

**CLIMAX TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN**

**CLIMAX TOWNSHIP ZONING ORDINANCE**  
(Ordinance No. 66, as amended)

(as amended through Ordinance No. 135, June 2009)

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(Not formally adopted but added for convenience)

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## ZONING ORDINANCE FOR THE TOWNSHIP OF CLIMAX

### SECTION ONE – TITLE

This ordinance shall be known and may be cited as "The Zoning Ordinance of Climax Township."

### SECTION TWO - PURPOSE

In the interest of the public health, safety and general welfare, the purpose of this zoning ordinance is to prevent the overcrowding of land and buildings, avoid undue concentration of population, provide adequate light and air with due consideration to the character of the zone and its peculiar suitability for particular uses, and with the objective of conserving the value of property and encouraging the most appropriate use of the land. Therefore,

### SECTION THREE - RESOLUTION

Be it ordained by the Climax Township Board pursuant to the provisions of the State of Michigan Act as amended, that the ordinance heretofore enacted as the zoning ordinance of Climax Township is for; the establishment of zoning districts within which districts the use of land for agriculture, recreation, residence, industry, trade, soil conservation, water supply conservation and additional uses of land may be encouraged, regulated, or prohibited, and for such purposes may divide portions of Climax Township into districts of such number, shape and area as may be deemed best suited to carry out the provisions of the Act; and to adopt within each district provisions designating and limiting the location, height, number of stories, size of dwellings, buildings, and structures that may hereafter be erected, or altered, including mobile homes, and the specific uses for which dwellings, buildings, and structures, including mobile homes, may hereafter be erected, or altered; and for the regulation of the area of yards, courts, and other open spaces and the sanitary, safety, and protective measures that shall be required for such dwellings, building, and for the designation of the maximum number of families which may be housed in buildings, dwellings, and structures, including mobile homes hereafter erected, or altered; to provide for a method of amending said ordinance; to provide for the repeal of the Climax Township zoning ordinance adopted on April 9, 1957 and as subsequently amended; to provide for the administering of the ordinance; to provide for conflicts with other acts, ordinances, or regulations; to provide for the collection of fees for the furtherance of the purpose of this ordinance; to provide for petitions and public hearings; to provide for appeals and for the organization and procedure of the Climax Township Board of Appeals; and to provide for penalties for the violation of said ordinance.

## SECTION FOUR - DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purpose of these Regulations, certain terms and words are defined as follows:

**ACCESSORY BUILDING OR STRUCTURE:** A building or structure, subordinate to and located on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. Accessory buildings shall include private garages for the purpose of non-commercial storage of automobiles, recreational vehicles, lawn equipment and other items incidental to a residential use.

**ACCESSORY USES:** A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

**ALLEY:** A passage or way open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

**APARTMENT HOUSE:** A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

**BASEMENT:** That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

**BOARDINGHOUSE:** A dwelling in which lodging or meals, or both, are furnished to three (3) or more guests for compensation.

**BOATHOUSE:** A house or shed for sheltering one or more boats.

**BUILDING:** A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property or any kind.

**BUILDING ACCESSORY:** A building subordinate to, and located on, the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.

**BUILDING HEIGHT:** The vertical distance measured from the average grade at the building to the average elevation of the roof of the highest story.

**BUILDING LINE:** A line beyond which the foundation wall or any enclosed porch, vestibule or other portion of a building shall not project.

CARE HOME: Includes rest and nursing homes, convalescent homes and boarding homes for the aged, established to render nursing care for chronic or convalescent patients but excludes facilities for care of active or violent patients such as feebleminded or mental patients, epileptics, alcoholics, senile psychotics or drug addicts.

CELLAR: That portion of a building below the first floor joists at least half of whose clear ceiling height is below the level of the adjacent ground. Such a portion of a building shall not be used for habitation.

CHILD DAY CARE HOME (FAMILY): A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

CHILD DAY CARE HOME (GROUP): A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include home that give care to an unrelated minor child for more than 4 weeks during a calendar year.

CHILD DAY CARE CENTER OR CHILD 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 or Child 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 or Child Care Center shall not, however, include any of the following:

- (1) 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.
- (2) 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.

**COUNTRY BUTCHER SHOP:** A butcher shop facility compatible with the rural character of the township, engaged in the slaughtering, processing, and sale on a retail basis of domestic livestock and wild game; and as further limited and regulated pursuant to the standards for approval of such use specified in Section Fourteen of this Ordinance.

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

**DWELLING:** A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the complete living accommodations of a single family.

**DWELLING, ENERGY-SAVING EARTH SHELTERED HOME:** A dwelling constructed either substantially below or entirely below ground. (See Section 9.9c)

**DWELLING, SINGLE-FAMILY:** A building containing not more than one dwelling unit.

**DWELLING, SEMI-DETACHED:** One of two buildings, arranged or designed as dwellings located on abutting lots; separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof, along the dividing lot line; and separated from any other building or structure by space on all other sides.

**DWELLING, TWO-FAMILY:** A building containing not more than two separate dwelling units.

**DWELLING, MULTIPLE-FAMILY:** A building containing three or more dwelling units, (an apartment house).

**DWELLING UNIT:** A building or portion thereof arranged or designed for permanent occupancy by not more than one (1) family for living purposes and having cooking facilities.

**DUMP:** Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration, or any other means and for whatever purpose of trash, refuse or waste material of any kind.

**EXCAVATIONS, COMMERCIAL:** The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes: when primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture. Does not mean grading or filling incidental to improvement of the land.

**FACILITIES AND SERVICES:** Those facilities and services that are normally accepted as necessary for urban living such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.



**FAMILY:**

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

**FAMILY BUSINESS:** Any activity carried out for gain by a resident conducted as an accessory use to the residents' dwelling unit (but which is not a home occupation), and subject to the conditions and limitations set forth in section 9.5.2 of this ordinance.

**FARMING:** Agricultural activity or the raising of livestock or small animals as a source of income.

**FLOOR AREA:** The total enclosed floor area of a structure used for residential purposes, excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways, and porches. For manufacturing, business or commercial activities which, in the case of the latter, include customer facilities, showcase facilities, and sales facilities.

**FRONTAGE (LOT FRONTAGE):** The portion of a lot extending along a street.

**GASOLINE SERVICE STATION:** Building or lot, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, anti-freeze, tires, batteries and automobile accessories, and such services as lubrication, washing, polishing and other minor servicing to motor vehicles.

**HOME OCCUPATION:** Any activity carried out for gain by a resident conducted as an accessory use in the residents' dwelling unit, and subject to the conditions and limitations set forth in section 9.5.1 of the ordinance.

**HOSPITAL:** Any institution, including a sanatorium, which maintains and operates facilities for overnight care and treatment of two or more non-related persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent, or a convalescent home, as previously defined.

**HOTEL:** A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, except for the management.

**HOUSE TRAILER:** (See "Mobile Home")

**JUNK YARD:** Any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarding materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.

**KENNEL, SMALL:** Any lot or premises used for the boarding, breeding or training of from four (4) to fourteen (14) dogs for remuneration; or for the keeping of from four (4) to fourteen (14) dogs over the age of six (6) months, with or without remuneration. (See Sec. 14).

**KENNEL, LARGE:** Any lot or premises used for the boarding, breeding or training of fifteen (15) or more dogs for remuneration; or for the keeping of fifteen (15) or more dogs over the age of six (6) months, with or without remuneration. (See Sec. 14).

**LAGOON:** An exposed area for holding and disposing of waters by either percolation, evaporation or digestion.

**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, and excluding dogs and cats.

**LOT:** Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated, and having the required frontage on a street.

**LOT AREA:** The total horizontal area included within lot lines. Where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

**LOT, DEPTH OF:** The average horizontal distance between the front lot line and the rear lot line.

**LOT, FRONT OF:** The side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.

**LOT, INTERIOR:** A lot other than a corner lot.

**LOT WIDTH:** The average horizontal width measured at right angles to the lot depth.

**MOBILE HOME:** A transportable structure which exceeds either 8 body feet in width or 32 body feet in length, built on a chassis and designed to be occupied as a dwelling unit, complete and ready for year round and permanent occupancy when connected to required facilities.

**MOBILE HOME, DOUBLE WIDE:** A mobile home consisting of two sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

**MOBILE HOME, EXPANDABLE:** A mobile home with one or more room sections that fold, collapse or telescope into the principle unit when being transported and which can be expanded at the site to provide additional living area.

**MOBILE HOME PARK:** A parcel or tract of land not less than 5 acres in size developed with facilities for locating mobile homes provided each mobile home contains a kitchen, flush toilet and shower or bath. It shall not include a sales lot in which unoccupied mobile homes are parked for the purpose of sale.

**MODULAR HOME:** A dwelling made of two or more modular units, factory fabricated and transported to the home site where they are put on a foundation and joined to make a single house. (See Modular Unit also)

**MODULAR UNIT:** A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

**MOTEL:** A group of attached or detached dwellings not more than two (2) stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges and tourist homes.

**NON-CONFORMING USES:** The use of a building or of land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

**NURSING HOME:** (See "Care Home")

**OPEN SPACE:** Any unoccupied land or water area which is not used for buildings or structures.

**PARKING SPACE, AUTOMOBILE:** That area required for the parking or storage of one automobile including necessary aisle or driveway space providing access thereto.

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

**RECREATIONAL UNIT:** A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own

motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and/or other fixtures, used for camping outdoors. Recreational unit shall include, but shall not be limited to: travel trailer, folding trailer, motor home (including vans) and truck camper (fifth wheel or slide-in).

**SHELTER, FALL-OUT:** A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies. Fall-out shelters constructed completely below the ground level, except for a vent not exceeding 30" in height above ground level, may be contained within any yard area.

**SHOPPING CENTER:** A group of 5 or more commercial establishments planned, developed and managed as a unit, with off-street parking provided on the same property and related in location, size and type of shops in the center.

**SIGN:** Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service, business, or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.

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

**SIGN, OUTDOOR ADVERTISING:** A sign which calls attention to a business commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.

**SPECIAL EXCEPTION:** The granting to a petitioner, by the Planning Commission, certain uses of land and/or buildings, because of their particular nature and due to certain circumstances, to become established as provided in this ordinance, (See Sec. 9.8).

**SPECIAL EXCEPTION USES:** Uses of land and/or buildings, because of their particular nature and due to certain circumstances are designated as exceptions, and may be permitted to become established within those districts as specified in this ordinance, (See Sec. 9.8)

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or of the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

**STREET (OR ROAD):** A dedicated public right-of-way, other than an alley, over which the public has a right of vehicular access; or a private road lawfully established in accordance with this ordinance and any other applicable ordinances, laws, rules and regulations.

**STRUCTURE:** Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50% solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.

**TRAVEL TRAILER:** A movable or portable unit, to be towed on its own chassis and designed and constructed to provide temporary living quarters for recreational, camping or travel use.

**USE:** The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be used, occupied or maintained.

**VARIANCE:** The granting to a petitioner, by the Board of Appeals, permission to vary from the strict application of this ordinance as provided in Sec. 6.2b.

**YARD:** Open space on the same lot with a building or group of buildings, lying between the building and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, or fences.

