

COOPER CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN

120.000 ZONING ORDINANCE

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120.10

GENERAL PROVISIONS

120.11 Title.

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Cooper Charter Township."

120.12 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.

The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually-oriented businesses is to regulate the location and operation of, but not to exclude, sexually-oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually-oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, education, religious and other similar public and private uses. The regulation of sexually-oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually-oriented businesses and their products, or to deny sexually-oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually-oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law., The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually-oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

120.13 Resolution.

Be it ordained by the Cooper Charter Township Board pursuant to the provisions of the State of Michigan Act, as amended, that the Ordinance heretofore enacted as the Zoning Ordinance of Cooper Charter 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 Cooper Charter 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, buildings 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 Cooper Charter Township Zoning Ordinance adopted on November 25, 1947, 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 Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance.

120.14 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 Use: A use of a building, a lot, parcel or building site, or portion thereof, which is customarily incidental and subordinate to the primary use of the principal building or lot, parcel or building site.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A Commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified in paragraphs (1) and (2) above and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar restaurant, or similar commercial establishment that regularly features:

- (1) Persons who appear in a state of nudity;
- (2) Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
- (3) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

- (4) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Foster Care Facility: A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care as defined in Act No. 287 of the Public Acts of 1972, as amended.

Adult Motel: A hotel, motel or similar commercial establishment that:

- (1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the available of any of the above;
- (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified anatomical Areas or by Specified Sexual Activities.

Agricultural Service Business: A business engaged in providing services exclusively for the support of agricultural operations.

Animal: An organism, other than a human or plant, that is characterized into one of the following categories:

- (1) Domestic: This category includes those animals that have adapted well to human interaction, primarily excluding those utilized for production of food products. These would include those animals residing within the dwelling as pets, such as dogs, house cats, and certain types of other small domesticated animals (such as birds and reptiles), but generally excluding those listed in either the livestock or exotic categories. Such animals are deemed not to be a threat to humans, are nonpoisonous or not carriers of disease, are not likely to bite without provocation (or appropriately caged) and are in good health.
- (2) Livestock: This category includes those other domesticated animals that are kept and/or raised for use or pleasure. These would include, but are not limited to, cattle, swine, horses, sheep, goats, turkeys, chickens, and ducks.
- (3) Exotic: This category includes all other animals but can be further differentiated as either being native or non-native. In Michigan, native animals may include those found in the wild throughout the State or within some small areas. Some of these animals may be endangered or on a protected list (cannot be hunted), while others may be subject to game laws with duration of the hunting season limited by the State of Michigan Department of Natural Resources. Non-native would include those not found in Michigan. This category of animal may be regulated through a general Ordinance of the Township (NOTE: The State of Michigan has specific regulation for the importation of animals and may require an official interstate health certificate or a certificate of veterinary inspection issued by an accredited veterinarian from the state of origin).

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.

Aquifer: A glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

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.

Basement and Cellar: A basement is a portion of a building having part but not more than one-half of its height below grade. A cellar is a portion of a building having more than one-half of its height below the average grade of the adjacent ground. These definitions are not to be construed as including structures satisfying all Township building code specifications relating to residences.

Bed and Breakfast Inn: A private residence that offers overnight sleeping accommodations to guests on a temporary basis in the dwelling in which the innkeeper resides, including provisions for a morning meal for overnight guests only. The innkeeper is the real property owner and operator of the bed and breakfast.

Billboard: An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored or sold upon or from the premises upon which the same is located.

Building: A structure erected on-site, a mobile home or mobile home structure, a pre-manufactured or pre-cut structure, above or below ground, having one or more stories and a roof designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building, Accessory: A building subordinate to, and located on, the same lot or parcel with the principal building, the use of which is clearly incidental to that of the principal 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 principal building. An accessory building may be the principal building on an agricultural parcel or any parcel of ten (10) or more acres.

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 Integrated Photovoltaics (BIPV's): A Private or Commercial Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

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

Building Site: A portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, foot print), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have deeded access to a public or private street or road.

Building, Size: The measurement of the area (square footage) of a building shall be based upon the outside wall dimension. Where the roof line extends more than 1 foot from this line, or where the roof line extends with a wall support (carport, lean-to, porch, etc.), the measurement shall be from this roof eave to the ground below. (See Floor Area for residential dwellings)

Boardinghouse: A dwelling in which lodging or meals, or both, are furnished to three or more guests for compensation.

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.

Cemetery: One or a combination of more than one of the following:

- ◆ A burial ground for earth interment.
- ◆ A mausoleum for crypt entombments.
- ◆ A crematory for the cremation of human remains.
- ◆ A columbarium for the deposit of cremated remains.

Child Care Organization: A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training and supervision, notwithstanding that educational instruction may be given, and includes organizations described as child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or day care homes as those terms are defined in Act No. 116 of the Public Acts of 1973, as amended.

Commercial Solar Energy System: A Solar Energy System where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Common Elements: The portions of a condominium project other than the condominium units.

Compost, Agricultural: A fertilizer consisting of decayed organic matter utilized within an agricultural operation subject to the provisions of the Michigan Right-to-Farm Act and the Department of Agriculture's GAAMP's (Generally Accepted Agricultural and Management Practices).

Compost, Commercial and Industrial: A fertilizer consisting of decayed organic matter utilized within a non-agricultural operation, and excluding operations utilizing only residential waste for personal use on the same parcel in which it is generated.

Composting: A self-heating process carried on by bacteria and fungi that decompose organic matter in the presence of oxygen.

Condominium Project: A development plan or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

Condominium Unit: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.

Crematory: A building or structure within which the remains of deceased persons are or are intended to be cremated.

Direct Recharge Area: That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

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, parcel or building site areas, building heights and other requirements are established; all of the foregoing being identical for the district in which they apply.

Dog Kennel: Land and facilities upon which four or more dogs are boarded, including dogs owned by the owner or occupant of the premises.

Dwelling: A building, which is occupied on a permanent basis wholly as the home, residence, or sleeping place by one family and complying with the following standards:

- (1) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- (2) It 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.
- (3) It is firmly attached to a permanent foundation constructed on the site in accordance with the Township building code and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
- (4) It does not have exposed wheels, towing mechanism, undercarriage or chassis.
- (5) The dwelling is connected to a private sewer and water supply or to such private facilities approved by the local health department.

- (6) The dwelling contains storage area either in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 15% of the minimum square footage requirement of this Ordinance for the zone in which the dwelling is located. In no case, however, shall more than 200 square feet of storage area be required by this provision.
- (7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity with either a roof overhang 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 [containing] 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 Zoning 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 Zoning 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.
- (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar materials, and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.

- (9) The dwelling complies with all pertinent building and fire codes.
- (10) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

Dwelling, Multiple-Family: A building containing three or more dwelling units (an apartment house).

Dwelling, Semi-Detached: One of two buildings, arranged or designed as dwellings located on abutting lots, parcels or building sites, separated from each other by a party wall, without openings, extending from the basement floor to the highest point of the roof, along the dividing property line and separated from any other building or structure by space on all other sides.

Dwelling, Single-Family: A building containing not more than one dwelling unit.

Dwelling, Two-Family: A building containing not more than two separate dwelling units.

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 kitchen and/or cooking facilities.

Escort: means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Essential Services: The term "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, gas regulator stations and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities of municipal departments or commissions or for the public health or safety or general welfare.

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:

- (1) One or two persons with their direct lineal ascendants and descendants, including adopted or legally cared for children, together with not more than two unrelated persons, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.
- (2) Not more than four unrelated individuals living together in one house, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, with a demonstrable and recognizable bond characteristic of a cohesive unit.
- (3) Notwithstanding the foregoing, certain types of living arrangements and occupancies shall not be considered within the scope of this definition, including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, and also not including a group of individuals whose association is temporary, transitional, and resort-seasonal in character or nature.

Family Day Care Home: A private home, as defined in Act No. 116 of the Public Acts of 1973, as amended, in which one but less than seven minor children are received for care and supervision for periods of 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; it includes a home which gives care to an unrelated minor child for more than four weeks per year.

Farmer's Market: Buildings and activities associated with the sale of agricultural products not produced on the property (Subject to special exception use approval in the "RD" Recreation District).

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 basements, cellars, garages, accessory buildings, attics, breezeways and porches. For manufacturing, business or commercial activities, which in the case of the latter includes customer facilities, showcase facilities and sales facilities.

Frontage: The length of the front property line of the lot, parcel, building site abutting a public street, road or highway, to which property owner has deeded access.

Funeral Home: A place of business used in the case of preparation for burial or transportation of a dead human body.

Garage Sales: The exchange of used personal items for money which brings the public to the property and is conducted in a garage, accessory structure, or yard of a residentially zoned property for a period not to exceed three consecutive days and to occur no more than once every three months.

Gasoline Service Station: Building, lot, parcel or building site, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, antifreeze, tires, batteries and automobile accessories, and such services such as lubrication, washing, polishing and other minor servicing to motor vehicles.

General Common Elements: The common elements of a condominium project other than the limited common elements.

Ground Mounted Solar Energy System: A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

Groundwater Gradient: The slope (gradient) of the groundwater surface thereby defining the direction of groundwater movement.

Group Day Care Home: A private home, as defined in Act No. 116 of the Public Acts of 1973, as amended, in which more than six but not more than 12 minor children are given care and supervision for periods less than 24 hours a day, unattended by parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption; it includes a home which gives care for more than four weeks per year.

Hazardous Substance:

- ◆ Any substance that the Michigan Department of Natural Resources has demonstrated, on a case-by-case basis, poses an unacceptable risk to the public health, safety, or welfare, or the environment, having considered the fate of the material, dose-response, toxicity, or adverse impact on natural resources.
- ◆ Hazardous substance as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-520, 94 Stat. 2767.
- ◆ Hazardous waste as defined in part 111 of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994 as amended; MCL 324.1101 et seq.
- ◆ Petroleum as described in part 213 of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994 as amended; MCL 324.21301 et seq.

Height: The vertical distance measured from the average grade:

- (1) At the base of the building to the top of a flat roof.
- (2) At the base of the building to the mid-point of a sloped roof.
- (3) At the base of a structure to the highest point.

Home Occupation: Any occupation or activity carried out for gain and conducted on a lot, parcel or building site, as an accessory use in a residential dwelling unit, subject to the conditions and limitations set forth in Section 120.340 of this Ordinance.

Hospital: Any institution, including a sanitarium, 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 [and] in which provision is not made for cooking in any individual apartment, except for the management.

Intensive Livestock Operation: Intensive Livestock Operation shall be defined and categorized as follows:

Small Pastoral Livestock Operation. The raising and keeping of livestock or small animals in concentrations exceeding 300 animal units but not more than 999 animal units in an outside lot and/or pasture setting but without a covered manure storage facility meeting NRCS-FOTG specifications.*

Confined Intensive Livestock Operation. The raising and keeping of livestock or small animals in concentrations exceeding 999 animal units but not exceeding 2,500 animal units maintained within confined shelters and having a covered manure storage facility meeting NRCS-FOTG specifications.*

Large Confined Intensive Livestock Operation. The raising and keeping of livestock or small animals in concentrations exceeding 2500 animal units maintained within confined shelters and with a covered manure storage facility.*

* For purposes of these definitions of intensive livestock operation, as set forth above, the determination of the number of animal units and acreage available for the intensive livestock operation shall include all land owned, controlled or which the Applicant, his/her or its partners, shareholders, and those having an interest in a limited liability company, have any common interest.

Junk Yard: Any building, lot, parcel or building site, or portion thereof, 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.

Landfill: 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.

Limited Common Elements: The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.

Lot: A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered or otherwise designated, which has deeded frontage on a public or private street or road.

Lot, Corner: A corner lot shall have two front yards, with setbacks determined based upon primary or secondary road frontage.

Lot, Parcel or Building Site Area: The total horizontal area included within lot, parcel or building site property lines; where the front lot, parcel or building site property line is the centerline of a public street, the area shall not include that part which is in the public right-of-way.

Lot, Parcel or Building Site Coverage: That portion of a lot, parcel, or building site, expressed as a maximum percentage, that is occupied by buildings or structures. This coverage shall not include impervious surfaces four inches in height such as paved driveways and patios.

Lot, Parcel or Building Site Depth: The mean horizontal distance from the front street property line to the rear lot, parcel or building site property line.

Lot, Parcel or Building Site, Front of: The side or sides of an interior or through lot, parcel or building site which abuts a street; in a corner lot, parcel or building site, the side or sides abutting either street may be considered as the front property line, provided that the side selected as the front has the required minimum lot frontage.

Lot, Parcel or Building Site, Frontage: That portion of a lot, parcel or building site extending along the street line.

Lot, Parcel or Building Site, Interior: A lot, parcel or building site other than a corner lot, parcel or building site.

Lot, Parcel or Building Site Width: The mean horizontal distance between the side property lines as measured at right angles to the said sidelines of the lot, parcel or building site. Where said sidelines are not parallel, the width shall be the average horizontal distance between the sidelines.

Mobile Home: Mobile home means any vehicle or similar portable structure which was constructed with wheels so as to permit its being used as a duly licensable conveyance upon the public street, whether or not its wheels have been removed, and constructed to permit occupancy as a dwelling.

Motel: A group of attached or detached dwellings not more than thirty-five (35) feet in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges and tourist homes.

Nonconforming 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.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (1) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984 being section 752.362 of the Michigan Compiled Laws.
- (3) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.
- (4) Any display of an individual's genitals or anus, or of a female individual's breast, which occurs as part of the regular curriculum of an educational institution that is funded, chartered, or recognized by the State of Michigan.

Nursing Home: (See "Care Home")

Office Building: Rooms or buildings used for general office purposes.

Organic Matter or Material (Utilized in Composting): Biological material that may be applied to cropland as listed and/or regulated by the USDA, MDA and MDEQ.

Parcel: A continuous area, tract or acreage of land which has not been divided or subdivided (i.e., platted) pursuant to, and/or in accordance with the Land Division Act, Act No. 288 of the Public Acts of 1967, and as of thereafter amended.

Parent Parcel: A tract or acreage of land, which has not been divided or subdivided (i.e., platted) pursuant to, and/or in accordance with the Land Division Act, Act No. 288 of the Public Acts of 1967, and as of thereafter amended.

Parent Tract: A continuous tract, parcel(s) or acreage in the same ownership name, as of the enactment of the Land Division Act, Act No. 591 of the Public Acts of 1996, effective March 31, 1997.

Parking Space, Automobile: That area required for the parking or storage of one automobile including necessary aisle or driveway space providing access thereto.

Personal Service Business: A business devoted to the provision of services of a personal nature, primarily devoted to beauty, health or well-being. Personal service businesses are considered retail services offered for a fee, including fitness centers, spa treatments, nail salons, tattoo parlor or similar uses, but excluding those defined as a sexually oriented business.

Potable Water: Water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.

Principal Building: A building, which is primarily occupied or devoted to the principal use of the lot, parcel or building site, i.e., occupied by or devoted to accessory use.

Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Private Street or Road: A street or road which is and has not been dedicated for the public use and accepted by the Kalamazoo County Road Commission.

Property Line: The boundary line, whether it be front, side or rear, of a lot, parcel or building site.

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

Public Place: Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Recharge Pond/Lagoon: A natural or manmade recharge area or pond designed and maintained to recharge storm water, cooling water and/or treated water to the groundwater at a rate greater than that occurring naturally. (Please note that for certain discharges, a DNR discharge permit is required.)

Recreational Vehicle: A vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

Regulated Substances: Substances to be regulated, hereinafter referred to as Regulated Substances, are chemicals and mixtures of chemicals which are health hazards. Regulated substances include:

- ◆ [The] Those list of substances as defined and listed by the Michigan Occupation Safety and Health Administration, as regulated under Title III of the Superfund Amendments and Reauthorization Act (SARA) and as currently reported on MIOSHA safety data sheets.
- ◆ Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

Residential Contractor's Office: A general contractor or builder conducting business out of an enclosed structure, which does not require outdoor storage of equipment or vehicles.

Riding Stable: A commercial venture wherein horses are let for hire and/or where riding lessons are provided for a fee.

Roof or Building Mounted Solar Energy System: A Private or Commercial Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

Rural Service Enterprise: Small-scale service business activities that are primarily performed at the customers property, while supporting economic development within rural areas without substantial commercial impacts on the rural agricultural character.

Setback: The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the property lines of the lot, parcel or building site upon which the same is situated from adjacent buildings or structures or from public or private rights-of-way.

Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration;

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

Sexually-Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center.

Shopping Center: A group of five 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.

Shooting Ranges (club): A non-profit private club or organization designed and operated for sport shooting that is open only to its members and their guests.

Shooting Ranges (commercial): An indoor area designed and operated for indoor sport shooting, that may or may not be a private club or organization, but which is also open commercially to the general public.

Sign: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing which displays numerals, letters, words, trademarks or other representations 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.

Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any means.

Special Exception: The granting to a petitioner, by the Township 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 Section 120.420 of this Ordinance.

Special Exception Uses: Uses of land and/or buildings, because of their particular nature and due to certain circumstances are designed as special exceptions and may be permitted within those districts as specified in Section 120.420 of the Ordinance.

Specified Anatomical Areas are defined as:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities means and includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

State-Licensed Residential Facility: A structure constructed and used for residential purposes that is licensed as an adult foster care facility pursuant to Act No. 218 of the Public Acts of 1979, as amended, or as a child care organization pursuant to Act No. 116 of the Public Acts of 1973, as amended, and which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care.

Storage, Temporary: The use of containers, “PODs” or similar structures for temporary storage of personal residential items during relocation or renovation of a dwelling. Such containers shall not be used in agricultural or residential areas in place of customary accessory buildings (barns, sheds, etc.) but may be utilized for storage in the side or rear yard within commercial or industrial districts, subject to site plan review.

