the area.
 - f. Seasonal recreational vehicle/tent campground facility.
6. Accessory uses and structures, incidental, secondary and subordinate to any of the approved primary uses, and compatible with the area, including:
 - a. Reception and non-commercial office facilities.
 - b. Non-commercial banquet/dining/kitchen facilities.
 - c. Non-commercial indoor recreation and craft facilities.
 - d. Non-commercial outdoor recreation facilities.
 - e. Non-public/non-commercial boat launching and dockage facilities, restricted to boats owned by the owner of the development, owners and long-term leaseholders of land within the development, residents and occupants of the development, and permanent owners/residents of lots with frontage on Indian Lake.
 - f. Non-public/non-commercial swimming beach.

- g. Snack shop, gift shop, and other compatible incidental indoor facilities, as may be determined and approved by the Planning Commission.
- h. Maintenance and storage facilities.
- i. Signs, limited to the following:
 - (1) Two on-premises development identification signs, placed at the primary entrance to the development, lighted or unlighted, each not exceeding 16 square feet in area, and not exceeding 5 feet in height; or, in the alternative, one such sign not exceeding 32 square feet in area and not exceeding 5 feet in height.
 - (2) Ground-mounted directional signs and building-mounted facility identification sign of sizes and at locations approved by the Planning Commission based on the reasonable signage needs of the development and the criteria for special exception use approval specified in this Ordinance.

C. General Development Area Regulations:

- 1. Minimum Area: A Multiple Use Development shall encompass at least 20 contiguous acres; provided that additional non-contiguous property may be approved by the Planning Commission if the non-contiguous property is in close proximity to the primary development area, and the inclusion of same is reasonably necessary to further the overall purpose of the development and will not be detrimental to the development and use of other property in the immediate area.
- 2. Ownership: The tract(s) of land shall be in single ownership; provided that land held in joint ownership may be included if all of the owners jointly make application for the approval of the development. For purposes of this requirement "ownership" shall be evidenced by recorded deed, recorded purchase option, recorded executory land contract, or recorded long-term lease with a purchase option or otherwise of sufficient duration (minimum 10-year lease agreement) to enable the lessee to control the leased

property for a number of years satisfactory to the Planning Commission, considering the significance of the use and function of the leased property relative to the overall development.

D. General Development Design Regulations:

1. Streets and Roads:

a. Access by Public Street: The Multiple Use Development shall have at least one primary means of access from a street that is part of the public road system of the Kalamazoo County Road Commission.

b. Interior Streets and Roads: New vehicular streets within the development shall be either part of the dedicated county road system, or private roads meeting the specifications of the Kalamazoo County Road Commission for new residential plat streets; provided that the Planning Commission may approve existing and new private roads within the development that do not meet such specifications if the Planning Commission determines that such existing and/or new private roads are reasonably necessary to further the overall purpose of the development, and will not be detrimental to the development and use of other property in the immediate area. New private roads within the development shall comply with the following minimum specifications:

- (1) The private road shall be constructed with a recorded easement or right-of-way width of at least 50 feet for its entire length (36 feet for a permanent one-way road).
- (2) The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- (3) The private road shall be designed and constructed to accommodate vehicle speeds of at least 20 mph.

- (4) The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
- (5) Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Kalamazoo County Road Commission and the Kalamazoo County Drain Commissioner.
- (6) The private road shall have a road bed of at least 22 feet in width (or 12 feet-14 feet for a permanent one-way road), plus a gravel or grass shoulder of at least 3 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDOT 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a suitable sub-base at a sufficient depth as recommended by a professional engineer. The private road shall be paved with a bituminous asphalt surface with a depth of at least 1.5 inches. The roadway shall have a maximum grade of 10%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting public street for a distance of at least 50 feet from the center line of the street.
- (7) The end of a private road shall include a cul-de-sac with a minimum diameter of 100 feet constructed herein as required for the roadway; provided, however, that the Planning Commission may waive or modify this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles, such as a Y-style turnaround.

- (8) All permits required by the Kalamazoo County Road Commission and any other County/State permits shall be obtained.
- (9) The private road shall be named and signed as requested by and in coordination with the Kalamazoo County Road Commission and the Kalamazoo County Sheriff's Department.

The Planning Commission may require existing private roads within a proposed Multiple Use Development to be upgraded to comply with some or all of the preceding specifications and requirements, as the Planning Commission may determine to be necessary to cause the Development to comply with the standards for approval as referenced and specified in Section 11.9-A, subsection F.3b of this Ordinance.

- c. Private Road Maintenance and Responsibility: With respect to private roads, including existing private roads, the applicant shall document satisfactory commitments sufficient to ensure the continuing maintenance of the road surfaces as may be required to provide safe conditions for vehicular and pedestrian traffic using such roads. The Township shall have no responsibility or liability for any private roads within a Multiple Use Development. As a condition of approval of a Multiple Use Development the Planning Commission may require a maintenance agreement in recordable form, and may also require a waiver of liability and indemnification agreement releasing Brady Township from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private roads within the Development. Such agreements shall provide that the obligations thereunder extend to the successors and assigns of the applicable property owner(s).
- d. Vacating or Abandoning Public Street: Subsequent to and as a condition of Planning Commission approval of a Multiple Use Development, the applicant or other owner/lessee of property abutting a dedicated public street providing access to or within the development shall not seek or support the vacating or abandoning of same without the advice and consent of the

Planning Commission, regardless of any other applicable provisions of law.

2. Utilities: The Multiple Use Development shall fully utilize available public water and sanitary sewer facilities. Where one or both of such public facilities are not available appropriate private water and sewer systems complying with all applicable laws and regulations shall be provided. Public utility easements of sufficient width and adequate location to provide presently and reasonably foreseeable utility services to each lot/building site within the Development shall be designated within or adjacent to street/road easements/rights-of-way.
3. Water Drainage and Retention: The Multiple Use Development shall fully utilize available public stormwater drainage facilities. To the extent such facilities are not available, the development shall provide private water drainage and/or retention systems sufficient to ensure proper drainage from all lots, streets, roads, drives and parking lots within the development, and sufficient to retain all such water drainage within the land area of the development. Stormwater drainage shall not be directed to Indian Lake or any stream/drainage ditch leading thereto except in accordance with all applicable laws and regulations.
4. Open Spaces and Recreation Areas: The Planning Commission may require, as a condition of approval, that 20% or more of the land area of the Multiple Use Development shall be set aside and reserved for common open space and outdoor recreational facilities for conferees, guests and staff of the development. Such open spaces may include outdoor recreational areas, common open lawn and landscaped areas, and common pedestrian trails and walkways. Buildings, public or private roadways, parking lots and residential lots shall not be considered as required open space. All required open spaces and recreation areas within the development shall have adequate access from at least one point along a public street or approved private road within the development. All required and other approved open spaces and outdoor recreation areas shall be suitably located and satisfactorily maintained at all times.

E. Housing Density and Lot Development Regulations:

1. Housing Mix and Density: The housing within the Multiple Use Development shall be distributed throughout an

appropriate mix of the allowable types of housing facilities approved by the Planning Commission for the development, at a reasonable density, as determined by the Planning Commission pursuant to the standards for approval as referenced and specified in Section 11.9-A, subsection F.3b of this Ordinance.

2. Minimum Lot Area: Except with respect to new detached private single-family dwellings as addressed herein, the lots and land area within an approved Multiple Use Development may be considered as one zoning lot, collectively, and may therefore be developed for the various approved uses without regard to the generally applicable minimum lot area requirements for individual buildable lots.

In an approved Multiple Use Development any new detached private single-family dwelling shall be located on a separate, defined lot with a lot area of at least 13,640 square feet.

3. Minimum Lot Frontage/Lot Width: Except with respect to new detached private single-family dwellings as addressed herein, the lots and land area within an approved Multiple Use Development may be considered as one zoning lot, collectively, and may therefore be developed for the various approved uses without regard to the generally applicable minimum lot frontage/width requirements for individual buildable lots.

In an approved Multiple Use Development any new detached private single-family dwelling shall be located on a separate, defined lot with a lot frontage/width of at least 110 feet.

4. Minimum Yards and Building Setbacks: Except with respect to new detached, private single-family dwellings as addressed herein, the lots and land area within an approved Multiple Use Development may be considered as one zoning lot, collectively, and may therefore be developed for the various approved uses without regard to the generally applicable yard and building setback requirements for individual buildable lots; provided that minimum yards/setbacks shall be maintained as specified in footnote 16 to Article XIV (Schedule of Lot, Yard and Area Requirements) of the Zoning Ordinance.

5. Existing Nonconforming Principal Buildings and Accessory Buildings/Structures: The Planning Commission may approve the location of existing principal buildings and accessory buildings/structures that do not conform to the yard/setback requirements herein for new principal buildings and accessory buildings/structures, pursuant to the standards for special exception use approval referenced and specified in Section 11.9-A, subsection F.3b of this Ordinance. To the extent such approval is granted, but only to that extent, such pre-existing buildings/ structures shall thereafter be considered conforming buildings/structures for purposes of the Zoning Ordinance.
6. Special Yard/Setback Rule for All Yards Abutting a Perimeter Property Line of the Multiple Use Development: Notwithstanding any of the foregoing, the Planning Commission shall not have discretion to approve any deviations from the generally applicable setback requirements in Article XIV of the Zoning Ordinance with respect to yards abutting any perimeter property line of the Multiple Use Development.
7. Maximum Building/Structure Height, Maximum Building Coverage/Size, Minimum Dwelling Structure Width, and Minimum Gross Floor Area Per Dwelling Unit: As specified in footnote 16 to Article XIV (Schedule of Lot, Yard and Area Requirements) of the Zoning Ordinance.

F. Multiple Use Development Application and Review Process:

1. General Overview of Process: Since a Multiple Use Development is designated as a special exception use in this zoning district, pursuant to state statute and the Zoning Ordinance the process for approval of such a development consists of several stages, all of which must be satisfactorily completed before any site improvement is commenced and before any building permit is granted for any construction within the development. These stages, discussed in more detail below, are as follows:
 - a. Pre-application conference.
 - b. Special exception use approval.
 - c. Site plan approval.

2. Pre-Application Conference: Prior to submitting an application for approval of a Multiple Use Development a potential applicant shall request a pre-application conference with the Planning Commission. This request shall be filed with the Township Clerk or with the chairperson of the Planning Commission, who shall establish a mutually convenient date for a pre-application conference and so inform the potential applicant and appropriate Township officials. The purpose of the pre-application conference is to generally inform the Planning Commission and other interested officials of the concept of the potential development, and to generally orient the potential applicant to the substantive and procedural requirements applicable to the design, review and approval of a multiple use development. To this end the potential applicant is encouraged to present such schematic plans, site data and other information as may be of assistance in generally informing the Planning Commission of the potential development concept. The Township Board may establish a reasonable fee for such a pre-application conference.

3. Special Exception Use Process:
 - a. Application Submission and Review Procedure. An application for special exception use approval of a Multiple Use Development shall be submitted to the Township and reviewed by the Planning Commission pursuant to Article XVIII of the Zoning Ordinance, and as may otherwise be specified herein.

 - b. Special Exception Use Review and Approval Standards. The Planning Commission shall review and make a decision on a special exception use application for a Multiple Use Development pursuant to Article XVIII of the Zoning Ordinance, including the special exception use standards therein, and the requirements in this Article XI-A, including the following additional standards:
 - (1) The development contains a housing type or types and number of housing units sufficient to maintain a harmonious relationship with important site features, structures and adjacent land uses.

- (2) The development provides a safe, well-designed circulation system with internal and external connections for pedestrians as well as vehicles. Points of conflict within the system shall be minimized and special provisions for pedestrian safety are provided where necessary.
 - (3) The development utilizes natural characteristics, such as vegetative or topographical features, to protect dwelling units from prevailing winds, provide visual variety, on-site water drainage, and other similar benefits.
 - (4) The development enhances and preserves identifiable significant natural assets and features such as wetlands, swales, ponds, woodlots, orchards, or wildlife habitat areas.
 - (5) The development provides for passive and/or active recreation activities consistent with the character of the development and the open spaces provided therein.
 - (6) The development provides for buffering between any internal conflicting elements, and also between adjoining residential uses and on-site features, by the use of vegetative plantings, attractively landscaped earth berms, or distance.
4. Site Plan Review Process: An applicant for approval of a site plan for a Multiple Use Development shall submit a site plan for review pursuant to Article XIX of the Zoning Ordinance. The applicant may submit and seek approval of a site plan for the entire development, or may submit and seek approval of separate site plans pertaining to separate phases of the development.
 5. Binding Significance of Final Site Plan Approval: An approved Multiple Use Development shall be constructed and continued in strict conformity with the approved special exception use and with the approved site plan(s) for the development, including any conditions imposed on either or both of said approvals. All amendments or modifications of

an approved special exception use and/ or site plan shall be processed in the manner set forth herein for the original approval. An approved site plan for a multiple use development shall be valid for a period of 5 years, rather than the generally applicable term of approval specified in Section 19.10 of the Zoning Ordinance.

11.10-A UTILITIES: All development in the R-5 District shall fully utilize available public water and sanitary sewer facilities. Where one or both of such public facilities are not available appropriate private water and sewer systems complying with all applicable laws and regulations shall be provided. Public utility easements of sufficient width and adequate location to provide presently and reasonably foreseeable utility services to each lot/building site within the District shall be designated within or adjacent to street/road easements/rights-of-way.

ARTICLE XII

"C-1" GENERAL COMMERCIAL DISTRICT

- 12.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This zoning district is derived from the Commercial land use classification in the Brady Township Land Use Plan. This district is intended to be established where there is a localized concentration of residential population to be served by business establishments, such as near the Village of Vicksburg. The district is intended primarily for the convenience shopping of persons residing in the surrounding area, and to accommodate community-wide needs for general retail sales and service facilities.
- 12.2 PERMITTED USES: The following land uses are designated as permitted uses in the "C-1" General Commercial District:
1. Accessory Uses, Buildings and Structures which are incidental to any use allowed in this district, in accordance with Article XVII of this Ordinance.
 2. Automotive Sales Area.
 3. Automotive Service Station.
 4. Bank, credit union and savings and loan association.
 5. Barber and beauty shop.
 6. Boat and equipment sales/service.
 7. Car wash (automated or manual)
 8. Child Day Care Center.
 9. Commercial Recreation Enterprise, indoor.
 10. Contractor's Workshop.
 11. Essential Services.
 12. Farm equipment sales/service.
 13. Funeral establishment.
 14. Garden and florist shop.

15. Institutional or Public Use, in accordance with Section 18.7.9 of this Ordinance.
16. Laundromat.
17. Laundry and dry cleaning pickup station.
18. Music and dancing school.
19. Office, business and professional.
20. Photograph/art studio.
21. Printing, lithographic, blueprinting and similar uses.
22. Restaurant.
23. Retail stores for the sale/service of books, stationery, newspapers, clothing, drygoods, drugs, pharmaceuticals, groceries, foodstuffs, hardware, furniture, household appliances and furnishings, electronics, hobby supplies, sporting goods, photograph supplies, shoes, varieties, antiques, gifts, and any general retail use similar to these uses permitted in this section. Where necessary the Zoning Board of Appeals shall determine whether a particular use is within the scope of this provision.
24. Signs, in accordance with Article XX of this Ordinance.
25. Tailoring and dressmaking shop.

12.3 SPECIAL EXCEPTION USES: The following land uses are designated as special exception uses in the "C-1" General Business District, subject to special exception use approval and site plan review approval in accordance with this Ordinance:

1. Automotive Repair Garage.
2. Bar, Nightclub (for specific standards see Section 18.7.20 of this Ordinance).
3. Commercial Recreation Enterprise, outdoors.
4. Machinery and heavy equipment sales/service.
5. Mini-Storage Facility (for specific standards see Section 18.7.12 of this Ordinance).

6. Motel.
 7. Package liquor sales.
 8. Private Non-Commercial Club Facility.
 9. Public Utility Service Facilities (for specific standards see Section 18.7.14 of this Ordinance).
 10. Veterinary Clinic/Animal Hospital (for specific standards see Section 18.7.19 of this Ordinance).
-
- 12.4 DENSITY, AREA, HEIGHT AND PLACEMENT REQUIREMENTS: In accordance with Article XIV of this Ordinance.
 - 12.5 OFF-STREET PARKING: In accordance with Article XXI of this Ordinance.
 - 12.6 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
 - 12.7 WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance.
 - 12.8 KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

ARTICLE XIII

"I-1" LIGHT INDUSTRIAL DISTRICT

- 13.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This zoning district is derived from the Industrial land use classification in the Brady Township Land Use Plan. This district is intended to provide for low impact industries involving activities which can be conducted in a manner which produces no external effect of an objectionable nature to the surrounding properties. Warehousing and other land uses which are similar in nature, as well as certain retail or service types of businesses are also allowed in this district. Heavy industry and other businesses which create a high level of noise, odor, dust, vibration, or other similar characteristics which cannot be substantially internalized are not intended to be provided for in this district.
- 13.2 PERMITTED USES: The following land uses are designated as permitted uses in the "I-1" Light Industrial District:
1. Accessory Uses, Buildings and Structures incidental to any use allowed in this district, in accordance with Article XVII of this Ordinance.
 2. (deleted)
 3. Automotive Repair Garage.
 4. Builder supply sales and lumber yard.
 5. Construction and farm equipment sales.
 6. Contractor's equipment yard.
 7. (deleted)
 8. Institutional or Public Use.
 9. Machine shop (tool and die).
 10. Manufacturing, assembly, processing, compounding, packaging and warehousing of products, materials, or commodities (unless pertaining to a use which is specifically designated herein as a special exception use) where no objectionable affect on surrounding properties is produced by reason of noise, odor, dust, vibration, or other similar characteristics.
 11. Office and office building.
 12. Planing mill.

13. Public Utility Service Facilities.
14. Signs, in accordance with Article XX of this Ordinance.
15. Truck terminal, maintenance and service yard.
16. Warehouse.
17. Any other industrial use which meets the intent and purpose of this district where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to adversely impact upon surrounding properties. Where necessary the Zoning Board of Appeals shall determine whether a particular use is within the scope of this provision.
18. Manufacturing company guest lodging facility, complying with the following characteristics:
 - a. The guest lodging is on the premises of a permissible manufacturing facility, or on contiguous property located in the I-1 Light Industrial District or the AG- Agricultural District, and is subordinate and incidental to the manufacturing facility.
 - b. The guest lodging is configured as a single family dwelling, and provides accommodations for guests of the manufacturing facility and/or guests of the owners/officers of the company, without remuneration.
 - c. The guest lodging has at least 900 square feet of gross floor area.
 - d. The guest lodging complies with the setback and height requirements applicable to principle buildings in the I-1 Light Industrial District.

13.3 SPECIAL EXCEPTION USES: The following land uses are designated as special exception uses in the "I-1" Light Industrial District, subject to special exception use approval and site plan approval in accordance with this Ordinance:

1. Bulk fuel storage facility.
2. Earth Removal (for specific standards see Section 18.7.4 of this Ordinance).

3. Junk/Salvage Yard and bulk material yard.
 4. Ready-mix concrete and asphalt plant (for specific standards see Section 18.7.4 of this Ordinance).
 5. Stone yard or monument works.
- 13.4 DENSITY, AREA, HEIGHT AND PLACEMENT REGULATIONS: In accordance with Article XIV of this Ordinance.
- 13.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance.
- 13.6 SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.
- 13.7 WATERFRONT DEVELOPMENT AND USE REGULATIONS: In accordance with Article XV of this Ordinance.
- 13.8 KEEPING OF ANIMALS: In accordance with Article XVI of this Ordinance.

ARTICLE XIII-A

"P/RU" PUBLIC/RECREATIONAL USE DISTRICT

- 13.1-A STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This District is intended to implement the Public/Quasi-Public Land planning classification in the Brady Township Land Use Plan, and is therefore limited to publicly owned lands used for governmental facilities or public recreational purposes, and other institutional uses or uses involving areas intended for public assembly.
- 13.2-A PERMITTED USES: The following uses are designated as permitted uses in the "P/RU" Public/Recreational Use District:
1. Governmental administration or service buildings.
 2. Public cemeteries.
 3. Public parks and recreation areas.
 4. Essential Services.
 5. Accessory uses, buildings and structures incidental to any use allowed in this district.
 6. Signs, in accordance with Article XX of this Ordinance.
- 13.3-A SPECIAL EXCEPTION USES: The following uses are designated as special exception uses in the "P/RU" Public/Recreational Use District, subject to special exception use approval and site plan approval in accordance with this Ordinance:
1. Any Institutional or Public Use not otherwise within the scope of a permitted use in Section 13.2-A; provided that churches and semi-public uses are not intended to be allowed in this public use zone (for specific standards see Section 18.7.9 of this Ordinance).
 2. Public Utility Service Facilities (for specific standards see Section 18.7.14 of this Ordinance).
- 13.4-A DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: In accordance with Article XIV of this Ordinance.
- 13.5-A OFF-STREET PARKING REQUIREMENTS: In accordance with Article XXI of this Ordinance.
- 13.6-A SITE PLAN REVIEW: In accordance with Article XIX of this Ordinance.

ARTICLE XIV

SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

No building/structure shall be erected, reconstructed, moved, altered, or enlarged, and no land or building shall be used, designed, built, or arranged, and no open space surrounding any building/structure shall be encroached upon or reduced in any manner, except in conformity with the lot, yard and area regulations hereinafter designated for the zoning district in which such building/structure or land or open space is located.

(See Schedules and footnotes for applicable regulations).

ARTICLE XIV: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (AGRICULTURAL AND RESIDENTIAL DISTRICTS)

<u>PRINCIPAL BUILDING/STRUCTURE</u>	<u>AG</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u> 13/	<u>R-5</u> 16/
Min. Lot Frontage/Lot Width 7/							
Single Family	330**	200**	125**	100**	100**		
Two Family	--	--	--	--	125**		
Multiple Family	--	--	--	--	200**		
Min. Lot Area Per Dwelling Unit (Gross Acre or Sq.Ft.) 7/							
Single Family	3 acres	2 acres	25,000	20,000	20,000		
Two Family	--	--	--	--	10,000		
Multiple Family	--	--	--	--	10,000		
Min. Dwelling Structure Width							
	20'	20'	20'	20'	20'		
Max. Building or Structure (Roof) Height 1/							
	2/	3/	3/	3/	3/		
Max. Building Coverage (% of Lot) 15/							
	10	10	20	25	25		
Min. Gross Floor Area Per Dwelling Unit (Sq.Ft.)							
Single Family	1200	1200	1200	1200	1200		
Two Family	--	--	--	--	900		
Multiple Family	--	--	--	--	600		

* In addition, the depth of a lot shall not exceed four times the frontage/width of the lot.