**YARD, FRONT:** Open space extending across the full width of lot between the front lot line or the proposed front street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any portion thereof.

**YARD, REAR:** Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building.

**YARD, SIDE:** Open space between side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard or, in the absence of either of such yards, to the front lot line or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof.

**ZONE:** (See District)

This page reserved for expansion.

## SECTION FIVE - ADMINISTRATION AND ENFORCEMENT

### 5.1 - ADMINISTRATION:

The provisions of this ordinance shall be administered by such person or persons whom shall be designated by the municipal officials in accordance with the applicable State statute.

### 5.2 - ENFORCEMENT:

The provisions of this ordinance shall be enforced by such official as may be from time to time designated by resolution of the municipal officials.

### 5.3 - VIOLATIONS:

- a. Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this ordinance are declared to be a nuisance per se. Any and all buildings or land use activities considered possible violations of the provisions of this ordinance observed by or communicated to Police and Fire Department employees or to any municipal official shall be reported to the zoning enforcement officer.
- b. The zoning enforcement officer shall inspect each alleged violation and shall order correction, in writing or by posting the premises, of all conditions found to be in violation of this ordinance.
- c. An appeal may be taken to the Board of Appeals by any person alleging error in any administrative order concerning the enforcement of this ordinance.
- d. All violations shall be promptly corrected after receipt of notification thereof by writing or by posting premises by the zoning enforcement officer. A violation not so corrected shall be reported to the municipal attorney who shall initiate prosecution procedures.

### 5.4 - PENALTIES:

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance, or any permit, license or exception granted hereunder, or any lawful order of the zoning enforcement officer, Board of Appeals, or the municipal body issued in pursuance of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any court having jurisdiction, he shall be punishable by a fine of not to exceed \$500 or by imprisonment not to exceed ninety (90) days, or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance. The foregoing penalties shall not prohibit the

municipality from seeking injunctive relief against a violator, or such other appropriate relief as may be provided by law.



## SECTION SIX - BOARD OF APPEALS

### 6.1 - ESTABLISHMENT OF A BOARD OF APPEALS; MEMBERSHIP; OFFICERS; TERM

A Zoning Board of Appeals is hereby established, which shall perform its duties and exercise its powers and jurisdiction as provided by Act 110 of the Public Acts of 2006, as may be amended, 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.

The Zoning Board of Appeals shall consist of three members, appointed by the Township Board. 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 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 in that case until a final decision is made. An alternate member of the Zoning Board of Appeals has the same voting rights, when called to serve, as a regular member.

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 their terms limited to the time they are members of those bodies or to such lesser period determined by resolution of the Township Board. Vacancies for unexpired terms shall be filled for the remainder of the term.

### 6.2 - AUTHORITY OF THE BOARD OF APPEALS:

- a. Hear and decide upon request, the interpretation of the provisions of this ordinance.
- b. Grant nonuse variances 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 Ordinance is observed, public safety secured, and substantial justice done. This provision shall not be construed to permit the Zoning Board of Appeals,

under the guise of a nonuse variance, to act on a request for a variance for a use not allowed in the pertinent zone.

- c. Hear and decide appeals where it is alleged by appellants that there is error in any refusal of building, use, or occupancy permit or in any other order, requirement, decision, or determination made by the building inspector, zoning enforcement officer, or other municipal employee when passing upon an application for a building or other permit, or by any other officer or body in the administration of the zoning ordinance.

#### 6.3 - LIMITATION OF AUTHORITY OF THE BOARD OF APPEALS:

- a. Nothing contained in this chapter shall be deemed to authorize the Board to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of this ordinance and which, therefore, is not erroneous; nor to authorize the Board to validate, ratify, or legalize any violation of law or any of the regulations of this ordinance.
- b. The Board shall not amend any portion of this ordinance or the Zoning Map; nor shall such power or authority be vested in the Board.
- c. A decision of the Board permitting the erection or alteration of a building or other use of land shall be valid for a period of six (6) months, during which time a building permit for such erection or alteration must be obtained and the erection or alteration started.
- d. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

#### 6.4 - APPLICATION FOR VARIANCES OR APPEALS:

- a. Applications or requests for variances or appeals shall be made to the township clerk and accompanied by a fee established by the Climax Township Board.
- b. A site plan, plot plan or development plan of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses, shall be submitted with each request for a variance or appeal.

#### 6.5 - VARIANCE STANDARDS AND CONDITIONS:

- a. Standards: No variance in the provision or requirements of this ordinance shall be authorized by the ZBA unless the ZBA finds from reasonable evidence that:

- There are practical difficulties preventing compliance with the strict letter of the Ordinance.
- Such variance will not be of substantial detriment to adjoining property.
- Such variance will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare.

If the ZBA finds all of the preceding standards to be satisfied, to grant variance relief the ZBA must further find that two (2) of the following facts and circumstances exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone; or,
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone; or,
3. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

In determining whether the standards for variance relief have been shown to be satisfied the ZBA shall be governed by the following additional legal principles:

- The circumstances or conditions submitted by the applicant to justify the variance relief must pertain to the property at issue, and not the personal circumstances of the applicant and/or other occupants or users of the property.
- The circumstances or conditions submitted by the applicant to justify the variance relief must not have been self-created by the applicant or some other person under the control of the applicant or for whose conduct the applicant is responsible.
- Increased costs associated with complying with the strict letter of the ordinance are not a basis for variance relief.
- Increased financial return if variance relief is granted is not a basis for variance relief.
- The ZBA may find the standards for relief from the strict letter of the ordinance have been shown to be satisfied, but not to the extent of

the variance requested by the applicant, and in such circumstances the ZBA shall grant only such lesser variance relief as is necessary.

- b. Conditions: The Zoning Board of Appeals may attach conditions/limitations upon a variance, where such conditions are necessary to insure that public services and facilities affected by a requested variance and 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 to a variance, the Zoning Board of Appeals shall also specifically determine the following:
1. That the condition 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, residence and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
  2. That the condition is related to the valid exercise of the police power, and purposes which are affected by the proposed variance; and,
  3. That the condition 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.

## SECTION SEVEN - GENERAL PROVISIONS

### 7.1 - INTERPRETATION OF CONFLICTING PROVISIONS:

In this ordinance, words used in the present tense include the future; the singular number includes the plural number and plural, the singular; the word "shall" is mandatory and not permissive, and the word "may" is permissive. In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety or welfare. This ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or permits, or by easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants, or agreements between parties, the provisions of this ordinance shall prevail. Except as hereinafter provided, the following general regulations shall apply:

### 7.2 - LIMITATIONS ON ALL LAND AND STRUCTURES:

- a. No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed, or arranged to be used for any purpose or in any manner other than that included among the uses hereinafter listed as permitted in the zone in which such building or land is located.
- b. Every building hereafter erected shall be located on a lot as herein defined; and, except as herein provided, there shall be not more than one single-family dwelling or other principle building and use per lot.
- c. Every dwelling or other principle building or use shall be located on a lot with at least the frontage required by Section 13 of this ordinance for zoning district in which the lot is situated.
- d. The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon adjacent properties or the public streets. In no event shall the illumination of a building or use of land be permitted to flood upon adjacent residential structures.

### 7.3 - LIMITATIONS ON HEIGHT:

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except the height limitations of this ordinance shall not apply to church spires, belfries, cupolas, antennas, domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, barns, silos, bulkheads, and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the building inspector such may be deemed to interfere with aerial navigation or constitute a fire hazard. Such features, however, shall not exceed in total coverage 20% of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the Zoning Board of Appeals by the building inspector.

### 7.4 - LIMITATIONS ON AREA:

- a. No building shall be erected, nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such buildings or open space is located, except as otherwise specifically provided.
- b. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as a yard or open space for any other building.
- c. Any lot as defined herein, which was legally recorded at the time of adoption of this ordinance and which was a buildable lot under the Zoning Ordinance in effect immediately prior to the adoption of this ordinance, shall be deemed a buildable lot even though it may have less than the minimum area requirements.

### 7.5 - BUILDING PERMIT TO ERECT OR ALTER STRUCTURES:

No structure shall be erected, altered, or excavation started until a Building Permit for such erection, alteration or excavation shall have been issued.

### 7.6 - PRIOR BUILDING PERMITS:

Nothing in this ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this ordinance, PROVIDED that construction is commenced within 90 days after the date of issuance of the permit; that

construction is carried on diligently and without interruption for a continuous period so that the entire building shall be completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

#### 7.7 - CERTIFICATE OF OCCUPANCY:

- a. It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a certificate of occupancy has been issued for that premises certifying that the structure or use complies with the provisions of this ordinance. Such occupancy permits shall be granted or denied within ten days from the date that a written application is filed with the building inspector or zoning enforcement officer.
- b. The issuance of a Certificate of Occupancy shall not be construed as permitting any violation of this ordinance.

#### 7.8 - VALIDITY OR SEVERABILITY CLAUSE:

Should any section, sub-section, clause or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than that portion so declared to be invalid.

#### 7.9 - CONFLICT WITH OTHER LAWS:

Whenever the requirements of this ordinance are at variance with the requirements of other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

#### 7.10 - BOUNDARIES OF ZONES:

Where uncertainty exists as to the boundaries of any of the zones as shown on the Zoning Map, the following rules shall apply:

- a. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said Zoning Map.
- b. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.

- c. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.
- d. In unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- e. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.



## SECTION EIGHT - ZONING DISTRICTS AND ZONING MAP

### 8.1 - ZONING DISTRICTS:

- a. For the purpose of this ordinance Climax Township is hereby divided into the following zoning districts:

A-- Agriculture

R--1 Residential, Single Family

R--2 Residential, Single Family

R--3 Residential, Single and Two Family

R--4 Residential, Multiple-Family

R--5 Residential, Multiple-Family, High Density

R--6 Mobile Home Park

C--1 Commercial, Local

C--2 Commercial, General

C--3 Commercial, Shopping Center

C--4 Commercial, Highway

I--1 Industrial, Restricted

I--2 Industrial, Manufacturing

I--3 Industrial, Service

RE-- Recreation District

- b. The location and boundaries of the zones established in the municipality shall be shown on a map entitled Zoning Map of the municipalities and as same may be amended subsequent to the adoption thereof; and said map, section or portion thereof, 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.
- c. The official copy of the Zoning Map shall be in the custody of such person approved by the Township Board.

## 8.2 - A-- AGRICULTURE DISTRICT:

### 8.2.1 - DESCRIPTION OF DISTRICT:

This district is composed of certain land in outlying areas presently of rural character. Such land is zoned for agricultural use with the intent that agriculture will be the principal land use within the foreseeable future. The regulations for 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. To these ends, development is limited to a low concentration and to those uses which would not be detrimental to future development.