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: A public dedicated right-of-way other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access.

Street or Road: A "way" or thoroughfare used for, or intended to be used for, the transit of motor vehicles.

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.

Swimming Pool: "Swimming pool," as used herein, shall mean any artificially constructed area of man-made materials capable of containing water and of being used for swimming or bathing, having a depth of two or more feet at any point, or having a surface area exceeding 100 square feet.

Temporary Use or Structure: A use or structure that is not intended to be permanent in nature, based upon monthly or seasonal restrictions not exceeding six (6) months in duration.

Ten-Year Capture Area: The area around and upgradient from the public water supply well fields delineated by the ten-year travel time contour capture zone boundary.

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Tents: Tents, as used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Travel Time Contour: A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

Underground Storage Tank: Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of Regulated Substances and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground. Flow-through process tanks are excluded from the definition of underground storage tanks.

Underlying Zone: The present zoning as it exist under the overlay zone.

Use: The principal purpose for which a lot, parcel or building site, or the principal 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 Section 120.090.

Well Field: A tract of land that contains a number of wells for supplying water.

Wellhead Protection Overlay Zone: That area as outlined on the overlay zoning map as determined to be the well field capture zone by computation and in consideration of natural surface runoff boundaries.

Yard: Open space on the same lot, parcel or building site with a building or group of buildings, lying between the building and the nearest property 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, parcel or building site 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, parcel or building site between the rear line of the lot, parcel or building site 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 property line, the side property line or the proposed side property line, if such line falls within the lot, parcel or building site, front property line or rear property line, 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 property line or rear property 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.

Yard Barn: A mobile detached structure not permanently affixed to the ground, not exceeding 200 square feet nor 12 feet in total height and used primarily for the storage of yard, gardening tools and supplies incidental and customary to and commonly associated with a residential dwelling.

Zone: (See District)

Zone of Influence: A zone delineated by ISO-travel time contours around well fields. The zone calculated, based on the rate of movement of groundwaters in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

[Ord. No. 245, eff 11/26/2017]
[Ord. No. 248, eff 01/29/2019]
[Ord. No. 249, eff 01/29/2019]
[Ord. No. 255, eff 05/26/2020]
[Ord. No. 257, eff 02/25/2021]
[Ord. No. 258, eff 02/25/2021]
[Ord. No. 259, eff 04/27/2021]
[Ord. No. 262, eff 01/25/2022]

120.20 ADMINISTRATION AND ENFORCEMENT

A. Administration.

The Township Board shall appoint a Zoning Coordinator to administer Zoning Ordinance compliance and coordinate zoning approvals, as required. The Township Board shall appoint an Ordinance Enforcement Officer to enforce compliance with Zoning Ordinance, except as otherwise provided in this Ordinance.

B. Zoning Compliance Permit.

It shall be unlawful for any person to commence the erection or addition of any building or structure or to commence the erection or addition of any building or structure, or move any building or structure, and no construction or no land use shall be commenced until a zoning compliance permit has been secured from Cooper Charter Township. A zoning compliance permit shall be secured for every building or structure, permanent, temporary, principal or accessory, except those expressly exempted from this requirement. Except upon a written order of the Township Zoning Board of Appeals, no such zoning compliance permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

Each zoning compliance permit shall become null and void one (1) year following the issuance of said permit unless the provisions of the permit have been utilized or unless reapplication is made and approved by the Township Supervisor and/or the Zoning Coordinator.

1. Zoning compliance permit application and fees.

Application for a zoning compliance permit shall be filed in writing with the Township Supervisor and/or the Zoning Coordinator. Applications shall be signed by the person, firm, partnership or corporation requesting the same or by the duly authorized agent of such person, firm, partnership or corporation. In addition, fees as prescribed by the Township Fee Schedule, which may be amended periodically by the Township Board, shall be submitted. All applications for zoning compliance permits must include two (2) copies of a plot plan, giving accurate dimensions on a scaled drawing and shall contain the following information:

- a. Existing or intended use of the structures.
- b. Lines and dimensions of the lot, parcel or building site to be used.
- c. Location upon the lot, parcel or building site of all existing and proposed structures and streets.

- d. Evidence that all required federal, state and county licenses or permits (excepting building permits) have been acquired or that applications have been filed for same.
- e. Other information with respect to the proposed structure, use, lot, parcel or building site and adjoining property as may be required by the Township Supervisor and/or the Zoning Coordinator.

One copy of both plans and specifications shall be filed in and retained by the Cooper Charter Township office, and the other shall be given to the applicant when the Township Supervisor and/or the Zoning Coordinator has approved the application and issued the permit. In case of minor alterations, the Township Supervisor or the Zoning Coordinator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance. Any permit required by this Zoning Ordinance shall be displayed face out, within twenty-four (24) hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest street and shall be continuously so displayed until all work or the term for which issued or purpose for which issued is complete. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance and shall subject each person or persons or corporation for whose benefit the permit is required and the owner or owners of the premises involved to prosecution for such violation.

In addition, for Planned Developments as specified in this Ordinance, no zoning compliance permit shall be issued by the Township Supervisor and/or the Zoning Coordinator until the Final Development Plan is approved by the Planning Commission.

2. Preconstruction inspection.

After the issuance of a zoning compliance permit, and before any construction begins, the property owner shall be required to notify Cooper Charter Township. Upon such notification, a Cooper Charter Township designee shall make a pre-construction field inspection to determine that the provisions of the zoning compliance permit are being met. Cooper Charter Township shall have the authority to waive this provision where it is obviously not necessary to assure compliance with this Ordinance.

3. Exemptions.

The following are exempted from the zoning compliance permit requirements:

- a. Alterations and ordinary maintenance repairs made on any building or structure that does not affect the external dimensions of the structure.
- b. Children's play structures and ornamental garden structures that are less than 10 feet in height and less than 100 square feet in area.
- c. Any alterations or structural changes which require a building permit.

120.30 AMENDMENTS TO ZONING ORDINANCE

Amendments or supplements to the Zoning Ordinance may be made from time to time in accordance with state statute and as provided in the Ordinance except that the public hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner.

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts may be amended, supplemented or changed by Ordinance of the Township Board.

Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by application for rezoning as provided for by this Ordinance.

120.31 AMENDMENT TO BOUNDARIES OF ZONING DISTRICT

If property is proposed for rezoning, the Township Planning Commission shall conduct a public hearing and comply with the notice requirements under Act No. 110 of the Public Acts of 2006, as may be amended. In addition to the notice of public hearing to be published in a newspaper of general circulation in the Township, it shall also give a notice thereof to the owner of the subject property, to all persons to whom any real property within 300 feet of the subject property is assessed and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located within the zoning jurisdiction. Such notice shall be published not less than fifteen (15) days before the meeting and shall be delivered personally or delivered by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant’s name is not known, the term “occupant” may be used.

A. Procedure for an Amendment to Boundaries of a Zoning District.

1. Petition for change to boundaries of a zoning district.

Each petition by one or more persons for an amendment to the boundaries of a zoning district shall be submitted by application to Cooper Charter Township, on a standard form provided and shall be accompanied by the fee prescribed to cover administrative and publication costs.

Amendments to the boundaries of a zoning district may also be submitted for review upon motion of the Planning Commission.

2. Transmittal of application to Planning Commission.

The Zoning Administrator shall transmit a complete copy of said application to the Planning Commission and shall make arrangements with counsel to schedule public hearing.

3. Public Hearing for determination of recommendation by Township Planning Commission to the Township Board.

The Planning Commission shall consider each proposal for amendment in terms of its judgment on particular factors related to the individual proposal and in terms of the most likely effect on the Township's development in relation to any Township development plans, regulations or guidelines.

The public hearing shall be conducted in the following general manner:

- a. The applicant shall present evidence regarding the general character and substance of the proposed amendment, scale and scope of amendment and relationship of the amendment to the Township Master Plan and matters set forth in paragraph b. below.
 - b. The Township Zoning Coordinator, Engineer, Attorney and/or other person(s) designated by the Planning Commission shall present evidence with regard to the effect of said proposed amendment upon public health, safety and general welfare; the use of land in accordance with its character and adaptability; whether said proposed amendment is an improper use of land in accordance with its character and adaptability; whether said proposed amendment is an improper use of land, encourages overcrowding of population, adversely affects adequate light and air, would cause congestion on the public streets, or reduce hazards to life and property. This individual shall also present evidence concerning the effect of the proposed amendment upon sewer, water and transportation systems; education, recreation and other public facilities; the advantageous use of the land in question; the character of the land, surrounding area and zoning district involved, the peculiar suitability of the land for the uses allowed; and the general and appropriate trend and character of land, building and population development.
 - c. Any person present at the public hearing may ask questions of the Planning Commission or make comments regarding the proposed amendment, and such discussion shall be generally recorded in the minutes of the public hearing.
4. Following the public hearing, the Planning Commission shall conduct a meeting to deliberate the results of the public hearing and decide the course of action on the proposed amendment.

5. After deliberation on any proposal, the Planning Commission shall act by formal motion on the proposed amendment to either:
 - a. Recommend approval by the Township Board for the amendment, as requested; or
 - b. Recommend approval by the Township Board for the amendment, with modifications or additions; or
 - c. Recommend denial by the Township Board for the requested amendment.
 - d. Table action on the request for a period of not more than sixty (60) days from said public hearing to allow time to further study the request.

Note: The reasons for denying the request for amendment or for delaying the public hearing shall be specified in the formal motion of the Planning Commission.

6. Recommendation to Township Board (1st Reading)

The recommendation by the Planning Commission shall be brought before the Township Board, at the next regularly scheduled Board Meeting, as scheduling permits.

- a. Recommendations to Grant Rezoning.

The Township Board may do any of the following:

- i. If recommendation is accepted:

The Notice of Ordinance Submittal will be prepared and published, prior to the following Township Board Meeting for final approval of requested amendment.

- ii. Deny the rezoning:

No application for rezoning 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 Planning Commission to be valid.

- iii. If modifications, additions, deletions or rejection of the recommendation is made:

Township Board may refer recommendation for amendment, back to the Township Planning Commission for such changes.

- 7. Final Approval by Township Board (2nd and Final Reading)

At this meeting, Township Board will make a final determination and if adopted, Notice of Ordinance Adoption will be prepared for publication and posted within 15 days after adoption.

120.32 AMENDMENT TO ZONING ORDINANCE TEXT

A. Procedure for an Amendment to Zoning Ordinance Text

- 1. Petition or motion for an amendment to Zoning Ordinance Text.

Each petition by one or more persons for an amendment to the text of the Zoning Ordinance, shall be submitted by application to Cooper Charter Township, on a standard form provided and shall be accompanied by the fee prescribed to cover administrative and publication costs.

Amendment to the text of the Zoning Ordinance may also be submitted for review upon the motion of the Planning Commission.

- 2. Transmittal of application to Planning Commission.

Cooper Charter Township Zoning Administrator shall transmit a complete copy of said application to the Planning Commission for discussion at the next regularly scheduled meeting.

After the discussion of proposed text change, the Planning Commission will set a date for public hearing. Published notice shall be given as set forth in the proceeding section. No direct notice is provided to residents as there would exist no subject parcel.

- 3. Public Hearing for determination of recommendation by Township Planning Commission to the Township Board.

The Planning Commission shall consider each proposal for amendment in terms of its judgment on particular factors related to the individual proposal and in terms of the most likely effect on the Township's development in relation to any Township development plans, regulations or guidelines. The process for review and recommendation by the Planning Commission to the Township Board and for final action by the Township Board would follow the steps as set forth in the preceding section.

120.40 FILING FEES AND COST

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees specified on the fee schedule adopted by the Township Board, which may be amended from time to time.

The Township Board shall, upon the advice and recommendations of the Planning Commission, by resolution, enact a fee schedule making reasonable charges for the services involved, including cost of hearing and appeals.

120.50 ENFORCEMENT--VIOLATIONS AND PENALTIES

Buildings erected, altered, moved, razed or converted or any uses of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance.

The Township Enforcement Officer shall inspect each alleged violation and shall order correction, in writing to the violator, or by posting the premises, of all conditions found to be in violation of this Ordinance. A violation not corrected within a time period specified by the designated Township official, shall be prosecuted by judicial proceedings instituted at the direction of the Township Supervisor in accordance with the following paragraph of this section, or by action in Circuit Court seeking injunction.

Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine according to the following schedule:

First offense.....	\$ 75.00
Second offense within three years of first offense.....	150.00
Third offense within three-year period.....	325.00
Fourth offense within three-year period.....	500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance.

120.60 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of a building or land than existing easements, covenants or other agreements, the provisions of this Ordinance shall govern or control. Whenever the requirements of this Ordinance differ from the requirements of other lawfully adopted rules, regulations or Ordinances, the most restrictive, or that imposing the higher standards, shall govern.

120.70 RELIEF FROM PERSONAL RESPONSIBILITY

An official, officer or employee charged with the enforcement of this Ordinance, while acting for the Charter Township of Cooper, shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under provisions of the Zoning Ordinance shall be defended by the legal representative of the Township until the final termination of the proceedings. In no case shall a Township official or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted and any Township official, acting in good faith and without malice, shall be held harmless by the Township from liability for acts performed under any of the provisions of this Ordinance or by reason of any act or omission in the performance of his official duties in connection therewith.

120.80 VALIDITY

Should any action, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

120.90 ZONING BOARD OF APPEALS

A. Purpose.

In order that the objectives of this Ordinance may be fully and equitably achieved; that a means shall be provided for competent interpretation of this Ordinance; that adequate but controlled flexibility be provided in the application of this Ordinance; that the health, safety and welfare of the public be secured; and that justice be done, there is hereby established a Cooper Charter Township Zoning Board of Appeals.

B. Creation, Membership, Terms of Office:

1. The Township Board shall appoint a Township Zoning Board of Appeals to consist of five (5) members, the first of whom shall be a member of the Township Planning Commission, the second of whom shall be a member of the Township Board appointed by the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of Cooper Charter Township representative of the population distribution and various interests present in the Township.
2. The Township Board may appoint two alternates to the Zoning Board of Appeals, which alternate members may be called to serve as a regular member under the following circumstances:
 - a. In the absence of a regular member if the regular member is absent or will be unable to attend two or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days; or
 - b. For the purpose of making a decision in a case in which a regular member has abstained for reasons of conflict of interest.
3. Any other elected officer of the Township or any employee of the Township Board may not serve simultaneously as the third or remaining member of the Board of Appeals. No member of the Township Board may serve as Chairman of the Zoning Board of Appeals.
4. Members (regular and alternate) of the Zoning Board of Appeals are appointed for a three (3) year term and may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charge following a public hearing. Members representing the Planning Commission or Township Board shall only serve in such capacity during their appointed or elected terms to that Commission or Board.

C. Rules of Procedure.

1. All meetings of the Zoning Board of Appeals shall be open to the public and shall be held at the call of the Chairman and at such times as the Board may determine. A quorum of at least three regular members shall be present to conduct an official meeting. Alternate members may be added to conduct business but shall not be counted toward establishing the quorum.
2. The Board of Appeals shall act by motion of a member or by resolution. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, Zoning Coordinator or Township Ordinance Enforcement Officer, or to decide in favor of the applicant any matter upon which the Board of Appeals is required to pass under this Ordinance or to grant variances from the requirements of this Ordinance.
3. Records. Minutes shall be recorded of all proceedings, which shall contain evidence and data relevant to every case considered, together with the votes of the members and the final disposition of each case. The grounds of every such determination shall be stated. Such minutes shall accompany and can be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk. A copy of the decision shall be sent promptly to the applicant by the Zoning Coordinator or other designated official.
4. Secretary and counsel. The Zoning Board of Appeals shall designate one of its members as Secretary for the Zoning Board of Appeals and all records of the Board of Appeals' action shall be taken and recorded under his direction and filed with the Township Clerk. The Township Attorney shall act as legal counsel for the Board of Appeals and shall, upon request by the Board of Appeals, be present at designated meetings.

D. Appeals.

1. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the Township, County or State.

2. Hearings--When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the Zoning Coordinator or designated official, shall immediately place the said request for appeal upon the calendar for hearings and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal at least five (5) days prior to the date of the scheduled hearing, unless notice of hearing is waived by said parties.

All notices may be sent to addressee given in the last assessment roll. The Zoning Board of Appeals may recess such hearings from time to time; and if the time and place of the continued hearing be publicly announced at the adjournment, no further notice shall be required.

3. Decisions--The Zoning Board of Appeals shall return a decision upon each case within ninety (90) days after a request or appeal has been filed with the Board of Appeals unless additional time is agreed upon between the Zoning Board of Appeals and the applicant.
4. Representation--Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
5. Appeal to Zoning Board of Appeals – Sexually-Oriented Business.

If the Planning Commission denies a site plan, application for a Special Use Permit, or both, for a sexually-oriented business, the applicant shall be entitled to a prompt review by the Township Zoning Board of Appeals upon written request to the zoning administrator. The Zoning Board of Appeals shall convene a meeting within seven (7) business days of the zoning administrator's receipt of the applicants request for review of the Planning Commission decision. The Zoning Board of Appeals shall review the record of the proceedings conducted before the Planning Commission and determine whether: 1) the Planning Commission's decision was based upon competent, material and substantial evidence, and 2) the Plaintiff Commission's decision complies with the procedural requirements of the Zoning Ordinance and with Michigan and federal law. The Zoning Board of Appeals shall have all of the powers of the Planning Commission in reviewing the decision.