ARTICLE XIV: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (AGRICULTURAL AND RESIDENTIAL DISTRICTS, CONTINUED)

<u>PRINCIPAL BUILDING/STRUCTURE (CONT.)</u>	<u>AG</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u> 13/	<u>R-5</u> 16/
Min. Front Yard Setback 2/, 3/, 4/, 5/, 6/	50'	50'	50'	50'	50' (12/)		
Min. Side Yard Setback 2/, 3/, 4/, 5/, 6/	25'	25'	15'(14/)	10'(14/)	10' (12/)		
Min. Rear Yard Setback 2/, 3/, 4/, 5/, 6/	35'	30'	25'	25'	25' (12/)		
<u>ACCESSORY BUILDINGS/STRUCTURES</u>							
Min. Front Yard Setback 2/, 3/, 4/, 5/, 6/	50'	50'	50'	50'	50'		
Min. Side Yard Setback 2/, 3/, 4/, 5/, 6/	25'	25'	15'(14/)	10'(14/)	10'		
Min. Rear Yard Setback 2/, 3/, 4/, 5/, 6/	35'	30'	25'	25'	25'		
Max. Building or Structure Height 1/	2/	8/	8/	8/	8/		
Max. Building Coverage (Size)	9/	10/	11/	11/	11/		

FOOTNOTES TO ARTICLE XIV: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (AGRICULTURAL AND RESIDENTIAL DISTRICTS)

- 1/ See Section 5.11 for exceptions to general height requirements.
- 2/ In the Agricultural District the maximum height of a principal building, and any permissible accessory building, on any lot of record/zoning lot shall be determined based on the area of the lot of record/zoning lot, as specified in the following table; provided that where the actual height of the building permissibly exceeds 35' all otherwise applicable minimum front/side/rear setback requirements for the building shall be increased by the number of feet the actual height exceeds 35':

Lot area	Maximum height
Less than 3 acres (legal nonconforming)	35'
At least 3 acres but less than 4 acres	35'
At least 4 acres but less than 6 acres	36'
At least 6 acres but less than 8 acres	37'
At least 8 acres but less than 10 acres	38'
At least 10 acres but less than 12 acres	39'
At least 12 acres	40'

The following examples are provided to illustrate how to use this table:

Ex. #1---A principal building constructed to the maximum allowable height.

A principal building is proposed to be constructed on a 10 acre lot in the Agricultural District. The maximum allowable height of a principal building on a lot of at least 10 acres but less than 12 acres in this District is 39' per the above table. The principal building is proposed to be constructed to this maximum allowable height. This actual height exceeds 35' by 4' (39 – 35). Thus, upon referring to the generally applicable minimum setback requirements for a principal building in the Agricultural District as specified in the Schedule, the minimum front yard setback for this principal building (otherwise sited in compliance with all applicable requirements) would be 54' (50 + 4); the minimum side yard setback would 29' (25 + 4); and the minimum rear yard setback would be 39' (35 + 4).

Ex. #2---A principal building constructed to a height less than the maximum allowed.

A principal building is proposed to be constructed on the same 10 acre lot in the Agricultural District, but instead of constructing the building to the maximum allowable height of 39' the building is proposed to be 37' high. This actual height exceeds 35' by 2' (37 – 35). Thus, upon referring to the generally applicable minimum setback requirements for a principal building in the Agricultural District as specified in the Schedule, the minimum front yard setback for this principal building (otherwise sited in compliance with all applicable requirements) would be

52' (50 + 2); the minimum side yard setback would be 27' (25 + 2); and the minimum rear yard setback would be 37' (35 + 2).

- 3/ In the Residential Districts the table in footnote 2 shall be used to determine the maximum height of a principal building (but not an accessory building, which is instead governed by footnote 8).
- 4/ Notwithstanding any provision of this ordinance to the contrary, on property contiguous to any county primary street all buildings or structures shall be at least 65' from the right-of-way line.
- 5/ Buildings and structures on a double frontage lot or corner lot shall comply with the minimum front yard setback requirement on each adjoining street.
- 6/ Special setback requirements apply to all lots and building sites with frontage on a lake, river, stream, pond or other natural or artificial watercourse, notwithstanding the generally applicable setback requirements specified in this Schedule. See Article XV of this Ordinance.
- 7/ The specified requirements are applicable to development on unplatted land and platted lots, unless the Brady Township Subdivision Control Ordinance (Ordinance No. 24, as amended) imposes different requirements applicable to development of platted lots, which shall be controlling as to such platted lots.
- 8/ In the Residential Districts the maximum height of any permissible accessory building on any lot of record/zoning lot shall be determined based on the area of the lot of record/zoning lot, as specified in the following table; provided that where the actual height of the building permissibly exceeds 15' all otherwise applicable minimum front/side/rear setback requirements for the building shall be increased by the number of feet the actual height exceeds 15':

Lot area	Maximum height
Less than 2 acres	15'
At least 2 acres but less than 4 acres	25'
At least 4 acres but less than 6 acres	26'
At least 6 acres but less than 8 acres	27'
At least 8 acres but less than 10 acres	28'
At least 10 acres but less than 12 acres	29'
At least 12 acres	30'

The following examples are provided to illustrate how to use this table:

Ex. #1---An accessory building constructed to the maximum allowable height.

An accessory building is proposed to be constructed on a 7 acre lot in the R-1 District. The maximum allowable height of an accessory building on a lot of at least 6 acres but less than 8 acres in this District is 27' per the above table. The

accessory building is proposed to be constructed to this maximum allowable height. This actual height exceeds 15' by 12' (27 – 15). Thus, upon referring to the generally applicable minimum setback requirements for an accessory building in the R-1 District as specified in the Schedule, the minimum front yard setback for this accessory building (otherwise sited in compliance with all applicable requirements) would be 62' (50 + 12); the minimum side yard setback would be 27' (15 + 12); and the minimum rear yard setback would be 37' (25 + 12).

Ex. #2---An accessory building constructed to a height less than the maximum allowed.

An accessory building is proposed to be constructed on the same 7 acre lot in the R-1 District, but instead of constructing the building to the maximum allowable height of 27' the building is proposed to be 24' high. This actual height exceeds 15' by 9' (24 – 15). Thus, upon referring to the generally applicable minimum setback requirements for an accessory building in the R-1 District as specified in the Schedule, the minimum front yard setback for this accessory building (otherwise sited in compliance with all applicable requirements) would be 59' (50 + 9); the minimum side yard setback would be 24 (15 + 9); and the minimum rear yard setback would be 34' (25 + 9).

9/ In the Agricultural District the maximum floor area and permissible number of accessory buildings used in conjunction with agricultural production on any lot of record/zoning lot is not limited, unless specifically provided for otherwise in this Ordinance.

In the Agricultural District the maximum floor area and permissible number of accessory buildings not used in conjunction with agricultural production on any lot of record/zoning lot shall be determined based on the area of the lot of record/zoning lot, as specified in the following table, unless specifically provided for otherwise in this Ordinance:

Lot area	Number of accessory buildings*	Maximum total floor area*
Less than 3 acres (legal nonconforming)	1	The lesser of 2,000 square feet or the area of principal structure ground floor
At least 3 acres but less than 4 acres	2	2,000 square feet, total
At least 4 acres but less than 6 acres	2	3,000 square feet, total
At least 6 acres but less than 8 acres	3	4,500 square feet, total
At least 8 acres but less than 10 acres	4	6,000 square feet, total

At least 10 acres but less than 12 acres	5	7,500 square feet, total
At least 12 acres but less than 40 acres	6	9,000 square feet, total
At least 40 acres	No limit	No limit

*1 garage, either attached or detached, is permissible in addition to the applicable number of accessory buildings specified above; provided that the floor area of a garage (attached or detached) shall not exceed the ground floor area of the principal building/structure.

- 10/ In the “RR” Single Family Rural Residential District the maximum floor area and permissible number of accessory buildings used in conjunction with agricultural production on any lot of record/zoning lot with an area of at least two acres is not limited, unless specifically provided for otherwise in this Ordinance.

In the “RR” Single Family Rural Residential District the maximum floor area and permissible number of accessory buildings not used in conjunction with agricultural production on any lot of record/zoning lot (or where the lot area is less than 2 acres) shall be determined based on the area of the lot of record/zoning lot, as specified in the following table, unless specifically provided for otherwise in this Ordinance:

Lot area	Number of accessory buildings*	Maximum total floor area*
Less than 2 acres (legal nonconforming)	1	The lesser of 2,000 square feet or the area of principal structure ground floor
At least 2 acres but less than 4 acres	2	2,000 square feet, total
At least 4 acres but less than 6 acres	2	3,000 square feet, total
At least 6 acres but less than 8 acres	3	4,500 square feet, total
At least 8 acres but less than 10 acres	4	6,000 square feet, total
At least 10 acres but less than 12 acres	5	7,500 square feet, total
At least 12 acres	6	9,000 square feet, total (and with no individual building exceeding 7,500 square feet)

*1 garage, either attached or detached, is permissible in addition to the applicable number of accessory buildings specified above; provided that the floor area of a garage (attached or detached) shall not exceed the ground floor area of the principal building/structure.

11/ In the “R-1”, “R-2”, “R-3”, and “R-5” Residential Districts the maximum floor area and permissible number of accessory buildings on any lot of record or zoning lot shall be determined based on the area of the lot of record/zoning lot, as specified in the following table, unless specifically provided for otherwise in this Ordinance:

Lot area	Number of accessory buildings*	Maximum total floor area*
Less than 2 acres	1	The lesser of 1,500 square feet or the area of principal structure ground floor
At least 2 acres but less than 4 acres	2	2,000 square feet, total (and with no individual building exceeding the lesser of 2,000 square feet or the area of principal structure ground floor)
At least 4 acres but less than 6 acres	2	3,000 square feet, total (and with no individual building exceeding the lesser of 3,000 square feet or the area of principal structure ground floor)
At least 6 acres but less than 8 acres	3	4,500 square feet, total (and with no individual building exceeding the lesser of 4,500 square feet or the area of principal structure ground floor)
At least 8 acres but less than 10 acres	4	6,000 square feet, total (and with no individual building exceeding the lesser of 6,000 square feet or the area of principal structure ground floor)
At least 10 acres but less than 12 acres	5	7,500 square feet, total (and with no individual building exceeding the lesser of 7,500 square feet or the area of principal structure ground floor)
At least 12 acres	6	9,000 square feet, total (and with no individual building exceeding the lesser of 7,500 square feet or the area of principal structure ground floor)

*1 garage, either attached or detached, is permissible in addition to the applicable number of accessory buildings specified above; provided that the floor area of a garage (attached or detached) shall not exceed the ground floor area of the principal building/structure.

12/ Multiple family dwelling buildings within a single project area shall be subject to the following minimum separation requirements, in addition to the designated setback requirements:

- (a) Where buildings are placed essentially front to front or front to rear, there shall be a distance of at least fifty feet between them.
- (b) Where buildings are essentially placed side to side, if there are no windows on the side walls of either building, there shall be twenty feet of separation between them, or a distance equal to the height of the taller building, whichever is greater.
- (c) Where the buildings are essentially placed front to side or rear to side, if there are no windows on the side walls of either building, there shall be at least thirty feet of separation between them, or 1.5 times the height of the taller building, whichever is greater.
- (d) Where the buildings are essentially placed rear to side or side to side, with windows on the side walls of either building, there shall be a distance of at least forty feet between them.
- (e) When a roadway is located between two buildings the width of the roadway shall not be included in any of the above requirements for the minimum distance between buildings.

13/ In the "R-4" Mobile Home Park Residential District the lot, yard and area requirements for principal buildings/structures and accessory buildings/structures in a mobile home park are the applicable requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto, and the applicable regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health, which are hereby incorporated by reference.

In the "R-4" Mobile Home Park Residential District the lot, yard and area requirements for all principal buildings/structures and accessory buildings/structures not situated in a mobile home park are the pertinent requirements set forth in this ordinance for the "R-3" Two Family and Multiple Family Residential zoning district, which are hereby incorporated by reference.

14/ Notwithstanding the generally applicable minimum side yard setback requirement specified in the Schedule, in the R-1 and R-2 Single Family Residential Districts a lot lawfully created and of record prior to May 29, 1997 shall be subject to the following side yard setback provisions:

<u>Lot Width (1)</u>	<u>Minimum Side Setback (2)</u>
60 feet or less	8 feet
70 feet or less but more than 60 feet	9 feet
80 feet or less but more than 70 feet	10 feet
90 feet or less but more than 80 feet	11 feet
100 feet or less but more than 90 feet	12 feet
110 feet or less but more than 100 feet	13 feet
120 feet or less but more than 110 feet	14 feet
More than 120 feet	15 feet
<p>(1) For purposes of this table lot width shall be determined as the average of the widths of the lot at the minimum required front and rear setback lines.</p> <p>(2) In each instance with an allowance for a roof overhang of not more than 1 foot.</p>	

- 15/ The maximum building coverage (% of Lot) specified in the portion of the Schedule under “Principal Building/Structure” is intended as the maximum lot coverage percentage for the principal building/structure and all accessory buildings, including garages (attached and detached).
- 16/ The lot, yard and area requirements and building size, height and lot coverage requirements specified in the Schedule for the R-2 Single Family Residential District shall be applicable to the R-5 Multiple Use Development Residential District, subject to the following specific exceptions:
- a. Any lot created after February 2, 2011 for private detached single family dwelling purposes shall comply with the following alternate lot, yard and area requirements, but shall otherwise be subject to the requirements specified in the Schedule for the R-2 zone with respect to building size, height, lot coverage, etc.:
 - (1) Minimum lot area: 13,640 square feet.
 - (2) Minimum lot frontage/lot width: 110' on either a dedicated public street, or a private road complying with the standards, requirements and specifications for a private road within a multiple use development as specified in Section 11.9-A, subsection D.1. sub-parts 1b(1) through (9) and sub-part 1c.
 - (3) Minimum setback requirements for dwelling:
 - (a) Front yard setback --- 40' from the street/road right-of-way/easement.

- (b) Rear yard setback --- 25'.
 - (c) Side yard setback --- 10' on each side.
- (4) Minimum required setback for accessory buildings/structures:
- (a) Front yard setback --- see Section 17.1.4 of the Zoning Ordinance.
 - (b) Rear yard setback --- 10'.
 - (c) Side yard setback --- 10' on each side.
- b. In the R-5 District all new construction of a single-family dwelling and additions to/restoration of an existing single-family dwelling on any lot created before February 2, 2011 shall be subject to setback/lot coverage/dwelling floor area requirements based on the size of the lot, as follows:
- (1) 40' frontage/width x 80' depth (or smaller):
- Minimum front yard setback---28' from the center of the roadway as existing at the time of the construction.
 - Minimum rear yard setback---8'.
 - Minimum side yard setback---8' on each side (with an allowance for a roof overhang of not more than 1' beyond the minimum setback line on each side).
 - Maximum lot coverage---no limitation.
 - Minimum dwelling floor area (first floor footprint)---500 square feet (not including the area of any attached garage).
- (2) Larger than 40' frontage/width x 80' depth (but less than 110' x 124'):
- Minimum front yard setback---28' from the center of the roadway as existing at the time of the construction.
 - Minimum rear yard setback---8'.
 - Minimum side yard setback---8' on each side (with an allowance for a roof overhang of not more than 1' beyond the minimum setback line on each side).
 - Maximum lot coverage---30%.

- Minimum dwelling floor area (first floor footprint)---500 square feet (not including the area of any attached garage).
- (3) 110' frontage/width x 124' depth (or larger): as specified in subpart a of this footnote 16.
- c. In the R-5 District all new construction of accessory buildings/structures and additions to/restoration of an existing accessory building/structure on any lot created before February 2, 2011 shall be subject to setback/lot coverage area requirements based on the size of the lot, as follows:
- (1) 40' frontage/width x 80' depth (or smaller):
- Minimum front yard setback---see Section 17.1.4 of the Zoning Ordinance.
 - Minimum rear yard setback---8'.
 - Minimum side yard setback---8' on each side (with an allowance for a roof overhang of not more than 1' beyond the minimum setback line on each side).
- (2) Larger than 40' frontage/width x 80' depth (but less than 110' x 124'):
- Minimum front yard setback---see Section 17.1.4 of the Zoning Ordinance.
 - Minimum rear yard setback---8'.
 - Minimum side yard setback---8' on each side (with an allowance for a roof overhang of not more than 1' beyond the minimum setback line on each side).
- (3) 110' frontage/width x 124' depth (or larger): as specified in subpart a of this footnote 16.

ARTICLE XIV: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (CONTINUED)

<u>PRINCIPAL BUILDING/STRUCTURE</u>	<u>C-1</u>	<u>I-1</u>	<u>P/RU</u>
Min. Lot Frontage/Lot Width 4/	150'*	200'*	-
Min. Lot Area (Sq.Ft.) 4/	40,000	50,000	-
Max. Building or Structure (Roof) Height 1/	35'	35'	40'
Max. Building Coverage (% of Lot)	50	50	25
Min. Front Yard Setback 2/**, 3/, 5/	50'	50'	40'
Min. Side Yard Setback 2/**, 3/, 5/	25'	50'	10'
Min. Rear Yard Setback 2/**, 3/, 5/	25'	50'	25'
<u>ACCESSORY BUILDINGS/STRUCTURES</u>			
Min. Front Yard Setback 2/**, 3/, 5/	50'	50'	40'
Min. Side Yard Setback 2/**, 3/, 5/	25'	50'	10'
Min. Rear Yard Setback 2/**, 3/, 5/	25'	50'	25'
Max. Building or Structure Height 1/	20'	20'	20'
Max. Building Coverage (% of Lot)	5	5	10

*** In addition, the depth of a lot shall not exceed four times the frontage/width of the lot.**

**Footnote 2 is not applicable in the P/RU District.

FOOTNOTES TO ARTICLE XIV: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (COMMERCIAL AND INDUSTRIAL DISTRICTS)

- 1/ See Section 5.11 for exceptions to general height requirements.
- 2/ Notwithstanding any provision of this ordinance to the contrary, on property contiguous to any county primary street all buildings or structures shall be at least 65' from the right-of-way line.
- 3/ Buildings and structures on a double frontage lot or corner lot shall comply with the minimum front yard setback requirement on each adjoining street.
- 4/ The specified requirements are applicable to development on unplatted land and platted lots, unless the Brady Township Subdivision Control Ordinance (Ordinance No. 24, as amended) imposes different requirements applicable to development of platted lots, which shall be controlling as to such platted lots.
- 5/ Special setback requirements apply to all lots and building sites with frontage on a lake, river, stream, pond or other natural or artificial watercourse, notwithstanding the generally applicable setback requirements specified in this Schedule. See Article XV of this Ordinance.

ARTICLE XV

WATERFRONT DEVELOPMENT AND USE REGULATIONS

- 15.1 GREENBELT PRESERVATION: In order to preserve water quality in waterways and to prevent deterioration of these resources and their tributaries, no building permit for any construction, or authorization for any grading or other land development preparation involving lands and land uses abutting or adjoining waterways shall be granted until it is first determined that any removal of ground cover conforms to the Sedimentation and Erosion Control Regulations enforced by the County of Kalamazoo.
- 15.2 SHORELINE ALTERATION: The existing natural shoreline of any waterway shall not be altered by new channels or peninsulas, or by any permanent structure; except seawalls and otherwise permissible boat launch ramps conforming to all applicable laws and regulations of the State of Michigan.
- 15.3 SPECIAL SETBACK REQUIREMENTS FOR ALL BUILDINGS AND STRUCTURES: Notwithstanding the generally applicable setback requirements specified in the Schedule of Lot, Yard and Area Requirements, or elsewhere in this Ordinance, the following setback requirements shall apply to all lots with frontage on a waterway:
1. Septic systems shall not be constructed within 100 feet of any waterway or such greater distance as may be required by regulations enforced by the County or State.
 2. Dwellings or other principal buildings/structures and accessory buildings/structures shall not be constructed within 75/50* feet of any waterway, or within 50 feet** of any area determined to be wetland pursuant to Part 303 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended (Wetland Protection); subject to the following exceptions and related rules for determining the minimum required waterway setback lines for any dwelling or other principal building (including any above-grade porch, deck, or other structural projection) attached to the principal building, which are intended to facilitate the preservation of reasonable sight lines with respect to the development of waterfront lots:
 - a. Where both side lot lines of the subject lot are substantially parallel (within 10 degrees of parallel) with all side lot lines within 250 feet

* 75 feet applies in all zoning districts, except 50 feet applies in the following districts: R-2 Single Family Residential District, R-3 Two Family and Multiple Family Residential District, R-4 Mobile Home Park Residential District, and R-5 Multiple Use Development Residential District.

** This minimum wetland area setback requirement applies in all zoning districts as an environmental impact requirement, and not a line of sight requirement.

on each side of the subject lot, the “average setback” method specified herein shall apply.

- b. Where both side lot lines of the subject lot are not substantially parallel (within 10 degrees of parallel) with all side lot lines within 250 feet on each side of the subject lot, the “building face extension” method specified herein may be used as an option to the “average setback” method, except as noted in Sections 15.3.2.d, 15.3.2.e and 15.3.4.g.
 - c. Where one side lot line of the subject lot is substantially parallel (within 10 degrees of parallel) with all side lot lines within 250 feet on that side of the subject lot, but the other side lot line is not substantially parallel with all side lot lines within 250 feet on that side of the subject lot, the “average setback” method shall apply on the side where the lot line is substantially parallel, and the “building face extension” method may be used as an option to the “average setback” method on the side where the lot line is not substantially parallel, except as noted in Sections 15.3.2.d, 15.3.2.e and 15.3.4.g.
 - d. The “building face extension” method shall not be used where the lakeside frontage of the subject lot is less than the roadside frontage of the subject lot and/or either of the immediately adjoining lots. In this case the “average setback” method shall be used to determine the minimum waterway setback line on the subject lot.
 - e. The “building face extension” method shall not be used where a lot on either side of the subject lot does not contain a dwelling or other principal building. In this case the “average setback” method shall be used to determine the minimum waterway setback line on the subject lot.
 - f. In no case shall the waterway setback be less than 75/50* feet.
 - g. See the below illustration for a visual depiction of the “average setback” and “building face extension” methods of determining the minimum waterway setback line on a subject lot.
3. Where the “average setback” method applies, the minimum required waterway setback line shall be determined by the following steps and related rules:

* 75 feet applies in all zoning districts, except 50 feet applies in the following districts: R-2 Single Family Residential District, R-3 Two Family and Multiple Family Residential District, R-4 Mobile Home Park Residential District, and R-5 Multiple Use Development Residential District.