### 8.2.2 - PERMITTED USES:

- a. Single family dwellings, and the accessory structures and uses normally auxiliary thereto, except that nothing in this section shall prohibit the conversion or alteration of any single family structure, in existence at the time of passage of this ordinance, into not more than two separate dwelling units, provided that such dwelling units shall conform with the following provisions:
  1. That there shall be no change or alteration of the exterior of the dwelling to change its appearance from that of a single dwelling unit.
  2. Any single family dwelling converted under the provisions of this section shall be required to have within the enclosed walls of the original structure a total of not less than 2000 square feet of habitable floor area for two dwelling units.
  3. There shall be a minimum habitable floor area of 800 square feet for each separate dwelling unit within any single family structure which has been converted to house two families.
  4. The provisions of this section shall apply only to the conversion of single family dwellings and shall not be construed to permit the construction of two family dwellings.
- b. Farming or agricultural activities, including stock nurseries, and the raising or keeping of livestock.
- c. The sale of farm or dairy produce at least fifty (50%) of which, as measured by gross annual sales, has been raised on the farm from which it is to be sold.
- d. Home occupations.

- e. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- f. Signs, when in accordance with the provisions of Sec. 9.2.
- g. Accessory uses or buildings, when in accordance with the provisions of Sec. 9.4.
- h. Child Day Care Home (Family).

#### 8.2.3 - SPECIAL EXCEPTION USES:

- a. Churches, cemeteries, parochial and private schools.
- b. Eleemosynary, charitable and philanthropic institutions.
- c. Golf courses, private non-commercial clubs.
- d. Public utility buildings and structures necessary for the service of the community except that:
  1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
  2. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.
- e. Gravel pits, gravel processing, marl mining.
- f. Municipally controlled, owned and/or operated dumps.
- g. Lagoons for sanitary sewerage (waters not carrying human, animal, or objectionable industrial wastes).
- h. Storage facilities that are not of industrial character and in keeping with the characteristics of the district for limited access storage of automobiles, R.V. and travel trailers, snowmobiles, boats, etc.
- i. Family Business (Sec. 9.5.2).
- j. Small Kennels.
- k. Private Airstrips, subject to the standards set forth in Section Fourteen of this ordinance.

- I. Child Day Care Home (Group), subject to the standards set forth in Section Fourteen of this ordinance.
- m. Country Butcher Shop (subject to the standards set forth in Section Fourteen of this Ordinance).

8.2.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

### 8.3 - R--1 RESIDENTIAL DISTRICT, SINGLE FAMILY:

#### 8.3.1 - DESCRIPTION OF DISTRICT

This district is composed of certain land in outlying areas presently of a rural residential character where low density single family residential development has occurred or appears likely to occur. 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. To these ends, development is restricted to low density single family residential use consistent with limited rural type facilities and services.

#### 8.3.2 - PERMITTED USES:

- a. Single family dwellings, and the accessory structures and uses normally auxiliary thereto, as specified in Sec. 8.2.2a. of the A--Agriculture Zone.
- b. Home occupations.
- c. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- d. Signs, when in accordance with the provisions of Section 9.2.
- e. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.
- f. Child Day Care Home (Family).

#### 8.3.3 - SPECIAL EXCEPTION USES:

- a. Any special exception use allowed in the A--Agriculture District, except for the following: gravel processing and quarrying; municipally controlled, owned or operated dumps; storage facilities; lagoons for sanitary sewerage; small kennels; private airstrips.

#### 8.3.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 13.

#### 8.4 - R--2 RESIDENTIAL DISTRICT, SINGLE FAMILY:

##### 8.4.1 - DESCRIPTION OF DISTRICT:

This district is composed of medium density single family residential areas in the municipality where medium density single family residential development has occurred, or appears likely to occur. 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. To these ends, development is restricted to medium density single family residential use, where adequate facilities and services will be provided.

##### 8.4.2 - PERMITTED USES:

- a. Single family dwellings, and the accessory structures and uses normally auxiliary thereto.
- b. Home occupations.
- c. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- d. Signs, when in accordance with the provisions of Section 9.2.
- e. Accessory uses, or buildings, when in accordance with the provisions of Section 9.4.
- f. Child Day Care Home (Family).

##### 8.4.3 - SPECIAL EXCEPTION USES:

- a. Any special exception use allowed in the A--Agriculture District, except for the following: gravel processing and quarrying; municipally controlled, owned or operated dumps; storage facilities; lagoons for sanitary sewerage; small kennels; private airstrips.
- b. Care Home.
- c. Hospital or Medical Clinic, excluding veterinary hospitals.

##### 8.4.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

## 8.5 - R--3 RESIDENTIAL DISTRICT, SINGLE AND TWO FAMILY:

### 8.5.1 - DESCRIPTION OF DISTRICT

This district is composed of higher density single and two family residential areas in the municipality where high density single family or two family residential development has occurred, or appears likely to occur. 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. To these ends, development is restricted to higher density single family and two family residential use where adequate facilities and services will be provided.

### 8.5.2 - PERMITTED USES:

- a. Single family dwellings, and the accessory structures and uses normally auxiliary thereto.
- b. Two family dwellings.
- c. Home occupations.
- d. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- e. Signs, when in accordance with the provisions of Section 9.2.
- f. Accessory uses, or buildings, when in accordance with the provisions of Section 9.4.
- g. Child Day Care Home (Family).

### 8.5.3 - SPECIAL EXCEPTION USES:

- a. Any special exception use allowed in the R--2 Residential District, except for the following: Family Businesses.

### 8.5.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

## 8.6 - R--4 RESIDENTIAL DISTRICT, MULTIPLE FAMILY:

### 8.6.1 - DESCRIPTION OF DISTRICT:

This district is composed of certain areas within the municipality where multiple family residential development has occurred, or appears desirable to occur. 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. To these ends, development is restricted to multiple family residential use where adequate public facilities and services will be provided.

### 8.6.2 - PERMITTED USES:

- a. Two family, semi-detached, dwellings and the accessory structures and uses normally auxiliary thereto.
- b. Apartment houses, boarding houses, garden apartment development and the accessory structures and uses normally auxiliary thereto.
- c. Business offices in an apartment building for conducting business incidental to the rental, operation, service and maintenance of the apartment building, or buildings.
- d. Home occupations, limited to existing single family dwellings and to two family semi-detached dwellings.
- e. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- f. Signs, in accordance with the provisions of Section 9.2.
- g. Accessory uses or buildings, in accordance with the provisions of Section 9.4.
- h. Child Day Care Home (Family).

### 8.6.3 - SPECIAL EXCEPTION USES:

- a. Any special exception use allowed in the R--3 Residential District, except for the following: Child Day Care Home (Group).



**8.6.4 - LOT, YARD AND AREA REQUIREMENTS:**

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

## 8.7 - R--5 RESIDENTIAL DISTRICT, HIGH DENSITY MULTIPLE FAMILY:

### 8.7.1 - DESCRIPTION OF DISTRICT:

This district is composed of certain areas within the municipality where high density multiple family residential development has occurred, or appears desirable to occur. 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. To these ends, development is restricted to high density multiple family residential use where adequate public facilities and services will be provided.

### 8.7.2 - PERMITTED USES:

- a. Any use permitted in the R--4 Multiple Family District.
- b. Signs, in accordance with the provisions of Section 9.2.
- c. Accessory uses or buildings, in accordance with the provisions of Section 9.4.
- d. Child Day Care Center or Child Care Center.

### 8.7.3 - SPECIAL EXCEPTION USES:

- a. Any special exception use allowed in the R--3 Residential District, except for the following: Child Day Care Home (Group).

### 8.7.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

## 8.8 - R--6 MOBILE HOME PARK DISTRICT:

### 8.8.1 - PURPOSE:

This district is designed solely for the development of mobile home parks and such accessory structures and uses normally associated thereto, in accordance with the requirements imposed by the Michigan Mobile Home Commission Act (Public Act 419 of 1976) and any and all amendments thereto, and with all regulations promulgated thereunder by Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified or supplemented by the provisions herein.

### 8.8.2 - PERMITTED USES:

- a. Mobile home parks and those uses customarily incidental to the principal use.
- b. Child Day Care Home (Family).

### 8.8.3 - REGULATIONS REQUIRED OF MOBILE HOME PARKS:

#### a. General Requirements

1. Mobile home parks shall be located in the R-6 Mobile Home Park District, and shall comply with the requirements imposed by the Michigan Mobile Home Commission Act (Public Act 419 of 1976) and any and all amendments thereto, and shall also comply with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified or supplemented by the other requirements and standards herein.
2. Prior to the issuance of a building permit for construction of a mobile home park, a site plan shall be submitted to the Zoning Board of Appeals for review and approval as provided under Section 9.12 of this Zoning Ordinance.
3. Every mobile home park established within the Township shall be inspected periodically by an official designated by the municipal governing body. The frequency of said inspections and any fees associated thereto, shall be determined by the municipal governing body.

b. Park Development Standards

1. Each mobile home park shall have a minimum gross site area of five (5) acres.
2. A mobile home park shall have frontage on, and at least two paved accesses to, a primary or arterial street, or a similar adequate thoroughfare or state trunkline.
3. Every mobile home park shall be served by public sanitary sewer and water systems, if such systems are immediately available, or an officially approved private on-site sewer and water system.
4. The owner of every mobile home park which lies immediately adjacent to an established residential district shall provide a screening area separating said park from the adjoining residential district. The screen shall be in the form of either a solid type fence, evergreen planting or landscaped berm which is compact and maintained in good condition at all times. The height of the screen shall not be less than five (5) feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than, three (3) feet in height. Adequate landscaping shall also be provided by the owner of the mobile home park between each mobile home site and any public or private street so as to provide an attractive frontage upon said street.
5. Interior drives and walkways shall be lighted at intervals of not more than one hundred (100) feet.
6. Each mobile home park must contain an area for recreational activity equivalent to eight (8) percent of the gross site area of the park which may be used in common by the occupants of the park.
7. A mobile home or accessory structure within a park shall not be located closer than fifteen (15) feet from a park property line nor closer than thirty-five (35) feet from a public right-of-way line.
8. All interior drives within a mobile home park shall be paved with asphalt or a similar hard surface material to a minimum width of twenty (20) feet.

9. Improved walkways of not less than thirty-six (36) inches wide shall be provided from each mobile home site to all park service buildings and structures.
10. A building or structure within a mobile home park shall not exceed the height of two and one-half (2 1/2) stories or twenty-five (25) feet. Special exceptions may be permitted for stacking of mobile home units.
11. The park management shall be responsible for garbage and trash collection, street cleaning, snow removal and sidewalk and street maintenance.

c. Site Development Standards

1. Each mobile home site shall contain an area of not less than four thousand fifty (4,050) square feet and have a width of not less than forty-five (45) feet.
2. The minimum distance between mobile home units shall be twenty-five (25) feet on side lines and twenty (20) feet on end to end placement. The minimum setback shall be measured from the outer wall of the mobile home, any expandable room or other structural appurtenances, whichever is closer to the lot line.
3. Each mobile home unit shall be located not less than ten (10) feet from any private street within the park.
4. Each mobile home site shall not be located closer than thirty (30) feet to any park service building or other structure.
5. Each mobile home site shall be well drained and be provided with a mobile home stand consisting of a solid reinforced pad or ribbon at least four inches in depth.
6. Tie down facilities shall be incorporated into each mobile home stand so that guy lines can be installed under the mobile home at sufficient intervals to prevent upheaval of mobile homes during severe winds and storms.
7. Uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement.

8. A minimum of two (2) improved off-street parking spaces shall be provided for each mobile home site within the mobile home park.