Within fifteen (15) days of the initial hearing on the applicant's request for review of the Planning Commission decision, the Zoning Board of Appeals shall issue a written decision either wholly or partially affirming, reversing, or modifying the Planning Commission's denial and stating the grounds thereof. Failure to issue a decision within said period shall result in the approval of the matter appealed. If the Zoning Board of Appeals affirms the Planning Commission's denial of a special use permit application to operate a sexually-oriented business, then, upon written request from the applicant to the zoning administrator, the Township shall within three (3) business days of its receipt of such written notice do the following:

- (a) File a petition in the County Circuit Court seeking a judicial determination with respect to the validity of such denial and, in connection therewith, file a motion for a preliminary and permanent injunction restraining the applicant from operating the sexually orientated business in violation of the Township Zoning Ordinance;
- (b) Request that the motion for a issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its motion for preliminary injunction and shall join in such request.

In the event that applicant does not waive notice and/or does not request an early hearing on the Township's motion for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Zoning Board of Appeals' denial of a special use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special use permit application or site plan automatically approved if, within five (5) business days or the filing of Township's petition, a show-cause hearing has not been scheduled.

E. Duties and Powers of the Zoning Board of Appeals.

The Zoning Board of Appeals shall have the following specified duties and powers:

1. Review--Shall hear and decide appeals from and review any order, requirement, decision or determination made by the Building Inspector, Ordinance Enforcement Officer or Zoning Coordinator in the administration of this Ordinance.
2. Interpretation--Shall hear and decide appeals for the interpretation of the provisions of this Ordinance.
3. Variances--Shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height regulations, yard width and depth regulations, and such other matters as may be delegated by the provisions of this Ordinance.

It shall be found by the Zoning Board of Appeals that any variance granted:

- a. Will not be contrary to the public interest or to the spirit and intent of this Ordinance;
- b. Shall not permit the establishment within a zoning district of any use, which is not permitted within that district;
- c. Will not cause adverse effect to property in the vicinity or in the zoning district or the Township;
- d. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable;

- e. Relates only to property in which the applicant has an ownership interest.
 - f. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
4. Other Rules--In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
- a. In granting a variance, the Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
 - b. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) 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 of Appeals to be valid.
 - c. Each variance granted, except those for lot area or lot width associated with a land division application, shall become null and void unless the provisions of the variance have been utilized by the applicant in obtaining a building permit within one (1) year after the granting of the variance.

120.100 ZONING DISTRICTS

For the purposes of this Ordinance, Cooper Charter Township is hereby divided into the following zoning districts:

“A”	Agricultural District	120.110
“R-1”	Rural Residential District	120.120
“R-2”	Residence District-Single Family	120.130
“R-3”	Residence District-Single and Two Family	120.140
“OSPD”	Open Space Preservation Development District	120.149
“R-4”	Residence District-Medium Density Multi-Family	120.150
“R-5”	Residence District-High Density Multi-Family	120.160
“R-6”	Residence District-Mobile Home Park	120.170
“RD”	Recreation District	120.180
“CBD”	Cooper Business District	120.190
“C-1”	Commercial-Local District	120.200
“C-2”	Commercial-General District	120.210
“C-3”	Commercial-Shopping Center District	120.220
“I-1”	Industrial-Restricted District	120.230
“I-2”	Industrial-Manufacturing and Service District	120.240
“I-3”	Industrial-Heavy District	120.250

120.110 "A" Agricultural District.

A. 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 uses which are compatible with agricultural operations and would not be detrimental to rural character.

B. Permitted Uses:

1. Any farm or agricultural activities including greenhouses, stock nurseries, and the raising of livestock, subject to the State of Michigan GAAMP's (Generally Accepted Agricultural Management Practices).
2. The sale of farm or dairy produce, which has been raised on the farm from which it is to be sold.
3. Composting, Agricultural (On-Site Source and On-Site Use).
4. Agricultural service business in conformance with Section 120.380.
5. Rural service enterprise in conformance with Section 120.380.
6. 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:

- a. 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.
 - b. 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 1440 square feet of habitable floor area for two dwelling units.
 - c. There shall be a minimum habitable floor area of 720 square feet for each separate dwelling unit within any single-family structure which has been converted to house two families.
 - d. 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.
7. Home occupations when in accordance with Section 120.340.
 8. Signs when in accordance with the provisions of Section 120.320.
 9. Accessory uses or buildings, when in accordance with the provisions of Section 120.410.
 10. Essential services.
 11. State licensed residential facility, which provides resident services for six (6) or less persons under 24-hour supervision or care.
 12. A family day care home licensed or registered pursuant to Act No. 116 of the Public Acts of 1973, as amended, where (1) it is conducted in the bona fide private residence of the operator of the family day care home; and (2) it is conducted in accord with the requirements of Act No. 116 of the Public Acts of 1973, as amended, and the rules promulgated pursuant to said Act.
 13. Private Solar Energy Systems when in accordance with Section 120.470.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Churches (2, 5b), cemeteries (2, 3, 5a) excluding crematories, and public and private schools (2, 5b).
2. Charitable and philanthropic institutions (1, 4, 5c).
3. Private clubs, fraternities, lodges, excepting those the chief activity of which is a service customarily carried on as a business (1, 4, 5b), subject to the following conditions and limitations:
 - a. No goods may be sold on the premises except for incidental transfers between members.
 - b. No activities may be conducted upon the premises which would constitute a nuisance to adjoining residences by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of a heavy volume of vehicular traffic to the premises. Noise, smoke, odor, electrical disturbances or night lighting shall not be discernible beyond the boundaries of the property upon which the private club is located.
 - c. Adequate off-street parking must be provided to insure sufficient parking space to meet the reasonably foreseeable demands upon the private club facilities.
 - d. All buildings constructed as part of the private club facilities must be of a design which will be compatible with the buildings in the adjoining neighborhood.
4. Public utility buildings and structures necessary for the service of the community (1, 4, 5a, 9), except that:
 - a. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - b. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities or activities which generate electronic interference are prohibited.

5. Riding stables (2, 4, 5f) under the following conditions:
 - a. The minimum lot, parcel or building site area for any one riding stable shall comprise at least forty (40) acres.
 - b. The use shall have frontage on an existing or officially proposed public road.
 - c. The use shall have off-street parking facilities to satisfy peak parking needs.
 - d. Buildings shall have a front line setback of 100 feet and a side and rear line setback of 300 feet where the lot, parcel or building site on which the building is located is adjacent to any residential property.
 - e. A minimum of at least one and one-half acres for each horse.
6. Mining, excavation and/or removal, by transporting same off the premises, of earth or any earth minerals (including gravel) exceeding 250 cubic yards in amount, when such removal is not incident to the construction of buildings or structures on said premises and temporary on-site processing of such earth or earth minerals. The following provisions are applicable to such a use:
 - a. Submission of Operational and Reclamation Plans:
 - (1) When making application for a Special Exception Use Permit, the applicant must submit a detailed plan of operation and a plan for reclamation of the premises for which the permit is sought. The plan of operation must disclose compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

- (a) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property including all structures within 250 feet of the property line.
- (b) The number of acres and the location of the same proposed to be a part of the mining operation, including all areas required for setbacks and berms. A phasing plan showing the total number of acres and those to be operated upon within the following 12-month period after commencement of operations.
- (c) The type of mining or processing proposed to be conducted and the nature or type of equipment to be used and the number of each type of equipment which is to be used.
- (d) The location of the processing equipment and the distance of any proposed excavation or mining from the boundaries of the site.
- (e) The type of soil around the perimeter of the site as shown by soil boring tests in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, disclosing conditions satisfactory for lateral support of adjacent premises; or in lieu thereof, the written consent of the owners of adjoining premises to mining operations closer than specified in the within Ordinance to the boundaries of the site.
- (f) Cross-section drawings showing depth of excavation in the area of operation for a 12-month period.

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

b. Duration:

A Special Exception Use Permit granted under this provision shall be for one (1) year in duration and the same is renewable upon reapplication and compliance with the applicable special exception use provisions of the Township's Zoning Ordinance.

c. Depth of Excavation:

When considering an application for a Special Exception Use Permit, the Planning Commission shall give particular consideration to the depth of excavation and the feasibility of reclaiming the area if deep or dangerous excavations are contemplated. In this regard, the Planning Commission may condition the Special Exception Use Permit by placing limits upon the depth of excavation so that after reclamation the topography of the area in question will be harmonious with that of surrounding properties.

d. Conditions and Limitations:

The proposed use shall be subject to the following further conditions and limitations:

(1) Location:

- (a) All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- (b) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation business shall be permitted closer than 150 feet to interior boundary lines of the property; provided, however, that such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support as above set forth is at all times maintained.
- (c) No such operations shall be permitted within 150 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

- (d) When considering an application for a Special Exception Use Permit, the Planning Commission shall give particular attention to on-site processing proposed. No "permanent" on-site processing (i.e., facilities that are not readily transportable at all times) may be conducted at the site. The temporary processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall not be located closer than 500 feet from any residential zoning district ("R-1" through "R-6" Districts) or any abutting residential dwelling. This temporary processing plant, where practicable, shall be located at a lower level than the surrounding terrain to lessen visual and noise impact. The height of the berms may be increased to up to ten (10) feet to assist in minimizing such negative impacts on adjoining properties. The foregoing shall not apply to the digging or excavating apparatus nor the stockpiling or loading and transportation equipment. The Planning Commission may further condition, limit or prohibit the on-site processing so as to limit interference and make the proposed use compatible with adjacent land uses.
- (e) No such operations shall be located within 100 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other State Commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

(2) Sight Barriers and Fencing:

(a) In order to minimize any adverse effects of the proposed use on neighboring properties and the general public, the Planning Commission may require that sight barriers [be] provided along all or any portions of the boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers must be approved by the Planning Commission and shall consist of one or more of the following:

- i. Earth berms constructed to a height of six feet above the mean elevation of the center line of the adjacent public highway or six feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees or shrubs. The Planning Commission may require that such berms include mature landscaping, with a total height of the berm and landscaping no less than ten feet, where visual or noise impacts are of greatest severity.
- ii. Plantings of evergreen trees or shrubbery in three staggered rows parallel to the boundaries of the property, which shall be at least two-year transplants at the time of planting and which grow to not less than six feet in height at maturity and sufficiently spaced to provide effective sight barriers when six feet in height. Trees which die must be replaced.

- iii. Upon approval of the Planning Commission, such other forms of sight barriers as would adequately screen the site.
 - (b) All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeters thereof and maintained to prevent injury to children and others, and such areas shall be eliminated as expeditiously as possible.
- (3) Nuisance Abatement:
 - (a) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a manner as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment. The applicant shall provide a noise study, identifying base readings prior to operation and proposed noise levels from such operation.
 - (b) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance. The applicant shall provide an air quality study, identifying the type and intensity of particulate matter proposed to be released into the air during mining operations.

- (c) Hours and/or days of operation may be restricted by the Planning Commission as is deemed necessary to minimize the adverse effects of the use upon neighboring properties and the general public. Such hours shall be posted at the site and management shall direct users to not arrive at the site prior to the commencement of such hours.
 - (d) Lighting shall be permitted for safety or security purposes provided that it in no way creates a nuisance onto adjoining properties.
- (4) Reclamation of Mined Areas:
- (a) A complete reclamation plan shall be submitted, indicating both the proposed use and final condition of the site following the termination of all mining activity. If the mining operation is done in phases, reclamation plans for each phase shall be provided. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
 - (b) The following standards shall control reclamation and rehabilitation:

- i. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:
 - ◆ That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,
 - ◆ That the surface of such area which is not permanently submerged is graded or backfilled as necessary to provide a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- ii. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal.

- iii. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are desired. Where used, top soil shall be applied to a minimum depth of 2 inches sufficient to support vegetation.
- iv. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- v. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

- (c) Financial guarantees shall be furnished the Township insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than 1 vertical to 4 horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township or such other official as may be designated by the Township Board. Such financial guarantee may be in any one of the following forms: Cash, certified check, irrevocable bank letter of credit, or corporate surety bond of a licensed insurance company. In no event shall such financial guarantee be less than \$5,000 in amount.

(5) Hearing:

- (a) After receiving an application for the grant of a permit for an earth removal, quarrying, gravel processing, mining and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application, preceded by not less than 15 days' notice of the time, place and purpose of such hearing to each owner of property adjoining the proposed site as shown on the last tax roll of the Township, as corrected by known transfers since the preparation of the same, by First Class Mail, and such other notice as may be deemed appropriate by said Board.
- (b) Following such hearing, said Board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criterion set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:
 - i. The most advantageous use of the land, resources and property.
 - ii. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - iii. Conservation of property values, as well as natural resources, and the general and appropriate trend and character of development in the subject area.
 - iv. The protection and preservation of the general health, safety and welfare of the Township.

- v. The quality (scarcity or value) and quantity of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
- vi. Whether a Special Exception Use Permit for mining, excavation and/or removal for the site had been issued to the applicant previously and, if so, the applicant's history of compliance with the conditions and limitations of same.
- vii. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area.

(6) Liability Insurance:

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists in the amount of not less than \$300,000.00 for each person or property injured or damaged and not less than \$1,000,000.00 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. Such policy shall be filed with the Township Clerk.

(7) Variances:

The Zoning Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where peculiar circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be affected.

7. Dog kennels (4, 5e).
8. Public utility buildings, including gas and electric substations (1, 4, 5a, 9).
9. Private kennel club with buildings and facilities for meetings, obedience training classes, sale of miscellaneous equipment related to dogs and dog training, dog shows, and which facilities may be rented to others, subject to the following conditions and limitations:
 - a. Alcoholic beverages may not be sold or used on the premises.

- b. No activities may be conducted, other than those listed above, upon the premises which could constitute a nuisance to adjoining residences by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of a heavy volume of vehicular traffic to the premises. Noise, smoke, odor, electrical disturbances or night lighting shall not be discernible beyond the boundaries of the property upon which the kennel club is located.
 - c. Adequate off-street parking must be provided to ensure sufficient parking space to meet the reasonably foreseeable demands upon the kennel club facilities.
 - d. All buildings constructed as part of the kennel club facilities must be of a design which will be compatible with the buildings in the adjoining neighborhood.
10. An accessory building(s) may be constructed without the establishment of a principal building on a lot, parcel or building site subject to the following conditions and limitations: (See Sec. 120.120.C.11).
11. Duplexes under the following conditions:
- a. The dwelling shall not be located closer than 1000 feet from another such dwelling or group care home. The distance between such dwelling or group care home and another such dwelling or group care home shall be measured along the center line of the street or streets upon which they are located between projected straight lines at right angles to said center line from the nearest parts of each building to the other building.
 - b. The exterior of the dwelling shall have the appearance of a single-family dwelling.
 - c. There shall be a minimum of 720 square feet per dwelling unit.
12. Open space preservation development as set forth in Section 120.149 of this Ordinance and further subject to Section 120.420.

13. Shooting ranges (club) (2,11,12)
14. Bed and breakfast inn with the following conditions and limitations:
 - a. The use shall be in a single-family residence which exists prior to the adoption date of this ordinance.
 - b. The dwelling shall be the principal residence of the innkeeper.
 - c. The dwelling has six or fewer sleeping rooms for guests to rent, excluding the sleeping rooms occupied by the innkeeper.
 - d. All sleeping rooms must be within the existing single-family home. Exterior alterations to the residence to create additional accommodations is prohibited.
 - e. The use shall be permitted on property with a minimum of five acres.
 - f. No separate cooking facilities shall be provided for guests of the bed and breakfast operation.
 - g. All food shall be served on the premises and shall be for the consumption of the innkeeper and guests only.
 - h. The structure to house the bed and breakfast and any associated parking shall be at least 100 feet from any adjacent residentially zoned or used property. The Planning Commission may waive this requirement if the existing single-family dwelling cannot meet this distance requirement if a natural barrier of evergreen trees, deciduous trees, and shrubs exists or can be developed to provide an opaque screen between property lines that adequately buffers the bed and breakfast inn.
 - i. The property shall be located on a County primary or secondary roadway. The parking lot shall be located so that motor vehicles are not required to back into the County roadway.

- j. Parking lots
 - i. Shall include one space for every guest room available for rent in addition to one space for the innkeeper, which can be within an enclosed structure.
 - ii. Shall be screened from view from the roadway and adjacent properties to reduce impacts to the residential character of the area.
 - iii. Are not required to be asphalt or concrete but must be delineated to ensure the proper area is provided for the required number of spaces measuring 9 feet by 20 feet.
- k. Occupancy shall be of a temporary nature for periods not to exceed 14 consecutive days.
- l. One wall sign and one freestanding sign are permitted. No sign shall be illuminated or animated or exceed 16 square feet in area. The freestanding sign shall be no more than six feet in height and must be placed at least ten feet from any property line.
- m. Parties and/or events are prohibited.

D. Lot, Parcel or Building Site, Yard and Area Requirement:

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 249, eff 01/29/2019]

[Ord. No. 258, eff 02/25/2021]

[Ord. No. 262, eff 01/25/2022]

120.120 "R-1" Rural Residential District.

A. Description of District:

This district is composed of certain land in outlying areas presently of a rural residential character where agricultural activity is limited due to the type and quality of the soil and 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, the development is restricted to low density single-family residential use consistent with limited rural type activities facilities and services.

B. Permitted Uses:

1. Single-family dwellings and the accessory structures and uses normally auxiliary thereto.
2. Home occupations, when in accordance with Section 120.340.
3. Signs when in accordance with provisions of Section 120.320.
4. Accessory uses or buildings when in accordance with the provisions of Section 120.410.
5. Private Solar Energy Systems when in accordance with Section 120.470.
6. Reserved.
7. Essential services.
8. Reserved.
9. State licensed residential facility, which provides resident services for six (6) or less persons under 24-hour supervision or care.
10. A family day care home licensed or registered pursuant to Act No. 116 of the Public Acts of 1973, as amended where:

- ◆ It is conducted in the bona fide private residence of the operator of the family day care home; and

- ◆ It is conducted in accord with the requirements of Act No. 116 of the Public Acts of 1973, as amended, and the rules promulgated pursuant to said Act.