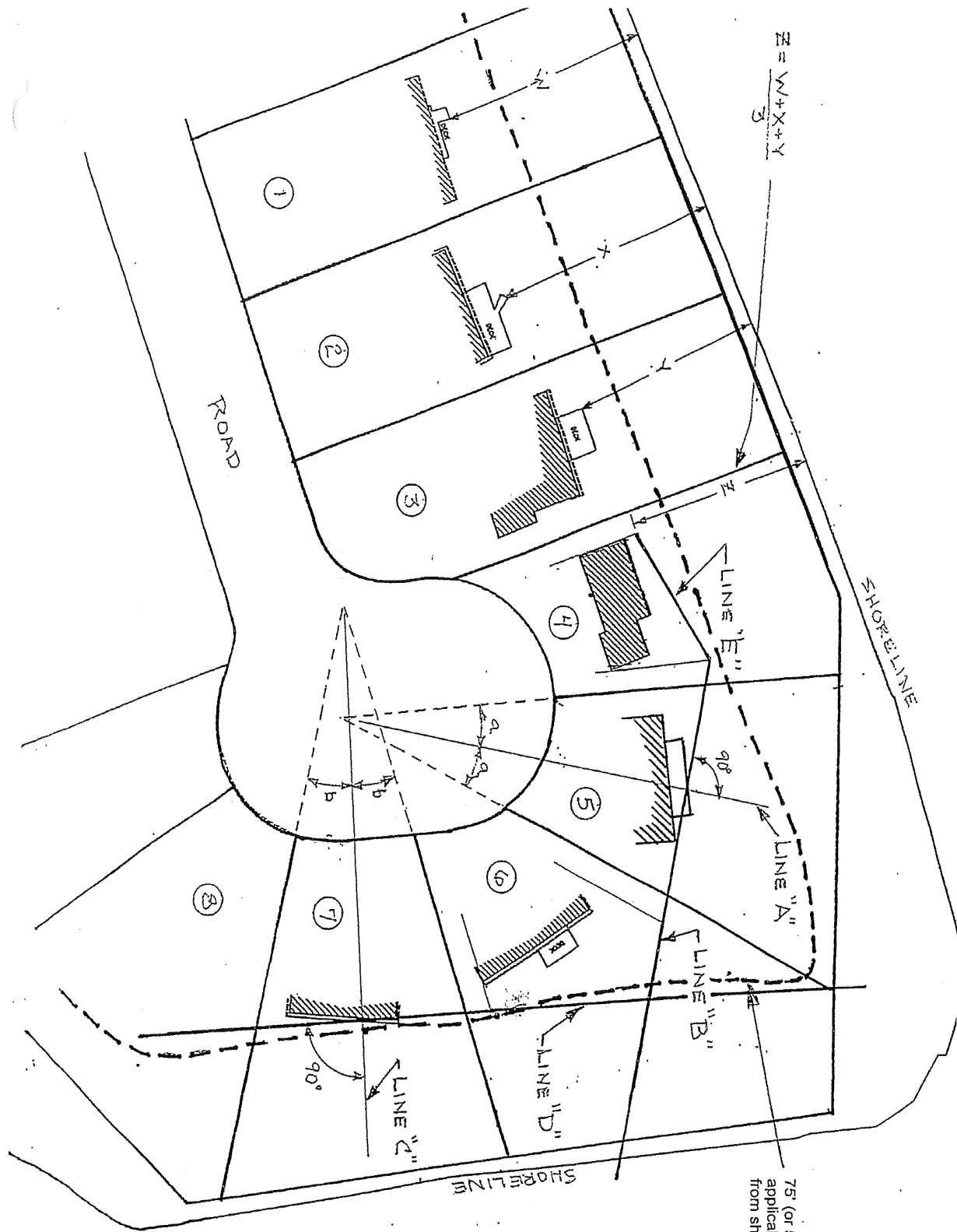
- a. Calculate the average waterway setback of the dwellings or other principal buildings (including any above-grade porch, deck, or other structural projection attached to the principal building) located on the three adjoining lots on the same side of and within 250 feet of one of the side lot lines of the subject lot, and establish a point on the minimum required side yard setback line on that side of the subject lot representing the calculated average setback.
 - b. Repeat preceding step 3a for the other side of the subject lot.
 - c. Connect the two side yard setback line points established pursuant to step 3a and 3b with a straight line, which shall delineate the minimum required waterway setback line for the subject lot.
 - d. The waterway setback measurement for any lot shall be the shortest distance from the shoreline to the dwelling or other principal building (including any above-grade porch, deck or other structural projection attached to the principal building).
 - e. When a dwelling or other principal building (including any above-grade porch, deck or other structural projection attached to the principal building) on a lot within 250 feet of the subject lot is located less than 75/50* feet from the shoreline, a setback distance of 75/50* feet shall be imputed for that lot in the calculation of the average setback for the subject lot.
 - f. When a lot within 250 feet of the subject lot does not contain a dwelling or principal building, a distance of 75/50* feet shall be imputed for the vacant lot in the calculation of the average setback for the subject lot.
4. Where the “building face extension” method option is used, the minimum required waterway setback line shall be determined by the following steps and related rules (as illustrated below for subject lot 6):
- a. Draw the line which bisects the angle between the side lot lines of a lot adjacent to the subject lot (shown as line A for adjacent lot 5).
 - b. Draw a line (shown as line B) perpendicular to line A where line A intersects the waterway side of the dwelling or other principal building (including any above-grade porch, deck, or other structural projection attached to the principal building), and extend that line (line B) completely across the subject lot.

* 75 feet applies in all zoning districts, except 50 feet applies in the following districts: R-2 Single Family Residential District, R-3 Two Family and Multiple Family Residential District, R-4 Mobile Home Park Residential District, and R-5 Multiple Use Development Residential District.

- c. Draw the line which bisects the angle between the side lot lines of the adjacent lot on the other side of the subject lot (shown as line C for adjacent lot 7).
- d. Draw a line (shown as line D) perpendicular to line C where line C intersects the waterway side of the dwelling or other principal building (including any above-grade porch, deck, or other structural projection attached to the principal building), and extend that line (line D) completely across the subject lot.
- e. The two resulting connecting lines (shown as lines B and D) delineate the minimum required waterway setback for the subject lot.
- f. When a combination of the “average setback” method and the “building face extension” method is used (see Section 15.3.2c for applicability), as with lot 4 in the illustration, the line shown as line B is extended only to the point of intersection with the minimum required side yard setback line of the subject lot. The straight line that depicts this point of intersection with the average setback point on the other minimum required side yard setback line of the subject lot (shown as line E) delineates the minimum required waterway setback line for the subject lot (lot 4 in the illustration).
- g. When the point of intersection of the lines shown as A and B or C and D in the illustration is less than 75/50* feet from the shoreline, the “building face extension” method cannot be used. In this case the “average setback” method shall be used.

[See accompanying illustration]

* 75 feet applies in all zoning districts, except 50 feet applies in the following districts: R-2 Single Family Residential District, R-3 Two Family and Multiple Family Residential District, R-4 Mobile Home Park Residential District, and R-5 Multiple Use Development Residential District.



75' (or 50' where applicable) setback from shoreline

15.4 SPECIAL ACCESSORY BUILDING AND ACCESSORY STRUCTURE LOCATION REQUIREMENTS:

1. Accessory buildings are prohibited in the front yard (water side) of waterfront lots, except as follows:
 - a. 1 pump house accessory building per lot of record/zoning lot, not exceeding 4' x 4', with a height of not more than 4'. In addition, a concrete pad not exceeding 36 square feet in total area and a height of 4" above the natural grade may be included under the pump house.
2. Decks and any other exterior type of flooring structure, including structures attached thereto, whether permanent or temporary, any portion of which is above the natural surrounding grade, are prohibited in the front yard (water side) of waterfront lots, except in compliance with all of the following:
 - a. No portion exceeds a height of 12" above the natural surrounding grade.
 - b. No portion extends beyond the natural shoreline.
 - c. No portion is closer to a side lot line than the minimum side yard setback requirement applicable to the dwelling to which the flooring structure is accessory.

15.5 SPECIAL WALL/FENCING REQUIREMENTS FOR WATERFRONT LOTS:

1. Notwithstanding the provisions of this Ordinance that are generally applicable to walls and fencing, no wall or fencing of any kind shall be located in the front yard (water side) of a waterfront lot any closer to the shoreline than the required waterfront setback for buildings and structures as specified in Section 15.3, except for chain link or similar style open fencing that extends not more than 10 feet from the wall of the dwelling closest to the water, and not more than 4 feet in height. Retaining walls intended to function as a transition from one grade to another are permissible in the required waterfront setback area, provided that no portion of the retaining wall shall be higher than the natural surrounding grade.

15.6 ACCESS AND USE REGULATIONS FOR WATERFRONT LAND:

Land contiguous to a waterway may be used for the purpose of providing access to that waterway for the owners/occupants of lots without any frontage on the waterway (hereafter "benefitted lots") only if the Planning Commission determines pursuant to the site plan review process as specified in Article XIX that all applicable site plan approval criteria

specified in Section 19.6.2 and all of the following development/use standards are met:

1. The waterfront land (herein “common open space lot”) is dedicated for use as common open space by only the owners/occupants of benefitted lots with a deeded interest in the common open space.
2. Each benefitted lot is a conforming lot or legally nonconforming lot for the zoning district in which it is located.
3. The common open space lot shall fully comply with all provisions of the Subdivision Development Ordinance and/or Land Division Ordinance, as applicable.
4. The frontage/width of the common open space lot shall be equal to the minimum lot frontage/width required for the zoning district in which the common open space lot is located, multiplied by the number of benefitted lots. The purpose of this requirement is to assure that no more benefitted lots are afforded waterfront access than would be allowed if the shoreline of the waterway was divided into conforming lots.
5. The common open space lot shall have a lot depth of at least 150 feet.
6. If the common open space lot includes wetland areas, either as shown on the most recent United States Geological Survey Maps, or as designated by the Michigan Department of Environmental Quality, the site plan submittal shall include specific information explaining how the wetland areas will be protected as required by law.
7. Buildings or other man-made structures shall not be constructed or placed on the common open space lot, permanently or temporarily, except:
 - a. One walkway to provide pedestrian access to the waterfront through a wetland, as permitted and otherwise regulated by the State and/or County (as applicable).
 - b. One parking area (at grade) not located within any minimum required waterway setback area determined pursuant to Section 15.3.2 of this Ordinance or within any other minimum required setback area required by this Ordinance for an accessory building/structure, for the use of only the owner/occupants of benefitted lots for the temporary parking of motor vehicles while such persons are using the common

open space for an otherwise lawful purpose and as provided herein.

- c. Docks, as allowed by subsection 8 below.
8. One dock per each permissible benefitted lot may be placed on the common open space and into the watercourse, subject to the following standards and requirements:
- a. Each such dock shall be restricted to the private and non-commercial use of the owners/occupants of the benefitted lots, for the mooring of private and non-commercial boats or other vessels owned by the owners/occupants of the benefitted lots.
9. The common open space may include a boat ramp (at grade) for the private and non-commercial use by only the owners/occupants of benefitted lots; but shall not include any public boat ramp or other facilities for the launching of boats or other vessels into the waterway by the general public on a commercial or non-commercial basis.

15.7 (reserved for future use)

ARTICLE XVI

KEEPING OF ANIMALS

- 16.1 ANIMALS PROHIBITED EXCEPT AS ALLOWED: The keeping of animals in the various zoning districts is regulated by the applicable provisions of this Article, and except as specifically allowed herein animals shall not be possessed, kept or raised on any premises in Brady Township for any hobby, pleasure, commercial, or other purpose.
- 16.2 DEFINITIONS: For purposes of this Article the following words and terms shall have the designated meanings:
1. Animal: Any live non-human species of mammal, and any species of reptile, amphibian, insect or bird.
 2. Domestic Animal: Any live animal of a species indigenous to the State of Michigan and not a wild animal or farm animal, including dogs and cats, and also including birds, non-poisonous snakes and lizards, non-poisonous insects, and rabbits, kept as household pets.
 3. Exotic Animal: Any live animal of a species not indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part exotic animal.
 4. Farm Animal: Any live animal (other than a domestic animal) of a species customarily and normally kept as livestock on a farm; and also any other animal other than dogs, cats, exotic animals and wild animals, raised for commercial profit or slaughter.
 - a. Large farm animals: cows and other bovine, horses and other equine, hogs and other swine, sheep and goats and other ovine, and other livestock animals of comparable size.
 - b. Small farm animals: chickens and other poultry, turkeys, ducks, geese, and rabbits, and other livestock animals of comparable size.
 5. Wild Animal: Any live animal of a species indigenous to the State of Michigan and not a domestic animal or a farm animal, including any hybrid animal which is part wild animal.
- 16.3 EXOTIC ANIMALS: Exotic animals are not allowed upon any premises in any zoning district, except in the following situations:

1. A public zoo, or educational exhibition sponsored by a governmental entity.
2. A bona fide licensed circus.

16.4 WILD ANIMALS: Wild animals are not allowed to be kept or raised upon any premises in any zoning district, except in the following situations:

1. A public zoo, or educational exhibition sponsored by a governmental entity.
2. A bona fide licensed circus.
3. A veterinary clinic lawfully providing professional veterinarian services to a wild animal in need of those services.
4. Pursuant to a possession permit issued by the Michigan Department of Natural Resources authorizing temporary non-commercial shelter and/or treatment for an injured or abandoned wild animal until the animal can feasibly be released from captivity.

16.5 DOMESTIC ANIMALS:

1. Agricultural Zoning District: In this zoning district domestic animals are allowed as follows:
 - a. Not more than a total of 6 domestic dogs, cats or rabbits are allowed as an accessory use to a dwelling on the premises; plus the litters of same in excess of the limit, for not more than 6 months after birth.
 - b. Caged domestic birds, caged non-poisonous snakes and lizards, caged insects, and other caged small domestic animals (such as hamsters, mice and guinea pigs) are also allowed as an accessory use to a dwelling on the premises.
 - c. A Kennel involving more than 6 dogs or cats is allowed in the "AG" Agricultural District as a special exception use (see Section 18.7.11 of this Ordinance).
 - d. Domestic animals are also allowed in the same situations designated for wild animals in Section 16.4, subsections 1-3 of this Ordinance.
2. Residential Zoning Districts: In these zoning districts domestic animals are allowed as follows:

- a. Not more than a total of 3 domestic dogs, cats or rabbits are allowed as an accessory use to a dwelling on the premises; plus the litters of same in excess of the limit, for not more than 6 months after birth.
 - b. Caged domestic birds, caged non-poisonous snakes and lizards, caged insects, and other caged small domestic animals (such as hamsters, mice and guinea pigs) are also allowed as an accessory use to a dwelling on the premises.
3. Commercial and Industrial Districts: In these zoning districts domestic animals shall not be kept on any premises, except as follows:
- a. Not more than 3 confined guard dogs are allowed on any non-residentially used premises.
 - b. Domestic animals are allowed as an accessory use to a dwelling on any premises lawfully used for residential purposes, as designated in Section 16.5, subsections 1.a.-1.b. of this Ordinance.
 - c. Domestic animals are also allowed in the same situations designated for wild animals in Section 16.4, subsections 1-3 of this Ordinance.

16.6 FARM ANIMALS:

1. "AG" Agricultural District: In this zoning district farm animals are allowed as follows:
- a. The raising or keeping of farm animals for commercial or non-commercial purposes is a permitted use. The siting of a new or expanding commercial livestock production facility in this district is controlled by the State of Michigan pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.
 - b. Horse Boarding or Riding Stable is a special exception use (see Section 18.8.8 of this Ordinance).
2. "RR" Single Family Rural Residential District: In this zoning district farm animals are not allowed, except as follows:
- a. Certain premises in this district may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally

Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.

- b. Large farm animals are allowed as an accessory residential use incidental to a dwelling on the premises, only on a purely non-commercial basis for the personal/recreational use and enjoyment of the residents of the premises, and subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements:
 - (1) The premises shall have a lot area of at least 2 acres and a lot frontage/width of at least 200 feet.
 - (2) No more than two animals shall be allowed on the initial 2 acres.
 - (3) At least one additional acre shall be required for each additional animal, up to a maximum total of 20 animals.
 - (4) Barns or shelters shall be located at least 150 feet from all existing residences on adjacent properties.
 - (5) Pens for holding livestock, and paddocks and riding rings shall be located at least 100 feet from all existing residences on adjacent properties.
 - (6) Pastures used for grazing shall be located at least 25 feet from all existing residences on adjacent properties.
 - (7) Animal waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines. Waste shall be properly disposed of at appropriate intervals sufficient to avoid the creation of obnoxious odors or insect problems perceptible beyond the boundaries of the subject property.
 - (8) Odors, dust, noise and drainage shall be controlled so as to not become a nuisance, hazard or annoyance to adjoining residents or the general public.
- c. Small farm animals are allowed as an accessory residential use incidental to a dwelling on the premises, only on a purely non-commercial basis for the personal/recreational use and enjoyment of the residents of the premises, and subject to all applicable

provisions of this Ordinance, including the following density, setback, and other requirements:

- (1) No more than 30 chickens or other poultry/fowl, turkeys, ducks, geese or rabbits (combined) shall be allowed.
- (2) The provisions of Section 16.6, subsections 2.a.(4)-(8) of this Ordinance shall be complied with.

3. "R-1" Single Family Residential District: In this zoning district farm animals are not allowed, except as follows:

- a. Certain premises in this district may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.
- b. Small animals, such as rabbits, as can be kept within the single family dwelling unit itself on a purely non-commercial basis, and without causing any detriment to any adjoining property.

4. "R-2" Single Family Residential District, "R-3" Two Family and Multiple Family Residential District, "R-4" Mobile Home Park Residential District, "R-5" Multiple Use Development Residential District, "C-1" General Commercial District, "I-1" Light Industrial District, and "P/RU" Public/Recreational Use District : In these zoning districts farm animals are not allowed, except as follows:

- a. Certain premises in one or more of these districts may be determined by the State of Michigan to be permissible for the siting of a new or expanding commercial livestock production facility pursuant to the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities issued by the Michigan Commission of Agriculture & Rural Development under authority of the Michigan Right To Farm Act.
- b. In conjunction with a Veterinary Clinic/Animal Hospital, which is allowed in the "C-1" General Commercial District as a special exception use.

ARTICLE XVII

ACCESSORY BUILDINGS/ACCESSORY STRUCTURES/ACCESSORY USES

17.1 GENERAL REQUIREMENTS FOR ALL ACCESSORY BUILDINGS/ACCESSORY STRUCTURES/ACCESSORY USES: The following regulations are applicable to all accessory buildings, accessory structures, and accessory uses in all zoning districts throughout the Township:

1. All accessory buildings, accessory structures, and accessory uses, shall be located and maintained under the same ownership as the principal use.
2. All accessory buildings, accessory structures, and accessory uses, shall be located and maintained on the same lot as the principal use, or on a contiguous lot, which shall include a lot separated from the main lot by a street.
3. All accessory buildings, accessory structures, and accessory uses, shall be clearly incidental and subordinate to the associated principal use.
4. All accessory buildings, accessory structures, and accessory uses, shall be aesthetically compatible with the associated principal structure and use.

17.2 REQUIREMENTS FOR ACCESSORY BUILDINGS, IN ADDITION TO THE GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS IN SECTION 17.1: The following regulations are applicable to accessory buildings in all zoning districts throughout the Township, except as to those requirements stated to be applicable only in a specific zoning district or districts, in addition to the general requirements for accessory buildings in Section 17.1:

1. See Article XIV (Schedule of Lot, Yard and Area Requirements) for applicable requirements pertaining to the permissible floor area, number, and height of accessory buildings in all zoning districts.
2. In all the Districts no accessory building or garage shall be constructed without a dwelling or other allowed principal structure being in existence, or being under simultaneous construction pursuant to a valid building permit; provided this requirement does not apply to accessory buildings used for agricultural production in the Agricultural District.
3. Accessory buildings shall be located only in the rear yard or side yards, except in the following situations:
 - a. Where the accessory building is located at least 300 feet from the street (right-of-way) it may be located in the front yard.

- b. Where a special exception use permit has been granted for an accessory building to be located in the front yard within 300 feet of the street (right-of-way), which the Planning Commission may grant pursuant to the following standards:
 - (1) The special exception use criteria in Section 18.3 of this Ordinance.
 - (2) The accessory building may not be located directly in front of the principal building, as viewed from the street.
 - (3) Existing or newly-planted vegetative screening is sufficient to make the front yard location of the accessory building aesthetically compatible with the use of adjacent properties and not detrimental to public health and safety in general.
- 4. Accessory buildings shall not include provisions for or be used for lodging or sleeping of human beings.
- 5. Accessory buildings may be used only for purposes accessory to uses allowed in the zoning district in which located.
- 6. Where a building (such as a garage) is initially constructed as the principal structure, but is subsequently to be rendered an accessory building due to other construction (such as a dwelling), all such construction shall be proceeded with so as to fully comply with all applicable requirements in this Article. (The intent of this provision is to require "accessory" type buildings to be sited so as to permit sufficient space for development of a future principal structure in compliance with all applicable regulations of this Ordinance).

17.3 REQUIREMENTS FOR ACCESSORY STRUCTURES: The following regulations are applicable to accessory structures in all zoning districts throughout the Township, except as to those requirements that are stated to be applicable only in a specific zoning district or districts, in addition to the general requirements for accessory structures in Section 17.1:

- 1. Accessory structures shall not include provisions for or be used for lodging or sleeping of human beings.
- 2. Accessory structures may be used only for purposes accessory to uses allowed in the zoning district in which located.
- 3. In all districts the setback and height regulations applicable to accessory buildings, as specified in Article XIV, shall also apply to accessory structures which are permanently attached to the ground.

17.4 REQUIREMENTS FOR ACCESSORY USES: The following regulations are applicable to accessory uses in all zoning districts throughout the Township, except as to those requirements that are stated to be applicable only in a specific zoning district or districts, in addition to the general requirements for accessory uses in Section 17.1:

- 1. If an accessory use is carried on within the structure containing the principal use, the gross floor area utilized by the accessory use (except garages and off-street loading facilities) shall not be greater than:
 - a. For a single unit dwelling, 20% of the gross floor area, or 300 square feet, whichever is less.
 - b. For any principal use other than a single unit dwelling, 10% of the gross floor area.

ARTICLE XVIII

SPECIAL EXCEPTION USES

- 18.1 EXPLANATION OF SPECIAL EXCEPTION USES: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Planning Commission is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

Such Special Exception Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without property controls and limitations, might be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

- 18.2 SPECIAL EXCEPTION USE PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Clerk and shall include all pertinent preliminary site plans, specifications, and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. Upon receipt of the application in proper form the Planning Commission shall schedule and hold a public hearing as required by law. The applicant shall have the burden of proof for issuance of the Special Exception Use Permit, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Commission.
3. Following such hearing the Planning Commission shall either approve, deny, or approve with conditions a permit for such Special Exception Use. All conditions upon which any such permit is granted shall be specified by the Planning Commission in its decision and shall be filed with the Zoning Administrator and the Township Clerk.