8.8.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

## 8.9 - C--1 COMMERCIAL DISTRICT, LOCAL:

### 8.9.1 - DESCRIPTION OF DISTRICT:

This district is designed to provide for small, neighborhood oriented retail businesses and office uses, interspersed with single family residential uses. The small commercial uses and office uses are intended to support surrounding residential areas. This district is comprised of small retail uses, offices and existing single family residences. In some areas of the district, single family residences have been converted to commercial or office uses.

## 8.9 - C--1 COMMERCIAL DISTRICT, LOCAL:

### 8.9.1 - DESCRIPTION OF DISTRICT:

This district is designed to provide for small, neighborhood oriented retail businesses and office uses, for the convenience of persons residing in the surrounding area.

### 8.9.2 - PERMITTED USES

- a. Antique Shops
- b. Art galleries and studios
- c. Art supply stores
- d. Bakery and dairy products, retail sales only.
- e. Banks, savings and loan associations
- f. Barber and Beauty Shops
- g. Bicycle sales and bicycle repair shops
- h. Books and Stationary Shops
- i. Camera and photographic supply stores
- j. Child Day Care Center or Child Care Center
- k. Clothing and dry goods
- l. Computer stores
- m. Drug Stores

- n. Electrical and house appliance stores and repair shops
- o. Florist and garden shops
- p. Funeral Homes
- q. Furniture and other household goods stores
- r. Grocery store
- s. Hardware stores
- t. Home Occupations, as permitted in Section 8.5, R-3, Residential District, Single and Two Family and Section 9.5.
- u. Interior decorators
- v. Laundromat and dry cleaning establishments, but not a dry cleaning plant
- w. Locksmith shop
- x. Music store
- y. Music or dancing school
- z. Offices, business or professional
- aa. Paint and wallpaper stores
- bb. Printers
- cc. Restaurants
- dd. Shoe sales or repair
- ee. Sporting goods store
- ff. Tailor shop
- gg. Travel Agencies
- hh. Municipal service buildings, such as administrative offices, fire and police facilities, community recreation buildings, public parks and playgrounds and other public recreational areas
- ii. Video stores



- jj. Veterinarian office, when located within a completely enclosed building.

#### 8.9.3 - SPECIAL EXCEPTION USES

- a. Gasoline service stations
- b. Package liquor sales
- c. Public utility buildings and structures necessary for the service of the community, except that public utility activities of an industrial character, such as repair and maintenance yards, storage facilities or activities which generate electronic interference are prohibited.
- d. Public or private schools
- e. Drive through windows for banks, dry cleaners, drug stores or restaurants
- f. Bars

#### 8.9.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

## 8.10 - C--2 COMMERCIAL DISTRICT, GENERAL:

### 8.10.1 - DESCRIPTION OF DISTRICT:

This district is established for the accommodation of community wide needs for general retail sales and service facilities. This district also recognizes existing single family and two-family dwellings, and potentially new single family or two-family dwellings, interspersed with commercial uses. The regulations are designed to permit development of the enumerated uses as limited to protect the abutting and surrounding properties.

### 8.10.2 - PERMITTED USES:

- a. Any permitted use in the C-1 Local Commercial District, except for the following: Child Day Care Center or Child Care Center.
- b. Automobile repair garage.
- c. Automobile sales agency and adjoining outdoor sales area of new or used cars, provided that no dismantling of cars, or storage of dismantled cars shall take place outdoors.
- d. Boats and equipment sales.
- e. Commercial recreation enterprises; indoors.
- f. Contractors' work shops.
- g. Greenhouse, nursery.
- h. Hotel, motel.
- i. Machinery and heavy equipment sales.
- j. Signs, when in accordance with the provisions of Section 9.2.
- k. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.
- l. Existing single family and two family dwellings. Any single family and two family dwelling existing as of the date of the adoption of this ordinance shall be considered conforming and shall be permitted to be reconstructed, enlarged and improved pursuant to the requirements for such dwellings in the R-3 Residential, Single and Two-Family zoning district.

8.10.3 - SPECIAL EXCEPTION USES:

- a. Animal hospital and large kennel.
- b. Any general retail use similar to those uses permitted in this section.
- c. Bar, tavern and night club.
- d. Bus or truck terminal.
- e. Commercial recreation enterprises; outdoors.
- f. Earth removal, excavations; commercial.
- g. Gasoline service stations.
- h. Package liquor sales.
- i. Public utility buildings and structures necessary for the service of the community except that:
  - 1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
  - 2. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.
- j. Riding stable, race track; commercial.
- k. Volunteer or municipal fire station.
- l. Used car lot.
- m. Light manufacturing, compounding, assembling or treatment of articles or merchandize, where all work is carried on within an enclosed building.
- n. New single family or two family dwellings, which shall be developed pursuant to the requirements for such dwellings in the R-3 Residential, Single and Two-Family zoning district.
- o. Drive through windows for banks, dry cleaners, drug stores, or restaurants.

#### 8.10.4 - LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, and except as applicable to single and two family dwellings, the lot, yard and area requirements shall be as specified in Section 13. Single family and two family dwellings shall meet the lot, yard and area requirements applicable to such dwellings in the R-3 zoning district.

#### 8.10.5 - SITE PLAN REQUIRED

A site plan must be submitted to the Township for any conversion of an existing single family dwelling in the C-2 District, to any other of the permitted uses in the C-2 district. The site plan shall be submitted and reviewed in accordance with Section 9.12.

#### 8.10.6 - ACCESSORY STRUCTURES/USES

- a. Accessory structures for single and two family dwellings in the C-2 zoning district must meet the requirements for accessory structures in the R-3 zoning district.
- b. Accessory structures for single family and two family dwellings in the C-2 zoning district shall be used solely for purposes customarily incidental and subordinate to the principal single-family or two family residential use. No commercial uses will be permitted.
- c. Family businesses, as defined in Section 9.5.2, are permitted in single family or two family dwellings in the C-2 zoning district.

#### 8.10.7 - SCREENING REQUIREMENTS

- a. Screening is required between residentially zoned properties and non-residentially zoned properties, in accordance with Section 9.6.
- b. When an existing single family home is converted to a non-residential use, and the site abuts a residentially zoned property, screening must be installed per Section 9.6, and must be reflected on the site plan.

#### 8.10.8 - SIGNAGE

- a. No signage is permitted for single family or two family dwellings in the C-2 zoning district, except as permitted for home occupations in residential zones pursuant to Section 9.2a.

8.11 - C--3 COMMERCIAL DISTRICT, SHOPPING CENTER:

8.11.1 - DESCRIPTION OF DISTRICT:

This district is designed solely to provide for integrated community, or regional shopping centers. The regulations are designed to permit development of the enumerated functions as limited by the standards designed to protect abutting and surrounding properties.

8.11.2 - PERMITTED USES:

- a. Any permitted use in the C-1 Local Commercial District, when established as an integrated shopping center, except for the following: Child Day Care Center or Child Care Center.
- b. Bowling alleys and commercial recreation enterprises such as dance halls, skating rinks; (indoors).
- c. Signs, when in accordance with the provisions of Section 9.2.
- d. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.11.3 - SPECIAL EXCEPTION USES:

- a. Any special exception use allowed in the C-1 Commercial District.

8.11.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

## 8.12 - C--4 COMMERCIAL DISTRICT, HIGHWAY:

### 8.12.1 - DESCRIPTION OF DISTRICT:

This district is composed of certain land along State highways or major County thoroughfares to service the residents of the community and for the convenience of those persons in transit and for the purpose of accommodating those commercial establishments which are of a similar nature in their service to the public.

### 8.12.2 - PERMITTED USES:

- a. Automobile sales agency and adjoining outdoor sales area, provided that no dismantling of cars, or storage of dismantled cars shall take place outdoors.
- b. Boats and equipment.
- c. Commercial recreation enterprises.
- d. Drive-in eating establishments.
- e. Greenhouse and nursery.
- f. Motel.
- g. Restaurant.
- h. Signs, when in accordance with the provisions of Section 9.2.
- i. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- j. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

### 8.12.3 - SPECIAL EXCEPTION USES:

- a. Any special exception use allowed in the C-2 General Commercial District, except for single family and two family dwellings.
- b. Automobile repair garage.
- c. Drive-in theater.
- d. Mobile home sales.

8.12.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Sec. 13.

## 8.13 - I-1 INDUSTRIAL DISTRICT, RESTRICTED:

### 8.13.1 - DESCRIPTION OF DISTRICT:

This Restricted Industrial District is limited to large tracts located along State highways, major County thoroughfares and railroad rights-of-way and/or adjoining residential and/or commercial areas. These regulations are intended to provide standards of intensity of use and standards of external effects or amenities compatible with the surrounding or abutting residential districts.

To these ends, development is limited to a low concentration, external effects are limited, and uses are limited to those industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining residential districts.

### 8.13.2 - PERMITTED USES:

- a. (deleted)
- b. Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.
- c. Packaging of previously prepared materials.
- d. Printing, lithographic, blueprinting and similar uses.
- e. Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products.
- f. Signs, when in accordance with the provisions of Section 9.2.
- g. Storage or warehousing of commodities such as hardware, packaged or fresh foods, clothing, drugs (except live fowl or animals, commercial explosives, or above or below ground bulk storage of flammable liquids, or gases, unless and only to the extent that such storage of liquids or gases is directly related to energy or heating on the premises).
- h. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- i. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.



8.13.3 - SPECIAL EXCEPTION USES:

- a. Office buildings.

8.13.4 - LOT, YARD AND AREA REQUIREMENTS:

- a. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in section 13.
- b. Each district shall contain at least 25 acres.

## 8.14 - I--2 INDUSTRIAL DISTRICT, MANUFACTURING:

### 8.14.1 - DESCRIPTION OF DISTRICT:

This district is composed of certain lands located along State highways, major County thoroughfares and railroad rights-of-way. The district is designed to provide land for industries of a manufacturing nature where all work is carried on within an enclosed building producing little external effect of an objectionable nature to the surrounding properties.

### 8.14.2 - PERMITTED USES:

- a. Offices and office buildings.
- b. Manufacturing, compounding, assembling or treatment of articles, or merchandise, where all work is carried on within an enclosed building, and where any outdoor storage is limited to not more than 10% of the lot area, and is maintained within the rear yard area.
- c. Public utility buildings.
- d. Signs, when in accordance with the provisions of Section 9.2.
- e. Warehouses; fully enclosed.
- f. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- g. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

### 8.14.3 - SPECIAL EXCEPTION USES:

Any 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 be objectionable to surrounding properties.

A determination of the Zoning Board of Appeals established under State statute and this ordinance shall be conclusive on any question of nuisance or objectionableness of any business or operation under the terms of this section.

### 8.14.4 - LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 13.

## 8.15 - I--3 INDUSTRIAL DISTRICT, SERVICE:

### 8.15.1 - DESCRIPTION OF DISTRICT:

This district is composed of certain lands located along State highways, major County thoroughfares and railroad rights-of-way. The district is designed to provide land for activities of an industrial nature placing emphasis on the service type of industry as opposed to the manufacturing type of industry. Because of the nature of the district, it should be located so as to be least objectionable to adjoining commercial or residential uses.