11. Accessory building, prior to the establishment of the principal building on the lot, parcel or building site, for the storage of residential construction materials and tools, subject to the following conditions:
 - a. The building permit for the principal building must be issued and the foundation for the principal building must be inspected and approved before the issuance of the permit for the accessory building.
 - b. Construction of the principal building must commence within 60 days after the permit for the accessory building is issued.
 - c. The accessory building and its uses are subject to the provisions of Section 120.410.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Adult foster care facilities (3, 5b).
2. Churches (2, 5b), cemeteries (2, 3, 5a) excluding crematories, and public and private schools (2, 5b).
3. Charitable and philanthropic institutions (1, 3, 5c).
4. Private clubs (1, 4 5b), fraternities and lodges in accordance with Section 120.110 C.3. (1, 4, 5b, 9).
5. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).
6. Reserved.
7. Duplexes under the following conditions:

- a. The dwelling shall not be located closer than 1000 feet from another such dwelling or group care home. The distance between such dwelling or group care home and another such dwelling or group care home shall be measured along the center line of the street or streets upon which they are located between projected straight lines at right angles to said center line from the nearest parts of each building to the other building.
 - b. The exterior of the dwelling shall have the appearance of a single-family dwelling.
 - c. There shall be a minimum of 720 square feet per dwelling unit.
8. Reserved.
9. Reserved.
10. Public utility buildings including gas and electric substations (1, 4, 5a, 9).
11. An accessory building(s) may be constructed without the establishment of the principal building on a lot, parcel, or building site subject to the following conditions and limitations:
- a. An accessory building and its uses are subject to the provisions of Section 120.410.
 - b. It is clearly an incidental use as set forth in Section 120.410 of the Ordinance.
 - c. Minimum lot, parcel or building site is 2.5 acres or more of unplatted property.
 - d. An explanation of the proposed use of the structures shall accompany the Special Exception Use permit application including written acknowledgment that the use shall be an incidental use and not used for business or commercial activities.
 - e. A copy of the building plans shall be submitted with the Special Exception Use permit application.

- f. A site plan in compliance with Section 120.430 shall be submitted in addition to the special use permit application.
 - g. Any exterior lighting shall be subdued in character.
 - h. Driveway access must be approved by the Kalamazoo County Road Commission prior to construction.
 - i. There will be no other outdoor storage unless otherwise in full compliance with Township Ordinances.
- 12. Children's nurseries and licensed day care centers for more than six (6) persons (4, 5b).
 - 13. Open space preservation development as set forth in Section 120.149 of this Ordinance and further subject to Section 120.420 of this Ordinance.

D. Lot, Parcel of Building Site, Yard and Area Requirement:

Except as elsewhere herein specified, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

120.130 "R-2" Residence District--Single-Family.

A. Description of District:

This district is composed of certain land of a residential character where low-density single-family residential development has occurred or appears likely to occur. The regulations of 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 uses consistent with residential platting.

B. Permitted Uses:

1. Single-family dwellings and the accessory structures and uses normally auxiliary thereto.
2. Home occupations when in accordance with Section 120.340.
3. Signs when in accordance with the provisions of Section 120.320.
4. Private Solar Energy Systems when in accordance with Section 120.470.
5. Accessory uses or buildings when in accordance with the provisions of Section 120.410.
6. Essential services.
7. State licensed residential facility, which provides resident services for six (6) or less persons under 24-hour supervision or care.
8. A family day care home licensed or registered pursuant to Act No. 116 of the Public Acts of 1973, as amended, where:
 - ◆ It is conducted in the bona fide private residence of the operator of the family day care home; and
 - ◆ It is conducted in accord with the requirements of Act No. 116 of the Public Acts of 1973, as amended, and the rules promulgated pursuant to said act.

9. Accessory building, prior to the establishment of the principal building on the lot, parcel or building site, for the storage of residential construction materials and tools, subject to the following conditions:
 - a. The building permit for the principal building must be issued and the foundation for the principal building must be inspected and approved before the issuance of the permit for the accessory building.
 - b. Construction of the principal building must commence within 60 days after the permit for the accessory building is issued.
 - c. The accessory building and its uses are subject to the provisions of Section 120.410.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).
2. Churches (2, 5b).
3. An accessory building(s) may be constructed without the establishment of the principal building on a lot, parcel, or building site subject to the following conditions and limitations:
 - a. An accessory building and its use are subject to the provisions of Section 120.410.
 - b. It is clearly an incidental use as set forth in Section 120.410 of the Ordinance.
 - c. Minimum lot, parcel or building site is 2.5 acres or more of unplatted property.
 - d. An explanation of the proposed use of the structures shall accompany the Special Exception Use permit application including written acknowledgment that the use shall be an incidental use and not used for business or commercial activities.

- e. A copy of the building plans shall be submitted with the Special Exception Use permit application.
- f. A site plan in compliance with Section 120.430 shall be submitted in addition to the special use permit application.
- g. Any exterior lighting shall be subdued in character.
- h. Driveway access must be approved by the Kalamazoo County Road Commission prior to construction.
- i. There will be no other outdoor storage unless otherwise in full compliance with Township Ordinances.

D. Lot, Parcel or Building Site, Yard and Area Requirement:

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

120.140 "R-3" Residence District--Single- and Two-Family.

A. Description of District:

This district is composed of higher density single-and two-family residential areas in the Township 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 essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life.

B. Permitted Uses:

1. Single-family dwellings and accessory structures and uses normally auxiliary thereto.
2. Two-family dwellings, with the following condition:

The dwelling shall not be located closer than 1000 feet from another such dwelling or group care home. The distance between such dwelling or group care home and another such dwelling or group care home shall be measured along the center line of the street or streets upon which they are located between projected straight lines at right angles to said center line from the nearest parts of each building to the other building.
3. Home occupations when in accordance with Section 120.340.
4. Publicly owned and operated buildings and uses including community buildings.
5. Signs when in accordance with the provisions of Section 120.320.
6. Accessory uses or buildings when in accordance with provisions of Section 120.410.
7. Private Solar Energy Systems when in accordance with Section 120.470.
8. Reserved.
9. Essential services.
10. State licensed residential facility which provides resident services for six (6) or less persons under 24-hour supervision or care.

11. A family day care home licensed or registered pursuant to Act No. 116 of the Public Acts of 1973, as amended, where:
 - ◆ It is conducted in the bona fide private residence of the operator of the family day care home; and
 - ◆ It is conducted in accord with the requirements of Act No. 116 of the Public Acts of 1973, as amended, and the rules promulgated pursuant to said Act.

12. Accessory building, prior to the establishment of the principal building on the lot, parcel or building site, for the storage of residential construction materials and tools, subject to the following conditions:
 - a. The building permit for the principal building must be issued and the foundation for the principal building must be inspected and approved before the issuance of the permit for the accessory building.
 - b. Construction of the principal building must commence within 60 days after the permit for the accessory building is issued.
 - c. The accessory building and its uses are subject to the provisions of Section 120.410.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Reserved.
2. Private clubs, fraternities and lodges in accordance with Section 120.110 C. 3. (1, 4, 5b).
3. Churches (2, 5b), cemeteries (2, 3, 5a) excluding crematories, and public and private schools (2, 5b).
4. Eleemosynary, charitable and philanthropic institutions (1, 3, 5c).
5. Adult foster care facilities (3, 5b).

6. Reserved.
7. Hospital and medical clinics (2, 3, 5c) excluding veterinary hospitals (4, 5e).
8. Carehomes (3, 5a).
9. Public utility buildings and structures in accordance with Section 120.110 C.4., subparagraph 4. (1, 4, 5a, 9).
10. An accessory building(s) may be constructed without the establishment of the principal building on a lot, parcel, or building site subject to the following conditions and limitations:
 - a. An accessory building and its use are subject to the provisions of Section 120.410.
 - b. It is clearly an incidental use as set forth in Section 120.410 of the Ordinance.
 - c. Minimum lot, parcel or building site is 2.5 acres or more of unplatted property.
 - d. An explanation of the proposed use of the structures shall accompany the Special Exception Use permit application including written acknowledgment that the use shall be an incidental use and not used for business or commercial activities.
 - e. A copy of the building plans shall be submitted with the Special Exception Use permit application.
 - f. A site plan in compliance with Section 120.430 shall be submitted in addition to the special use permit application.
 - g. Any exterior lighting shall be subdued in character.
 - h. Driveway access must be approved by the Kalamazoo County Road Commission prior to construction.
 - i. There will be no other outdoor storage unless otherwise in full compliance with Township Ordinances.
12. Children's nurseries and licensed day care centers for more than six (6) persons (4, 5b).

13. Open space preservation development as set forth in Section 120.149 of this Ordinance and further subject to Section 120.420 of this Ordinance.

D. Lot, Parcel or Building Site, Yard and Area Requirements.

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

120.149 “OSPD” Open Space Preservation Development District.

A. Description.

This district is designed to permit Open Space Preservation development in compliance with Section 16(h) of Act No. 177 of the Public Acts of 2001, commonly referred to as the Open Space Preservation Act. The Act requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided that fifty percent (50%) or more of the land is preserved in permanent open space. Development under the Open Space Preservation option will be comprised of both a residential clustering development and an open space preservation district. These regulations are intended to facilitate design flexibility while also insuring open space preservation. Land zoned for residential development in the “A,” “R-1,” “R-2” and “R-3” zoning districts, as qualified below, may be developed under the Open Space Preservation option, subject to the conditions and restrictions set forth in this section.

B. Open Space Preservation Applicability.

A landowner may apply for an Open Space Preservation development, if all of the following criteria are met:

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

Nothing in this Ordinance is intended to preclude application of any and all other existing Ordinances to land developed pursuant to this section, including, but not limited to, Land Division Ordinance (Section 111) and the Site Condominium Ordinance (Section 113), and any rules relating to suitability of groundwater for on-site water supply or rules relating to suitability of soils for land not served by public sewers.

C. Special Exception.

1. Land developed under the Open Space Preservation option must receive a special exception, pursuant to Section 120.420. All requirements of Section 120.420 apply to development under the Open Space Preservation option. In addition to the special exception criteria listed in Sections 120.420 D and E, the following standards are to be considered when reviewing a request for an Open Space Preservation development:

Special Exception Use Review Criteria and Standards.

- a. Preservation of significant natural features.
- b. Protection and preservation of all floodplains, wetlands and steep slopes from clearing, grading, filling.
- c. Preservation and maintenance of existing treelines, to serve as buffers.
- d. Minimization of impacts on large woodlands (5 acres or greater), especially those containing mature trees or significant wildlife habitat.
- e. Minimization of development of open fields or pastures.
- f. Preservation of existing vistas, especially those seen from public roads.
- g. Location of development so that it is buffered from view of public roads by landscaping screens.
- h. Avoidance of siting new construction on prominent hilltops or ridges.

- i. Preservation of historic, archeological or cultural sites.
 - j. Inclusion of pedestrian system to insure safe pedestrian access within the open space preservation area, as well as between properties.
 - k. Provision of open space that is reasonably contiguous and avoids fragmentation.
 - l. Preservation of significant agricultural lands.
 - m. Compatibility of the Open Space Preservation development with the adjacent land uses.
2. Special exception approval of an open space preservation development does not confer any additional development approvals. No special exception use within the underlying zoning district shall be allowed unless such use is processed separately as a special exception use subject to review and approval.

D. Permitted Uses- Residential Development.

All permitted residential uses within the underlying zoning districts.

E. Permitted Uses - Open Space Preservation Area.

The open space portion of an Open Space preservation development is to remain in a perpetually undeveloped state. An undeveloped state has been defined as "a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area; children's play area, greenway or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public.

The following uses are permitted in the open space preservation area:

1. Open space preservation area may be maintained in its natural state, to preserve natural resources, natural features, scenic or wooded conditions and provide open space for the adjoining residential development.

2. Natural or landscaped buffers.
3. Forests, wildlife reservations and conservation areas.
4. Passive or active recreation areas and facilities, excluding golf courses or commercial recreational facilities. Appropriate recreational facilities include recreational trails, picnic areas, children's play areas, greenways or linear parks.
 - a. Open space preservation area may be restricted to private use by residential development landowners only.
 - b. Open space area may be dedicated to a public agency for their use, as long as it is maintained as open space in perpetuity.
 - c. Structures for recreational facilities shall not be located closer than 100 feet from any abutting property line and shall be appropriately screened with landscaping and/or fencing.
5. Annual crop farming.
6. A golf course is a prohibited use for the open space preservation portion of a development. Likewise, any proposed use that increases the intensity of development on the proposed open space preservation portion of the development is prohibited.
7. Community drainfield site.

F. Open Space Preservation Area Standards.

When designing a development under the open space preservation provision, the following requirements must be met:

1. Required Open Space Preservation Area. No less than 50% of total land area, excluding unbuildable areas, shall be placed in open space preservation.
 - a. Phasing of Open Space Preservation Area. If a landowner proposes phasing of Open Space Preservation development, the landowner has the option of either:

- (1) Providing all required open space preservation area for the total development in Phase 1, or
 - (2) Providing 50% of each phase be dedicated to open space preservation area.
 - b. No portion of lots, parcels or building sites provided in the residential cluster portion of an Open Space Preservation development shall be counted towards required open space preservation area.
2. Location of Open Space Preservation Area. Open space preservation areas shall be contiguous and connected. Open Space preservation areas should exclude any unbuildable areas (i.e., floodplains, wetlands, slopes over 25%). Open Space Preservation areas should be designed to preserve and protect the following types of natural features:
- a. Streams, valleys and wetlands complexes, natural drainage swales and 100-year floodplains.
 - b. Aquifer recharge areas.
 - c. "Prime" and "of statewide importance" soils.
 - d. Moderate slopes (15%- 25%) and steep slopes (over 25%).
 - e. Healthy woodlands, groups of trees, large individual trees (15" in caliper and greater).
 - f. Significant natural areas of species listed as endangered, threatened or of special concern.
 - g. Historic structures, features and sites.
 - h. Visually prominent topographic features, such as knolls or hilltops, as well as scenic viewsheds as seen from public roads.

3. Character of Open Space Preservation Area.

- a. The open space preservation area shall generally not include parcels smaller than three acres. The open space preservation area shall generally not have a length-to-width ratio greater than 4:1, and shall not be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, trail links, pedestrian paths, linear parkways, buffer areas or unless they contain an isolated natural feature.
- b. The open space preservation area shall be contiguous and accessible to the largest practicable number of lots, parcels or building sites. Non adjoining lots, parcels or building sites shall be provided with safe and convenient pedestrian access.
- c. The open space preservation areas shall be interconnected to provide a continuous network of conservation areas within and adjoining the development.
- d. The open space preservation areas shall provide buffers to adjoining property, if feasible.
- e. The open space preservation area shall be undivided by public or private roads, except where necessary for proper traffic circulation.
- f. The open space preservation area shall retain existing natural cover and wooded areas to the maximum extent practicable, to protect natural resources. In those areas where retention is impractical, they shall be landscaped and landscaping plans shall be submitted with the site plan/subdivision plat. The use of native species shall predominate on the landscaping plans.
- g. The open space conservation area shall be consistent with the Township's Comprehensive Plan and its Recreation component.

G. Layout/Design of Open Space Preservation Development.

The site design for an Open Space Preservation Development shall incorporate both the required open space preservation and the clustered residential units. The design shall be as compatible as possible with adjoining land uses, while still meeting the requirements of both the underlying zoning districts and the special exception provisions.

1. Maximum density calculation. The density of each site is to be governed by the density of the underlying residential zoning district as contained in the Zoning Ordinance, as well as the density requirements of the Land Division Ordinance (Sec 111) and the Site Condominium Ordinance (Sec 113), as applicable. No additional density will be achieved by developing under the Open Space Preservation Ordinance.
2. Lot area requirements.
 - a. Land not served by public sewer system.

If land is not served by public sewers, and is zoned for residential development of 2 dwelling units per acre or less, the minimum area for each residential lot, parcel or building site to be located on the residential cluster portion of an open space preservation development shall be 11,000 square feet per dwelling unit, or larger, as required to meet regulations for on-site water supply and on-site sewage disposal.

- (1) Written verification from the County Health Department, approving both a primary and secondary drainfield for each lot, parcel or building site must be provided, prior to Special Exception approval. The lot, parcel or building site must be of sufficient size to support required primary and secondary drainfield locations.

b. Land served by community drainfields.

If a landowner chooses to use a community drainfield, and the land is zoned for residential development of 2 dwelling units per acre, or less, the minimum area for each residential lot, building site or parcel shall be 11,000 square feet per dwelling unit. The community drainfield system may be provided on the open space preservation portion of the development. The community drainfield system must be accessed by dedicated easements and must be maintained in perpetuity for the use of the development.

- (1) Written approval from the Kalamazoo County Health & Community Services Department for the community drainfield system is required, prior to Special Exception approval. The community drainfield system must be adequate to support the total number of permitted lots, building sites or parcels.

c. Land served by public sewer.

If land is served by a public sewer system and has a density of 3 dwelling units per acre or less, under the Zoning Ordinance, Land Division Ordinance or Site Condominium Ordinance, the Open Space Preservation development option will apply. In such an instance, residential developments developed under either the Land Division Ordinance or the Site Condominium Ordinance, where the land is served by public sewer, may calculate the density of their development pursuant to the standards contained in those Ordinances, as appropriate. If a proposed site condominium, land division or platted subdivision is served by public sewer, the minimum lot or building site size shall be 7,500 square feet per dwelling unit.