- 18.3 CRITERIA FOR DECISION: Special exception uses are not permitted to be engaged in within a particular zone in which they are listed in this ordinance unless and until the Planning Commission approves or approves with conditions a special exception use permit. Such approval shall be granted when the Planning Commission finds from the evidence produced at the hearing that:

1. The proposed use will not adversely affect the plan for the development of Brady Township as set forth in the Brady Township Land Use Plan;

2. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
3. The use will be compatible with the natural environment of the area;
4. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
5. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance;
6. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
7. The use will not adversely affect the public health, safety, and general welfare of the community;
8. The use will be in accordance with the character and adaptability of the land at issue;
9. The general standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Commission's judgment, be met at all times by the applicant;
10. The specific standards applicable to particular uses as set forth in Section 18.7 or elsewhere in this Ordinance can and will, in the Commission's judgment, be complied with at all times.

18.4 CONDITIONS IMPOSED UPON APPROVED SPECIAL EXCEPTION USES:

Any conditions upon which approval is based shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or necessary to protect the natural environment and conserve natural resources and energy, or necessary to insure compatibility with adjacent uses of land, or necessary to promote the use of land in a socially and economically desirable manner. Any such conditions shall also 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 community as a whole.

2. Be related to the valid exercise of the police power (governmental authority), and purposes which 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 insure compliance with those standards.

The Township Planning Commission shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of periodic review of compliance with the conditions imposed upon such use.

18.5 COMPLIANCE WITH APPROVAL:

The preliminary site plans and specifications and all conditions imposed by the Planning Commission shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. An approved special exception use which at any time fails to comply with the terms of the permit, or any provision of this Ordinance, shall cease to be a lawful use, and shall be subject to suspension and/or revocation in accordance with Section 18.6 of this Ordinance, in addition to the legal penalties and remedies generally applicable to any violation of this Ordinance.

18.6 SUSPENSION AND/OR REVOCATION OF SPECIAL EXCEPTION USE PERMITS: All special exception uses for which a permit has been approved by the Planning Commission shall be subject to the following provisions, as a condition automatically imposed upon every such approved special exception use:

1. Suspension of Special Exception Use Permit: Upon a finding by a Township official authorized to enforce this Ordinance, including the Township Supervisor, of a probable violation of the terms and conditions of the special exception use permit, the ordinances of Brady Township, or the laws of the State of Michigan, the Township Supervisor may suspend the special exception use permit and require the permit holder to immediately cease and suspend use of the property for the purposes for which the special exception use permit was previously granted, pending a public hearing and further determination of the Planning Commission as provided hereinbelow in subsection 2. Notice of the suspension shall be provided to the permit holder/property owner by personal delivery or by regular first class mail.

2. Planning Commission Review of Suspension: The Planning Commission shall review the status of the suspension at the earliest feasible opportunity, after a public hearing before the Planning Commission has been held. Notice of the public hearing shall be provided in accordance with the statutory provisions governing special exception use matters. A majority of the Planning Commission members present and voting may vacate the suspension upon a determination that the violations causing the suspension have been cured, or may modify or extend the suspension upon a finding that the violations causing the suspension have not been cured but are reasonably likely to be cured in a further period of time to be specified by the Planning Commission.
3. Revocation of Special Exception Use Permit: A majority of the Planning Commission members present and voting may, after notice and public hearing as provided herein, determine to revoke a special exception use permit which has been suspended, upon a finding that the violations causing the suspension have not been cured within a reasonable period of time as established by the Planning Commission. Notification of a Planning Commission determination to revoke a special exception use permit shall be provided to the permit holder and property owner by personal delivery or by regular first class mail. A determination of the Planning Commission revoking a special exception use permit may be appealed to the Township Zoning Board of Appeals within 21 days of the determination. Premises for which a special exception use permit has been revoked by the Planning Commission shall be used only as allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district.

18.7 SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL EXCEPTION USES: The following specific standards shall be required of the particular special exception uses designated in this section, pursuant to Section 18.3 of this Ordinance.

1. Bed & Breakfast Facility:
 - a. All bed & breakfast facilities shall be subject to and comply with the characteristics of a "home occupation" as set forth in Section 3.1, subsection 51 of this Ordinance.
 - b. A dwelling in which a bed & breakfast facility is allowed shall be occupied by the owner of the premises as his/her principal residence.
 - c. The maximum stay for patrons of a bed & breakfast facility shall be seven days.

- d. Sufficient off-street parking area shall be available on the premises to provide one parking space per sleeping room, not including spaces required for the permanent occupants of the premises.
- e. All bed & breakfast facilities shall have a smoke detector in proper working order in every sleeping room, and at least one fire extinguisher in proper working order on every floor of the dwelling.

2. Child (Group) Day Care Home:

- a. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- b. It shall have appropriate fencing enclosing all outdoor play areas, as determined by the Planning Commission. Such fencing shall be at least 48" high and non-climbable in design.
- c. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- d. It shall not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- e. It shall meet all applicable sign regulations set forth in this ordinance.

- f. It shall meet all applicable off-street parking requirements set forth in this ordinance.
3. Wireless Communications Support Structure (including equipment compound and wireless communications equipment).
- a. Purpose. The purpose of this portion of the Zoning Ordinance is to establish standards for the siting of wireless communication support structures/equipment compounds and wireless communications equipment (for convenience sometimes referred to as “towers” or “communication towers” and “antennas”) based on the following goals: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) protect the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
 - b. Definitions. The following terms used in this portion of the Zoning Ordinance shall be defined as follows:
 - (1) "Alternative tower structure" means man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.
 - (2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.
 - (3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more wireless telephone

switching offices, and/or long distance providers, or the public switched telephone network.

- (4) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
- (5) "Communication Tower" or "Tower" means the same thing as wireless communications support structure, except where the context of the usage of the term is clearly applicable to only a tower type of support structure.
- (6) "Equipment Compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- (7) "Height" means, when referring to a wireless communications support structure, the distance measured from the finished grade to the highest point on the structure, including the base pad and any antenna.
- (8) "Wireless Communications Equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables; but does not include any wireless communications support structure, alternative tower structure, or other structure or device designed to support or capable of supporting wireless communications equipment.
- (9) "Wireless Communications Support Structure" (see definition in Section 3.1).

c. Information Required with Special Exception Use Application.

- (1) In addition to any information required for applications for special exception use permits pursuant to Section 18.2 of the Zoning Ordinance, applicants for a special exception use permit for a communication tower/antenna shall submit the following information:
 - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all

proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in subpart d(3), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or Planning Commission to be necessary to assess compliance with the standards for approval in this Ordinance.

- (b) Legal description and ownership of the parent parcel (and leased parcel, if applicable).
- (c) The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a Residential zoning district.
- (d) An inventory of existing towers, antennas, or sites approved for towers or antennas, that are owned/used by the applicant or any affiliated entity within Kalamazoo County, or within any adjoining township/county within 1 mile of Brady Township. This inventory shall include the location, height, and design of each existing tower. The location of all such existing towers, and sites approved for towers or antennas, shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located within Brady Township or within 1 mile of any boundary thereof, and indicate the owner/operator of such towers if known.
- (e) A landscape plan showing fencing and specific landscape materials.
- (f) Finished color and, if applicable, the method of camouflage and illumination.
- (g) A description of compliance with all applicable federal, state and local laws.

- (h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- (i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other wireless sites owned or operated by the applicant or any affiliated entity in the Township.
- (j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (k) A description of the desirable characteristics justifying the suitability of the proposed location.
- (l) Point of view renderings of how the proposed tower will appear from the surrounding area.
- (m) Any additional information requested by the Planning Commission relevant to compliance with any provision of this Ordinance pertaining to special exception use application, review, or approval, including any lawful conditions imposed on approval.

All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

- d. Specific Standards for Approval of Special Exception Use Permit for Wireless Communication Support Structure. In addition to the generally applicable standards for approval of special exception use permit applications pursuant to Section 18.3 of the Zoning Ordinance, the applicant for special exception use approval of a wireless communications support structure, also sometimes referred to as a “tower”, shall present evidence demonstrating compliance with the following standards specific to this land use:

- (1) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. The applicant shall demonstrate that no existing tower, other structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant's proposed antenna, based on information submitted by the applicant showing any of the following:

- (a) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) There are other limiting factors that render existing towers and structures unsuitable.
 - (g) An alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (2) Setbacks. The tower base must be set back a distance equal to 110% of the height of the tower from any adjoining lot line; provided that the Planning Commission is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to fold-over or otherwise collapse within a fall zone less than the total height of the tower. The Planning Commission determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special exception use approval in Section 18.3 of this Ordinance.

Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.

(3) Separation.

- (a) Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1, measured from the base of the tower to the lot line of the off-site uses and/or designated areas (straight line measurement):

Table 1

Off-Site Use/Designated Area

Separation Distance

Single-family, two-family or multiple-family residential uses	200 feet or 300% of height of tower, whichever is greater
Areas in any Residential zoning district	200 feet or 300% of height of tower, whichever is greater
Non-residentially zoned lands and non-residential uses	None; only setbacks apply

- (b) Separation distances between towers. The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (straight line measurement).

Table 2

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000 ft.	5000 ft.	1500 ft.	750 ft.
Guyed	5000 ft.	5000 ft.	1500 ft.	750 ft.
Monopole 75 Ft in Height or Greater	1500 ft.	1500 ft.	1500 ft.	750 ft.
Monopole Less Than 75 Ft in Height	750 ft.	750 ft.	750 ft.	750 ft.

- (4) Maximum Tower Height. The maximum tower height is 250 feet.
- (5) Colocation. The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least two other users, unless the Planning Commission determines pursuant to specific information submitted by the applicant that this multiple user requirement is not technically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special exception use approval standards. Where a multiple user tower is proposed, or is otherwise required by the Planning Commission pursuant to this Ordinance, the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
- (6) Security fencing; safety. The equipment compound base of the tower and structural support apparatus shall be enclosed by security fencing or other suitable enclosure not less than six feet in height, to be determined by the Planning Commission, sufficient to restrict access to authorized personnel only. The tower or other support structure shall be equipped with an appropriate anti-climbing device.
- (7) Landscaping and Site Maintenance. A six foot tall landscape screen is required to effectively screen the equipment compound from adjacent residential property, streets and public property, except in locations where the visual impact of the equipment compound would be minimal. The site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.
- (8) Lighting. The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties, and shall be designed to minimize bird collisions with the tower.

- (9) Signs. The use of any portion of a tower/antenna or equipment compound for signs other than warning or equipment information is prohibited.
- (10) Weather Resistance. The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
- (11) Non-Interference. The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
- (12) Abandonment of Unused Towers or Portions of Towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least 1 year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of such abandonment to the owner of the subject premises.
- (13) Aesthetics. Towers and antennas shall meet the following requirements:
 - (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (b) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Notwithstanding the foregoing, the Planning Commission may also require tower and guy wire devices designed to minimize bird-tower collisions.

- (14) Accessory Structures. The design of the buildings and other accessory structures at or in an equipment compound shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them in with the surrounding environment. All such buildings/structures shall

meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

- (15) Site Plan. No tower, antenna or accessory building shall be constructed or installed except in conformance with an approved site plan. An antenna may be installed on a tower in conformance with such tower's special exception use permit and approved site plan.
 - (16) Inspection and Maintenance. An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition. Reports of all inspections and maintenance shall be made available to the Township upon written request.
 - (17) Minimum Lot and Yard Requirements. For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.
- e. Installation of Antenna or Other Wireless Communications Equipment on Existing Tower or in Existing Equipment Compound. The following provisions govern the installation of antenna apparatus and other wireless communications equipment on an existing communication tower or other wireless communications support structure or within an equipment compound on the site of an existing communication tower:
- (1) Where the existing tower has been granted special exception use and site plan approvals, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures and proposed changes to the existing equipment compound, are in complete conformance with the underlying special exception use permit and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the

array of the antenna apparatus, and the number, size and location of associated accessory buildings/structures.

- (2) Where the existing tower has been granted special exception use and site plan approvals, or has not been granted such approvals but is determined by the Zoning Administrator to otherwise be in compliance with the Zoning Ordinance, no further zoning approvals are required if the Zoning Administrator further determines wireless communications equipment and where applicable, the proposed associated accessory buildings/structures and/or proposed changes to the existing equipment compound comply with all of the following (as applicable):
- (a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - (b) The existing wireless communications support structure/existing equipment compound is itself in compliance with the zoning ordinance.
 - (c) The wireless communications equipment will not increase the overall height of the existing support structure by the greater of 20 feet or 10% of its original height.
 - (d) The wireless communications equipment will not increase the width of the existing support structure by more than the minimum necessary to permit collocation.
 - (e) The wireless communications equipment will not increase the area of the existing equipment compound so as to be more than 2,500 square feet.
 - (f) The proposed change(s) will comply with the terms and conditions of any previous final approval of the existing support structure/compound.

A proposed change that does not comply with (c), (d), (e), or (f), but which otherwise is compliant with sub-part (2), is subject to zoning approval pursuant to approval of an amended site plan by the Planning Commission in accordance with all applicable provisions of this Ordinance, but without further special exception use approval.

- (3) Where a proposed installation of wireless communications equipment on an existing wireless communications support structure is not subject to either preceding sub-parts (1) or (2) of this subsection e, the installation shall be subject to special exception use and site plan approvals in a zoning district where Wireless Communications Support Structure is designated as a special exception use.

Note: Section 3514 of the Michigan Zoning Enabling Act, as amended by 2012 Public Act 143, requires a special exception use application for this land use to be reviewed by the Zoning Administrator to determine whether it is administratively complete. The application shall be considered administratively complete 14 business days after receipt of the application, unless the Zoning Administrator determines the application is administratively complete within that 14 day period, or before expiration of that 14 day period notifies the applicant (in writing, or electronically) that the application is not administrative complete and specifies the information and/or application fee payment necessary to make the application administratively complete. The statute also requires the Planning Commission to approve or deny a special exception use application for this land use not more than 90 days after the application is considered to be administratively complete.

4. Earth Removal and Commercial Excavation:

a. Location:

- (1) All such operations shall be located on a county primary street for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to approval of such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- (2) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. All excavation operations shall be at least 150 feet from interior boundary lines of the property, and the Planning Commission may increase such setback if required to adequately protect adjoining properties. However, if the adjoining property is

also used for mining and excavation operations the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Commission and adequate lateral support is at all times maintained. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.

- (3) All excavation operations shall be at least 50 feet from adjoining public rights-of-way to the grade level of said rights-of-way. Excavation operations shall not be allowed where adequate lateral support for the maintenance of adjoining lands is not maintained.
- (4) A processing plant and its accessory structures shall be located at least 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. This requirement shall also apply to digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- (5) All excavation operations, processing plants, and accessory structures shall be at least 250 feet from the banks of any lake, stream, or other watercourse unless a lesser setback is approved, in writing, by the Michigan Water Resources Commission or such other state agency having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. Where it appears that substantial sediment may be carried into any nearby watercourse, the Planning Commission may require, as a condition of approval, that the applicant construct an adequate sediment basin.
- (6) All private drives and private access routes serving excavation or processing operations shall be located at least

250 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.

b. Sight Barriers:

- (1) Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - (a) Earth berms constructed to a height of 6 feet above the mean elevation of the center line of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.
 - (b) Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers when 6 feet in height.
 - (c) Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than 6 feet and maintained in good repair.

c. Nuisance Abatement:

- (1) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- (2) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution potentially injurious or substantially annoying to adjoining property owners. Interior and adjoining

roads used in the operations shall have their surface treated to minimize any such nuisance.

- (3) The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. and no operations shall be allowed on Sundays or legal holidays.
- (4) All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

d. Environmental Protection:

- (1) Earth removal operations shall not create erosion problems, or alter the groundwater table of the area.
- (2) Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or stagnant swampy areas.
- (3) Earth removal operations shall not cause a permanent adverse affect to the environment, the natural topography, or any natural resource, other than the earth materials involved.

e. Reclamation of Mined Areas:

- (1) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected with one year of termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
- (2) The following standards shall control reclamation and rehabilitation:
 - (a) All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-flammable and non-combustible solids to insure:

- (i) That the excavated area shall not collect stagnant water and not permit the same to remain therein; or
 - (ii) That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- (b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal.
- (c) Top soil of a quality at least equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.
- (d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.
- (e) All structures, foundations, buildings, stockpiles and equipment shall be removed within a reasonable period of time (not to exceed 12 months) after cessation of mining operations by abandonment or otherwise; provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- (f) A performance bond or cash shall be furnished to the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre proposed to be mined or

excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical to three foot horizontal, for the purpose of this financial guarantee. The Zoning Administrator and/or Planning Commission may review such financial guarantee annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements. In no event shall such financial guarantee be less than \$5,000 in amount.

f. Submission of Operational and Reclamation Plans:

- (1) No earth removal, quarrying, gravel processing, mining, or related mineral extraction shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall comply with the general site plan content requirements set forth in this Ordinance, and shall in any event also include the following:
 - (a) A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - (b) The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
 - (c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - (d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.

- (e) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed future uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

g. Review and Approval Criteria:

- (1) Planning Commission review and approval of a special exception use permit request and site plan review for an earth removal operation shall be in accordance with all applicable provisions of this Ordinance; and, recognizing the unique land use aspects of earth removal operations, shall also be based on a consideration of the following factors:
 - (a) The most advantageous use of the land, resources and property.
 - (b) The character of the area in question and its peculiar suitability, if any, for particular uses.
 - (c) Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 - (d) The protection and preservation of the general health, safety and welfare of the Township.
 - (e) The scarcity or value of the minerals sought to be mined as compared with the affect of the proposed operations upon the adjacent community.
 - (f) Whether or not the operations were previously in existence prior to the adoption of the text provisions of this Ordinance concerning the same and the extent and character of such previous operations.
- (2) The Planning Commission may impose additional conditions and safeguards pursuant to this Ordinance for the protection of the natural environment and the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners.

(3) The Planning Commission may limit the length of time the special exception use permit is to be effective, and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions imposed upon the permit and the requirements of this Ordinance. The Planning Commission may renew or extend a special exception use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists, in accordance with this Ordinance. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

h. Liability Insurance:

All owners/operators of property involved in such earth removal operations shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$100,000.00 for each person or property injured or damaged and not less than \$300,000.00 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

i. Allowance for Concrete Mixing Facility and/or Asphalt Plant: Approval of Earth Removal activities as a special exception use may include allowance for a concrete mixing facility and/or asphalt plant situated and operated in conjunction with such activities, subject to compliance with all the preceding provisions concerning location, sight barriers, nuisance abatement, and environmental protection.

5. Family Business:

a. All work in connection with any family business shall be conducted solely within an enclosed building.

b. No outdoor storage shall be allowed unless the family business involves storage needs which cannot reasonably be

accommodated within a building or structure. In such event an allowed outdoor storage area shall be located to the rear of the building in which the business is conducted, and shall be adequately screened to effectively block all view from adjoining roads or properties.

- c. The business shall not operate between the hours of 9:00 p.m. and 7:00 a.m.
- d. There shall be no expansion of the family business facilities permitted hereunder without further approval of the Planning Commission.
- e. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the business is conducted.
- f. The building where the business is conducted shall be located at least 150 feet from any existing residence on adjoining property.
- g. The business shall be located on the same parcel as the family's dwelling.
- h. In addition to those family members residing on the parcel, no more than four other individuals may work on the premises in connection with the family business.
- i. The Planning Commission may limit the family business to a particular type of business.

6. Foster Care (Large Group) Facility.

- a. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended --- MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public

Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);

(4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- b. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- c. If the facility involves more than 12 residents, it shall provide a designated passenger loading/ unloading area near a barrier-free entrance to the facility.
- d. If the facility involves more than 12 residents, it shall provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

7. Golf Course:

- a. All tees, fairways and greens shall be located so as to be at least 50 feet from any adjacent residentially zoned property under separate ownership.
- b. All tees, fairways and greens shall be located so as to be at least 50 feet from any public street right-of-way.
- c. All tees, fairways and greens which are located within 150 feet from any property used for residential purposes under separate ownership, regardless of the zoning classification of such property, shall be adequately fenced to prevent trespassing upon said residential property.
- d. Clubhouses and other buildings shall be set back at least 500 feet from any adjacent residentially zoned land under different ownership, and shall be set back at least 80 feet from every street. Overnight accommodations shall not be provided for or permitted, except for a dwelling unit for the owner or manager of the facility complying with applicable provisions of this Ordinance and the Township Building Code.
- e. Adequate public rest rooms and other facilities shall be constructed and properly maintained upon the premises.
- f. Rubbish receptacles and disposal service shall be provided in such a manner as to adequately handle rubbish generated on the

premises and avoid any nuisance or annoyance to adjoining property owners or the general public.

- g. Off-street parking and loading areas shall be provided as set forth in Article XXI of this Ordinance.
- h. Any sale of foodstuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the golf course facilities while on the property.
- i. All night lighting shall be designed and arranged so that it does not produce a glare on adjoining premises and/or streets.
- j. No more than one advertising sign shall be allowed on the premises, as set forth in Article XX of this Ordinance.
- k. No golf course shall be designed or arranged so as to require patrons to cross a street, whether in a golf cart or on foot, except by use of a bridge or viaduct.

8. Horse Boarding or Riding Stable:

- a. All horse boarding or riding stables shall be subject to and comply with the animal density, setback, and other requirements set forth in Section 16.6.1 of this Ordinance.
- b. Unreasonable noise, odor or other objectionable characteristics shall not be discernible beyond the boundaries of the property upon which the stable is situated.
- c. Any sale of foodstuffs, beverages, or merchandise shall be clearly incidental to the needs of the users of the stable facilities while on the property, including when scheduled horse shows or other equestrian events are taking place.

9. Institutional or Public Use:

- a. The lot location shall be such that at least one property line abuts a paved county primary or secondary street, and all ingress and egress to and from the lot shall be directly from and on to said street.
- b. The off-street parking area required by Article XXI of this Ordinance shall not be located within the required front yard setback area.

- c. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side and rear yard setback shall be provided beyond the minimum setback requirements.
- 10. (deleted)
- 11. Kennel:
 - a. All kennel facilities, including animal run areas, shall be located at least 200 feet from all property lines. Each kennel facility shall provide sufficient square footage for each animal kept, boarded, bred or trained on the property, in accordance with applicable state laws, and the recommendations of the American Kennel Association. All kennel facilities shall have waste disposal systems adequate to handle all animal waste generated from the kennel facilities.
 - b. Noise, odor, or other objectionable characteristics associated with the facility shall not be discernible beyond the boundaries of the premises upon which the facility is conducted.
 - c. All kennel facilities shall be designed, constructed, operated and maintained in such a manner as to provide humane and sanitary conditions for each animal kept, boarded, bred or trained upon the premises.
- 12. Mini-Storage Facility:
 - a. The mini-storage facility shall not be open between 9:00 p.m. and 7:00 a.m.
 - b. The premises shall be completely fenced and screened, with the design, height and type of such fencing and screening to be approved by the Planning Commission.
 - c. The storage building(s) and its location on the premises shall be approved by the Planning Commission.
 - d. A dwelling unit for an on-site manager and family is permissible, provided the dwelling unit contains at least six hundred square feet of floor area, and complies with all applicable provisions of this ordinance and the Township Building Code.