### 8.15.2 - PERMITTED USES:

- a. Automobile repair garage.
- b. Construction and farm equipment sales.
- c. Contractor's equipment yard.
- d. Gasoline service station.
- e. Grain equipment and processing.
- f. Hardware and building supplies.
- g. Ice and cold storage plant.
- h. Lumber, fuel and feed yards.
- i. Machine shop.
- j. Public utility buildings and storage yards.
- k. Signs, when in accordance with the provisions of Section 9.2.
- l. Storage and warehousing.
- m. Truck terminal, maintenance and service yard.
- n. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- o. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

**8.15.3 - SPECIAL EXCEPTION USES:**

- a. Dump.
- b. Earth removal, excavation; commercial.
- c. Gravel processing and quarrying.
- d. Junk yards, building material salvage yard.
- e. Ready-mix concrete and asphalt plants.
- f. Slaughter house.
- g. Any industrial use which meets the intent and purpose of this district which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties.

A determination of the Zoning Board of Appeals established under State Statute and this ordinance shall be conclusive on any question of nuisance, or objectionableness of any business or operation under the terms of this section.

**8.15.4 - LOT, YARD AND AREA REQUIREMENTS:**

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 13.

## 8.16 - "RE" RECREATION DISTRICT:

### 8.16.1 - DESCRIPTION OF DISTRICT

This district is designed and intended to make the best possible use of open space and natural amenities, such as lakes, streams and the shorelines thereof, pronounced topography, woodlands, wetlands, floodplains, and other natural features; to allow and regulate public and private use of such areas for certain outdoor recreational activities and uses, and to regulate the use, improvement and development of such lands so as to preserve the natural environment.

### 8.16.2 - PERMITTED USES:

- a. (deleted)
- b. Horseback riding stables and bridle paths, hiking trails, skiing, ice skating, tobogganing, golf courses, golf driving ranges, swimming beaches, boat liveries, picnic grounds and similar summer or winter sports facilities.
- c. Campgrounds for the accommodation of recreational units, etc., subject to Public Act 171 of 1970 and any amendments thereto, and any and all administrative rules and regulations promulgated pursuant thereto by the Michigan Department of Public Health or other state agency.
- d. Dwellings used by an owner, operator, watchman or other employees solely as an accessory to a principal recreational use.
- e. Publicly owned and operated parks, playgrounds and other recreational activities, including community buildings.
- f. Accessory uses or buildings, when in accordance with the provisions of Section 9.4, as amended.
- g. Signs, in accordance with Section 9.2, as amended.

### 8.16.3 - SPECIAL EXCEPTION USES:

- a. Any similar or related recreational uses described above as may be determined by the Zoning Board of Appeals.
- b. Clubs, lodges, etc.
- c. Hotels, motels.

- d. Tourist cabins.
- e. Roadside stands.

8.16.4 - LOT, YARD AND AREA REQUIREMENTS:

- a. Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section 8.16.6.
- b. Each "RE" Recreation District shall contain at least ten (10) acres.

8.16.5 - SITE DEVELOPMENT REQUIREMENTS:

- a. Site and development plans of all proposed recreational uses shall be submitted in compliance with Site Plan Review procedures contained in Section 9.12.
- b. In order to minimize adverse effects on adjacent residentially zoned or developed properties, all recreational activities and buildings must be set back from all property lines and be screened as prescribed in Section 8.16.6 for the specific recreational use or as determined by the Planning Commission.
- c. Where use dictates, the boundaries of the recreation area shall be adequately marked to avoid encroachment upon adjacent properties.
- d. Each principal recreational use shall have frontage on a thoroughfare having a primary or greater classification and have access thereto by means of a paved entrance.

8.16.6 - REGULATIONS REQUIRED OF SPECIFIC RECREATIONAL USES:

- a. Campgrounds.
  - 1. Each campsite shall contain a minimum of 1,600 square feet of area. Sites designed for occupancy by more than one recreational unit shall also maintain a minimum of 1,600 square feet per unit. The overall density of the campground shall not exceed 15 sites per acre.
  - 2. A 75 foot greenbelt or buffer area shall be maintained free of any development except for screening where required as determined by the Planning Commission between all campground property lines and the campground proper. Such area may not be utilized to compute campsite areas.

3. A minimum distance of 15 feet shall be provided between all recreational units.
4. Each campground shall be provided with at least one public telephone.
5. Access roads between the public thoroughfare and the campground proper shall be paved to a minimum of 22 feet.
6. Circulation roads within the campground proper shall be either stabilized gravel or paved. One-way roads shall be at least 12 feet in width and two-way roads shall be at least 22 feet in width. Parking shall not be permitted on any roadway.
7. All permanent type buildings or structures to be occupied by the public shall be set back at least 200 feet from all residentially zoned property or public street right-of-way lines.
8. Dogs and other pets allowed within the campground shall be kept on a leash not longer than 10 feet in length and not allowed freedom upon any campsite other than the one occupied by the owner of said dog or pet.
9. Fires may be built only in picnic stoves or other similar equipment or such areas as designated by the camp manager. It shall be unlawful to start or cause to be started any other fire whatsoever in the campground.
10. No commercial enterprises shall be permitted to operate on the campground, except that a convenience goods shopping building for the use of the occupants is allowed, providing it is clearly incidental to the needs of the occupants while residing in the campground. There shall be no advertising of these services along the public roads.
11. A common use area shall be provided for each campground at a ratio of not less than 500 square feet of such area per site. This common area shall be developed by seeding, landscaping, picnic tables, barbecue stands and recreation equipment (i.e. swings, slides, playground equipment, horseshoe pits, shuffleboard courts and the like) for the general use of the occupants of the entire campground. The area shall be at least 50 feet from any public road.

12. Any lighting shall be directed away from camping sites and surrounding residential areas - no high-intensity lighting shall be used. All electric lines, telephone lines and gas lines shall be installed underground.
  13. The campground shall be kept in a neat and orderly manner. A covered trash and garbage receptacle shall be provided, and the campground shall be kept free of litter, trash and debris.
  14. The campground shall post regulations that all radios and other equipment producing a noise shall be turned off or reduced in volume between 11:00 p.m. and 7:00 a.m. so as not to be audible at other sites or adjoining residential areas.
  15. No mobile homes or trailer coaches designed for permanent habitation shall be allowed except for the campground manager.
  16. Prior to applying for a building permit to construct a campground, the developer shall submit the following information to the Planning Commission for its approval:
    - (a) A scaled drawing of a site plan of the proposed campground.
    - (b) The drawing shall show the location of the campground entrance, internal road system, parking areas, designated campsites, trails, common use areas, service buildings, sanitary facilities, etc.
    - (c) A vicinity sketch showing the location of the campground relative to the local public street system.
    - (d) A descriptive text of the proposed campground.
    - (e) Plans and specification of any buildings to be constructed therein.
- b. Park owners, excluding municipal corporations, however, shall provide adequate liability insurance covering all facility activities.



## SECTION NINE - SUPPLEMENTARY REGULATIONS

### 9.1 - PARKING OF MOTOR VEHICLES:

- a. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all the occupants, employees and patrons of said property.
- b. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one family and two family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
- c. Parking space shall be provided in the manner and location herein specified.
  1. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto 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, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
  2. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed 3/4 ton. The parking of any other type of commercial vehicle, or buses, except for those parked on school property, is prohibited in a residential zone.
- d. Requirements for all parking spaces and parking lots:
  1. Each automobile parking space shall be not less than 180 square feet nor less than 9 feet wide exclusive of driveway and aisle space.
  2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust free surface resistant to erosion.

3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
4. No parking space shall be closer than 5 feet from the property line.
5. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence, or compact planting not less than 4 feet or more than 8 feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian, or vehicular movement.
8. Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same or different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further, that the specifications in regard to location, plan, etc. are complied with.
9. 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 section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

e. Minimum required parking spaces:

1. Apartment houses - 1 1/4 parking space per family unit.
2. Office buildings - one parking space for each 200 square feet of floor space utilized for work space of employees.
3. Retail stores, super markets, department stores, personnel service shops, and shopping centers - One parking space for each 100 square feet area in the basement and on the first floor used for retail sales, and one space for each 150 square feet of floor area on the second floor used for retail sales, and one space for each 300 square feet of floor area on the third floor used for retail sales, and one space for each 400 square feet on any additional floor used for retail sales.
4. Manufacturing Buildings - One parking space for each three employees on the maximum shift.
5. Libraries, museums and post offices - One parking space for each 100 square feet of floor area.
6. Bowling alleys - Three parking spaces for each alley.
7. Motels and tourist homes - One parking space for each separate unit.
8. Theaters, auditoriums, stadiums and churches - One parking space for each four seats.
9. Dance halls, assembly halls, and convention halls without fixed seats - One parking space for each 100 square feet of floor area if to be used for dancing or assembly.
10. Restaurants and night clubs - One parking space for each 100 square feet of floor area.
11. Schools; Private or Public elementary and junior high schools - One parking space for each employee normally engaged in or about the building or grounds. Senior high schools and institutions of higher learning - One parking space for each employee normally engaged in or about the building or grounds and one additional space for each five (5) students enrolled in the institution.

## 9.2 - SIGNS AND OUTDOOR ADVERTISING STRUCTURES:

- a. In any residential zone, an incidental sign not exceeding one (1) square foot in area to advertise only home occupations or professional services; such sign may be attached to the building, or may be located on the property of such use, but may not overhang the street.
- b. In any zone where agricultural use is permitted, an incidental sign advertising the sale of farm products grown on the premises or Special Exception Use, such sign shall not exceed 48 square feet in area and shall be so located that it will not interfere with the full view of traffic.

For advertisement of a home occupation or family business, such sign shall not exceed eight (8) square feet.

In a "RE" Recreational District, only one sign may be erected for each recreational activity. No sign shall exceed thirty-two (32) square feet in area or eight (8) feet in length.

In a Mobile Home Park District, only one sign may be erected for each Mobile Home Park. No sign shall exceed thirty-two (32) square feet in area or eight (8) feet in length.

- c. In any zone, one temporary real estate sign not exceeding six (6) square feet in area for each lot, parcel or tract under twenty-five thousand (25,000) square feet in area. Such sign may be increased in size, or additional signs permitted for each additional twenty-five thousand (25,000) square feet of property advertised. No single sign shall exceed 250 square feet in area, and in no event shall more than two such 250 square foot signs be permitted on one lot, parcel or tract advertised regardless of property area.
- d. Building contractors and professional persons temporary signs on buildings under construction shall be limited to a total area for all such signs to forty-eight (48) square feet.
- e. In any commercial or industrial district, a sign is permitted only where it advertises a business occupying the same lot or parcel of land upon which the sign is erected. Signs shall meet the building setback and height requirements, except for, and in addition to, the requirements provided below.
  1. In any commercial or industrial district a sign may be affixed flat against the wall of the building, or may project therefrom

not more than forty-two (42) inches. Signs projecting over public property shall be at least eleven (11) feet above the finished grade, or sidewalk. The total sign area shall not exceed two (2) square feet for each foot in length or height of the wall to which it is affixed. No such sign shall extend more than four (4) feet in height above the building wall to which it is affixed.