3. Yard requirements.

- a. For building sites, lots or parcels created under the Zoning Ordinance, Land Division Ordinance or the Site Condominium Ordinance that do not have public sewer and have a density of 2 dwelling units per acre or less, the following modification to the yard requirements in section 120.600 may apply:

- (1) Front yard setback may be reduced up to 30%, but in no event less than 35 feet.
 - (2) Side yard setbacks may be reduced up to 30%, but in no event less than 10 feet.
 - (3) Rear yard setbacks must be maintained at 15 feet.
 - b. For building sites, lots or parcels created under the Zoning Ordinance, Land Division Ordinance or the Site Condominium Ordinance that have public sewer, the following modification to the yard requirements in section 120.600 may apply:
 - (1) Front yard setback may be reduced up to 30%, but in no event less than 35 feet.
 - (2) Side yard setbacks may be reduced up to 30%, but in no event less than 8 feet.
 - (3) Rear yard setbacks must be maintained at 15 feet.
 - c. In no event shall any residential cluster unit be closer than 50 feet to an abutting property line or 100 feet to a public right of way.
 - d. In no event shall any structure on the open space preservation area be closer than 100 feet to any abutting property line.
 - e. All other structures shall meet the requirements specified in the underlying zoning district. Accessory structures are governed by Section 120.600.
4. Maximum Building Height. Building height shall be determined by underlying zoning district, in accordance with Section 120.600.

5. Minimum Lot Width.

- a. For building sites, lots or parcels created under the Zoning Ordinance, Land Division Ordinance or the Site Condominium Ordinance that do not have public sewer and have a density of 2 dwelling units per acre or less, the minimum lot width may be reduced up to 25%, but in no event less than 100 feet.
- b. For building sites, lots or parcels created under the Zoning Ordinance, Land Division Ordinance or the Site Condominium Ordinance that have public sewer and a density of 3 dwelling units per acre or less, the minimum lot width may be reduced up to 25%, but in no event less than 80 feet.

6. Maximum Lot Coverage.

- a. For building sites, lots or parcels created under the Zoning Ordinance, Land Division Ordinance or the Site Condominium Ordinance that do not have public sewer and have a density of 2 dwelling units per acre or less, maximum lot coverage may be increased up to 25%, including all structures.
- b. For building sites, lots or parcels created under the Zoning Ordinance Land Division Ordinance or the Site Condominium Ordinance that have public sewer and a density of 3 dwelling units per acre or less, the maximum lot coverage may be increased up to 30%, including all structures.

7. Minimum Floor Area.

The minimum floor area for the dwelling units shall meet requirements of underlying zoning district, as per Section 120.600.

8. Public/Private Road Access.

All residential cluster units must have access to either a public or private road. Private roads must meet all standards of the Kalamazoo County Road Commission.

H. Development Standards and Procedures: The following requirements shall apply for Open Space Preservation Developments:

1. Submittal of plans for review. When applicant submits for special exception review under the Open Space Preservation option, applicant shall submit 2 sets of site plans, land division plans and/or subdivision plans. The requirements listed below are in addition to the development plan requirements contained in Section 120.420 (Special Exception), Section 120.430 (Site Plan Review) as well as in the Land Division Ordinance (Sec 111) and the Site Condominium Ordinance (Section 113).
 - a. The applicant shall submit two sets of plans. The first plan, the Base Plan, shall depict development permitted per the underlying zoning district. The Base Plan can be in the form of a proposed plat creating lots, a land division plan creating parcels or a site plan creating building sites. This Base Plan shall provide the number of dwelling units permitted per underlying zoning district standards.
 - b. The Open Space Preservation Plan shall depict the proposed open space preservation development, showing the clustering of all building sites, lots or parcels on 50% or less of the parcel. Computations shall be provided detailing total site area, net site area (exclusive of nonbuildable areas), percentage of site in open space preservation and percentage of site in residential cluster.
 - c. The number of units depicted on the Open Space Preservation Plan shall be the same as the number of units on the Base Plan, unless the lots, parcels or building sites utilizing individual on-site sewage systems necessitate larger areas to meet requirements. In such a case, the difference between the Base Plan and the Open Space Preservation Plan shall be explained. In no case will the number of building sites, lots or parcels for an Open Space Preservation development exceed the number of buildings sites, lots or parcels that are permitted under the underlying zoning district.

- d. Any proposed phasing of an Open Space Preservation development must be identified on the Open Space Preservation Plan. A project time line must accompany the Open Space Preservation Plan.
 - e. All proposed structures for both the residential cluster and the open space preservation portions of the site shall be depicted on the Open Space Preservation Plan.
 - f. Any improvements proposed for the open space preservation portion of the development (i.e., walking trails, children's playground, linear parks) must be depicted on the Open Space Preservation Plan.
 - g. Justification shall be provided for the location and design of the open space preservation area.
 - h. Both the Base Plan and the Open Space Preservation plan shall include locations of common wells or common sewage disposal facilities, if applicable.
 - i. Both the Base Plan and the Open Space Preservation Plan shall be submitted with the Special Exception Application.
2. Site Analysis/Natural Features Inventory. Along with the Base Plan and Open Space Plans, as detailed in Sections F and G, a natural features/site analysis plan is required. This plan shall include all structures, natural features and areas within 100 feet of the boundary of the site. The plan shall also include the following information:
- a. Topography at not less than 4 foot intervals, with slopes between 15% and 25% delineated, as well as slopes over 25% delineated.
 - b. Steam valleys and wetlands.
 - c. Woodlands over ½ acre in area.
 - d. Ridge lines.
 - e. Land protected under conservation easements.

- f. Location of ponds, streams and natural drainage swales, and 100-year floodplains.
- g. Soil types and vegetative cover conditions.
- h. Trees in excess of 15 inches outside of designated woodlands, including actual canopy of existing trees and woodlands. Vegetation should be described by type, relative age and condition.
- i. Locations of all historic structures and features.
- j. Areas in agricultural production or planned for agricultural production.

I. Ownership and Maintenance of Open Space Preservation Area:

1. The applicant shall provide to the Township, prior to Special Exception approval, documentation in the form of a conservation easement, deed restriction or similar document, that specifies the method for maintaining the open space preservation area in perpetuity. The documentation shall include the establishment of homeowner's association, or shall define what entity shall be responsible for maintenance of the open space preservation area. The documentation shall also convey easements to the open space preservation area to all lot, parcel or condominium owners in the development. These documents must be submitted to the Township for their review and approval, prior to special exception approval.
2. The Township Board of Supervisors may approve conveyance of the open space preservation area to a qualifying nonprofit or governmental entity other than the homeowner's association, condominium association or the Township, upon a finding that such a conveyance will achieve purposes of open space consistent with this Ordinance, that the conveyance will be beneficial to future owners and the public and that the purposes and resources of the entity and the proposed conveyance are consistent with perpetual preservation of the open space and significant features.

- a. A letter from the nonprofit or governmental entity must be provided, indicating acceptance of the open space preservation area, as well an agreement to maintain the open space preservation area in perpetuity.
- b. The documentation shall be adequate to provide proper notice to purchasers and the public of the area included in the open space preservation, the means that it will be maintained and any permitted uses on the open space preservation area.
- c. The documentation shall be sufficient to demonstrate that the open space preservation area will be maintained in a manner consistent with the purpose and intent of Act No. 177 of the Public Acts of 2001 and that the nonprofit entity has sufficient legal and financial resources to permanently preserve the open space preservation area in an undeveloped state.

120.150 “R-4” Residence District--Medium-Density Multi-Family.

A. Description of District:

This district is composed of certain areas within the Township where low-density multi-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 low-density multiple-family residential use where adequate public facilities and services will be provided.

B. Permitted Uses:

1. Multiple-family dwelling consisting of three or more dwelling units per building.
2. Home occupations limited to existing single and two-family dwellings and meeting conditions of Section 120.340.
3. Publicly owned and operated buildings and uses including community buildings.
4. Signs when in accordance with the provisions of Section 120.320.
5. Accessory uses or buildings when in accordance with the provisions of Section 120.410.
6. Business offices in a multi-family building for conducting business incidental to the rental, operation, service and maintenance of the multi-family building or buildings.
7. Private Solar Energy Systems when in accordance with Section 120.470.
8. Essential services.
9. Multiple-family dwellings subject to the following conditions and limitations:
 - a. General regulations:
 - (1) Area requirements: A multiple dwelling may not cover more than 30% of the ground area of the lot, parcel or building site upon which is located.

- (2) Building height: The maximum height for a multiple dwelling shall be two stories, excluding basement.
- (3) Minimum allowable distance between buildings: The minimum allowable distance between buildings shall be 50 feet.
- (4) Required parking: Each dwelling unit containing 0 to 2 bedrooms must be provided with at least 2½ parking spaces. Each dwelling unit with more than 2 bedrooms must have at least an additional 1 parking space for each additional bedroom.
- (5) Required paving: All driveway, service and loading areas, and parking spaces shall be paved with bituminous aggregate or material of equal quality. Driveways without parking must be paved to at least 24 feet in width.
- (6) Street frontage: Each multiple dwelling building must abut a dedicated public or private street/road built to Kalamazoo County Road Commission standards.
- (7) Unit number and size: The minimum size for multiple dwelling units shall be as follows:
 - (a) 0 bedrooms (efficiency apartment)--400 square feet.
 - (b) 1 bedroom--500 square feet.
 - (c) 2 or more bedrooms--150 square feet for each additional bedroom above one.
 - (d) Multiple dwelling buildings shall not contain more than eight units and when located within 132 feet of land zoned “R-1,” “R-2” or “R-3” multiple dwelling buildings shall not contain more than 4 units. No more than 4 units shall be allowed at the first floor level.

- (8) Required recreation area: Recreation area equivalent to 500 square feet per unit shall be provided by the developer. Recreation area is defined for the purposes of this Ordinance as that area specifically set aside for outdoor leisure time activities.
- (9) Relationship to adjoining property: If a structure, including swimming pools, is proposed to be located within 100 feet of a single-family residentially zoned property, the plot plan must be submitted to the Zoning Board of Appeals, which Board shall review the plan to insure that all structures are so constructed and the adjoining area screened and landscaped so that the adjoining single-family residential property will not be adversely affected and the adjoining single-family residential use will not be discouraged.
- (10) Utilities: All telephone and electrical lines must be placed underground.
- (11) Vehicular entrances and exits will be constructed with approach lanes if deemed necessary by the Zoning Board of Appeals so as not to interfere with moving traffic. The Zoning Board of Appeals shall have the authority to require the dedication of sufficient frontage to provide a 100-foot roadway right-of-way where the Board finds that it can be reasonably anticipated that the adjoining public right-of-way will be required to accommodate four lanes of traffic.
- (12) Every apartment development containing 40 or more units must also contain a minimum of 800 square feet of indoor recreation area at a single location set aside for the apartment residents. For every 8 additional units, an additional 100 square feet of area must be provided. The minimum size of any one recreational area shall be 800 square feet.

b. Application for building permit:

An application for a building permit for a multiple dwelling must be accompanied by a plot plan showing at least the following details and, where applicable, drawn to scale:

- (1) The total lot, parcel or building site area.
- (2) All public and private rights-of-way and easements bounding the lot, parcel or building site.
- (3) The location of the proposed structure on the lot, parcel or building site showing the approximate location of entrances and loading points.
- (4) All curb cuts, driving lanes, parking areas, loading areas, signs, lighting, sanitary sewerage and drain facilities, facilities for disposing of garbage and refuse, underground telephone and electrical utility lines, location and size of municipal sanitary sewer, municipal water lines and gas lines and mains.
- (5) All pedestrian walks, malls and open area.
- (6) Connection to sanitary sewers and/or water mains may be required by the Township Zoning Board of Appeals when the Township Zoning Board of Appeals determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed development. In the event sewer and/or water mains are not available nor feasible as determined by the Board of Appeals, then a letter of approval of private sewer and water facilities shall be submitted from the Kalamazoo County Health Department prior to the issuance of a building permit.

c. Planned Apartment Development:

- (1) In order to permit planned diversification in the location of multiple-family dwellings and to improve circulation and other site qualities while insuring adequate standards, one or more such structures may be erected and maintained on the same lot, parcel or building site, or several lots in the same ownership may be combined into one special plan covering a planned building group. The condition which creates planned development eligibility is the preparation of a plan which will meet the spirit and intent of this Ordinance and the conditions herein imposed but which requires variances from some of the Ordinance requirements.
- (2) An application for approval of planned apartment development hereunder shall be filed with the Planning Commission by the owner or owners of the entire land area to be included within the planned apartment development and shall contain a site plan prepared in accordance with the provision of Section 120.430.
- (3) The Planning Commission shall fix a time for a hearing on the special plan and give notice as provided in Section 120.420. At the hearing any interested person or party may appear and be heard either in person or by his agent or attorney. The Planning Commission shall hear evidence and arguments upon each of the following questions, as well as other material matters:
 - (a) Is there anything in the plan which is inconsistent with the intent and purpose of this Ordinance to promote the public health, safety, morals and general welfare, and/or will adjoining property be adversely affected?
 - (b) Is there adequate open space under the proposed plan?
 - (c) Does the plan omit any necessary street or street right-of-way?

- (d) Is there an adequate design of grades, paving, gutters and drainage to handle storm waters, prevent erosion and formation of dust?
 - (e) Is there adequate, safe and convenient arrangements of pedestrian circulation facilities, roadways, driveways, off-street parking, loading areas and illumination?
 - (f) Are external boundaries and landscaping harmonious with that of abutting property?
 - (g) Is there an adequate and safe recreational and play area for children?
 - (h) Are walls containing main window exposure or main entrances so oriented as to insure adequate light and air?
 - (i) Are facilities for the disposal of garbage and refuse adequate?
- (4) Every development must have a minimum of two access streets connecting said development to a public highway; provided, however, that the Planning Commission may waive this requirement upon a finding by the Board that, due to the particular characteristics of the proposed development, a second access street would not improve traffic safety or could interfere with traffic safety.

- (5) Vehicular entrances and exits will be constructed with approach lanes if deemed necessary by the Planning Commission so as not to interfere with moving traffic. The Planning Commission shall have the authority to require the dedication of sufficient frontage to provide a 100-foot roadway right-of-way where the Board finds that it can be reasonably anticipated that the adjoining public right-of-way will be required to accommodate four lanes of traffic. No road, either public or private, shall be approved which has a right-of-way width of less than 66 feet, where the same would presently or within the foreseeable future serve as a connecting link between different land ownerships or different public roads.
 - (6) If the Planning Commission approves the plan, then it may grant a variance from the terms of this Ordinance and as to the tract so proposed to be developed, modify the height, area, setback, sign and yard regulations as well as the requirement that all buildings must abut dedicated public streets. The Planning Commission shall prepare a report stating its conclusion on the request for the planned unit development, the basis for its decision, its decision and any conditions relating to an affirmative decision.
 - (7) All planned apartment development projects approved by the Planning Commission shall limit and control the issuance and validity of building permits and shall restrict and limit construction, location, use and operation of all developments set forth in such plans.
 - (8) Prior to the issuance of a building permit by the Building Inspector, all required street and easement dedications shall be provided for and certification of the same shall be made to the Planning Commission.
10. State licensed residential facility, which provides resident services for six (6) or less persons under 24-hour supervision or care.
 11. A family day care home licensed or registered pursuant to Act No. 116 of the Public Acts of 1973, as amended, where:

- ◆ It is conducted in the bona fide private residence of the operator of the family day care home; and
- ◆ It is conducted in accord with the requirements of Act No. 116 of the Public Acts of 1973, as amended, and the rules promulgated pursuant to said Act.

12. Accessory building, prior to the establishment of the principal building on the lot, parcel or building site, for the storage of residential construction materials and tools, subject to the following conditions:

- a. The building permit for the principal building must be issued and the foundation for the principal building must be inspected and approved before the issuance of the permit for the accessory building.
- b. Construction of the principal building must commence within 60 days after the permit for the accessory building is issued.
- c. The accessory building and its uses are subject to the provisions of Section 120.410.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

- 1. Reserved.
- 2. Private clubs, fraternities and lodges in accordance with Section 120.110 C.3. (1, 4, 5b).
- 3. Churches (2, 5b).
- 4. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).

D. Prohibited Uses.

The keeping or raising of horses, cattle, sheep or swine and the keeping or raising out-of-doors of more than three (3) dogs, cats or other small animals.

E. Screening.

Screening shall be provided in accordance with Section 120.350.

F. Lot, Parcel or Building Site, Yard and Area Requirements.

Except as elsewhere specified herein the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

120.160 "R-5" Residential District--High-Density Multi-Family.

A. Description of District:

This district is composed of certain areas within the Township where high-density multi-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, multi-family residential use and adequate public facilities and services will be provided.

B. Permitted Uses:

1. Business offices in a multi-family building for conducting business incidental to the rental, operation, service and maintenance of the multi-family building or buildings.
2. Accessory uses or buildings when in accordance with the provisions of Section 120.410.
3. Signs when in accordance with provisions of Section 120.320.
4. Public-owned and operated buildings and uses including community buildings.
5. Private Solar Energy Systems when in accordance with Section 120.470.
6. Multiple-family dwellings subject to the following conditions, restrictions and limitations.
7. Essential services.
8. State licensed residential facility, which provides resident services for six (6) or less persons under 24-hour supervision or care.
9. A family day care home licensed or registered pursuant to Act No. 116 of the Public Acts of 1973, as amended, where:
 - ◆ It is conducted in the bona fide private residence of the operator of the family day care home; and

- ◆ It is conducted in accord with the requirements of Act No. 116 of the Public Acts of 1973, as amended, and the rules promulgated pursuant to said Act.