13. Private Airstrip:

- a. All private airstrips shall be located so that the centerline of such airstrip is at least:
 - (1) 200 feet from the property line of the premises upon which the airstrip is located.
 - (2) 200 feet from all public roadways, railroad tracks or dwellings.
 - (3) 250 feet from any building or structure intended for the congregation of people.

- b. The ends of all private airstrips shall be located so that each end is at least:
 - (1) 250 feet from the property lines of the premises upon which the airstrip is located.
 - (2) 300 feet from all public streets.
 - (3) 500 feet from any railroad track.
 - (4) 500 feet from any structure intended for the congregation of people.
 - (5) 500 feet from any dwelling.

14. Public Utility Service Facilities:

- a. Public utility buildings shall, whenever practicable, have an exterior appearance similar to or aesthetically compatible with buildings in the immediate area.

- b. All substations, regulator stations and similar facilities shall be enclosed by fencing, or other suitable means of enclosure, not less than six feet in height as determined by the Planning Commission, so as to restrict access to authorized personnel only.

- c. All substations, regulator stations or similar facilities shall be designed, constructed and operated in accordance with all applicable federal, state and local laws, regulations and ordinances, including such laws and regulations of the Michigan Public Service Commission as may apply.

- d. All substations, regulator stations and similar facilities shall be inspected and approved by state-authorized inspectors prior to any operation of the facility.
15. Recreational Vehicle Campground:
- a. All campground facilities shall comply with the requirements imposed by part 125 of the Michigan Public Health Code (MCLA 333.12501 et seq), and with all administrative regulations promulgated thereunder.
 - b. Any sale of food stuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the campground and related facilities while on the property.
16. Seasonal Mobile Home Park:
- a. All seasonal mobile home parks shall comply with the requirements applicable thereto imposed by Michigan Public Act 96 of 1987, (MCLA 125.2301 et seq) and any and all amendments thereto, and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health.
17. Storage of Vehicles and Equipment Used in a Marl/Lime Business:
- a. The parcel shall have a minimum area of ten (10) acres.
 - b. The parcel shall have a minimum of 300 feet of frontage on a public road; corner lots shall have a minimum of 300 feet of frontage on both adjoining public roads.
 - c. All vehicles and equipment shall be stored in a fully enclosed building(s). Any such individual building shall not exceed an area of 5,000 square feet, and all such buildings shall not exceed a total combined area of 10,000 square feet. Any such building shall have a minimum front yard setback of 200 feet from the right-of-way line of the adjoining public road; on corner lots all such buildings shall have a minimum front yard setback of 200 feet from the right-of-way lines of both adjoining public roads.
 - d. All marl/lime stockpiled outside of a fully enclosed building shall be enclosed by screening in the form of either a wall, fence, or evergreen planting which is compact and maintained in good condition at all times. The height of such screening shall not be less than 5 feet, except where the screen would interfere with traffic

safety, in which case it may be reduced in height to not less than 3 feet, with the approval of the Planning Commission. In any event, all such screening areas shall be sufficient to conceal the stock piles from view by persons on public roads and adjoining properties. In no event shall materials other than marl/lime be stockpiled outside of a fully enclosed building.

- e. No vehicle or equipment shall be stored or repaired upon the premises except vehicles and equipment which are owned/leased by the proprietor of the marl/lime business and used in the business on a regular basis.

18. Storage and Maintenance Facilities for Vehicles, Machinery and Equipment Used in an Earth Removal Business (or similar business vehicles, machinery and equipment):

- a. The parcel shall have a minimum area of ten (10) acres.
- b. The parcel shall have a minimum of 300 feet of frontage on a public road; corner lots shall have a minimum of 300 feet of frontage on both adjoining public roads.
- c. All vehicles, machinery and equipment shall be stored in a fully enclosed building(s); provided that the Planning Commission may approve outdoor storage if such outdoor storage area is adequately screened from view by persons on public roads and adjoining properties, with the type, design, location and adequacy of such screening to be determined by the Planning Commission pursuant to the general criteria set forth in the zoning ordinance for approval of a special exception use. Any such individual building shall not exceed an area of 7,500 square feet, and all such buildings shall not exceed a total combined area of 20,000 square feet. Any such building shall have a minimum front yard setback of 200 feet from the right-of-way line of the adjoining public road; on corner lots all such buildings shall have a minimum front yard setback of 200 feet from the right-of-way lines of both adjoining public roads.
- d. No vehicles, machinery or equipment shall be stored or maintained upon the premises except vehicles, machinery and equipment which are owned/leased by the proprietor of the earth removal or similar business and used in the business on a regular basis.
- e. The Planning Commission may also allow as part of the approved special exception use general office facilities for the earth removal or similar business, subject to the general criteria set forth in the zoning ordinance for approval of a special exception use.

- f. The Planning Commission may also allow, accessory to the approved special exception use, incidental sales of vehicles, machinery and equipment owned/leased by the proprietor of the earth removal or similar business, subject to the preceding restrictions and the general criteria set forth in the zoning ordinance for approval of a special exception use.

19. Veterinary Clinic and Animal Hospital:

- a. The facility shall have frontage on a county primary street.
- b. A facility with outside animal runs or other outside animal activities shall be situated at least 500 feet from any residentially zoned or used property.
- c. A fully enclosed facility without any outside animal runs or other outside animal activities shall be situated at least 100 feet from any residentially zoned or used property.
- d. All Kennel facilities associated with an animal hospital shall also be subject to the specific standards for a "Kennel" set forth in Section 18.7, subsection 11 of this Ordinance, except for the kennel facilities setback requirement in part a. of same, which is superseded by the applicable setback requirement in part b. or part c. above.

20 Bar, Nightclub:

- a. The property upon which the use is conducted shall have the applicable required minimum street frontage on a county primary paved road pursuant to the official highway map of the Kalamazoo County Road Commission.
- b. The use shall have off-street parking facilities to satisfy peak parking needs on-site.
- c. The subject property shall be situated at least 500 feet from any Residential zoning district and the boundary line of any residentially used properties.
- d. The subject property shall be located at least 500 feet from the boundary line of any property used for church purposes, whether as a conforming use or a lawful nonconforming use.

- e. The subject property shall be located at least 500 feet from the boundary line of any property used for school purposes, whether as a conforming use or a lawful nonconforming use.
- f. The facility shall not include any activity or function that is not itself within the scope of a permitted use or approved special exception use in the particular zoning district.

21. Multiple Use Development (only in the R-5 Multiple Use Development Residential District):

(The specific standards applicable to special exception use approval of a Multiple Use Development in the R-5 Multiple Use Development Residential District are specified in Section 11.9-A of the Zoning Ordinance.)

22. On-Farm Biofuel Production Facility (Type II or Type III).

- a. The facility has all of the characteristics for the term “On-Farm Biofuel Production Facility (Type II or Type III)” as defined in Section 3.1 of this Ordinance.
- b. The application for special exception use approval included, in addition to the content required by any other provision of this Ordinance, all of the following:
 - (1) A description of the process to be used to produce biofuel.
 - (2) The number of gallons of biofuel anticipated to be produced annually, and the designed annual biofuel production capacity (in gallons) of the facility.
 - (3) An emergency access and fire protection plan that has been reviewed and approved by the Kalamazoo County Sheriff’s Department and the South Kalamazoo County Fire Authority.
 - (4) For an ethanol production facility that will produce more than 10,000 proof gallons (as defined in 27 Code of Federal Regulations 19.907) annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau Forms 5000.29 (Environmental Information) and 5000.30 (Supplemental Information on Water Quality Considerations Under 33 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33 USC 1251 to 1387.

- (5) Information that demonstrates the biofuel production facility will comply with all of the special exception use approval standards specified herein.
 - (6) Any additional information requested by the Planning Commission relevant to compliance with any provision of this ordinance pertaining to special exception use application, review, or approval, including any lawful conditions imposed on approval.
- c. (required condition on approval) Before the facility begins operation, all buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable local, state and federal laws.
 - d. (required condition on approval) Before the facility begins operation, the owner or operator of the biofuel production facility has provided the Township with proof that all necessary approvals have been obtained from the Michigan Department of Environmental Quality (or a successor agency) and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
 - e. (required condition on approval) Before the facility begins operation, the biofuel production facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

Note: the Planning Commission is required to hold a hearing on an application for special exception use approval of an On-Farm Biofuel Production Facility (Type II or Type III) not more than 60 days after a (complete) application is filed. *MCL 125.3513(4)*.

23. Utility-Scale Solar Energy Electricity Generating Facility

- a. No part of the facility shall exceed the generally applicable maximum structure height limit for the District pursuant to the Schedule of Regulations in Article XIV (35 feet).
- b. All collector panel structures shall be set back from lot lines a distance equal to at least twice the generally applicable principal structure setback requirements for the District pursuant to the Schedule of Regulations in Article XIV; provided, the Planning Commission may approve lesser setbacks (but not less than the minimum yard requirements for principal structures in the District as specified in the Schedule of Regulations in Article XIV) pursuant to findings that all applicable approval standards and requirements, including the standards for special land use approval applicable to all special land uses as specified in Section 18.3, will be met with the approved lesser setbacks due to existing and/or planted non-deciduous trees/shrubs, the isolation of the site from public roads and developed properties, or other characteristics specific to the site. Accessory buildings shall observe the setback requirements generally applicable to principal buildings in the District as specified in the Schedule of Regulations in Article XIV.
- c. The total lot coverage of the facility shall not exceed 75%, or such lesser percentage as is necessary on a site-specific basis to meet all applicable setback requirements (as measured by drawing an imaginary line around the perimeter of all the collector panel structures, and adding to the area of that calculation the area of all other buildings/structures on the site).
- d. The collector panels and supporting structures shall be designed and/or located on premises so as to avoid any projection of glare onto public or private streets or any other premises; and/or shall be sufficiently screened to meet this standard.
- e. The facility shall be designed for interconnection to a public utility electrical power grid, and shall be operated with such interconnection.
- f. The portion of the premises on which the array of collector panel structures is located shall not be paved with asphalt or any other surface material that is impervious to rainwater.
- g. The facility shall have a decommissioning plan, documenting the anticipated useful life of the facility, including any collector panel replacements/upgrades, and detailing how the facility will be dismantled and the site restored when the facility is no longer in

use. A facility shall be deemed no longer in use, for purposes of this provision, when it has not been operated for its designed and intended purpose for six months or more. The decommissioning plan shall be fully implemented and completed within six months after a facility is deemed no longer in use.

- h. The facility shall not be made operational until the applicant or the applicant's designee has provided to the Zoning Administrator the statement of a licensed professional engineer certifying all aspects of the facility, including the interconnection to a public utility power grid, complies with all applicable building and electrical code requirements, and complies with all the foregoing standards and requirements.

ARTICLE XIX

SITE PLAN REVIEW

- 19.1 PURPOSE: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer's objectives may be accomplished and the land utilized in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.
- 19.2 USES SUBJECT TO SITE PLAN REVIEW: The following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this ordinance pertaining to site plans:
1. Special exception uses.
 2. All office and commercial buildings and developments.
 3. Multiple family dwellings.
 4. Industrial buildings or developments.
 5. Mobile home parks.
 6. Churches.
 7. Planned unit developments, including site condominium projects.
 8. Public parks and recreation areas.
- 19.3 SKETCH PLAN REVIEW: Preliminary sketches of site and development plans may be submitted to the Planning Commission. The purpose of the sketch stage is to allow discussion between the developer and the Planning Commission as to site, building and general requirements, to allow the developer to become acquainted with proper procedure, and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:
1. The name and address of applicant. If a corporation, the name and address of the resident agent thereof. If a partnership, the names and addresses of each partner.
 2. Legal description of the property.

3. Drawings showing tentative plans.

19.4 FORMAL SITE PLAN APPLICATION CONTENT: All formal site plan review applications shall include, in addition to 1 and 2 above, the following:

1. The date, north arrow and scale [the scale shall be not less than one inch equals twenty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more].
2. All lot and/or property lines shown and dimensioned, including building setback lines.
3. The location, type and height of all existing and proposed structures on and within one hundred feet of the subject property.
4. The location and dimensions of all existing and proposed acceleration and deceleration lanes, sidewalks, curb openings, signs, exterior lighting, parking areas, parking spaces, drives and aisles, loading and unloading areas, outdoor display and storage areas, and recreation areas, etc. The minimum number of parking spaces required pursuant to the Table of Off-Street Parking Requirements in Section 21.10 of this Ordinance, and the method of determining same, shall also be included.
5. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
6. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
7. The name and address of the property owner or petitioner.
8. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
9. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
10. The location of all fire hydrants.
11. The lot size, setbacks, trailer pads, patios, and complete park layout for mobile home parks.
12. The location and dimensions of all existing and proposed interior and exterior areas and structures (including above or below ground storage tanks) to be used for the collection, storage, use, loading/unloading,

recycling or disposal of any chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials.

13. The size, type and location of all existing and proposed floor drains.
14. The location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater, including the point of discharge for all associated drains and pipes.
15. The location of all areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.
16. The percentage of the property covered by buildings, and the portion reserved for open space.
17. A property survey by registered surveyor.
18. The existing and proposed contour of the property, and its relationship to adjoining lands [two foot intervals, minimum].
19. The location of all lakes, rivers, streams, wetlands, county drains, and other waterways abutting or within 100 feet of the subject property.
20. The front, side and rear elevations for all buildings on the property. Also, with respect to site plans involving multiple dwellings, either floor plans for all such buildings or information which is otherwise sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square footage requirement. (Complete floor plans are optional with respect to other types of developments subject to site plan review, but may be required by the Planning Commission where deemed necessary to properly evaluate compliance with the criteria for site plan approval).
21. A description of the proposed operation in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
22. A statement of the environmental impact of the development, to the extent not addressed by the description of the operation, as required above.
23. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
24. The proposed number of shifts to be worked and the maximum number of employees on each shift.

25. Any other information deemed necessary by the Planning Commission.

The Planning Commission may waive any of the above enumerated site plan application content requirements whenever the Commission determines that such requirement is not necessary for a specific site plan due to the fact that:

- A. The Planning Commission finds from the evidence presented that the requirement does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
- B. The Planning Commission finds from the evidence that the requirement can be waived or modified because there are practical difficulties or unnecessary hardships of a non-monetary nature in carrying out the strict letter of the requirement, and the Planning Commission finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.

19.5 FORMAL SITE PLAN SUBMITTAL AND REVIEW SCHEDULING PROCEDURES:

- 1. The applicant shall submit the site plan and all related information to the Zoning Administrator (or other designee of the Planning Commission) at least 14 days before the Planning Commission meeting at which the applicant would like to have the site plan reviewed.
- 2. The Zoning Administrator (or other designee of the Planning Commission) shall initially review the site plan and all related information submitted by the applicant for "administrative completeness", and shall identify all concerns relating to the ordinance criteria for approval of the site plan.
- 3. A site plan which is determined by the Zoning Administrator (or other designee of the Planning Commission) to be administratively incomplete shall not be distributed to the Planning Commission or placed on the agenda of a Planning Commission meeting, without the permission of the Chairperson of the Planning Commission.
- 4. When the Zoning Administrator (or other designee of the Planning Commission) has determined a site plan to be administratively complete the applicant shall supply the Zoning Administrator with 11 copies of the administratively complete site plan and all related information. The Zoning Administrator shall distribute a copy of the site plan and all related information submitted by the applicant, and the Administrator's report on same, to each member of the Planning Commission and to the Building

Official no later than 7 days prior to the Planning Commission meeting at which the applicant would like to have the site plan reviewed. The Zoning Administrator shall retain 1 copy of the administratively complete site plan and all related information submitted by the applicant, and shall file 1 copy of same with the Township office to be available for public examination.

19.6 SITE PLAN APPROVAL:

1. The Planning Commission shall approve or disapprove, or approve subject to specified conditions/modifications, the site plan in accordance with the purpose and intent of this Ordinance and the criteria set forth in this Ordinance. Prior to reviewing or approving a site plan the Planning Commission may request comments and recommendations on the site plan from the Township Planner, the Township Engineer, the Township Fire Chief/Fire Marshall, the Township Building Official, and such other parties as the Planning Commission determines to be advisable or necessary to consult with as to a particular site plan.

2. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Planning Commission upon a finding that:

- a. The proposed use will not have a harmful effect on the surrounding neighborhood development, and any adverse effect upon surrounding property is minimized by appropriate screening in the form of fencing, walls and/or landscaping.
- b. There is a proper relationship between the existing streets and proposed service drives, acceleration and deceleration lanes, and driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- c. The adverse effects resulting from the locations of buildings and structures are minimized to the occupants of adjacent properties.
- d. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
- e. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. have been retained as practicable, where they afford a barrier or buffer between adjoining properties being put to different use or where they assist in preserving the general appearance of the area, and any grade changes are in keeping with

the general appearance of neighboring developed areas and not detrimental to erosion control.

- f. The height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
- g. The proposed development will comply with all applicable provisions of this Ordinance, and all other applicable ordinances, laws, rules and regulations.
- h. The development plan is consistent with the purposes of zoning regulation in Brady Township, as set forth in Section 1.2 of this Ordinance.
- i. All areas and structures where chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated or disposed of have been designed and located to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands, except as may be specifically permitted by a state or federal governmental agency.
- j. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.

3. Security Deposit:

- a. To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the Township Clerk to insure faithful completion of the improvements.
- b. The Planning Commission shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Planning Commission based upon evidence presented by the applicant and/or appropriate

township officials demonstrating the ratio of work completed on the required improvements.

- c. If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, the Planning Commission may request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
- d. As used herein "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

19.7 MODIFICATIONS: Site plan approval may be granted contingent upon revisions by the petitioner to the satisfaction of the Planning Commission. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have the signature of the Planning Commission Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chair of the Zoning Board of Appeals.

19.8 CONFORMITY TO APPROVED SITE PLAN: Property which is the subject of site plan approval must be developed in strict conformity with the approved site plan for that property, including any site plan modifications approved by the Planning Commission and variances granted by the Zoning Board of Appeals in accordance with this Ordinance.

19.9 REVOCAION: Site plan approval may be revoked when the construction of the development is not in conformance with the approved plans. The Planning Commission shall give the applicant notice of intention to revoke such approval at least ten days prior to review by the Planning Commission. After conclusion of such review the Planning Commission may revoke its approval of the development if the Commission determines that a violation in fact exists and has not been remedied prior to such hearing.

19.10 TERM OF APPROVAL: Site plan approval shall be valid for a period of one year. One six-month extension may be granted by the Planning Commission upon a showing of good cause. At the end of the approval period, including any extension granted by the Planning Commission, if no building permit has been obtained and on-site development actually begun the site plan approval becomes

void, and the developer shall submit a new application for approval before any construction or earth change is commenced.

ARTICLE XIX-A

PLANNED UNIT DEVELOPMENT

19.1-A STATEMENT OF INTENT AND PURPOSE:

1. This Section is intended to offer an alternative to traditional subdivisions through the use of planned unit development opportunities, as authorized by Section 503 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as may be amended) for the purpose of:

Assuring permanent preservation of substantial open space and other natural resources;

- Allowing innovation and greater flexibility in the design of residential developments;
- Facilitating construction and maintenance of streets, utilities, and public service in a more economical and efficient manner;
- Providing for site development that maintains a low visual impact, particularly along roadways and abutting properties;
- Encouraging a less sprawling form of development, thus preserving open space and natural features consistent with the Township's rural character;
- Ensuring compatibility of design and use between neighboring properties.

These regulations are intended to result in a development substantially consistent with Zoning Ordinance requirements, generally, yet allowing for specific modifications from the general requirements. These regulations are not intended as a device for ignoring the Township's zoning requirements nor the planning concepts upon which the Zoning Ordinance has been based.

2. It is not the intent of this Article or any other provision of the Zoning Ordinance to discriminate on the basis of the form of ownership of property. Accordingly, land may be proposed for development as a PUD regardless of whether it is proposed to consist of unplatted or platted lots in fee simple ownership, or property with a condominium form of ownership. The requirements of this Article shall in no event be construed to abrogate the necessity of compliance with the requirements of any applicable state statute, including but not limited to the Land Division Act (1967 PA 288, as amended), and the Condominium Act (1978 PA 159, as amended); and shall similarly not be construed to abrogate the necessity

of compliance with all other applicable Township ordinances, including but not limited to the Land Division Ordinance.

19.2-A RELATIONSHIP TO OTHER ZONING ORDINANCE REQUIREMENTS:

Because of the special characteristics of a PUD, special provisions governing the development of land for such purposes are required to accomplish the objectives of the Zoning Ordinance through a review process and substantive requirements intended to integrate a proposed project with the specific characteristics of the project area. These special provisions are set forth in this Article. Whenever there is a conflict or difference between the provisions of this Article and other provisions of the Zoning Ordinance, the provisions of this Article shall prevail, unless specifically stated to the contrary herein. Subjects not covered by the provisions of this Article shall be governed by the applicable provisions found elsewhere in the Zoning Ordinance.

19.3-A DEFINITIONS OF TERMS: Article III of this Ordinance pertaining to definitions shall fully apply to this Article.

19.4-A PUD AS OVERLAY SPECIAL EXCEPTION USE IN DESIGNATED ZONING DISTRICTS: A PUD shall be approvable as a special exception use in only the RR Single Family Rural Residential, R-1 Single Family Residential, and R-2 Single Family Residential zoning districts, pursuant to the substantive and procedural requirements of this Article and all other applicable provisions of the Zoning Ordinance.

19.5-A ALLOWABLE USES AND STRUCTURES IN A PUD: No portion of a PUD shall be used, and no building or structure shall be erected, altered or used within such a development, except as designated herein:

1. Single family dwelling is the only approvable principle use in a PUD. Accessory uses/buildings/structures and home occupations are also permissible, accessory to approved single family dwellings in an approved PUD, in accordance with all applicable provisions of the Zoning Ordinance.
2. A PUD is encouraged to include common open space and recreational areas appropriate for the particular PUD.

19.6-A GENERAL PROJECT AREA REQUIREMENTS:

1. Minimum Area. A PUD shall encompass at least 20 contiguous acres of land.
2. Ownership. Land proposed for a PUD shall be in single ownership; provided that land held in joint or multiple ownership shall not be disqualified from PUD consideration if all of the owners jointly make application for approval of such a development. For purposes of this

requirement the holder of a written option to purchase land or the holder of an executory land contract may be an applicant for PUD approval, along with the deed holder of the land.