2. One identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed four-hundred (400) square feet in area, nor be closer to the front, side or rear property line, than one-half the distance of the required building set-back.
  3. One identification sign may be erected for each separate commercial enterprise situated on an individual lot and operated under separate ownership from any adjoining commercial enterprise. Such sign shall not exceed 80 square feet in area, nor be closer to the front, side or rear property line, than one-half the distance of the required building set-back.
- f. Outdoor advertising signs (Billboards) are permitted only in agricultural, commercial, and industrial zones under the following conditions:
1. Except as otherwise provided herein, signs and outdoor advertising structures are required to have the same setback as other principal structures or buildings in the zone in which they are erected.
  2. Where two or more outdoor advertising structures are located along the frontage of a single street or highway, they shall not be less than 500 feet apart, nor more than five per mile; a doubleface (back-to-back), or a V-type structure shall be considered as a single structure.
  3. The total surface area facing in the same direction of any outdoor advertising structure shall not exceed 500 square feet.
- g. No sign or outdoor advertising structure shall be erected at any location where by reason of the position, size, shape or color, it

may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead or confuse traffic.

- h. Signs of medical practitioners, commercial and industrial establishments and outdoor advertising structures may be illuminated; however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent highway, or into the path of oncoming vehicles, or onto any adjacent premises.
- i. In no event shall any sign, or outdoor advertising structure, have flashing, or intermittent lights, or be permitted to rotate or oscillate.
- j. Signs of a public or quasi-public nature noting special events of general interest such as a County Fair, public or general election, horseshow, etc. shall not exceed 80 square feet in area except by special exception. Such sign shall be removed within ten (10) days after the event.
- k. All signs and billboards of any kind or nature and all appurtenances thereto shall be kept in good repair and in proper state of preservation, with all display surfaces neatly painted or posted at all times.
- l. No person, firm or corporation shall erect, enlarge or locate any billboard or outdoor advertising sign within the Township without first obtaining a permit therefor from the Township Building Inspector or such other appropriate official, and paying the necessary permit fee.
- m. Applications or requests for permits to erect outdoor advertising signs and/or billboards shall be accompanied by a fee established by the Climax Township Board.
- n. All permits for advertising signs or billboards shall expire 3 years after issuance, subject to renewal for an additional 3-year period, provided the same comply with all Ordinance requirements and the necessary permit fee is again paid.
- o. All billboards and advertising signs existing on the effective date of this Ordinance must be made to comply with said Ordinance within 5 years from the effective date thereof or, in the alternative, must be removed.

- p. These regulations shall apply to both the owners of property on which any sign or billboard is located and to the owner of such sign or billboard and any violation shall subject either or both to the imposition of the fines and penalties set forth in the Township Zoning Ordinance.

### 9.3 - NONCONFORMING USES:

The following regulations shall control nonconforming uses in existence at the time of passage of this ordinance.

- a. If the cost of repair or replacement of a nonconforming use or structure, which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy, exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.
- b. Nonconforming uses or structures in existence at the time of passage of this ordinance shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.
- c. If the nonconforming use of any land or structure shall terminate its activity for a continuous period of time exceeding one year, such use shall not be re-established, and any future use of land and structure shall be in conformity with this ordinance.
- d. If a nonconforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming or less restrictive use.
- e. The lawful nonconforming use of land not involving substantial buildings, nonconforming advertising signs and structures which are not necessary to the permitted uses of substantial structures, and temporary, moveable or makeshift buildings, fences and other structures which are accessory to nonconforming uses not involving substantial buildings, shall be discontinued and the incidental structures removed within five years from the date of passage of this ordinance. All subsequent use of such land shall be in conformity with the provisions of this ordinance.

### 9.4 - ACCESSORY USES OR BUILDINGS/STRUCTURES:

Any use which complies with all of the following conditions may be operated as an Accessory Use:

- a. Is clearly incidental and customary to and commonly associated with the operation of the principal use.
- b. Is operated and maintained under the same ownership and on the same lot or contiguous lot to the principal use.
- c. Does not include structures or structural features inconsistent with principal use.
- d. Does not include residential occupancy.
- e. Accessory buildings shall be located only in the rear yard, except in the following circumstances:
  - (1) On lake lots in any zoning district accessory building(s) shall not be located in the rear yard, but may be located in the front yard.
  - (2) Up to two accessory buildings may be located in the side yard in the A-Agriculture, R-1 Single Family Residential and R-2 Single Family Residential Districts.
  - (3) Accessory buildings may also be located in the front yard or side yard in the A-Agriculture District; provided that accessory buildings in the front yard shall not be located directly in front of the dwelling or other principle building, as viewed from the street.
- f. No accessory building, other than farm buildings, 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.
- g. Fall-out shelters are permitted as accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any accessory use permitted in the district, subject to the district regulations on such use. Fall-out shelters constructed completely below the ground level, except for a vent not exceed 30" in height above ground level, may be contained within any yard area.



## 9.5 - HOME OCCUPATIONS AND FAMILY BUSINESSES:

### 9.5.1 - HOME OCCUPATIONS:

Any home occupation may be operated only if it complies with all of the following conditions and limitations:

- a. Is operated in its entirety within a single family dwelling and only by the person or persons residing therein.
- b. Does not have any employees, or regular assistants not residing in the dwelling; except for offices of doctors, dentists or other similar practitioners.
- c. That the dwelling does not have any exterior evidence, other than a permitted sign, to indicate that the building is being utilized for any purpose other than that of a dwelling.
- d. That the occupation conducted therein is clearly incidental and secondary to the residential use of the building.
- e. That no goods, or services are sold which are not produced by the immediate members of the family therein.
- f. Restaurants, taverns, gasoline stations, appliance sales, automobile service, automobile repair, and automotive body facilities shall not be considered home occupations.
- g. Noise or other objectionable characteristic incident thereto shall not be discernible beyond the boundaries of the lot.
- h. Does not utilize more than three hundred (300) square feet in a single family dwelling.

### 9.5.2 - FAMILY BUSINESSES:

A family business may be operated where allowed, only if it complies with the following conditions and limitations:

- a. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
- b. No outdoor storage shall be allowed unless same cannot be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads and properties.

- c. The business shall be located on the same parcel with the family's residence and not further than 200 feet from the residence.
- d. In addition to those family members of a residence who reside on the parcel, no more than two other individuals may work on the premises in connection with the family business.
- e. The business shall not operate between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m.
- f. There shall be no expansion of the business facility without the further review and approval of the Planning Commission.
- g. The business shall not occupy an area larger than one and one-half times the living area of the residence.
- h. No services shall be sold or conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the business is conducted.
- i. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.
- j. The Planning Commission may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted, and may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

#### 9.6 - SCREENING:

Hereinafter every commercial or industrial use occupying land immediately adjacent to a residential district shall have a screening area separating the said commercial or industrial use from adjoining residential districts. The screen shall be 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 the screen shall not be less than five feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than, 3 feet in height.

## 9.7 - SETBACK FROM LAKES, PONDS, STREAMS, RIVERS:

Any building constructed on a lot abutting a lake, pond, stream, or river shall be set back at least 50 feet from the high-water line, except:

- a. Those buildings in existence at the time of passage of this ordinance.
- b. Where the majority of the property abutting said water line within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the setback of any building hereafter erected on said vacant lot shall not be required to be greater than, nor shall it be less than, the average setback of the improved properties.
- c. One story boat houses used exclusively for boating and bathing facilities may be constructed at the high-water shore line, but not over the water, however docks, together with temporary boat shelters which are dismantled during the winter months, may be constructed out into the lake beyond the said high-water shore line not more than 50 feet from said shore line.

In the event of a controversy concerning the location of the high-water shore line for the purposes herein set forth, the determination of the Board of Appeals established under the statute and this Ordinance, shall be conclusive on such question.

## 9.8 - SPECIAL EXCEPTIONS:

### 9.8.1 - SPECIAL EXCEPTION, EXPLANATION:

In order to make this ordinance flexible to meet the needs of changing trends in development and new technology, the Planning Commission is authorized to approve the establishment of special exception uses. In this way the ordinance does not become a rigid document that cannot be altered, but serves as a guideline upon which the Planning Commission may make enlightened judgments keeping development within the general philosophy of this ordinance. Land and structure uses not specifically mentioned in the foregoing text or possessing unique characteristics may be designated as special uses and, as such, may be authorized by the issuance of a special exception with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junk yards, are inherently so objectionable as to make extra regulations and controls advisable even in the zone to which they are permitted. Others, such as gasoline stations, taverns,

must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Special Exceptions are permitted in certain zones only if granted by the Planning Commission.

#### 9.8.2 - SPECIAL EXCEPTION, FILING REQUEST:

- a. Petitions for the grant of special exceptions shall be filed with the Climax Township Clerk on forms provided therefor. The petitioner shall submit plans and specifications or other data or explanatory material stating the methods by which he will comply with the conditions specified for each grant of special exception. At the time of filing his request for a grant of special exception, the petitioner shall pay to the Clerk the fee required to cover the cost of advertising and of sending notices and other miscellaneous expenses in connection with this petition.
- b. The Board shall review the application and after a public hearing shall grant or refuse the special exception, and notify the petitioner and building inspector and/or zoning enforcement officer.

#### 9.8.3 - SPECIAL EXCEPTION, GENERAL PROVISIONS:

In hearing a request for any special exception, the Planning Commission shall be governed by the following principles and conditions:

- a. The applicant for a special exception shall have the burden of proof, 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 Planning Commission.
- b. A special exception may be granted when the Planning Commission finds from the evidence produced at the hearing that:
  1. The proposed use does not affect adversely the General Plan for physical development of Climax Township as embodied in this ordinance and in any Master Plan or portion thereof adopted by Climax Township; and
  2. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood; and

3. The standards as may be set forth for a particular use for which a special exception may be granted, can and will be met by the applicant.

#### 9.8.4 - SPECIAL EXCEPTIONS, SPECIAL PROVISIONS:

The Planning Commission may, and is hereby empowered to, add to the specific provisions enumerated herein, others that it may deem necessary to protect adjacent properties, the general neighborhood, and the residents and workers therein.

#### 9.9 - LIGHT, VENTILATION, SANITATION, AND PROTECTION REQUIREMENTS:

- a. In every dwelling hereafter erected, moved and/or relocated, every room shall have at least one (1) window or windows equal to one-eighth of the superficial floor area of the room, opening upon a yard or court located on the same lot, and such window or windows shall be so located as to properly light and ventilate all portions of such rooms; this provision shall not, however, apply to rooms used as art galleries, swimming pools, gymnasiums, squash courts, recreation rooms, or for similar purposes, provided such rooms are adequately lighted and ventilated.
- b. Every structure hereafter erected for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities, except such as may temporarily be needed during construction on the premises.
- c. No structure the major portion of which consists of a cellar shall be occupied for living and/or sleeping purposes by human beings except a dwelling, and energy-saving earth sheltered home which meets the standards of the building code in effect in Climax Township and which contains at least one vertical exterior elevation not less than 7 1/2 feet in height by 20 feet wide.
- d. Every dwelling hereafter erected shall be placed upon a substantial foundation of mortar and stone, brick, concrete or other similar or like material; all joists shall be not less than eight (8) inches off the ground; all exterior walls shall be finished with butt-wood siding, wood shingles, asbestos-cement shingles or siding, stucco on metal lath, masonry veneer or other similar standard siding materials. No roll roofing material shall be used for exterior siding purposes; all wood exterior finish shall be painted or similarly protected; all roofs shall be finished with asphalt, asbestos, or wood shingles or other standard roofing material, or materials of a

permanent nature and construction; no tar paper or other similar materials shall be used as a permanent exterior roofing; all chimneys shall be of approved masonry or reinforced concrete, wholly supported on a substantial ground foundation, or of such other alternate type and construction as shall be approved by Fire Underwriters standards, and shall extend at least two feet above the highest point of the roof of the building on which they are constructed.