C. General Regulations:

1. **Area Requirements:** A multiple dwelling may not cover more than 30% of the ground area of the lot, parcel or building site upon which it is located.
2. **Building Height:** The maximum height for a multiple dwelling shall be the maximum height which the Township fire equipment can adequately service; provided, however, that the maximum height of a multiple dwelling located within 132 feet of single-family residentially zoned property shall be two stories.
3. **Minimum Allowable Distance Between Buildings:** The minimum allowable distance between buildings shall be 50 feet. This minimum distance shall be increased 5 feet for each story in height above two stories.
4. **Required Parking:** Each dwelling unit containing 0 to 2 bedrooms must be provided with at least 3 parking spaces. Each dwelling unit with more than 2 bedrooms must have at least an additional 1 parking space for each additional bedroom.
5. **Required Paving:** All driveways, service and loading areas, and parking spaces shall be paved with bituminous aggregate or material of equal quality. Driveways without parking must be paved to at least 20 feet in width.
6. **Street Frontage:** Each multiple dwelling building must abut a dedicated public or private street/road.
7. **Unit Size:** The minimum size for multiple dwelling units shall be as follows:
 - a. 0 bedrooms (efficiency apartment) -- 400 square feet.
 - b. 1 bedroom -- 500 square feet.
 - c. 2 or more bedrooms -- 150 square feet for each additional bedroom.

- d. Multiple dwelling buildings located within 132 feet of single-family residentially zoned property shall not contain more than four units.
8. Required Recreation Area: Recreation area equivalent to 600 square feet per unit shall be provided by the developer. Recreation area is defined for the purposes of this Ordinance as that area specifically set aside for outdoor leisure time activities.
9. Relationship to Adjoining Property: If a structure including swimming pools is proposed to be located within 100 feet of a single-family residentially zoned property, the plot plan must be submitted to the Planning Commission, which Board shall review the plan to insure that all structures are so constructed and the adjoining area screened and landscaped so that the adjoining single-family residential property will not be adversely affected and the adjoining single-family residential use will not be discouraged.
10. Utilities: All telephone and electrical lines must be placed underground.
11. Application for Building Permit: An application for a building permit for a multiple dwelling must be accompanied by a plot plan showing at least the following details, and, where applicable, drawn to scale:
 - a. The total lot, parcel or building site area.
 - b. All public and private rights-of-way and easements bounding the lot, parcel or building site.
 - c. The location of the proposed structure on the lot, parcel or building site showing the approximate location of entrances and loading points.
 - d. All curb cuts, driving lanes, parking areas, loading areas, signs, lighting, sanitary sewerage and drain facilities, facilities for disposing of garbage and refuse, underground telephone and electrical utility lines, location and size of municipal sanitary sewer, municipal water lines and gas lines.
 - e. All pedestrian walks, malls and open areas.

- f. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Township Board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed development. In the event sewer and/or water are not available, nor feasible as determined by the Board, then a letter of approval of private sewer and water facilities shall be submitted from the Kalamazoo County Health Department prior to the issuance of a building permit.
12. Vehicular entrances and exits will be constructed with approach lanes if deemed necessary by the Planning Commission so as not to interfere with moving traffic. The Planning Commission shall have the authority to require the dedication of sufficient frontage to provide a 100-foot roadway right-of-way where the Planning Commission finds that it can be reasonably anticipated that the adjoining public right-of-way will be required to accommodate four lanes of traffic.
13. Every apartment development containing 40 or more units must also contain indoor or outdoor recreation area(s) for the use of the apartment residents, as determined by the Planning Commission.

D. Planned Apartment Development:

1. In order to permit planned diversification in the location of multiple-family dwellings and to improve circulation and other site qualities, while insuring adequate standards, one or more such structures may be erected and maintained on the same lot, parcel or building site or several lots, parcels or buildings sites in the same ownership may be combined into one special plan covering a planned building group. The condition(s) which create planned unit development eligibility, is the preparation of a plan which will meet the spirit and intent of this Ordinance and the conditions herein imposed but which requires variances from some of the Ordinance requirements.
2. An application for approval of planned apartment development hereunder shall be filed with the Township by the owner or owners of the entire land area to be included within the planned apartment development and shall contain a site plan prepared in accordance with the provision of Section 120.430.

3. The Planning Commission shall fix a time for a hearing on the special plan and give notice as provided in Section 120.420. At the hearing any interested person or party may appear and be heard either in person or by his agent or attorney. The Planning Commission shall hear evidence and arguments upon each of the following questions, as well as other material matters:
 - a. Is there anything in the plan which is inconsistent with the intent and purpose of this Ordinance to promote the public health, safety, morals and general welfare, and/or will adjoining property be adversely affected?
 - b. Is there adequate open space under the proposed plan?
 - c. Does the plan omit any necessary street or street right-of-way?
 - d. Is there an adequate design of grades, paving, gutters and drainage to handle storm waters, prevent erosion and formation of dust?
 - e. Is there adequate, safe and convenient arrangements of pedestrian circulation facilities, roadways, driveways, off-street parking, loading areas and illumination?
 - f. Are external boundaries and landscaping harmonious with that of abutting property?
 - g. Is there an adequate and safe recreational and play area for children?
 - h. Are walls containing main window exposure or main entrances so oriented as to insure adequate light and air?
 - i. Are facilities for the disposal of garbage and refuse adequate?
4. Every development must have a minimum of two access streets connecting said development to a public highway; provided, however, that the Planning Commission may waive this requirement upon a finding by the Board that, due to the particular characteristics of the proposed development, a second access street would not improve traffic safety or could interfere with traffic safety.

5. Vehicular entrances and exits will be constructed with approach lanes if deemed necessary by the Planning Commission so as not to interfere with moving traffic. The Planning Commission shall have the authority to require the dedication of sufficient frontage to provide a 100-foot roadway right-of-way where the Board finds that it can be reasonably anticipated that the adjoining public right-of-way will be required to accommodate four lanes of traffic. No road, either public or private, shall be approved which has a right-of-way width of less than 66 feet, where the same would presently or within the foreseeable future serve as a connecting link between different land ownerships or different public roads.
6. If the Planning Commission approves the plan, then it may grant a variance from the terms of this Ordinance and as to the tract so proposed to be developed, modify the building heights, area, setback, sign and yard regulations as well as the requirement that all buildings must abut dedicated public streets. The Planning Commission shall prepare a report stating its conclusion on the request for the planned apartment development, the basis for its decision, its decision and any conditions relating to an affirmative decision.
7. All planned apartment development projects approved by the Planning Commission shall limit and control the issuance and validity of building permits and shall restrict and limit construction, location, use and operation of all developments set forth in such plans.
8. Prior to the issuance of a building permit by the Building Inspector, all required street and easement dedications shall be provided for and certification of the same shall be made to the Planning Commission.

E. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Reserved.
2. Private clubs, fraternities and lodges in accordance with Section 120.110 C. 3. (1, 4, 5b).
3. Churches (1, 5b).

4. Public utility buildings and structures in accordance with Section 120.110 C. 4. (1, 4, 5a, 9).
5. Accessory building, prior to the establishment of the principal building on the lot, parcel or building site, for the storage of residence construction materials and tools subject to the following conditions and limitations:
 - a. The applicant must first apply for and receive a building permit for construction of the principal building.
 - b. Construction of the principal building must commence within 60 days.
 - c. Construction of the principal building must be completed, and an occupancy permit therefore issued, within one year. If, at the expiration of the one-year period, the principal building has not been completed and an occupancy permit issued, the Planning Commission upon application, may extend the one-year limitation for an additional six (6) months.
 - d. An accessory building and its use are subject to the provisions of Section 120.410.

F. Prohibited Uses:

The keeping or raising of horses, cattle, sheep or swine and the keeping or raising out-of-doors of more than three (3) dogs, cats or other small animals.

G. Screening.

Screening shall be provided in accordance with Section 120.350.

H. Lot, Parcel or Building Site, Yard and Area Requirements:

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

120.170 “R-6” - Mobile Home Park District.

A. Description of District:

This district is designed solely for the development of Mobile Home Parks and such accessory structures and uses normally associated thereto, in accordance with those regulations specified by the State of Michigan Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, as amended, and in accordance with the following minimum requirements.

B. Permitted Uses:

1. Private Solar Energy Systems when in accordance with Section 120.470.
2. Home occupations when in accordance with Section 120.340.
3. Accessory buildings or uses in accordance with Section 120.410.
4. Mobile home parks subject to Section 120.170 C. regarding General Regulations.
5. Essential services.
6. Dwellings have a minimum width of at least 12 feet, provided the same meet the conditions imposed for dwellings as contained in Section 120.14 of this Ordinance.
7. State licensed residential facility, which provides resident services for six (6) or less persons under 24-hour supervision or care.
8. A family day care home licensed or registered pursuant to Act No. 116 of the Public Acts of 1973, as amended, where:
 - ◆ It is conducted in the bona fide private residence of the operator of the family day care home; and
 - ◆ It is conducted in accord with the requirements of Act No. 116 of the Public Acts of 1973, as amended, and the rules promulgated pursuant to said Act.

C. General Regulations:

All mobile home parks shall comply with the requirements imposed by the Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987 and any and all amendments thereto and 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 by the provisions herein.

D. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Reserved.
2. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).
3. Accessory building, prior to the establishment of the principal building on the lot, parcel or building site, for the storage of residence construction materials and tools subject to the following conditions and limitations:
 - a. The applicant must first apply for and receive a building permit for construction of the principal building.
 - b. Construction of the principal building must commence within 60 days.
 - c. Construction of the principal building must be completed, and an occupancy permit therefore issued, within one year. If, at the expiration of the one-year period, the principal building has not been completed and an occupancy permit issued, the Planning Commission upon application, may extend the one-year limitation for an additional six (6) months.
 - d. An accessory building and its uses are subject to the provisions of Section 120.410.

E. Prohibited Uses:

The keeping or raising of horses, cattle, sheep or swine and the keeping or raising out-of-doors of more than three (3) dogs, cats or other small animals.

F. Screening.

Screening shall be provided in accordance with Section 120.350.

G. Lot, Parcel or Building Site, Yard and Area Requirements:

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

120.180 "RD" Recreation District.

A. Description of District:

This district is composed of certain land within the Township where outdoor recreational use and development has occurred or appears likely to occur. The regulations for this district are designed to provide areas for outdoor recreational activities, which are or will be made available to the general public subject to restrictions, however, essential to prevent interference with adjoining land uses.

B. Permitted Uses:

1. Private Solar Energy Systems when in accordance with Section 120.470.
2. Accessory buildings and uses in accordance with Section 120.410.
3. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9)
4. Golf courses subject to the following limitations and conditions:
 - a. Pro-shops, club houses (including the sale of food and beverages) shall be allowed, but must have a side line and rear yard setback of not less than 150 feet from adjoining residentially developed or residentially zoned land, and a front yard setback of not less than 50 feet from the adjoining highway center line. The sideline and rear yard setback for all other buildings shall be 40 feet.
 - b. No overnight accommodations shall be permitted other than for the owner or manager of the facility.
 - c. Adequate public restrooms and other facilities shall be constructed and properly maintained.
 - d. Rubbish disposal shall be handled in such a manner as will be adequate for the purpose and avoid any nuisance or annoyance to adjoining property owners.
 - e. Adequate off-street parking must be provided to insure adequate parking space to meet the reasonably foreseeable demands anticipated for the golf course area.

5. Parks, playgrounds and recreation areas subject to the following conditions and limitations:
 - a. Before land shall be established for use as a park, playground or recreation area, and before parks, playgrounds and recreation areas shall be altered, enlarged or extended, the developer shall obtain approval of the plans thereof from the Planning Commission. The plans shall contain, at a minimum, a drawing prepared to scale showing the proposed development within the location of all proposed activities clearly shown thereon. Approval shall be granted if the Planning Commission determines in its discretion that:
 - (1) Areas designated for group activities are designed to be adequately screened from adjoining residentially developed property. If a planting or screening is proposed, it must be approved by the Planning Commission and must be at least three feet in height at the time of planting and be such as will grow to at least six feet in height.
 - (2) Adequate gates and fencing is provided to insure that the park is closed off from adjoining, incompatible land uses and closing hours can be effectively enforced.
 - (3) Adequate off-street parking is provided to insure sufficient parking space to meet the reasonably foreseeable demands upon the facilities.
 - (4) Vehicular entrances and exits will be constructed with approach lanes so as not to interfere with moving traffic.
 - (5) The placement of motorized vehicular raceways, trails, roads, runs, etc., for recreation purposes, are designated in areas so as to have minimum adverse effect upon residentially zoned or developed land and will be set back at least 500 feet there from.

- (6) Any areas designated for overnight camping located within 500 feet of any adjoining residentially zoned or residentially developed land shall, in addition to any other requirements of this Ordinance, comply with the Section 120.180 E.
 - (7) When reviewing plans for parks and recreation areas, the Planning Commission shall seek the advice and recommendations of the Kalamazoo Soil Conservation District pertaining to suggestions for sound, soil conservation practices.
- b. The following regulations shall also apply to parks, playgrounds and recreation areas:
- (1) All facilities shall close no later than 10:30 p.m. and must remain closed until sunrise; however, the hours may be extended or reduced upon application to and approval by the Zoning Board of Appeals, which approval shall be granted if said Board determines that a hardship would result from an earlier closing of a particular activity or an earlier closing is required in order to reduce disturbance to adjoining property owners.
 - (2) Buildings shall not be constructed to a height exceeding 35 feet. Buildings and structures used in group activities shall be set back 200 feet from the front, rear or side property line. Buildings and structures used for storage or non-group activities shall be set back 40 feet from the front, rear or side property line. Outdoor storage areas shall be screened from the view of adjoining residentially developed or zoned land.
 - (3) No person shall deposit or abandon in any park or adjoining property any garbage, sewage, refuse, trash, waste or other obnoxious material except in receptacles provided for such purpose and the park grounds must be maintained in a clean and orderly manner at all times.

- (4) All group park activities must be limited to designated areas and adequately supervised by the park director or his designated agent.
- (5) All facilities shall be provided with safe and adequate sanitation and drinking facilities, constructed so as to meet the requirements of the Kalamazoo County Health & Community Services Department.
- (6) Swimming shall be restricted to those areas specifically designated for said purpose as posted by the park director, at which facilities a lifeguard must be employed at all times during which swimming is allowed or adequate posting of "No Lifeguard on Duty".
- (7) Park owners, excluding municipal corporations, however, shall provide adequate public liability insurance covering all facility activities.
- (8) Motorized vehicles shall be operated only within areas designated for their use by the park director.
- (9) Overnight camping shall be restricted to areas designated for overnight camping by the park director, as approved by Planning Commission.
- (10) Rifle, shotgun or handgun ranges and shooting of all types shall be prohibited except as authorized by a site plan amendment for hunting for purposes of environmental protection during specified periods of time and under conditions approved by the Planning Commission.
- (11) Dogs and other pets allowed within the park, playground or recreational area shall be kept on a leash.
- (12) Peddling, hawking, soliciting, begging, advertising or carrying on any business or commercial enterprise shall be strictly prohibited; provided, however, that this provision shall not apply to park concession stands and such of the foregoing activities as are specifically approved by the park director.

- (13) No person shall post, paste, fasten, paint or affix any placard, bill, notice or sign upon any structure, tree, stone, fence, thing or enclosure along or within any park, playground or recreation area, except such signs as shall be placed with the approval of the park director.
- (14) Fires may be built only in picnic stoves or other equipment or designated area approved by the park director and only in such areas as shall be designated. It shall be unlawful to start or cause to be started any other fire whatsoever in any park, playground or recreation area.
- (15) Alcoholic beverages may be permitted, providing same is approved by Planning Commission as part of the review process.
- (16) Drunkenness, immorality, gambling or gaming devices shall not be allowed within the limits of any park, recreation area or playground.
- (17) All motorized vehicular raceways, trails, roads, runs, etc., for recreation purposes, shall be treated so as to eliminate and prevent dust from said trail from drifting onto adjoining properties.

6. Tent, travel trailer and recreational vehicle campgrounds, subject to the following conditions and limitations:

Before land shall be established for use as a campground or recreation area the developer shall obtain approval of the plans thereof from the Planning Commission. The plans shall consist of a drawing prepared to scale showing the proposed development with the location of all proposed activities clearly shown thereon. Approval shall be granted if the Planning Commission determines in its discretion that the plan meets all of the requirements set forth by the Zoning Ordinance.

- a. Any sale of foodstuff or merchandise shall be clearly incidental to the needs of the occupants and users of the camping grounds and recreation areas while therein.

- b. Activities or campsites shall be adequately screened from adjoining residentially zoned or developed property by plantings or other means of screening approved by the Planning Commission during the review process. In addition, the area must be fenced by a fence constructed in a manner approved by the Planning Commission.
- c. All facilities shall be provided with safe and adequate sanitation and drinking facilities constructed to meet the requirements of the Kalamazoo County Health & Community Services Department.
- d. Fires may be built only in picnic stoves or other equipment or space designated by the park owner. It shall be unlawful to cause any other fire whatsoever in a campground area.
- e. No person shall deposit or abandon in any camping area or on any adjoining property any garbage, refuse, sewage, trash, waste or other obnoxious material except in receptacles provided for such purpose and the grounds must be maintained in a clean and orderly manner at all times.
- f. Any area designated for overnight camping located within 500 feet of any adjoining residentially zoned or residentially developed land shall, in addition to any other requirements of this Ordinance, comply with Section 120.180 E.
- g. Overnight camping shall be limited to 14 consecutive days/nights. Campers must vacate premises for a minimum of 7 days/nights following.