19.7-A LOT AND DWELLING UNIT DENSITY REQUIREMENTS:

1. Residential Lot Area. Residential lots within a PUD shall not be subject to the minimum lot area requirements for the zoning district in which the property is located. Instead, the Planning Commission shall determine the approvable area of lots within a PUD in accordance with the dwelling unit density requirements in Section 19.7-A, subsection 3 of this Ordinance and based on the standards for approval of a PUD set forth in this Article.
2. Residential Lot Frontage/Lot Width. Residential lots within a PUD shall not be subject to the minimum lot frontage/lot width requirements for the zoning district in which the property is located. Instead, the Planning Commission shall determine the approvable frontage/width of lots within a PUD in accordance with the dwelling unit density requirements in Section 19.7-A, subsection 3 of this Ordinance and based on the standards for approval of a PUD set forth in this Article.
3. Dwelling Unit Density. The density of residential dwelling units allowable within a PUD shall not exceed one dwelling unit per 2.0 acres of net buildable land within the project area in the RR Single Family Rural Residential District, 25,000 square feet of net buildable land within the project area in the R-1 Single Family Residential District, and 20,000 square feet of net buildable land within the project area in the R-2 Single Family Residential District, plus such bonus densities, if any, as may be awarded pursuant to subsection 4 herein (dwelling unit fractions of less than .5 shall be rounded down; dwelling unit fractions of .5 and above shall be rounded up). For purposes of this provision, net buildable land is the total gross acreage of the project area minus the aggregate acreage of the following:
 - a. Waterways, as defined in Section 3.1 of this Ordinance.
 - b. Floodplain and floodway regulated by state and/or federal law.
 - c. Wetland regulated by state and/or federal law.

Example: an 80-acre parcel in the RR Single Family Rural Residential District with 60 acres of net buildable area will have 30 allowable dwelling units (60 acres) 2.0 = 30); plus any bonus dwelling unit density.

4. Bonus Densities for Dwelling Units Based on Common Open Space. The Planning Commission may approve an increase in the dwelling unit density allowable pursuant to subsection 3, above, based on the percentage of the total project acreage set aside as common open space.

The potentially allowable number of dwelling units, including bonus dwelling units, shall be determined by multiplying the number of dwelling units allowable pursuant to subsection 3, above, by the applicable bonus density factor, pursuant to the following sliding scale:

Percentage of Total Project Acreage in Common Open Space	Bonus Density Factor
less than 10%	None
10% - 19.9%	1.10
20% - 29.9%	1.15
30% - 39.9%	1.20
40% - 49.9%	1.25
50% or more	1.30

Example: using the 80-acre parcel illustrated in subsection 3, with 60 acres of net buildable area, if 40 acres of the total project acreage is approved as common open space, 50% of the total project acreage is in common open space, which results in a corresponding Bonus Density Factor of 30 dwelling units x 1.30 = 39 total dwelling units allowable, including 9 bonus dwelling units.

For purposes of this provision common open space shall be subject to the following requirements:

- a. Common Open Space Defined. Common open space may include land areas, floodplain/floodway areas, wetland areas, and waterways (except lakes/ponds that have a surface area of 5 acres or more, rivers, streams, creeks, and drains as defined by the Michigan Drain Code [MCL 280.1-280.630]) located within the project area which are intended for the use and enjoyment of all the owners of property within the PUD and permanently protected for such purposes as required in this Section. Common open space is encouraged to include attractive and diverse features of a site, but shall not include the paved portion of any street/road, or parking areas. Common open space shall remain undeveloped, except to the extent the Planning Commission may determine specific buildings or structures to be necessary or desirable to properly facilitate non-commercial recreational or cultural activities occurring on the common open space.

- b. Location and Arrangement of Common Open Space. All common open space shall be in a location and configuration approved by the Planning Commission. Consolidated common open space of a usable size is encouraged. Separate common open space areas shall have adequate access from at least one point along a public street or private road within the development.
- c. Conveyance and Maintenance of Common Open Space. Common open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as a:
 - recorded deed restriction.
 - covenant that runs perpetually with the land.
 - conservation easement.
 - land trust.

Such conveyance shall assure that the common open space will be protected from all forms of development, except as shown on the approved site plan, and shall never be changed to another use. Such conveyance shall also:

- indicate the allowable use(s) of the common open space;
- require that the common open space be maintained by parties who have an ownership interest in the common open space;
- provide standards for scheduled maintenance of the common open space.

- 5. Standards for Determining Approved Dwelling Unit Density and Common Open Space. The Planning Commission shall determine whether to approve some or all of the dwelling unit density potentially allowable within a PUD, including bonus density, based on the standards for approval of a PUD set forth in this Article. The Planning Commission shall also determine the amount, location and arrangement of common open space to approve based on such standards, and all other applicable provisions of this Article.
- 6. Mandatory Buffer Open Space. Notwithstanding any other provision of this Article regarding optional common open space, where any portion of the land proposed for a PUD abuts land zoned AG Agricultural, the PUD shall include a continuous common open space buffer area not less than 100 feet in width adjacent to the AG Agricultural zoned land. Such buffer open space shall comply with paragraphs a-c of subsection 4 of this Section pertaining to common open space. The Planning Commission is authorized to waive or otherwise modify this buffer open space

requirement where the land in the otherwise required buffer area is comprised of lots with a minimum lot area of at least 2.0 acres.

7. Bonus Densities for Dwelling Units Based on Public Sewer Service. The Planning Commission may also approve an increase in the dwelling unit density allowable pursuant to subsection 3, above, if all of the lots within a PUD will be serviced by a public sanitary sewer system. The Planning Commission shall determine whether to approve such additional dwelling unit density, not exceeding a bonus factor of 1.3 including such bonus factor as may be approved pursuant to subsection 4 above, based on the standards for approval of a PUD set forth in this Article.

19.8-A MINIMUM YARD/BUILDING SETBACK AND BUILDING HEIGHT REQUIREMENTS:

1. Dimensional Requirements, Generally .The generally applicable yard, setback and height requirements for the zoning district in which the property is located shall apply to property within a PUD, subject to the potential variations authorized in Section 19.8-A, subsection 2, of this Ordinance.
2. Deviations from General Dimensional Requirements. To encourage flexibility and creativity in development consistent with the objectives of this Chapter, the Planning Commission may approve specific deviations from the generally applicable dimensional requirements for the zoning district in which the property is located, as authorized below, pursuant to the standards for approval of a PUD set forth in this Article. Any such dimensional deviations shall not be subject to the Zoning Board of Appeals variance procedure or any future variance relief by the Zoning Board of Appeals.
 - a. Front yard setback: The minimum setback from an interior street or road may be reduced to not less than 20 feet from the right-of-way of the abutting street or road.
 - b. Rear yard setback: The minimum rear yard setback may be reduced to not less than 10 feet, where the rear yard does not abut a street or road.
 - c. Side yard setback: The minimum required side yard setback may be reduced to not less than 10 feet.
 - d. Special setback rule for all yards abutting a perimeter property line of the PUD: Notwithstanding the foregoing, with respect to yards abutting any perimeter property line of the PUD, the Planning Commission shall not have discretion to approve any deviations

from the generally applicable setback requirements for the zoning district in which the property is located.

3. Allowance for Clustering of Dwellings. The applicant may propose, and the Planning Commission may approve, lots confined to cluster areas established within the project site. Any such cluster areas shall comply with the following design standards:
 - a. A minimum of 4 and a maximum of 8 dwelling units is recommended per cluster area (with the approved number of dwelling units per cluster area to be determined by the Planning Commission pursuant to the review criteria referenced and specified in this Article);
 - b. Cluster areas shall provide access to accommodate vehicles, utilities, and commonly owned facilities, and a linkage to the project open space system;
 - c. Cluster areas shall be physically separated from one another and roadways by open space buffers;
 - d. Cluster areas shall be integrated into the site without causing significant impacts on neighboring properties;
 - e. Cluster areas shall be designed to be compatible with the surrounding community character.

19.9-A GENERAL PROJECT DESIGN REQUIREMENTS:

1. Streets and Roads.
 - a. A PUD shall have direct access to a street that is part of the public road system of the Kalamazoo County Road Commission and/or Michigan Department of Transportation.
 - b. A PUD shall be serviced by an interior street/road system. All lots within a PUD shall have driveway ingress/egress exclusively to an interior road within the PUD, and not on any public road abutting the perimeter of the PUD.
 - c. All streets within a PUD shall be public streets that are part of the public road system of the Kalamazoo County Road Commission; or shall be private roads established in accordance with Section 19.9-A, subsection 2, of this Ordinance.
 - d. Multiple access points for emergency vehicles are encouraged.

2. Construction and Maintenance Standards and Requirements for a Private Road Within a PUD.

a. Standards and Requirements for Private Road Within a PUD:

- (1) The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
- (2) The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
- (3) Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Kalamazoo County Road Commission and the Kalamazoo County Drain Commissioner.
- (4) A two-way private road shall have a road bed of at least 24 feet in width with a curb or valley gutter system complying with Kalamazoo Country Road Commission specifications; or shall have a road bed of at least 22 feet in width plus a paved, gravel or grass shoulder of at least 4 feet in width on each side of the required road bed. A one-way private road shall have a road bed of at least 14 feet in width with a curb or valley gutter system complying with Kalamazoo Country Road Commission specifications; or shall have a road bed of at least 12 feet in width plus a paved, gravel or grass shoulder of at least 4 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDOT 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a sub-base at a sufficient depth as recommended by a registered civil engineer. The private road shall be paved with a bituminous asphalt surface with a depth of at least 3 inches. The roadway shall have a maximum grade of 7%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting public street for a distance of at least 50 feet from the center line of the street.
- (5) The end of a private road shall include a cul-de-sac with a minimum diameter of 100 feet or alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

- (6) All permits required by the Kalamazoo County Road Commission and any other County/State permits shall be obtained.
 - (7) The private road shall be named and signed as requested by and in coordination with the Kalamazoo County Road Commission and the Kalamazoo County Sheriff's Department.
 - (8) Upon construction the private road shall be properly maintained as required herein.
- b. Additional Application Requirements Where a Private Road is Proposed: In addition to all other application requirements pertaining to a PUD, where a private road is proposed within a PUD the application shall also specifically include the following materials:
- (1) A detailed construction plan including a diagram of the "Standard Cross Section and Layout" prepared and sealed by a registered civil engineer. The construction plan and/or site plan shall also specifically show the proposed location of the private road, all existing or proposed lots adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein.
 - (2) A Maintenance Agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefitted lots. Such property owner maintenance agreement, and any revised version of same required by the Planning Commission, shall be in recordable form and shall provide that the obligations thereunder run with the benefitted lots.
 - (3) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Brady Township from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of the proposed private road, and shall extend to the successors and assigns of said lot owners.

- c. Certification of Construction/Inspection Fee: Upon completion of construction of the private road the applicant for special exception use approval shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed in accordance with the approved site plan and construction plan, and the tentative approval of the Planning Commission. The certification shall be accompanied by such reasonable inspection fee as may be established by the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from an engineering consultant as may be necessary. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. The Planning Commission's tentative approval of the private road shall be considered final upon the Zoning Administrator's verification of the following:
 - (1) The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
 - (2) Proof of recording in the records of the Kalamazoo County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
 - (3) Proof that the applicant has furnished the location and description of the completed private road to the Kalamazoo County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
 - d. Issuance of Building Permits: Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road.
 - e. Maintenance and Repair Responsibility: All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefitted lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the Kalamazoo County Road Commission shall have no responsibility for an approved private road, unless and until such private road is constructed to the standards of the Kalamazoo County Road Commission and accepted by said Commission as a dedicated public street.
3. Stormwater Management. A PUD shall provide water drainage and retention systems sufficient to insure proper drainage from all lots and

streets or roads within the development, and sufficient to retain all such water drainage within the land area of the development, or through connection with a storm water sewer system, where feasible. The development of retention basins and/or turf areas for runoff infiltration is encouraged and shall be required where appropriate and necessary to properly manage storm water in a particular development.

Stormwater management systems and drainage facilities shall be designed so as to:

- protect the natural environment, including wetlands, water bodies, watercourses, flood plains, groundwater and soils;
- retain the natural retention and storage capacity of any wetland, water body, or watercourse, and not increase flooding or the possibility of polluting surface water or groundwater, on-site or off-site;
- incorporate and/or use natural drainage systems existing on the site.

4. Landscaping. The appeal and character of property proposed for PUD approval shall be preserved by retaining and protecting existing trees and other natural site features where feasible.
5. Signage and Parking. Signage and parking in a PUD shall be governed by the applicable provisions of the Zoning Ordinance.
6. Utilities. Public water and/or sanitary sewer services shall be required where reasonably available. Where such services are not reasonably available, private and/or common on-site sewer facilities may be permitted subject to the review and regulation of the Michigan Department of Environmental Quality and/or the Kalamazoo County Health Department and the approval of the Township.

All utility lines and installations capable of being placed underground, including telephone, electric and cable television, shall be placed underground.

7. Street Lighting. Street lighting shall be designed in compliance with Section 5.17, subsection 7, of the Zoning Ordinance.
8. Natural Features. The development shall be designed to promote the preservation of natural features.
9. Waterfront Development. All areas and buildings/structures within a PUD that includes any waterway or other watercourse shall comply with all

applicable provisions of Article XV of this Ordinance (Waterfront Development and Use Regulations). In addition, all boat launching and dockage facilities associated with lakes/ponds that have a surface area of 5 acres or more, rivers, streams, creeks, and drains as defined by the Michigan Drain Code (*MCL 280.1-280.630*) are restricted to boats or other vessels owned by the owner of the PUD, owners of land within the PUD, leaseholders of land for more than one year within the PUD, and residents of the PUD.

19.10-A PUD APPLICATION AND REVIEW PROCESS:

1. Pre-Construction Approval Requirements. All zoning approvals shall be obtained, in accordance with this Section and all other applicable provisions of the Zoning Ordinance, including Article XIX with regard to Site Plan Review, before any site improvement is commenced and before any building permit is granted for any part of a PUD. The steps of the zoning review and approval process are, in summary:
 - a. Pre-application conference.
 - b. Special exception use approval.
 - c. Preliminary PUD plan approval.
 - d. Final PUD plan approval.
2. Pre-Application Conference. Prior to submitting an application for approval of a PUD a potential applicant or designee shall request a pre-application conference with the Planning Commission. This request shall be filed with the Township Clerk or with the chairperson of the Planning Commission. Upon receipt of such a request the chairperson of the Planning Commission shall establish a mutually convenient date for a pre-application conference and so inform the requesting person and appropriate Township officials. The purpose of the pre-application conference is to generally inform the Planning Commission and other interested officials of the concept of the potential development, and to generally orient the potential applicant to the substantive and procedural requirements applicable to the design, review and approval of a PUD. A potential applicant for PUD approval is therefore encouraged to present such schematic plans, site data, and other information as may be of assistance to generally inform the Planning Commission of the potential development concept. There shall be no fee for such a pre-application conference.

3. Special Exception Use Approval Requirement and Review Procedure.

- a. Application Submission. An applicant for special use approval of a PUD shall submit an application to the Township Clerk in accordance with applicable provisions of the Zoning Ordinance.
- b. Special Exception Use Procedure. When the Township Clerk or the Clerk's designee determines that an application is administratively complete the application shall be processed in accordance with the provisions of the Zoning Ordinance applicable to special exception uses, generally, and applicable statutory requirements.
- c. Special Exception Use Review and Approval Standards. The Planning Commission shall review and make a decision on a special exception use application for a PUD pursuant to Section 18.3 of the Zoning Ordinance, including the special exception use standards therein, the requirements in this Chapter, and the following additional standards:
 - (1) The development contains a housing type or types and number of housing units sufficient to maintain a harmonious relationship with important site features, structures and adjacent land uses.
 - (2) The development provides a safe, well-designed circulation system with internal and external connections for pedestrians as well as vehicles. Points of conflict within the system shall be minimized and special provisions for pedestrian safety are provided where necessary.
 - (3) The development utilizes natural characteristics, such as vegetative or topographical features, to protect dwelling units from prevailing winds, provide visual variety, on-site water drainage, and other similar benefits.
 - (4) The development enhances and preserves identifiable significant natural assets and features such as wetlands, swales, ponds, woodlots, orchards, or wildlife habitat areas.
 - (5) The development provides for passive and/or active recreation activities consistent with the character of the development and the open spaces provided therein.
 - (6) The development provides for buffering between any internal conflicting elements, and also between adjoining residential

uses and on-site features, by the use of vegetative plantings, attractively landscaped earth berms, or distance.

- d. In each case the granting of special exception use approval for a PUD shall be deemed wholly conditioned on the applicant subsequently obtaining approval of a preliminary PUD plan and thereafter a final PUD plan as required herein.
4. Preliminary PUD Plan Review and Approval. In conjunction with a request for special exception use approval of a PUD the applicant shall also submit a preliminary PUD plan for review in accordance with the following procedures.
- a. Submission of Preliminary Plan. An applicant for approval of a preliminary PUD plan shall submit the plan and all supporting data to the Township in accordance with this Ordinance. The applicant shall also submit copies of the preliminary PUD plan to the South Kalamazoo County Fire Authority or other fire department with jurisdiction, the County Road Commission, and the County Drain Commissioner, accompanied by a request to submit any comments on the plan to the Township Clerk.
 - b. Content of Preliminary Plan. The proposed preliminary PUD plan and supporting data shall contain, at a minimum, the information required to be included in formal site plan review applications pursuant to Section 19.4 of the Zoning Ordinance, and the following additional information:
 - (1) The manner of, and calculations for, determining the total land area involved with the application, the maximum allowable density of dwelling units, bonus densities, common open space proposed or required to be provided, and all other requirements of this Ordinance involving calculations.
 - (2) A separate schematic site plan for the total land area indicating the type and location of all proposed dwelling types and other uses, common open space, the system of traffic circulation, including pedestrian walks and pathways, and utilities.
 - (3) A written statement explaining the full intent of the applicant with respect to the type and number of dwelling units contemplated, the resultant population of the development, and the details of any phasing program for the entire development including the intended completion dates for such phases.

(4) A written analysis identifying the principal factors influencing design decisions impacting on the proposed plan, including such factors as topography, soils, vegetation, views, adjoining land uses, and the surrounding circulation system, where applicable.

- c. Public Hearing on Preliminary PUD Plan. After adequate review of a preliminary PUD plan, the Planning Commission shall hold a public hearing on the plan prior to making a decision on the plan. This public hearing shall be noticed to the public and property owners in the same manner used by the Township for noticing a public hearing on a special exception use application. The public hearing on the preliminary PUD plan may be noticed and conducted in conjunction with the public hearing on the applicant's request for special exception use approval of the development.
- d. Criteria for Preliminary PUD Plan Review and Approval. The Planning Commission shall review and either disapprove, approve, or approve with conditions, the preliminary PUD plan based on compliance with all applicable requirements of the Zoning Ordinance, including, but not limited to, those requirements set forth in this Article which are specifically applicable to a PUD.
- e. Planning Commission Decision on Preliminary Plan. The Planning Commission shall make a decision on a preliminary PUD plan within 60 days after the public hearing thereon, and so notify the applicant of the decision.
- f. Significance of Preliminary PUD Plan Approval. Planning Commission approval of a preliminary PUD plan shall be deemed an expression of preliminary approval of the development layout, as a guide to the preparation of a final PUD plan.

5. Final PUD Plan Review and Approval.

- a. Submission of Final Plan. An applicant for approval of a final PUD plan shall submit the proposed final plan and all supporting data to the Township in accordance with the submittal procedures required herein for a preliminary PUD plan.
- b. Content of Final PUD Plan. A proposed final PUD plan shall contain, at a minimum, the following:
 - (1) The information required to be included in a preliminary PUD plan.

- (2) All such information as is necessary to demonstrate conformance with the preliminary plan as approved by the Planning Commission.
 - (3) All such information as may be necessary to document compliance with the applicable portions of the Zoning Ordinance.
 - (4) Letters from the South Kalamazoo County Fire Authority or other fire department with jurisdiction, the County Road Commission, and the County Drain Commissioner, explicitly indicating that the proposed final plan satisfies all requirements within their jurisdiction, or indicating which requirements the plan does not meet.
- c. Criteria for Final PUD Plan Review and Approval. The Planning Commission shall review and disapprove, approve, or approve with conditions, a final PUD plan based on the following standards and criteria:
- (1) Compliance with all the standards and criteria set forth in this Ordinance for approval of a preliminary PUD plan.
 - (2) Compliance with all conditions imposed by the Planning Commission on approval of the preliminary PUD plan.
 - (3) Written approval of the proposed final plan by all governmental entities to which the proposed final plan was required to be submitted.
- d. Planning Commission Decision on Final PUD Plan. The Planning Commission shall make its decision on a final PUD plan within 60 days after the filing of same with the Township, and so notify the applicant of its decision. The applicant may request and the Planning Commission may grant final PUD plan approval for individual phases of a project.
- e. Binding Significance of Final PUD Plan Approval. An approved PUD shall be constructed and used in strict conformity with the final PUD plan approved by the Planning Commission. All requests for amendments or modifications of an approved final PUD plan shall be processed in the manner required in this Ordinance for the original approval. An approved final PUD plan shall be valid for a period of one year, and in any case where construction has not lawfully commenced within one year from the date of approval, the approved plan shall be deemed to have expired and be null and void.

ARTICLE XX

SIGN REGULATIONS

- 20.1 PURPOSE AND INTENT: The purpose of this Article is to regulate and limit the construction and reconstruction of various types of signs, including billboards, to protect the public health, safety, and general welfare. These regulations are therefore designed to restrict or prohibit signs which would, by reason of their size, location, construction or manner of display, endanger life or property, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise be inconsistent with other allowed land uses or contrary to the public welfare.
- 20.2 DEFINITIONS: For purposes of this Article, the following words and terms shall have the meanings hereinafter set forth in this Section.
1. Accessory Sign: A secondary sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
 2. Area (Surface Area): The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. If a sign is designed to have matter displayed on more than one side, then all such sides shall be included in computation of surface area.
 3. Billboard: Any outdoor sign or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is not made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
 4. Advertising Sign: Any sign or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
 5. Identification Sign: A sign that only identifies the name and street address of the owner or resident of premises.
 6. Number (of Signs): For the purpose of determining the permitted number of signs a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt

about the relationship of elements, each element shall be considered to be a single sign.