- e. The exterior of all new construction of buildings shall be completed within 18 months of the date of the commencement of such construction.
- f. The dwelling has a minimum width across any section of 20 feet and complies in all respects with the township building code, including minimum heights for habitable rooms. 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 in that event the less stringent federal or state standard or regulation shall apply.
- g. The dwelling shall be firmly attached to a solid foundation constructed on the site in accordance with the Township Building Code, not less in area than the area of the dwelling as measured around its perimeter. Such attachment shall also meet Township Building Codes.
- h. Any dwelling transported to a site is required to have any wheels, axles, towing hitches or other appurtenances used for towing, removed promptly upon placing the dwelling upon its foundation. Any space that may exist between the foundation and the ground floor of the dwelling, shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling.
- i. The dwelling shall be connected to a public sewer and water supply or to private water and sewer facilities which are required to meet the Kalamazoo County Health Department's approval.
- j. The dwelling must contain storage area either in a basement located under said dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site, of standard construction similar to or better quality than the principal dwelling, which space shall be in addition to space for automobiles and shall be equal to not less than 15% of the interior living area of the

dwelling, but in any case no more than 200 square feet shall be required.

- k. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Building Inspector 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 Building Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in the within definition of "dwelling" as well as the character of residential development 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 said area; or, where said area is not so developed, by the character of residential development 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.
- l. The dwelling must contain no additions of rooms or other areas which are not constructed with compatible materials and compatible quality of workmanship as in the original structure, including appropriate foundation and permanent attachment to the principal structure.
- m. 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 or otherwise specifically required in the ordinance of Climax Township pertaining to such parks.

9.10 - (DELETED 9-10-85)

9.11 - BUILDING PERMITS:

- a. Applications or requests for building permits shall be accompanied by a fee established by the Climax Township Board.

- b. A fee shall be charged for each 100 square feet, or a fraction thereof, of first floor space of all new construction projects and for all additions to existing buildings or structures exclusive of private garages and accessory buildings incident to the principal building or structure on the premises.
- c. A fee shall be charged for each 100 square feet, or fraction thereof, of the first floor space of all private garages and other accessory buildings incident to the principal building or structures on the premises.
- d. A fee shall be charged for each \$1,000.00 of estimated cost, or fraction thereof, of alterations, remodeling or repairs to existing buildings, or structures, and of new construction of pole-type buildings.
- e. A fee shall be charged for each 100 square feet, or fraction thereof, of first floor space of all buildings sought to be moved into or within the Township.
- f. No permit shall be required where the estimated cost of the work to be done is \$500.00 or less.
- g. A permit shall be secured and a fee paid on all signs sixteen square feet or over.

#### 9.12 - SITE PLAN REVIEW:

##### 9.12.1 - PURPOSE:

The intent of this ordinance is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish his objectives in the utilization of his land 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.

##### 9.12.2 - DEVELOPMENTS REQUIRING SITE PLAN REVIEW:

The Building Inspector shall not issue a building permit for the construction of the following buildings, structures or uses until a site plan has been reviewed and approved by the Planning Commission:

- a. Multiple-family buildings containing six (6) or more dwelling units.
- b. Mobile Home Parks.



- c. Office, commercial or industrial buildings with a total floor area greater than three thousand (3,000) square feet.

#### 9.12.3 - APPLICATION PROCEDURE:

A request for site plan review shall be made by filing with the Township Clerk the following:

- a. Fee: A review fee, the schedule of which shall be determined by the governing body, will be paid by the applicant to cover the cost of processing the site plan.
- b. Application: Three (3) copies of the application for site plan review shall be filled out completely and returned to the Clerk's office.
- c. Site Plan: Three (3) prints of the site plan shall be submitted to the Clerk's office. Each print shall contain the following data:
  - 1. It shall be of a scale not greater than one (1) inch equals twenty (20) feet nor smaller than one (1) inch equals two hundred (200) feet and of such accuracy that the Planning Commission can readily interpret the plan.
  - 2. It shall show an appropriate descriptive legend, north arrow, scale, etc.
  - 3. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
  - 4. It shall identify subject property by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property.
  - 5. It shall show the topography (at least two (2) foot contour intervals) natural features such as woodlots, streams, rivers, lakes, drains and similar features.
  - 6. It shall show existing manmade features on, and within one hundred (100) feet of, the site, such as buildings, structures, high tension towers, pipe lines, existing utilities such as water and sewer lines, etc., excavations, bridges, culverts, drains and easements and shall identify the existing uses and zoning of adjacent properties.
  - 7. It shall show the location, proposed finished floor and grade line elevations, size of proposed main and accessory

buildings, their relation to one another and to any existing structures on the site, the height of all buildings and square footage of floor space. Site plans for multiple-family residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.

8. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, and service parking and loading and unloading areas.
9. It shall show the proposed location, use, and size of open spaces and the location of any landscaping, screening, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
10. Any other information deemed necessary by the Planning Commission.

#### 9.12.4 - ACTION ON SITE PLAN:

The disposition of all site plans shall be the responsibility of the Planning Commission. The review procedure established by the township is as follows:

- a. The Township Clerk shall transmit the completed application to the chairman of the Planning Commission, who shall place it on the agenda of the Commission.
- b. The applicant will receive a written notice stating the date, time and place that his application will be reviewed.
- c. Approval or disapproval of the site plan shall be issued within sixty (60) days of receipt of the application. All provisions of applicable ordinances must be met and also any special conditions or requirements imposed by the Planning Commission must be incorporated into the plan before the issuance of a building permit.
- d. Site plan approval shall be valid for one (1) year from and after the date of approval.

#### 9.12.5 - CRITERIA OF SITE PLAN REVIEW:

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

- a. The proposed use will be compatible with the surrounding neighborhood development. The provision for fencing, walls, and/or landscaping may be required as a screening device to minimize adverse effects upon surrounding development.
- b. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- c. Any possible adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of that use and the occupants of adjacent properties.
- d. The proper development of roads, easements and public utilities has been provided to protect the general health, safety and welfare of the community.

#### 9.12.6 - CONFORMITY TO APPROVED SITE PLAN:

When an applicant receives site plan approval, he must develop the subject property in complete conformity with the approved plan except as may be modified by the Planning Commission. Approval of the site plan shall be valid for a period of one (1) year. No time extension to site plan approval will be granted. If a building permit has not been obtained and the on-site development actually begun within one (1) year of the date of approval, the site plan approval shall become void and the developer shall make a new application for approval before proceeding.

#### 9.12.7 - AMENDMENT TO SITE PLAN:

A proposed amendment or modification to a previously approved site plan shall be submitted for review in accordance with the procedures of this section and may be approved by the Planning Commission subject to its conformance with all applicable requirements of this ordinance.

#### 9.13 – MINIMUM LOT FRONTAGE AND PRIVATE ROADS IN A-AGRICULTURE DISTRICT

In the A-Agriculture District, only, a private road may be used to satisfy the minimum lot frontage requirement if the Zoning Administrator determines the

private road complies with all of the following, pursuant to a survey or sketch plan and such additional documentation as may be reasonably necessary to demonstrate such compliance:

- a. If the private road will serve one unplatted lot:
  1. The private road has a designated and reserved width of at least 33 feet for its entire length.
  2. The lot has at least 200 feet of frontage on the private road.
  3. The lot complies with the minimum lot area requirement (40,000 square feet), without including in the required minimum lot area the calculated square footage of the private road (width times length).
  4. The lot complies with the minimum lot width requirement at the building line.
  5. The private road has the following design and construction features for its entire length:
    - (a) A drive lane of at least 10 feet in width, located in approximately the center of the private road width, with an improved surface of concrete, asphalt pavement, or compacted gravel.
    - (b) A cleared shoulder of at least 3 feet in width on each side of the drive lane, with a surface as required above for the drive lane, or grass.
    - (c) A clear vertical height of at least 14 feet above the drive lane and shoulders maintained in such a manner as to facilitate access by emergency vehicles to the dwelling served by the private road.
- b. If the private road will serve two unplatted lots: (the preceding provisions of subsection a.1-5 are hereby incorporated by reference; except the private road has a designated and reserved width of at least 66 feet for its entire length, the drive lane minimum width is 16 feet, and the minimum shoulder width is at least 3 feet on each side).
- c. If the private road will serve three or more unplatted lots: (the preceding provisions of subsection a.1-5 are hereby incorporated by reference; except sub-part 5 shall not apply, and the private road

shall be designed and constructed in compliance with the design and construction specifications of the Kalamazoo County Road Commission for streets in plats, but not required to be dedicated to the public).

## SECTION TEN – TEXT AMENDMENT/REZONING PROCEDURES

### 10.1 - 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.

### 10.2 - 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.

#### 10.3 - 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.

#### SECTION ELEVEN - EFFECTIVE DATE OF ORDINANCE

This ordinance shall become effective the 21st day of November, A.D. 1966. [Amendments shall be effective per their applicable ordinance.]

#### SECTION TWELVE - REPEAL OF PRIOR ORDINANCES

The zoning ordinance adopted by the Climax Township Board on April 9, 1957 and all amendments thereof are hereby repealed effective coincident with the effective date of the adoption of this ordinance.



SECTION THIRTEEN – SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

<u>PRINCIPAL STRUCTURE</u>	<u>A</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>
MIN LOT FRONTAGE, LOT WIDTH (feet)							
Single Family	200	125	100	75	70	60	45
Two Family	200	150	---	100	80	70	---
Multiple Family	---	---	---	---	100	75	---
MIN LOT AREA PER DWELLING UNIT (sq feet)							
Single Family	40,000	20,000	15,000	8,000	8,000	8,000	4,050
Two-Family	40,000	15,000	---	5,000	5,000	5,000	---
Multiple Family	---	---	---	---	2,000	1,000	---
MAX BUILDING OR STRUCTURE HEIGHT (feet)	35	35	35	35	50	75	25
MAX BUILDING COVERAGE OF LOT (%)	10	15	20	25	30	35	30
MIN FLOOR AREA PER DWELLING UNIT (sq feet)							
Single Family	1,040	1,040	1,000	1,000	800	800	---
Two-Family	800	800	---	700	700	700	---
Multiple Family	---	---	---	---	600	500	---
MIN FRONT YARD SETBACK <sup>1/</sup> (feet)	50	40	35	35	30 <sup>/3</sup>	30 <sup>/3</sup>	35
MIN SIDE YARD <sup>2/</sup> (feet)	20	15	10	10	10 <sup>/4</sup>	10 <sup>/4</sup>	10
MIN REAR YARD (feet)	50	40	35	30	30 <sup>/5</sup>	30 <sup>/5</sup>	10
<u>ACCESSORY BUILDING</u>							
MIN BUILDING SETBACK (See Sec 9.4e)	---	---	---	---	---	---	---
MIN SIDE YARD <sup>2/</sup> (feet)	5	5	5	5	5	5	25
MIN REAR YARD (feet)	5	5	5	5	5	5	25
MAX BUILDING HEIGHT (feet)	30	20	20	20	20	20	20
MAX BUILDING COVERAGE (% of rear yard; or % of rear and side yards in the A-Agriculture and R-1 and R-2 Residential districts)	5	10	15	20	25	25	20

[FOOTNOTES FOR SECTION 13: A ZONE THROUGH R--6 (preceding page)]

- 1/ Where the majority of the frontage along one side of the street within 500 feet of a vacant lot has been built upon at the time of passage of this ordinance, any building hereafter erected on said vacant lot shall not be less than the average setback of the improved frontage.
- 2/ On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than  $\frac{2}{3}$  the front yard setback required for that district.
- 3/ Or equal the height of the building whichever is greater.
- 4/ Or  $\frac{1}{2}$  the height of the building whichever is greater.
- 5/ Or  $\frac{3}{4}$  the height of the building whichever is greater.