7. Essential services.

8. Water front marinas, boat launching and boat livery facilities for berthing, protecting, servicing, storage, launching or removing recreational or commercial boats, subject to the following condition and limitations and also subject to Site Plan review in accordance with the provisions of Section 120.430.

- a. All facilities shall be provided with safe and adequate sanitation and drinking water facilities constructed so as to meet the requirements of the Kalamazoo County Health & Community Services Department.

- b. An area shall be set aside and maintained to provide off-street parking spaces for every vehicle and boat trailer reasonably anticipated to be using the facilities at any one time.
- c. All facilities shall close at sundown and remain closed until daybreak; provided, however, that the hours of closing may be extended or reduced upon application and approval of the Township Planning Commission, which approval shall be granted if said Board determines that a hardship or practical difficulty would result from an earlier closing of a particular activity or earlier closing was required in order to reduce disturbance to adjoining property owners.
- d. Any sale of food items or merchandise shall be clearly incidental to the needs of the occupants and users of these facilities.
- e. No person shall deposit or abandon in any area or upon any adjoining property any garbage, refuse, sewage, trash, waste or other obnoxious material except in receptacles provided for such purpose, and the grounds must be maintained in a clean, orderly manner at all times.
- f. Fires may be built only in space designated by the management of the facility.
- g. No overnight camping shall be permitted within the marina area.
- h. Buildings shall be limited to 35 feet in height. Buildings and structures used for storage and incidental activities related to watercraft livery shall be set back 40 feet from the front, rear or side property line. Outdoor storage areas shall be screened from view of adjoining residentially developed or zoned land.
- i. No activities shall be conducted upon the premises which would constitute a nuisance to adjoining residences by reason of noise, smoke, odor, electrical disturbance or night lighting glare shall not be discernible beyond the boundaries of the property upon which the facilities are located.

9. Reserved.

10. The keeping of animals as an incidental use to the operation of a park or recreation area for display and viewing to the public is permitted provided:
 - a. The property can adequately sustain the animals proposed to be housed upon the property;
 - b. Adequate accessory structures are built to house the animals;
 - c. The keeping of the animals remains ancillary and incidental to the primary use of the property;
 - d. The animals do not create a nuisance to surrounding property owners.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Charitable and philanthropic institutions (1,4,5c), which may engage in one or more of the following:
 - a. Education. Instructional programs; exhibits; data collection; museums; nighttime astronomy; facility tours (pedestrian, low-power motorized, hay rides, equestrian); all season overnight camping for children/adults.
 - b. Sustainable Agriculture. Greenhouses; aquaculture; livestock management; wind turbines; solar arrays; orchard/cider mill; bee keeping; species management; biological control (invasives); herbicide/pesticide studies; controlled fires; green cemetery.
 - c. Residential and Operational. Staff housing in dwellings with occupancy greater than permitted as “Family” in Section 120.014; refueling/charging stations.
 - d. Commercial Events/Activities. Farmers market (as defined in Section 120.014); gift shop; café/restaurant with sale of alcohol; bakery; art fairs; music concerts; corn maze; public/private facility rentals; climbing tower; zipline.

e. Operations. Hours of operation as set forth in Section 120.180 B.5.b.(1), provided that no structure may exceed fifty (50') feet.

2. Private clubs, fraternities, lodges, excepting those the chief activity of which is a service customarily carried on as a business, subject to the conditions and limitations set forth in Section 120.110 C.3. (1, 4, 5b).
3. Public utility buildings in accordance with Section 120.110 C.4. (1,4,5a,9).

D. Screening.

Screening shall be provided in accordance with Section 120.350.

E. Overnight Camping.

Any area designated for overnight camping located within 500 feet of any adjoining residentially-zoned or residentially-developed land shall, in addition to any other requirements of this Ordinance, comply with the following:

1. Setback. The overnight camping area must be set back at least 150 feet from residentially-zoned or residentially-developed land but not less than 200 feet from any residential dwelling.
2. Berm. In addition to any other requirements imposed by the Planning Commission at the time of site plan review, any overnight camping area located within 500 feet of residentially-zoned or residentially-developed property shall be required to be separated from the residential property by an earthen berm meeting the following requirements:
 - a. The berm shall be a minimum of seven (7) feet in height above average grade.
 - b. The berm shall run the full length of the area between the residential property and the camping area.
 - c. The leading edge of the berm shall be located as close as possible to the camping area to maximize the green space to be preserved adjacent to the residentially-zoned or developed properties.

3. Landscaping. The berm shall be landscaped, and said landscaping shall consist of a natural screen of conifer and deciduous trees planted in a staggered pattern to create a natural screen between the camping area and the adjoining residential property. The trees shall be spaced a minimum of fifteen (15) feet from one another along the full length of the berm. The trees planted shall be a minimum six (6) feet in height and maintained in such a manner as to provide a visual barrier and noise buffer between the camping area and the residential property. In addition to the trees, the landscaping shall also include ground cover consisting of grasses and shrubs which shall be left in a natural state so as to discourage the use of the berm as a recreational site.
4. Greenspace. A green space between the berm and the adjoining residential properties shall be preserved and maintained in a natural state. Greenspace shall be defined as that area lying between the required berm and the adjoining residentially-zoned or developed property where a berm is required under this subsection of the Ordinance. The recreational developer shall use its best efforts to preserve the greenspace in the natural condition in which it existed prior to the development. However, this Section shall not prohibit the installation of a fence surrounding the recreational district property or the maintenance of a ten (10) foot, clear cut, open space immediately within the park fence or property lines – the same being used to maintain the integrity and security of the recreational property.
5. Overnight camping shall be limited to 14 consecutive days/nights following.

[Ord. No. 245, eff 11/26/2017]

120.190 "CBD" Cooper Business District.

A. Description of District:

This district is intended to support a wide range of uses with frontage or access from either D Avenue or Douglas Avenue, within an area roughly ½ mile from the intersection of those two roads. The scope of permitted uses and special land uses within the “CBD” is based upon prior zoning that included commercial and various residential classifications. This district is based upon the primary intent to support commercial uses and redevelopment for such use, with any new residential and mixed uses permitted as special exception uses.

B. Permitted Uses:

No land or buildings in the “CBD” shall be used, erected, altered or converted, in whole or in part, except for the following uses permitted by right:

1. All retail uses permitted in the “C-1” Local Commercial District, excluding package liquor sales, restaurants or similar businesses with hours of operation extending beyond 11:00 p.m.
2. Offices, business and professional, including medical, dental or similar uses.
3. Shopping centers, plazas or similar buildings supporting two or more permitted commercial uses, with any special land uses subject to that approval process.
4. Municipal offices or public facilities, including park and recreation areas, or those devoted to public utilities, communications and emergency services. Such use may include open-air buildings with roofs (such as pavilions and gazebos) and other permanent or temporary structures (including tents) for seasonal or community event purposes.
5. Single-family dwelling, subject to the site development requirements of the “R-3” Residential District and provided such dwelling does not include a business use other than a permitted home occupation or family day care home.
6. Accessory uses or buildings, including permitted signs.

7. Private Solar Energy Systems when in accordance with Section 120.470.

C. Special Exception Uses:

No land or buildings in the “CBD” shall be used, erected, altered or converted, in whole or in part, except when approved in accordance with the requirements for approval of special exception uses and site plan review. The Planning Commission may grant a waiver of some of the specific conditions listed for such uses based upon the desire to support a mix of uses within the District.

1. All permitted or special exception uses in the “C-2” General Commercial District.
2. Package liquor, beer and wines sales, unless secondary and incidental to the primary grocery business or with closing by 11:00 p.m.
3. Reserved.
4. New single-family dwellings, two-family dwellings or similar residential use within a mixed use building or development, subject to location either to the rear or on the second story of such building or development.
5. Bed and breakfast inn with the following conditions and limitations:
 - a. The use shall be in a single-family residence which exists prior to the adoption date of this ordinance.
 - b. The dwelling shall be the principal residence of the innkeeper.
 - c. The dwelling has six or fewer sleeping rooms for guests to rent, excluding the sleeping rooms occupied by the innkeeper.
 - d. All sleeping rooms must be within the existing single-family home. Exterior alterations to the residence to create additional accommodations is prohibited.

- e. No separate cooking facilities shall be provided for guests of the bed and breakfast operation.
 - f. All food shall be served on the premises and shall be for the consumption of the innkeeper and guests only.
 - g. Parking lots
 - i. Shall include one space for every guest room available for rent in addition to one space for the innkeeper, which can be within an enclosed structure.
 - ii. Shall be screened from view from adjacent residentially zoned or used properties.
 - h. Occupancy shall be of a temporary nature for periods not to exceed 14 consecutive days.
- 6. Assisted living facilities, nursing homes or similar facilities.
 - 7. Group day care home or child care center.
 - 8. Animal hospital, dog training or show facility, kennels or similar facilities.

D. Lot, Parcel or Building Site, Yard and Area Requirements.

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600 for the “C-1” Local Commercial District.

E. Design Criteria.

- 1. The lot or site shall provide for no less than 20 percent open space, inclusive of setback areas, with such space devoted to landscaping and to enhance pedestrian movement.
- 2. The minimum floor area for a single business or dwelling unit shall be 600 square feet and any storefront shall have a minimum width of 20 feet.

3. The minimum front yard setback for both buildings and parking areas shall be 15 feet from the actual or preserved road right-of-way, unless street trees and no less than a five (5) foot-wide sidewalk are included within ~~of~~ the right-of-way, in which case the front yard setback may be reduced to five (5) feet.
4. Layout and design. The layout and design shall include coordination of sidewalks, landscaping and lighting based upon the adjoining properties, and shall be oriented to enhance pedestrian movement and minimize conflict with vehicular circulation and parking areas.
5. Visual appearance. For retail and personal service business, the visual appearance of the building shall include glass for eye-level display and may include porches, awnings, or canopies to provide cover for pedestrians.
6. Exterior lighting. Exterior lighting shall not exceed .5 footcandles at the property line and be coordinated with adjoining businesses and to enhance pedestrian movement and safety.
7. Parking. Parking areas shall be located in a manner that minimizes the conflict with continuous pedestrian movement throughout the “CBD.” Emphasis is placed on reducing the size of individual parking lots unless devoted to shared parking accessible to a number of businesses. Toward this intent, multi-use sites shall not be required to meet parking standards for all uses when it can be shown that days and hours of operation may not overlap between the proposed and existing uses on the site. Where available parking is within 500 feet of the subject site and private cross-access agreements are in place, including connection by sidewalk or bike path facilities, a site plan may be approved with a deficiency in required parking. It is recommended that parking be located within rear or side yards to reduce conflict with pedestrian movement to the establishment.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 255, eff 05/26/2020]

[Ord. No. 262, eff 01/25/2022]

120.200 "C-1" Commercial District, Local.

A. Description of District.

This district is designed solely for the convenience shopping of persons residing in the community. The regulations are designed to permit development of commercial properties but to protect the abutting and surrounding residentially-zoned properties.

B. Permitted Uses:

1. Retail sales of goods and services such as:
 - a. Bakery and dairy products, retail sales only.
 - b. Banks, savings and loan associations.
 - c. Barber and beauty shops.
 - d. Books, stationery and newspapers.
 - e. Clothing and dry goods.
 - f. Florist and garden supplies.
 - g. Funeral homes.
 - h. Furniture and household furnishings.
 - i. Groceries and food stuffs.
 - j. Hardware, hobby supplies, household appliances.
 - k. Laundromat, laundry and dry cleaning pick-up station.
 - l. Music and dancing schools of instruction.
 - m. Pharmacy.
 - n. Reserved.
 - o. Photography store and studio.

- p. Radio and television, sales and service.
 - q. Restaurant or similar eating establishment.
 - r. Shoe sales and repair.
 - s. Tailoring and dressmaking.
 - t. Variety store antiques gifts.
 - u. Instant print shops.
2. Hospitals.
 3. Offices, business or professional.
 4. Signs when in accordance with the provisions of Section 120.320.
 5. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
 6. Warehouses incidental to and located upon the same lot as the primary commercial uses connected therewith.
 7. Accessory uses or buildings when in accordance with the provisions of Section 120.410.
 8. Essential services.
 9. Private Solar Energy Systems when in accordance with Section 120.470.
 10. Children's nurseries and licensed day care centers.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Package liquor sales.
2. Gasoline service stations (2, 4, 5d, 7).

3. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).

There is no zoning restriction for utilities to be located in public streets or public rights-of-way).

4. Reserved.
5. Motor vehicle sales agencies, limited to passenger cars and light-duty trucks, providing for a limited amount of outdoor sales area for new or used motor vehicles, provided that such use shall be subject to the following provisions:
 - a. The sales agency shall not display more than thirty (30) vehicles.
 - b. All vehicles shall be in operable condition.
 - c. No more than fifty (50) percent of the lot, parcel or building site shall be used for the principal building, accessory building and outdoor display of vehicles.
 - d. Signs shall be erected in accordance with Section 120.320.
 - e. Such use shall be developed in accordance with Section 120.420.
 - f. Any exterior lighting shall be subdued in character and reduced in intensity or eliminated during non-business hours.
 - g. Appropriate screening as required by Section 120.350 of this Ordinance shall be provided.
 - h. No dismantling or mechanical work shall be performed on the premises.
 - i. All display of motor vehicles shall be set back at least ten (10) feet from the road right-of-way.

j. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of adjoining property owners and to insure that any noise, odors, traffic or other incidental activities incident thereto have a minimum impact upon the neighborhood in which the same is located, including but not limited to hours of operation.

6. Outdoor Storage.

7. Sexually-Oriented Business (Subject to the Following Conditions and Limitations):

a. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within five hundred feet (500') of any principal or accessory structure of another sexually-oriented business.

b. No sexually-oriented business shall be located in any principal or accessory structure already containing a sexually-oriented business.

c. No sexually-oriented business shall be established on a parcel which is within five hundred (500') feet of any parcel zoned agricultural, residential or recreational.

d. No sexually-oriented business shall be established on a parcel within five hundred (500') feet of any single or multiple family residence, public park, school, child care facility, church or place of worship. The distance between a proposed sexually-oriented business and any single or multiple family residence, public park, school, child care facility, church or place of worship, or other sexually-oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually-oriented business it to be located to the nearest property line of the single or multiple family residence, public park, school, child care facility, church or place of worship.

e. The proposed use shall conform to all standards of the zoning district in which it is located.

- f. The proposed use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and /or governmental agencies has been obtained or is reasonably assured.
- g. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
- h. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering not less than two (2) inches in height that: 1) “Persons under the age of 18 are not permitted to enter the premises,” and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- i. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
- j. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday.
- k. All off-street parking areas shall comply with Section 8 (112.008) of this Ordinance and shall additionally be illuminated during all hours of operation of the sexually-oriented business, and until one hour after the business closes.
- l. Any booth, room or cubicle available in any sexually-oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities must comply with the following:

- (1) Be handicap accessible to the extent required by the American with Disabilities Act;
- (2) Be unobstructed by any door, lock or other entrance and exit control device;
- (3) Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
- (4) Be illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
- (5) Have no holes or openings in any side or rear walls not relating to utility ventilation or temperature control services or otherwise required by any governmental building code or authority.

8. More than one Principal Use, Building or Structure on one parcel. (4, 5c, 7, 8, 9, 10).

D. Screening.

Screening shall be provided in accordance with Section 120.350.

E. Lot, Parcel or Building Site, Yard and Area Requirements.

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

F. Related Principal Use, Building or Structure.

Principal use, building or structure shall be defined as a use or building which is primarily occupied or devoted to the principal use of the lot, parcel or building site and is owned and occupied by the title holder of the lot, parcel or building site or a legal business entity principally owned by the title holder of the lot, parcel or building site and operated on an integrated single commercial operation. Any principal building or structure leased or any necessary building or structure subleased to any person or legal business entity other than that owned by the title holder of the lot, parcel or building site shall constitute a separate principal building for purposes of this section.

G. Principal Use, Building or Structure Allowed.

Not more than one (1) principal use, building or structure may be allowed on a lot, parcel, or building site, except in accordance with the Special Exception Provisions as set forth in Section 120.420.

[Ord. No. 245, eff 11/26/2017]

120.210 "C-2" Commercial District, General.

A. Description of District:

This district is established for the accommodation of community-wide and regional needs for general retail sales and service facilities. The regulations are designed to permit development of commercial properties but to protect abutting and surrounding residentially-zoned properties.

B. Permitted Uses:

1. Any uses permitted in the "C-1" Local Commercial zone.
2. Automobile and truck repair garage.
3. Automobile and truck sales agency and adjoining outdoor sales area of new or used cars and trucks; provided, that no dismantling of vehicles or storage of dismantled vehicles shall take place outdoors.
4. Recreational equipment sales.
5. Commercial recreation enterprises.
6. Contractors' work shops.
7. Private Solar Energy Systems when in accordance with Section 120.470.
8. Hotel, motel.
9. Hospitals.
10. Machinery and heavy equipment sales--indoors.
11. Signs when in accordance with the provisions of Section 120.320.
12. Accessory uses or buildings, when in accordance with the provisions of Section 120.410.
13. Movie theaters--indoors.
14. Mobile home sales

15. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).
16. Essential services.
17. Reserved.
18. Mini-warehouse business. Fully enclosed storage buildings intended and designed for use (as a retail service) by the general public as customers, subject to the following conditions and limitations:
 - a. The distance between buildings shall be not less than 30 feet.
 - b. No outdoor storage, i.e., storage outside a fully enclosed building, except with approval of Planning Commission pursuant to Section 120.210 C.12.
 - c. The perimeter of the site shall be fenced with chainlink or metal mesh, the opening of which shall not exceed two-and-one-fourth (2¼) inches, such fencing to be a minimum of 6 feet in height.
 - d. No storage of industrial or commercial goods or materials. Residential or office storage is permitted.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Reserved.
2. Any general use similar to those uses permitted in this zone classification.
3. Bar, tavern, nightclub (2, 4, 5e) and private commercial clubs (1, 4, 5b).
4. Bus or truck terminal (2, 4, 5e).
5. Gasoline service stations (2, 4, 5d, 7).