7. Real Estate Sign: A sign advertising the sale, rental or leasing of the land or buildings upon which the sign is located, or buildings under construction and intended for sale, rental or leasing upon completion of construction.
8. On-Premises: This term refers to a sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on the premises upon which the sign is situated.
9. Off-Premises: This term refers to a sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is situated.
10. Illuminated (or Illumination): These terms refer to any artificial means of lighting any portion of a sign, either directly or indirectly.
11. Election/Campaign Signs: Signs advertising candidates for any public office, or soliciting votes in support of or against any ballot proposition or issue, at any general, primary, special, school or other election. These types of signs shall, by their nature, also be considered "Temporary".
12. Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
13. Portable Sign: A type of free-standing sign not permanently anchored or secured to either a building or the ground.
14. Temporary Sign: A type of sign which may or may not have a structural frame, and which because of its function, such as advertising seasonal produce sales, holiday or civic events, political candidates or issues, or other short-term matters, is not intended and/or usually designed to be permanent.
15. Wall Sign: A sign which is attached directly to or painted upon a building wall or window.
16. Institutional Bulletin Board: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution, and the announcement of its institutional services or activities.
17. Subdivision Sign: A sign placed at the primary entrance to a subdivision, containing information only about that subdivision.

20.3 SIGNS ALLOWED/PROHIBITED: Signs are allowed to be located according to the zoning district in which they are situated in accordance with the provisions of this Article pertinent to the particular zoning district, and in accordance with Section 20.10 governing signs allowed in all zoning districts, and further in accordance with the General Provisions section of this Article governing certain aspects of signs in all zoning districts. A sign not expressly allowed in a specific zoning district or generally allowed in all zoning districts pursuant to this Article is prohibited.

20.4 SIGNS IN THE "AG" AGRICULTURAL DISTRICT: The following types of signs are allowed in the "AG" Agricultural District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; and such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line, and five feet from the rear lot line and each side lot line:

1. One non-illuminated Identification Sign per dwelling unit, not exceeding one square foot in area.
2. One or more signs that serve only to identify the name of a farm, farm owner, types of crops, or types of livestock produced thereon, with no single such sign exceeding 8 square feet, and all such signs pertaining to the same farm or farm parcel not exceeding an aggregate total of 16 square feet.
3. One on-premises Institutional Bulletin Board per Institutional or Public Use, not exceeding 32 square feet in area.
4. One Temporary Sign per lot advertising for sale produce raised on the premises, not exceeding 32 square feet in area.
5. One on-premises Advertising Sign per lot, not exceeding 32 square feet in area, relating to a conforming non-residential use on the premises.
6. Two on-premises Subdivision Signs, placed at the primary entrance to a subdivision, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

20.5 SIGNS IN THE "RR" SINGLE FAMILY RURAL RESIDENTIAL DISTRICT: The following types of signs are allowed in the "RR" Single Family Rural Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; and such signs, including all supporting members and overhangs, shall be set back a minimum of five feet

from the adjoining street right-of-way line, and five feet from the rear lot line and each side lot line:

1. Those signs allowed in the "AG" Agricultural District pursuant to Section 20.4 of this Ordinance.

20.6 SIGNS IN THE "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT, "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT, "R-3" TWO-FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICT, AND THE "R-5" MULTIPLE USE DEVELOPMENT RESIDENTIAL DISTRICT: The following types of signs are allowed in the "R-1" and "R-2" Single Family Residential Districts, the "R-3" Two-Family and Multiple Family Residential District, and the "R-5" Multiple Use Development Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; and such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line, and five feet from the rear lot line and each side lot line:

1. One non-illuminated Identification Sign per single family or two family dwelling unit, not exceeding one square foot in area.
2. One on-premises Institutional Bulletin Board per Institutional or Public Use, not exceeding 32 square feet in area.
3. Two on-premises Subdivision Signs, placed at the primary entrance to a subdivision, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

With respect to signage within a Multiple Use Development in the "R-5" Multiple Use Development Residential District, the provisions of Section 11.9-A, subsection B.6.i shall control in the event of any conflict between said provisions and this Section 20.6.

20.7 SIGNS IN THE "R-4" MOBILE HOME PARK RESIDENTIAL DISTRICT: The following types of signs are allowed in the "R-4" Mobile Home Park Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; and such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line, and five feet from the rear lot line and each side lot line:

1. One non-illuminated Identification Sign per dwelling unit, not exceeding one square foot in area.

2. One on-premises Institutional Bulletin Board per Institutional Public Use, not exceeding 32 square feet in area.
3. Two on-premises signs identifying or containing information only about the mobile home park, placed at the primary entrance to the mobile home park, and not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

20.8 SIGNS IN THE "C-1" GENERAL COMMERCIAL DISTRICT AND THE "I-1" LIGHT INDUSTRIAL DISTRICT: The following types of signs are allowed in the "C-1" General Commercial District and the "I-1" Light Industrial District:

1. One on-premises Advertising Sign per lot, complying with the following requirements:
 - a. The total sign area shall not exceed 80 square feet.
 - b. The height of the sign shall not exceed 20 feet above (1) the grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher.
 - c. The sign, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line.
 - d. The sign shall be situated at least five feet from the rear lot line and from each side lot line.
2. In addition, not more than five accessory signs, including wall signs, are allowed for on-premises advertising, complying with the following requirements:
 - a. The combined area of all such accessory signs shall not exceed 100 square feet, or, in the case of wall signs, 15% of the total area of the wall to which the signs are attached, not to exceed 100 square feet; provided, however, in cases where a commercial building houses multiple business enterprises each of which exclusively occupies a distinct portion of the building accessed by a separate entrance, each such separate business enterprise shall be allowed wall signs covering not more than 15% of the total front wall space pertaining to such business entity, not to exceed 100 square feet.
 - b. All wall signs shall project no more than 18 inches from the wall, and shall be no less than eight feet above the abutting grade.

- c. Free-standing or portable accessory signs (not wall signs) shall comply with the height, setback and placement requirements applicable to the primary Advertising Sign allowed pursuant to subsection 1 of this section.

20.8-A SIGNS IN THE "P/RU" PUBLIC/RECREATIONAL USE DISTRICT: The following types of signs are allowed in the "P/RU" Public/Recreational Use District:

1. One on-premises Institutional Bulletin Board per Institutional or Public Use, not exceeding 32 square feet in area.

20.9 BILLBOARDS NOT ALLOWED: Billboards shall not be allowed in any zoning district in Brady Township.

20.10 SIGNS ALLOWED IN ALL ZONING DISTRICTS: The following types of signs shall be allowed in all zoning districts, subject to the lighting, maintenance and locational regulations in Section 20.11 of this Ordinance, and any other applicable laws:

1. Flags and insignia of the United States and any governmental unit of the United States, except when displayed in connection with commercial promotion.
2. Legal notices posted by any governmental body.
3. Identification, informational or directional signs, or other types of signs lawfully erected or required by any governmental body including, but not limited to, the State of Michigan, Kalamazoo County or Brady Township.
4. Governmental use signs erected by governmental bodies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, governmental buildings, or other public places.
5. Signs directing and guiding traffic and parking on private property, including private off-street parking areas open to the public, provided any such sign does not exceed four square feet in area, and is limited to traffic control functions, and bears no advertising matter.
6. Historic signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, provided any such sign does not exceed 16 square feet in area.
7. Signs posted to control or prohibit trespassing, hunting or fishing upon private property or public property.

8. Essential service signs designating utility lines, railroad lines, hazards, or precautions, properly erected and placed by a public or private utility company or railroad, or a governmental entity.
9. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either (1) cut into the face of a masonry surface, or (2) constructed of bronze or other incombustible materials and located flat on the face of a building.
10. Banners and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity.
11. Temporary Election/Campaign signs.
12. One Real Estate Sign per lot, located on-premises only while the premises are actually on the market for sale, rent or lease, and not exceeding eight square feet in area; subject to the following exceptions:
 - a. on a corner lot or lot with more than 330 feet of road frontage, one Real Estate Sign is allowed on each frontage so long as the aggregate total of such signs does not exceed eight square feet in area.
 - b. on a lot with frontage on a navigable waterway, one Real Estate Sign is allowed on the street frontage and on the waterway frontage so long as the aggregate total of such signs does not exceed eight square feet in area.
13. Temporary construction signs designating architects, engineers, or contractors in conjunction with construction work under construction, not exceeding one per project of no more than eight square feet for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects.
14. Signs or other special decorative displays used for holidays, public demonstrations, or promotion of civic welfare or charitable purposes, only when authorized by the Township Board, based upon the following standards:
 - a. The size, character and nature of the sign or display shall be compatible with the nature of the matter being promoted.
 - b. The duration or time period during which the sign or display will be utilized shall be reasonably related to the nature of the matter being promoted and the proper promotion of same. Arrangement shall be

made for the prompt removal of the sign or display after the conclusion of the matter being promoted.

- c. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display.
 - d. The sign or display shall not constitute a traffic hazard.
 - e. The sign or display shall not have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.
15. One temporary auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.

20.11 GENERAL PROVISIONS AND REQUIREMENTS: The following provisions and requirements shall be applicable to all types of signs in all zoning districts, unless specifically stated to the contrary in this Article:

- 1. No sign shall be erected at any location where, by reason of position, size, shape or color, it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device, or so as to interfere with, mislead or confuse vehicular or pedestrian traffic.
- 2. No rotating beam, beacon or flashing illumination shall be used in connection with any sign.
- 3. Subject to the preceding restriction, signs may be illuminated unless prohibited by another Section of this Article applicable to a particular type of sign; where illumination is allowed, such illumination shall be concentrated on the surface of the sign, and the source of illumination shall be designed and located so as to avoid glare or reflection on to any portion of an adjacent street, the path of on-coming vehicles, or any adjacent premises.
- 4. All signs shall be designed and constructed in such a manner as to withstand all wind and other weather conditions normally expected to occur in the area. All signs shall be properly maintained and repaired so as to assure proper alignment of structure, continued structural soundness, and continued readability of message, and also so as to not become unsightly or dilapidated in appearance or function through disrepair or exposure to the elements.

5. Temporary signs shall be promptly removed from view of public roadways and adjoining properties when the event or matter to which they pertained has been concluded.
6. All lawful nonconforming signs and sign structures shall be subject to the regulations governing nonconforming uses and nonconforming structures set forth in Article XXII of this Ordinance.

ARTICLE XXI

PARKING AND LOADING SPACES

- 21.1 GENERAL OFF-STREET PARKING REQUIREMENT: In all zoning districts every property owner shall provide and maintain at all times sufficient off-street parking areas, and the necessary loading and unloading facilities associated thereto, for all the occupants, employees and patrons of all land uses on the property, in accordance with the provisions of this Article. No parking area or space, or loading/unloading facilities which exist at the time this Ordinance becomes effective, or which subsequently is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- 21.2 PARKING SPACE SIZE AND ACCESS: Each off-street parking space required by this Article shall be at least nine feet in width and 180 square feet in area, exclusive of access drives or aisles. Handicapped parking spaces shall be provided in accordance with state law. There shall be adequate provision for ingress and egress to all parking spaces.
- 21.3 BUILDING/USE ADDITIONS: Whenever an addition is made to an existing building or use the parking area shall be increased sufficiently to comply with the requirements of this Article.
- 21.4 MULTIPLE AND JOINT USE: The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this Article. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use; provided, that requirements for the provisions of parking facilities with respect to two or more property uses of the same or different types may be satisfied by a common parking facility, cooperatively established and operated, which permanently allocates a number of spaces not less than the sum of the requisite number of spaces for each use as provided in this Article.
- 21.5 PROHIBITED DESIGN: All off-street parking areas that make it necessary for any vehicle to back out directly into a public street are prohibited; provided that this requirement shall not be applicable to residential uses.
- 21.6 PARKING SPACES FOR USES NOT SPECIFIED: In the case of a use not specifically mentioned in this Article in the Table of Off-Street Parking Requirements, the applicable requirement for the number of off-street parking spaces shall be the requirement for a use which is so mentioned and which is most similar to the unspecified use.

21.7 FRACTIONAL SPACES: When the calculation of the required number of parking spaces pursuant to this Article results in a fractional space, any fraction up to and including one half shall be disregarded, and fractions over one half shall require one parking space.

21.8 REQUIREMENTS FOR PARKING IN AGRICULTURAL AND RESIDENTIAL DISTRICTS: All uses and buildings on premises in the Agricultural District or any of the Residential Districts shall comply with the following:

1. The requirements in Sections 21.1 - 21.7 of this Article.
2. The applicable portion of the Table of Off-Street Parking Requirements set forth hereafter in this Article.
3. The parking of motor vehicles, except those used for agricultural production in conjunction with an allowed use on the premises, shall be limited to passenger vehicles, including vans and pickup trucks, motor homes, and not more than one commercial vehicle of the light delivery type not exceeding 8,500 pounds of gross vehicle weight (weight of vehicle and load capacity). The parking of any other type of commercial vehicle is prohibited in these zones.
4. All off-street parking spaces required pursuant to this Article shall be located on the same lot as the principal use.
5. All off-street parking spaces shall be at least 5 feet from any property line or street.

21.9 REQUIREMENTS FOR PARKING IN COMMERCIAL AND INDUSTRIAL DISTRICTS, AND FOR MULTIPLE FAMILY DWELLINGS IN THE "R-3" DISTRICT: All uses and buildings on premises in the Commercial or Industrial Districts, and all multiple family dwellings in the "R-3" District, shall comply with the following:

1. The requirements of Sections 21.1 - 21.7 of this Article.
2. The applicable portion of the Table of Off-Street Parking Requirements set forth hereafter in this Article.
3. All off-street parking facilities required pursuant to this Article shall be located on the same parcel as the principal use, or on a contiguous lot, which shall include a lot separated from the main lot by a street.
4. All off-street parking spaces shall be at least 10 feet from any property line or street.

5. All off-street parking facilities shall be drained so as to prevent run-off on adjacent properties or public streets.
6. Off-street parking areas which adjoin premises situated in a Residential District shall be set back at least 30 feet from all property in that District, and shall be effectively screened by either a dense evergreen planting, fence, or retaining wall, not less than four feet or more than eight feet in height, as determined, with respect to type and height of screening, by the Planning Commission in the site plan review process.
7. Lighting of off-street parking areas shall be designed and arranged so as to reflect the light away from all adjacent residentially used lots, regardless of the zoning district in which such lots are situated.
8. Service or access drives shall be located at least 70 feet from a lot line abutting a residentially used lot, regardless of zoning classification, and at least 10 feet from all other lot lines.
9. No ingress or egress to a parking area shall utilize any residential street, other than a side street with no residential lots facing upon it.
10. All off-street parking areas providing space for more than four vehicles shall be hard-surfaced with concrete or plant-mixed bituminous asphalt material, and maintained in a usable dust-free condition.
11. All off-street parking areas providing space for more than four vehicles shall have the individual parking spaces marked on the surface of the parking area.
12. Sufficient on-premises loading/unloading space shall be provided in such a manner as to avoid undue interference with public use of the streets or any access aisles for off-street parking areas. For any commercial or industrial use requiring more than four off-street parking spaces pursuant to this Article, the loading/unloading areas shall be in side or rear areas of the building, and shall not in any manner utilize the required off-street parking spaces.
13. No parking area may be constructed, enlarged or altered before a building permit is obtained. A permit shall not be issued until the site development plan has been approved by the Planning Commission in accordance with this Ordinance. No parking area shall be occupied or used as a parking area prior to the issuance of an Occupancy Permit for the use which the parking area is intended to serve.

21.9-A REQUIREMENTS FOR PARKING IN PUBLIC/RECREATIONAL USE DISTRICT: All uses and buildings on premises in the Public/Recreational Use

District shall comply with the parking and loading requirements specified in Section 21.8, except where any provision therein is clearly not applicable in the context of the particular governmental/public use at issue, or would otherwise unreasonably prevent or impede the governmental/public use on the premises zoned for such purposes.

21.10 TABLE OF OFF-STREET PARKING REQUIREMENTS: The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings and uses as specified above, shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use; provided, however, that notwithstanding the following minimum parking space requirements designated for various land uses, every property owner shall provide and maintain at all times a sufficient number of off-street parking spaces and, where applicable, the necessary loading and unloading facilities associated therewith, for all the occupants, employees and patrons of the property. Thus, depending upon individual circumstances, a greater number of parking spaces may be required in order to comply with this overriding requirement.

	<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
1.	<u>Residential</u>	
a.	Single Family and Two Family Dwelling	Three for each dwelling unit
b.	Multiple Family Dwelling	Two for each dwelling unit
c.	Mobile Home Park	As required by 1987 Public Act 96, as amended, and administrative rules
d.	Boarding House	One for each sleeping room
e.	Child Day Care Home (family or group); Foster Care Facility	One for each care attendant or employee not residing in the home or facility
2.	<u>Institutional and Recreational</u>	
a.	Church	One for each three seats in the main worship facility
b.	Hospital	1.75 for each bed; plus the number required for office, clinic and similar uses, where applicable
c.	Convalescent or Nursing Home	0.5 for each bed; plus one for each employee

d.	Elementary and Junior High School	One for each teacher and administrator; plus the number required for the auditorium/gym, where applicable
e.	Senior High School	One for each teacher and administrator; plus one for each ten students; plus the number required for the auditorium/ gym, where applicable
f.	Private Club; Community Center; Farmers Market	One for each 350 square feet of usable floor area/space
g.	Golf Course	Six for each golf hole; plus one for each 100 square feet of usable floor area of clubhouse/ pro shop; plus one for each employee
h.	Miniature Golf Course	Three for each hole; plus one for each employee
i.	Auditorium, Gymnasium, Indoor Theater, Stadium, Sports Arena or similar place of assembly	Indoor theater: one for each three seats; plus five for employees Others: one for each four seats

3. Business and Commercial

a.	Automotive Service Station/Repair Garage	Six for customer vehicles; plus one for each employee
b.	Car Wash	One for each employee
c.	Barber and Beauty Shop	Two for each barber chair; and three for each beautician station
d.	Child Day Care Center	One for each staff member; plus one for each five children (or one for each ten children if adequate drop-off facilities are provided)
e.	Drive-in Establishment	One for each 50 square feet of gross floor area.
f.	Restaurant or other Establishment for Sale/ Consumption of Beverages, Food or Refreshments	One for each 75 square feet of gross floor area; plus one for each employee on the premises

g.	Furniture and Appliance Household Equipment, Repair Shop, Showroom for Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and other similar uses	Showrooms: one for each 400 square feet of usable floor area Repair Shops: One for each 350 square feet of usable floor area
h.	Laundromat and Coin Operated Dry Cleaner	One for each 350 square feet of usable floor area
i.	Funeral Establishment	Three for each 100 square feet of gross floor area
j.	Automotive Sales Area (including boats, farm equipment, etc.)	One for each 400 square feet of usable floor area
k.	Retail Store, except as otherwise specified herein	One for each 350 square feet of usable floor area

4. Offices

a.	Bank, Credit Union, Savings & Loan	One for each 250 square feet of gross floor area
b.	Business or Professional Office, except as indicated in the following item (c)	One for each 400 square feet of gross floor area
c.	Medical or Dental Clinic, Professional Offices of Doctor, Dentist or similar professions	One for each 175 square feet of gross floor area

5. Industrial

a.	Industrial or Research Establishment	One for each 1,000 square feet of floor area; plus one for each 350 square feet of office, sales, or similar space. Space on-site shall also be provided for all construction workers during periods of plant construction.
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b.	Wholesale or Warehouse Establishment	One for each 1,000 square feet of gross floor area for the first 20,000 square feet; plus one for each 2,000 square feet of gross floor area for the second 20,000 square feet; plus one for each 4,000 square feet of gross floor area over 40,000 square feet
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ARTICLE XXII

NONCONFORMING USES, BUILDINGS/STRUCTURES AND LOTS

- 22.1 SCOPE OF REGULATIONS: This Article governs lawfully established nonconforming uses, buildings, structures, and lots, and nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of an unlawful use, building/structure or lot.
- 22.2 CONTINUATION OF NONCONFORMING USE AND BUILDING/STRUCTURE: Except where specifically provided to the contrary, and subject to the provisions of this Article, a use, building/structure or lot which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance then on the effective date of such amendment, may be continued even though such use, building/structure or lot does not conform with the provisions of this ordinance or applicable amendment thereof. A change in the ownership, tenancy or occupancy of a use, building/structure or lot shall not affect such continuation rights.
- 22.3 EXPANSION OF NONCONFORMING USE OR BUILDING/STRUCTURE: A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless:
1. such expansion, extension, enlargement or alteration is, by itself, in conformity with the provisions of this ordinance and does not aggravate the existing nonconforming condition; or,
 2. such expansion, extension, enlargement or alteration is authorized by the Zoning Board of Appeals pursuant to Article XXIII of this Ordinance and upon a showing that the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or building/structure.
- 22.4 REPAIR, MAINTENANCE AND RESTORATION OF NONCONFORMING USE OR BUILDING/STRUCTURE: Such ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or building/structure in sound condition, or as may be required to conform with law, may be made provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of the building/structure. If a nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% or more of its fair market value at the time of such damage or destruction the building/structure shall not be repaired or otherwise restored or reconstructed except in conformity with this ordinance. Where such damage or destruction is less than 50% of the fair market value of the building/structure at the time of such damage or destruction the building/structure may be repaired or otherwise restored and reconstructed so as to be not more nonconforming than at the time of the damage or destruction.

Any such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months from the time of the damage or destruction.

22.5 CHANGE OF NONCONFORMING USE: A nonconforming use shall not be changed to any other nonconforming use except as may be authorized by the Zoning Board of Appeals pursuant to Article XXIII of this Ordinance, and upon a finding that the proposed new use will substantially decrease the degree of nonconformity and be more compatible with adjacent uses than the prior nonconforming use.

22.6 DISCONTINUATION AND REESTABLISHMENT OF NONCONFORMING USE AND BUILDING/STRUCTURE:

1. Reestablishment: A nonconforming use shall not be reestablished after it has been changed to a conforming use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming building/structure.

2. Discontinuation: A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.

22.7 NONCONFORMITY DUE TO REZONING OR TEXT AMENDMENT: The provisions of this Article shall also apply to uses, buildings/structures or lots which hereafter become nonconforming due to any rezoning or a change in the text provisions of this ordinance.

22.8 BUILDING UPON NONCONFORMING LOT:

1. Nonconforming Lot Area: Any lawfully created lot of record prior to the date of enactment of this Ordinance that was a buildable lot under any Zoning Ordinance then in effect, but which fails to comply with the minimum lot area requirement of this Ordinance for the zoning district in which the lot is situated, shall be considered to be a "buildable" lot under this Ordinance for a single family dwelling or other allowed use in that zoning district; provided that notwithstanding any of the foregoing two or more contiguous lots or portions of lots in single ownership on the date of enactment of this Ordinance or at the date of building permit application shall be required to be considered as an undivided "zoning lot" to create a conforming or less nonconforming lot for purposes of this Ordinance, regardless of when such lots were created.