Where property is contiguous to an existing County Primary Road, State Trunkline, Expressway or officially proposed County Collector or Major Street, State Trunkline or Expressway, the minimum front, side or rear yard contiguous thereto shall be increased in depth so as to permit a:

- (1) - 80' right-of-way for Collector Streets
- (2) - 100' right-of-way for Primary and Major Streets
- (3) - 120' right-of-way for State Trunklines
- (4) - 300' right-of-way for Expressways

- 6/ In odd-shaped or triangular-shaped lots where the minimum lot frontage required by this ordinance cannot be satisfied due to the shape of the lot, the length of the required frontage may be reduced to not less than one-half ( $\frac{1}{2}$ ) of the minimum frontage otherwise required, but in no event less than fifty (50) feet.
- 7/ See Section 9.13 for provisions for complying with minimum lot frontage requirement with private road in A—Agriculture District.

[Editorial Note: The following requirements were included in the Zoning Ordinance for the portion of the Schedule of Lot, Yard and Area

Requirements pertaining to the A through R-6 zoning districts. These provisions are intended to apply to residential projects involving multiple family buildings in the zoning districts where such multiple family residential projects are allowed.]

The minimum distance between multiple family buildings within a single project area shall be as follows:

1. Where buildings are front to front or front to rear; two (2) times the height of the taller building but not less than fifty (50) feet.
2. Where buildings are side to side, if there are no windows on the side walls; a distance equal to the height of the taller building but not less than twenty (20) feet.
3. Where buildings are front to side or rear to side, if there are no windows on the side walls, one and one-half (1-1/2) times the height of the taller building but not less than thirty (30) feet.
4. Where buildings are rear to rear and side to side with windows on the side walls; one and one-half (1-1/2) times the height of the taller building but not less than forty (40) feet.
5. When a roadway is located between two (2) buildings, the width of the roadway shall be in addition to the above minimum distance between buildings.

SECTION THIRTEEN – SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

<u>PRINCIPLE STRUCTURE</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>	<u>RE</u>
MIN LOT FRONTAGE, LOT WIDTH (FEET)	None	None	200	150	300	150	150	<sup>4/</sup>
MIN LOT AREA (sq feet)	None	None	40,000	20,000	200,000	50,000	50,000	
MAX BLDG OR STRUCTURE HEIGHT (feet)	35	35 <sup>3/</sup>	35 <sup>3/</sup>	35 <sup>3/</sup>	35 <sup>3/</sup>	35 <sup>3/</sup>	35 <sup>3/</sup>	
MAX BLDG COVERAGE OF LOT (%)	100	100	20	30	20	30	30	
MIN FRONT YARD SETBACK <sup>1/</sup> (feet)	10	10	50	50	100	50	50	
MIN SIDE YARD <sup>2/</sup> (feet)	None	None	25	25	50	25	25	
MIN REAR YARD	None	None	25	25	50	25	25	
<u>ACCESSORY BUILDINGS</u>								
MIN BLDG SETBACK (See Sec 9.4e)	---	---	---	---	---	---	---	
MIN SIDE YARD <sup>2/</sup> (feet)	None	None	25	10	25	15	15	
MIN REAR YARD (feet)	None	None	25	10	25	15	15	
MAX BLDG HEIGHT (feet)	15	15	15	15	15	15	15	
MAX COVERAGE (% of lot)	10	10	10	10	10	10	10	

[FOOTNOTES FOR SECTION 13: C-1 through RE]

- 1/ Where the majority of the frontage along one side of a street within 500 feet of a vacant lot has been built upon at the time of passage of this ordinance, any building hereafter erected on said vacant lot shall not be less than the average setback of the improved frontage.
- 2/ On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining the corner lot along the rear line, does not front on the side street of the corner lot, the side yard shall not be less than 2/3 the front yard setback required for that district.

The setback or yard area of any commercial or industrial use, or activity associated thereto, maintained on a parcel of land adjacent to a residential district shall be two times that required within the district as specified above, or a minimum of 25 feet whichever is greater; and said use or activity shall be effectively screened by compact evergreens, fence or wall, from any adjacent residential district.

Where property is contiguous to an existing County Primary Road, State Trunkline, Expressway or officially proposed County Collector or Major Street, State Trunkline or Expressway, the minimum front, side or rear yard contiguous thereto shall be increased in depth so as to permit a:

- (1) - 80' right-of-way for Collector Streets
  - (2) - 100' right-of-way for Primary and Major Streets
  - (3) - 120' right-of-way for State Trunklines
  - (4) - 300' right-of-way for Expressways
- 3/ Unless that portion of the building extending beyond 35 feet in height is setback from each lot line one additional foot, beyond the minimum requirement, for each foot in height above 35 feet.
  - 4/ For RE Lot, Yard and Area Requirements, see Section 8.16.

SECTION FOURTEEN - STANDARDS REQUIRED OF SPECIAL EXCEPTION  
USES

Special Exception uses shall comply with all of the standards as specified herein. The Planning Commission may add to the standards as provided where it is necessary to protect adjacent properties, the general neighborhood and the residents and workers therein.

<u>Special Exception Use</u>	<u>Minimum Required Standards*</u>
Animal hospital -----	2,4,5e
Asphalt & concrete ready-mix plant-----	2,4,5f
Automobile repair garage-----	2,4,5d,8
Bar, tavern & night club -----	2,4,5e
Bus or truck terminal-----	2,4,5e
Care home-----	3,5a
Cemetery-----	2,3,5a
Church -----	1,5b
Child Day Care Home (Group)-----	13
Club, private non-commercial -----	1,4,5b
Country butcher shop-----	3,5d,11,14
Drive-in theater -----	2,5f,9
Dump-----	2,5f
Earth removal and excavation commercial-----	2,5e
Gasoline service station-----	2,4,5d,7
Golf courses -----	2,3,5d
Gravel processing & quarrying -----	2,4,5e
Hospital-----	2,3,5c
Institutions, charitable, eleemosynary, philanthropic-----	1,3,5c
Junk yards, building material salvage yard -----	2,4,5f,9

Kennel, large-----	2,4,5e,11
Kennel, small-----	4,5e,11
Lagoons for sanitary sewage-----	10
Liquor, package sale-----	5d
Medical clinic-----	1,4,5a
Mobile home sales-----	2,4,5e
Offices & office buildings-----	2,4,5a
Private Airstrips-----	12
Public utility buildings & structures-----	1,4,5a
Quarrying-----	2,4,5e
Recreation, commercial; outdoors-----	2,4,5e
Riding stable; race track; commercial-----	2,4,5f
School, parochial and private-----	1,5b
Slaughter house-----	2,4,5f
Truck terminal-----	2,4,5e
Used car lot-----	2,4,5e,8
Volunteer or municipal fire station-----	2,4,5b

\*The minimum required standards enumerated below are referred to by the numbers following each special exception use.

1. The use shall have frontage on an existing or officially proposed road having a Primary or greater classification.
2. The use shall have frontage on an existing or officially proposed road having a Major or greater road classification.
3. The use shall have off street parking facilities to satisfy average parking needs.
4. The use shall have off street parking facilities to satisfy peak parking needs.

5. Buildings and activities shall not be closer than the specified number of feet to adjacent residences.
  - a - 25 feet
  - b - 50 feet
  - c - 100 feet
  - d - 200 feet
  - e - 500 feet
  - f - 1000 feet
6. Public utility buildings shall, whenever practicable, have a exterior appearance similar to those buildings in the immediate area. The public utility buildings and structures shall have suitable landscaping, screen planting and fencing whenever deemed necessary by the Planning Commission.
7. Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.
8. No major repairs or dismantling shall be permitted outside of a closed structure.
9. The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the Planning Commission and shall not be less than 6 feet in height.
10. The setback for Lagoons from street line shall be not less than one hundred sixty-five feet and not less than sixty feet from property lines, and shall be protected by adequate fence of not less than five feet in height.
11. Noise or similar objectionable characteristic incident thereto shall not be discernable beyond the boundaries of the lot or premises.
12. Private Airstrips, where allowed as a special exception use, shall be subject to the following standards:
  - a. No airstrip shall be located so that the centerline of such airstrip is within:
    1. 200 feet of the property line of the premises upon which the airstrip is located.



2. 200 feet of a public roadway, railroad track or dwelling house.
  3. 250 feet of any structure intended for the congregation of people.
- b. No airstrip shall be located so that the ends of such airstrip are within:
1. 250 feet of the property line of the premises upon which the airstrip is located.
  2. 300 feet of a public roadway.
  3. 340 feet of an interstate highway.
  4. 500 feet of a railroad track.
  5. 500 feet of any structure intended for the congregation of people.
  6. 500 feet of any dwelling house.
13. A Child Day Care Home (Group), where allowed as a special exception use, shall be subject to the following standards:
- a. It is located not closer than 1,500 feet to 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 has 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 maintains the property consistent with the visible characteristics of the neighborhood.
  - d. It does not exceed 16 hours of operation during a 24 hour period.
  - e. It meets all applicable sign regulations set forth in this ordinance.
14. A Country Butcher Shop, where allowed as a special exception use, shall be subject to the following standards:
- a. Slaughtering shall be limited to livestock and game brought to the premises by the owners of the livestock/game for processing and retail sale of the resulting meat products to them for their intended personal consumption.
  - b. The facility may offer off-site catering services involving meat products of the facility and/or livestock/game owned by the catering customer; such as, for example, a hog roast. The facility may also offer, only for retail sale to catering customers, complementary food and beverage products prepared on the premises for consumption at the off-site catered function (such as beans, potato salad, fruit salad, vegetables, iced tea/lemonade, etc.).
  - c. All work and activities in connection with the butcher shop facility shall be conducted solely within an enclosed building; except for the otherwise permissible catering services conducted off-site.
  - d. No outdoor storage shall be allowed in connection with the butcher shop facility, except for such items as cannot be reasonably stored within a building or structure. Any otherwise permissible outdoor storage area for such items shall be adequately screened to effectively block all view from adjoining roads and properties.