2. Nonconforming Lot Frontage/Width: Any lawfully created lot of record prior to the date of enactment of this Ordinance that was a buildable lot under any Zoning Ordinance then in effect, but which fails to comply with the minimum lot frontage/width requirement of this Ordinance for the zoning district in which the lot is situated, shall be considered to be a "buildable" lot under this Ordinance for a single family dwelling or other allowed use in that zoning district, if the lot is provided with a recorded permanent easement or other right-of-way of at least 66 feet wide for the entire depth of the lot; provided that notwithstanding any of the foregoing two or more contiguous lots or portions of lots in single ownership on the date of enactment of this Ordinance or at the date of building permit application shall be required to be considered as an undivided "zoning lot" to create a conforming or less nonconforming lot for purposes of this Ordinance, regardless of when such lots were created.
3. Except as provided above, a nonconforming lot created prior to the date of enactment of this Ordinance shall be "buildable" only pursuant to a variance approved by the Zoning Board of Appeals.
4. Except as specifically provided herein, all use and development of a "buildable" nonconforming lot must comply with all applicable provisions of this Ordinance (setbacks, parking, signage, etc.).

ARTICLE XXIII

ZONING BOARD OF APPEALS

23.1 CREATION: There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by 2006 Public Act 110, and by the provisions of this ordinance to the end that the objectives of this ordinance are observed, public safety and general welfare secured, and substantial justice done.

23.2 MEMBERSHIP/ELECTION OF OFFICERS: The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of this Ordinance. The Zoning Board of Appeals shall consist of five members. One member shall be a member of the Township Planning Commission. One member may be a member of the Township Board. The Zoning Board of Appeals shall elect a chair and a secretary. A member of the Township Board may be a regular member of the Zoning Board of Appeals, but shall not serve as Chair of the Zoning Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.

The Township Board may also appoint not more than two alternate members of the Zoning Board of Appeals for the same term as regular members. An alternate member may be called to sit as a regular member in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called to serve in the place of 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. In such situations the alternate member shall serve until a final decision has been made. An alternate member of the Zoning Board of Appeals shall have the same voting rights, when called to serve, as a regular member.

23.3 TERM: The term of each member shall be three years and until a successor has been appointed and qualified; such successor shall be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

23.4 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by 2006 Public Act No. 110, and all powers and jurisdiction prescribed in other Articles of this Ordinance, including the following specific powers and jurisdiction:

1. To hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning

Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

2. To act upon all questions as they may arise in the administration of this Ordinance, including interpretation of the zoning map.
3. To authorize, subject to Section 23.8, requests for a nonuse variance relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance, or to any other nonuse-related requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the Zoning Ordinance, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
4. To authorize pursuant to Section 22.3.2 of this Ordinance a request to expand, extend, enlarge or alter a nonconforming use or nonconforming building/structure.
5. To authorize pursuant to Section 22.5 of this Ordinance a change in a lawful nonconforming use to another nonconforming use.

23.5 EMPLOYEES: The Zoning Board of Appeals may employ clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount made available for that purpose.

23.6 MEETINGS/RULES OF PROCEDURE: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. All meetings shall be open to the public. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board are present. The Zoning Board of Appeals may adopt such rules of procedure consistent with the provisions of law and this Ordinance as it may deem necessary to the proper performance of its duties and the proper exercise of its powers.

23.7 APPEALS: Appeals to the Zoning Board of Appeals may be taken by any party aggrieved by a decision or order of the Zoning Administrator. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 30 days after the date of the action appealed. A copy of the notice shall promptly be served upon the Zoning Administrator, who shall forthwith transmit to the Zoning Board of Appeals all records pertaining to the action appealed from. An appeal shall stay all proceedings, decisions or orders unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Township Board or by the circuit court.

23.8 VARIANCE STANDARDS:

1. No variance from any provision or requirement of this Ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that:
 - a. By reason of the exceptional narrowness, shallowness, size or shape of the specific property at issue, or by reason of exceptional topographic conditions or some other unusual or extraordinary condition related to the subject property, rather than being derived from the personal circumstances of the applicant/owner/occupants of the subject property, there are practical difficulties in the way of carrying out the strict letter of the provision or requirement.
 - b. The variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or the public health, safety and welfare;
 - c. There are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties that are subject to the requirement at issue;
 - d. The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone.
2. Difficulties based solely on economic conditions are not grounds for approval of a variance.
3. Difficulties that were self-created (by the applicant, the owner of the property, or by a family member of the applicant or owner) are not grounds for approval of a variance.

23.9 CONDITIONS: The Zoning Board of Appeals may attach conditions or limitations upon a variance where necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance the Zoning Board of Appeals shall also specifically determine the following:

- a. That the condition or limitation is 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

associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,

- b. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
- c. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

- 23.10 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).
- 23.11 APPLICATION SITE PLAN REQUIREMENTS: A site plan, plot plan or other acceptable diagram showing the general development plan of the property which is the subject of a variance or appeal request shall be submitted with each such request. The plan shall show, at a minimum, the location of all abutting streets, the location of all existing and proposed buildings and structures, the types of buildings and their uses, and the existing or proposed setback of each building or structure which is the subject of the variance or appeal request, measured to the street line and all pertinent lot lines.
- 23.12 PUBLIC HEARING: Upon the filing of any appeal or other matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter preceded by notice as required by law.
- 23.13 DECISIONS: The Zoning Board of Appeals shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision.
- 23.14 TIME LIMITS:
 - 1. If a variance is granted or other action by the applicant is authorized, the necessary permit shall be secured and the authorized action begun within six months after the date the variance is granted or the variance shall be deemed abandoned and withdrawn.

2. No application for a variance which has been denied shall be reheard for a period of one year from the date of the last denial, unless the Zoning Board of Appeals finds that grounds for such a rehearing exists on the basis of either newly discovered evidence or proof of changed conditions which were not known to the applicant or the Board at the time of the initial hearing.
- 23.15 VOTE NECESSARY FOR DECISION: The final decision of the Zoning Board of Appeals on any matter shall require the concurring vote of a majority of its membership.
- 23.16 MINUTES AND RECORDS: The secretary shall keep minutes of the Zoning Board of Appeals' proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Zoning Board of Appeals' examinations and official actions; all of which shall be filed with the Township Clerk and be a public record.
- 23.17 LIMITATION OF BOARD ACTION: Except as authorized in this Article, the Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provisions of this ordinance, and where the Zoning Board of Appeals considers that any specific provision is inappropriate it shall submit to the Township Planning Commission a request for review of said provision.

ARTICLE XXIV

ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE

- 24.1 ZONING ADMINISTRATION AND ENFORCEMENT: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator (who may also be known as the Zoning Ordinance Enforcement Officer), and such other persons as the Township Board may designate.
- 24.2 ZONING ADMINISTRATOR APPOINTMENT: The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.
- 24.3 ZONING ADMINISTRATOR DUTIES:
1. Violations: The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his or her attention. If a violation is found to exist, the Zoning Administrator shall proceed in accordance with policies established by the Township Board and as otherwise provided by law.
 2. Administration: The Zoning Administrator shall, upon the request of the Township Board or the Planning Commission, review special exception use applications for administrative completeness, and shall identify any concerns relative to the standards for approval of such applications.
 3. Records: The Zoning Administrator shall keep records of all official activities in carrying out his/her responsibilities pursuant to this Ordinance.
 4. Responsibility: The Township Board may in its discretion require the Zoning Administrator to attend the meetings of the Township Board, Planning Commission, and the Zoning Board of Appeals, and keep the members of same informed of all matters pertaining to zoning.
- 24.4 ZONING FEES: The Township Board is authorized to establish, by motion, fees for an application to the Planning Commission for a special exception use permit, site plan review, a rezoning of property, an amendment to the text of the Zoning Ordinance or Land Use Plan, a zoning compliance permit, or other matter properly heard or reviewed by the Planning Commission and/or Township Board and/or Zoning Administrator. The Township Board is also authorized to establish, by motion, fees for an application to the Zoning Board of Appeals for consideration of a request for a variance, interpretation of the Zoning Ordinance or Zoning Map, or other matter properly heard by the Zoning Board of Appeals. Such fees may be established at different levels for matters being considered at a regular meeting and matters being considered at a special meeting. All such

fees applicable to a particular application shall be paid to the Township Clerk in order for the application to be considered administratively complete and processed for consideration. Such fees may be changed by motion of the Township Board at any lawful meeting, and shall take effect immediately unless the Board specifies a later effective date.

ARTICLE XXV

VIOLATION AND SANCTIONS

25.1 NUISANCE PER SE: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se.

25.2 SANCTIONS:

- A. Any person who violates any of the regulations or provisions of this Ordinance, whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as a principal.
- B. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.
- C. Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense within 3-year period*	\$ 75.00	\$500.00
--- 2nd offense within 3-year period*	150.00	500.00
--- 3rd offense within 3-year period*	325.00	500.00
--- 4th or more offense within 3-year period*	500.00	500.00

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

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered. Each day that a violation exists shall constitute a separate offense.

25.3 AUTHORITY TO COMMENCE LEGAL ACTION: The Township Supervisor, the Zoning Administrator, and such other persons as the Township Board may properly designate, may institute such legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or penalize any violation of this Ordinance.

ARTICLE XXVI

TEXT AMENDMENT/REZONING PROCEDURES

- 26.1 INITIATION OF AMENDMENTS: Amendments to this Ordinance (text or rezoning) may be initiated by the Planning Commission or Township Board, or by any interested person by application.
- 26.2 AMENDMENT APPLICATION PROCEDURE: All amendments of this Ordinance initiated by application shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission, and shall be accompanied by such amendment application fee as may be established by the Township Board. No action shall be taken on any amendment request until the fee is paid in full. Such applications shall include the following:
1. The applicant's name, address, and interest in the application, as well as the name, address and interest of every person having a legal or equitable interest in any land which is proposed to be rezoned.
 2. In the case of a rezoning application:
 - a. The legal description of the land proposed to be rezoned.
 - b. All existing street addresses within the property proposed to be rezoned.
 - c. The present and requested zoning classification of the property proposed to be rezoned.
 - d. The area of the land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more.
 - e. A fully dimensioned map showing the property proposed to be rezoned, including all public and private rights-of-way and easements bounding and intersecting same, and showing the zoning classification of all abutting lands.
 3. In the case of a text amendment application, the proposed text to be added and/or the existing text to be revised/deleted.
 4. The changed or changing conditions in a particular area or in the Township generally that make the proposed rezoning or text amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 5. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

26.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as may be amended, and any other applicable laws.

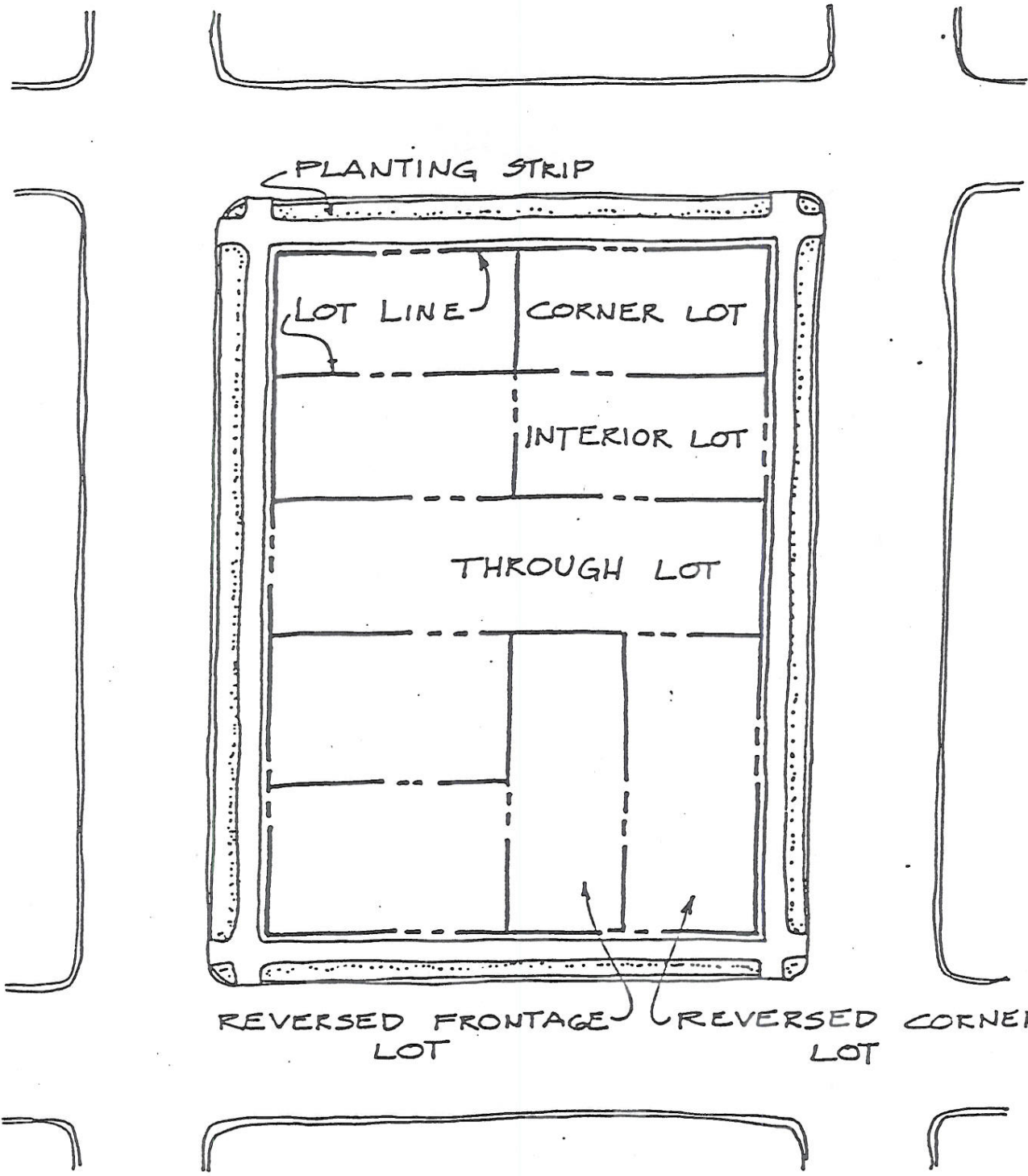
ARTICLE XXVII

MISCELLANEOUS PROVISIONS

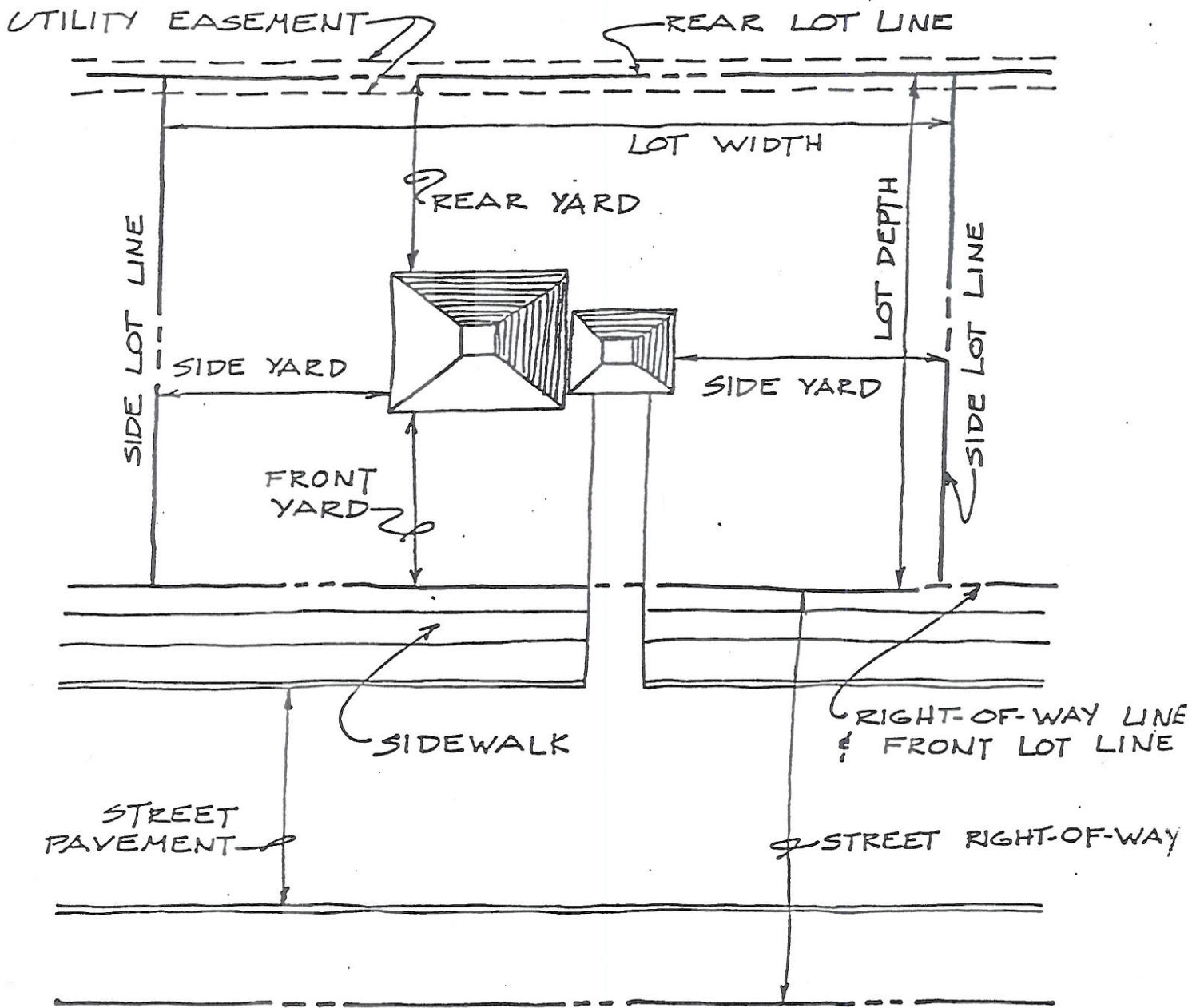
- 27.1 SEVERABILITY: This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
- 27.2 REPEAL: This Ordinance shall be deemed to repeal and supersede in its entirety the Brady Township Zoning Ordinance which was effective April 26, 1965, and all amendments thereto.
- 27.3 EFFECTIVE DATE: This Ordinance was approved by the Township Board on May 6, 1997 and is ordered to take effect on the eighth day after publication or upon such later date as may be required by law.
- 27.4 ADMINISTRATIVE LIABILITY: No officer, agent, employee, or member of the Planning Commission, Township Board or Zoning Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

APPENDIX A

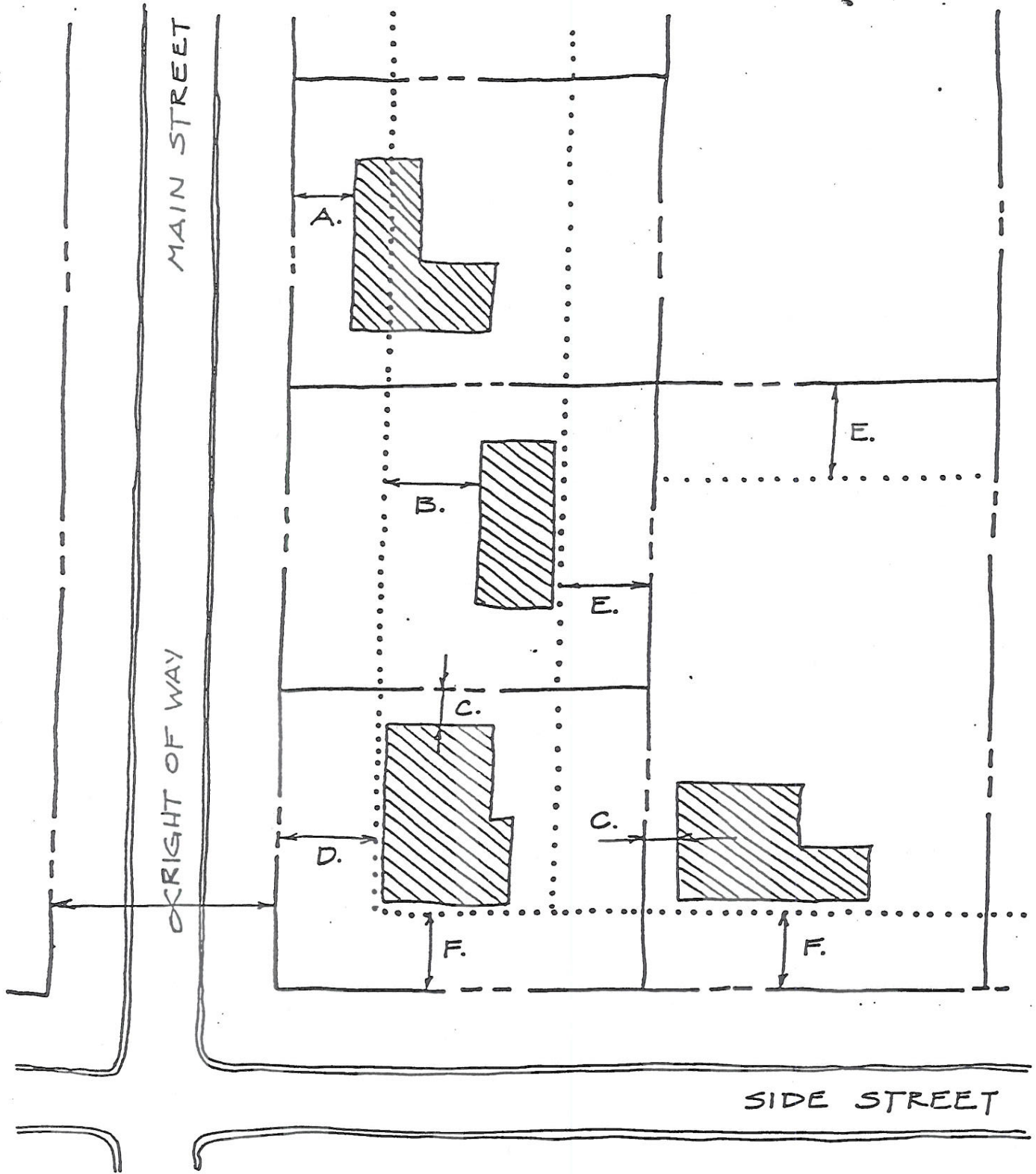
ILLUSTRATIONS OF ORDINANCE TERMINOLOGY



TYPES OF LOTS



LOT TERMINOLOGY



- | | |
|--|--|
| A. DEFICIENT FRONT YARD | REQ'D, ALSO BUILDING SETBACK LINE. |
| B. FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQ'D. | E. MINIMUM REAR YARD REQ'D. |
| C. MINIMUM SIDE YARD REQ'D. | F. MINIMUM YARD REQ'D ON SIDE STREET WITH HOME FRONTAGE. |
| D. MINIMUM FRONT YARD | |

YARD REQUIREMENTS