6. Public utility buildings and structures necessary for the services of the community (1, 4, 5a, 9), except that:
 - a. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - b. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.
7. Riding stable, racetrack, commercial (2, 4, 5f).
8. Bowling alleys and commercial recreation enterprises such as dance halls, skating rinks.
9. Movie theatres, outdoors, subject to the following conditions and limitations:
 - a. No such theater shall be operated on less than a ten (10) acre tract of land.
 - b. All structures and buildings thereon shall be set back not less than 150 feet from the street line.
 - c. The entrances and exits thereto shall not be located on a curve or a hill or otherwise so as to create an unreasonable traffic hazard.
 - d. The setback area shall be so constructed as to allow vehicles to park thereon and be off the abutting highway while proceeding to enter or leave said theater.
 - e. The moving picture screen shall not face the abutting highway or street in any manner that would constitute a traffic hazard through the diverting of the attention of motorists from the operation of their vehicles.
10. Shooting ranges (commercial) (2, 5f).
11. Reserved.

12. Mini-warehouse business, subject to the conditions set forth in Section 120.210 B.18.; except that the same may be permitted outdoor storage.
13. Crematories.
14. Outdoor Storage.
15. Sexually-Oriented Business (Subject to the Following Conditions and Limitations):
 - a. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within five hundred feet (500') of any principal or accessory structure of another sexually-oriented business.
 - b. No sexually-oriented business shall be located in any principal or accessory structure already containing a sexually- oriented business.
 - c. No sexually-oriented business shall be established on a parcel which is within five hundred (500') feet of any parcel zoned agricultural, residential or recreational.
 - d. No sexually-oriented business shall be established on a parcel within fivehundred (500') feet of any single or multiple family residence, public park, school, child care facility, church or place of worship. The distance between a proposed sexually-oriented business and any single or multiple family residence, public park, school, child care facility, church or place of worship, or other sexually-oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually-oriented business it to be located to the nearest property line of the single or multiple family residence, public park, school, child care facility, church or place of worship.
 - e. The proposed use shall conform to all standards of the zoning district in which it is located.

- f. The proposed use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and /or governmental agencies has been obtained or is reasonably assured.
- g. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
- h. Entrances to the proposed sexually-oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering not less than two (2) inches in height that: 1) “Persons under the age of 18 are not permitted to enter the premises,” and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- i. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining roadway or a neighboring property.
- j. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday.
- k. All off-street parking areas shall comply with Section 8 (112.008) of this Ordinance and shall additionally be illuminated during all hours of operation of the sexually-oriented business, and until one hour after the business closes.
- l. Any booth, room or cubicle available in any sexually-oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities must comply with the following:

- (1) Be handicap accessible to the extent required by the American with Disabilities Act;
- (2) Be unobstructed by any door, lock or other entrance and exit control device;
- (3) Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
- (4) Be illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within;
- (5) Have no holes or openings in any side or rear walls not relating to utility ventilation or temperature control services or otherwise required by any governmental building code or authority.

16. More than one Principal Use, Building or Structure on one parcel. (4, 5c, 7, 8, 9, 10).

D. Screening.

Screening shall be provided in accordance with Section 120.350.

E. Lot, Parcel or Building Site, Yard and Area Requirements:

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

F. Related Principal Use, Building or Structure.

Principal use, building or structure shall be defined as a use or building which is primarily occupied or devoted to the principal use of the lot, parcel or building site and is owned and occupied by the title holder of the lot, parcel or building site or a legal business entity principally owned by the title holder of the lot, parcel or building site and operated on an integrated single commercial operation. Any principal building or structure leased or any necessary building or structure subleased to any person or legal business entity other than that owned by the title holder of the lot, parcel or building site shall constitute a separate principal building for purposes of this section.

G. Principal Use, Building or Structure Allowed.

Not more than one (1) principal use, building or structure may be allowed on a lot, parcel, or building site, except in accordance with the Special Exception Provisions as set forth in Section 120.420.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 249, eff 01/29/2019]

120.220 "C-3" Commercial District, Shopping Center.

A. 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 commercial properties but to protect abutting and surrounding residentially-zoned properties.

B. Permitted Uses:

1. Any uses permitted in "C-1" Local Commercial Zone, when established as an integrated shopping center.
2. Private Solar Energy Systems when in accordance with Section 120.470.
3. Signs when in accordance with the provisions of Section 120.320.
4. Accessory uses or buildings, when in accordance with the provisions of Section 120.410.
5. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).
6. Private clubs, commercial.
7. Essential services.

C. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Any special exception uses permitted in the "C-1" or "C-2" Commercial zoned districts, which are as follows:
 - a. Gasoline service stations (2, 4, 5d, 7).
 - b. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).

(There is no zoning restriction for utilities to be located in public streets or public rights-of-way).

- c. Reserved.
- d. Motor vehicle sales agencies, limited to passenger cars and light-duty trucks, providing for a limited amount of outdoor sales area for new or used motor vehicles, provided that such use shall be subject to the following provisions:
 - (1) The sales agency shall not display more than thirty (30) vehicles.
 - (2) All vehicles shall be in operable condition.
 - (3) No more than fifty (50) percent of the lot, parcel or building site shall be used for the principal building, accessory building and outdoor display of vehicles.
 - (4) Signs shall be erected in accordance with Section 120.320.
 - (5) Such use shall be developed in accordance with Section 120.420.
 - (6) Any exterior lighting shall be subdued in character and reduced in intensity or eliminated during non-business hours.
 - (7) Appropriate screening as required by Section 120.350 of this Ordinance shall be provided.
 - (8) No dismantling or mechanical work shall be performed on the premises.
 - (9) All display of motor vehicles shall be set back at least ten (10) feet from the road right-of-way.
 - (10) The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of adjoining property owners and to insure that any noise, odors, traffic or other incidental activities incident thereto have a minimum impact upon the neighborhood in which the same is located, including but not limited to hours of operation.
- e. Animal hospital and kennel (4,5e).

- f. Bar, tavern, night club (2,4,5e) and private commercial clubs (1,4,5b).
- g. Bus or truck terminal (2,4,5e).
- h. Riding stable, racetrack, commercial (2,4,5f).
- i. Bowling alleys and commercial recreation enterprises such as dance halls, skating rinks.
- j. Movie theatres, outdoors, subject to the following conditions and limitations:
 - (1) No such theater shall be operated on less than a ten (10) acre tract of land.
 - (2) All structures and buildings thereon shall be set back not less than 150 feet from the street line.
 - (3) The entrances and exits thereto shall not be located on a curve or a hill or otherwise so as to create an unreasonable traffic hazard.
 - (4) The setback area shall be so constructed as to allow vehicles to park thereon and be off the abutting highway while proceeding to enter or leave said theater.
 - (5) The moving picture screen shall not face the abutting highway or street in any manner that would constitute a traffic hazard through the diverting of the attention of motorists from the operation of their vehicles.
- k. Shooting ranges (commercial) (2,5f).
- l. Mini-warehouse business, subject to the conditions set forth in Section 120.210 B.18.; except that the same may be permitted outdoor storage.
- m. Any general use similar to those uses permitted in this zone classification.

D. Screening.

Screening shall be provided in accordance with Section 120.350.

E. Lot, Parcel or Building Site, Yard and Area Requirements:

Except as elsewhere specified herein, the lot, parcel or building site, yard and area requirements shall be as specified in Section 120.600.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 249, eff 01/29/2019]

120.230 "I-1" Industrial District, Restricted.

A. Description of District:

The purpose of this district classification is to establish a zone where designated industrial activities may locate which produce a minimum amount of adverse effect on adjoining premises, which are more uniform in character and which provide for a higher quality industrial land use. In this regard, no building or premises shall be used and no building shall hereafter be erected or altered within a Restricted Industrial District unless otherwise provided in this Ordinance, except for one or more of the following uses and subject to the following conditions and limitations:

B. Permitted Uses:

1. Wholesale distributor of goods and merchandise.
2. Offices and office buildings incidental to operations of permissible uses within this district.
3. Essential services, municipal or public utility buildings.
4. Fully enclosed warehouses. (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 connected to energy or heating on the premises).
5. Assembly of merchandise such as electrical appliances, electronic or precision instruments and articles of similar nature.
6. Reserved.
7. Packaging of previously prepared materials.
8. Printing, lithographic, blueprinting and similar uses.
9. Processing or compounding commodities such as drugs cosmetics pottery, plastics and food products.
10. Accessory uses or buildings when in accordance with Section 120.410.
11. Machine shop.

12. Non-ferrous casting foundries.
13. Crematories.
14. Contractors' workshops.
15. Private Solar Energy Systems when in accordance with Section 120.470.

C. Conditions and Limitations:

1. All operations must be carried on within fully enclosed buildings except for the following:
 - a. Outdoor storage of product or material shall be subject to approval of a special exception use.
 - b. Delivery operations, which must not involve excessive noise, excessive fumes or any excessive nuisance to adjacent premises.
2. No building shall be located within 150 feet from the boundaries of a Residential District classification. Any building or structure which exceeds 25 feet in height as measured from the lowest abutting grade level shall be set back one additional foot for each foot of height in excess of 25 feet from all boundary lines of the site.
3. Adequate off-street parking shall be maintained in accordance with Section 120.310.
4. All land of any individual site in use hereunder, not occupied by buildings, structures, improved parking areas or storage areas, shall be maintained in a neat and attractive manner, free of junk and debris and excessive uncontrolled growth. All land areas abutting a public or private street shall be landscaped and maintained in a neat and attractive manner, with grass, shrubbery, or other comparable attractive growth or materials.

5. Streets and drives servicing the buildings must have a right-of-way width of 66 feet where said street or drive connects or is intended to connect to adjoining property. All other streets and drives may be constructed of 24 feet of traveled area upon a 30-foot right-of-way. All streets and drives shall be constructed and maintained so as to be dust free.
6. Lighting of all types shall be so arranged that it does not produce unreasonable glare upon adjoining premises.
7. No exposed or outdoor loading and unloading docks or areas shall face any adjoining residential zone unless the same are screened therefrom by other buildings, structures or natural screening adequate to obscure the view thereof from such adjoining residential area.
8. Water and sanitary sewer shall be utilized if available within 300 feet of any portion of the site and the user of the site uses or reasonably anticipates using more than 1,000 gallons of water per 24-hour period. Surface drainage shall be through storm sewers or shall be disposed of upon the site. Leaching basins shall be fenced as to prevent danger to the general public.
9. No use shall be allowed which shall emanate noise or glare to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises, nor which violates the "air quality standard" established by the Michigan Air Pollution Control Commission.

D. Prohibited Uses:

Nothing herein contained shall be construed to allow any of the following types of operations or uses within this district classification:

1. Ready-mix concrete and asphalt plants.
2. Refineries, smelting plants and foundries.
3. Slaughterhouses.
4. Commercial incinerator businesses.
5. Truck terminals or motor freight warehousing terminals.

6. Any other uses not compatible with the purposes and intent of the “I-1” Industrial District, Restricted.

E. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Mining, excavation and/or removal, by transporting same off the premises, of earth or any earth minerals (including gravel) exceeding 250 cubic yards in amount, and temporary on-site processing of such earth or earth minerals, in accordance with the provisions of Section 120.110 C.6.
2. Gasoline service stations (2, 4, 5d, 7).
3. Reserved.
4. Mining, excavation, quarrying, removal of earth or earth minerals (including gravel), on-site processing, mining and related businesses subject to conditions and limitations set forth in Section 120.110 C.6.
5. Small manufacturing, compounding and assembly facility provided that:
 - a. The land area does not exceed ten acres.
 - b. Will not cause a detrimental impact on the surrounding properties due to noise, vibration, odor, smoke, liquid waste, light or traffic.
 - c. All manufacturing, compound and/or assembling or treatment of articles must be done within a fully enclosed building.
6. Automobile and truck repair garage. (2, 4, 5c, 8)
7. Recreational equipment sales. (2, 3, 5c, 8)
8. Commercial recreation enterprises. (2, 4, 5c)
9. Reserved.

10. Machinery and heavy equipment sales. (2, 3, 5c, 8)
11. Mini-warehouse business. Fully enclosed storage buildings and/or outdoor storage; subject to conditions and limitations set forth in Section 120.210 B.18. (2, 3, 5c)
12. Outdoor Storage subject to Section 120.350 and 120.420.

F. Screening:

Screening shall be provided in accordance with Section 120.350.

G. Lot, Parcel or Building Site, Yard and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Section 120.600.

H. Related Principal Structure or Building:

Principal building or structure shall be defined as a building which is primarily occupied or devoted to the principal use of the lot parcel or building site and is owned and occupied by the title holder of the lot parcel or building site or a legal business entity principally owned by the title holder of the lot parcel or building site and operated on an integrated single industrial operation. Any principal building or structure leased or any necessary building or structure subleased to any person or legal business entity other than that owned by the title holder of the lot parcel or building site shall constitute a separate principal building for purposes of this section.

I. Principal Buildings or Structures Allowed.

Not more than one (1) unrelated principal building or structure may be constructed on a lot, parcel, or building site, except in accordance with Planned Industrial Park Development as set forth in Section 120.230 J.

J. Planned Industrial Park Development:

1. Purpose.

To allow more than one unrelated principal structure to be erected and maintained on the same lot, parcel or building site.

2. Minimum Size.

20 acres.

3. Conditions & Limitations.

The same as currently required in the respective Industrial Zone unless otherwise waived by the Planning Commission.

4. Application.

An application and site plan must be filed in accordance with Section 120.430.

5. Public Hearing.

The Planning Commission shall schedule a time for public hearing to review the proposed development per Ordinance requirements.

6. Street Access.

Minimum two access streets unless otherwise waived. Streets/Roads, public or private, must be paved and must meet Kalamazoo County Road Commission standards.

7. Traffic Lanes.

External and Internal traffic lanes may be required as set forth in the Ordinance in cooperation with the County Road Commission.

8. Variance.

Variance may be granted with regard to building height, area, set-back, frontage, lot, sign and yard requirements provided public safety and welfare is maintained.

9. Building Permits.

All building permits are subject to conditions and limitations placed on the project by the Planning Commission.

10. Certification.

Street and easement dedications must be certified prior to the issuance of a building permit.

11. Parking.

Parking area must be of concrete or asphalt materials.

[Ord. No. 239, eff 9/27/2016]

[Ord. No. 245, eff 11/26/2017]

120.240 “I-2” Industrial District, Manufacturing and Service.

A. Description of District:

This district is composed of certain lands located along state highways, major county thoroughfares and railroad right-of-ways. This district is designed to provide land for industries of a manufacturing and service nature where all work is carried on within an enclosed building, producing little external effect of any objectionable nature to the surrounding properties.

B. Permitted Uses:

1. Manufacturing, compounding, assembling or treatment of articles or merchandise, where all works are carried on within an enclosed building, and where any outdoor storage is limited to not more than 10% of the lot, parcel or building site area, and is maintained within the rear yard area.
2. Warehouses, fully enclosed.
3. Heavy equipment repair.
4. Construction and farm equipment sales.
5. Hardware and building supplies.
6. Ice and cold storage plant.
7. Lumber, fuel and feed storage and sales.
8. Essential services.
9. Reserved.
10. Any uses permitted in “I-1” Zoning District.
11. Private Solar Energy Systems when in accordance with Section 120.470.

C. Conditions and Limitations:

1. All operations must be carried on within fully enclosed buildings except for the following:

- a. Outdoor storage of product or material shall be subject to approval of a special exception use.
 - b. Delivery operations, which must not involve excessive noise, excessive fumes or any excessive nuisance to adjacent premises.
2. No buildings shall be located within 150 feet from the boundaries of any residential district classification and where property adjoins non-residential district classification, 75 feet of the property line abutting any public street and 15 feet of the interior, side or rear line. Any building or structure which exceeds 25 feet in height as measured from the lowest abutting grade level shall be set back an additional foot for each foot of height in excess of 25 feet from all boundary lines of the site.
3. Adequate off-street parking shall be maintained in accordance with Section 120.310.
4. All land of any individual site in use hereunder, not occupied by buildings, structures, improved parking areas or storage areas, shall be maintained in a neat and attractive manner, free of junk and debris and excessive uncontrolled growth. All land areas abutting a public or private street shall be landscaped and maintained in a neat and attractive manner, with grass, shrubbery, or other comparable attractive growth or materials.
5. Streets and drives servicing the buildings must have a right-of-way width of 66 feet where said street or drive connects or is intended to connect to adjoining property. All other streets and drives may be constructed of 24 feet of traveled area upon a 30-foot right-of-way. All streets and drives shall be constructed and maintained so as to be dust free.
6. Lighting of all types shall be so arranged that it does not produce unreasonable glare upon adjoining premises.

7. No exposed or outdoor loading and unloading docks or areas shall face any adjoining residential zone unless the same are screened therefrom by other buildings, structures or natural screening adequate to obscure the view thereof from such adjoining residential area.
8. Water and sanitary sewer shall be utilized if available within 300 feet of any portion of the site and the user of the site uses or reasonably anticipates using more than 1,000 gallons of water per 24-hour period. Surface drainage shall be through storm sewers or shall be disposed of upon the site. Leaching basins shall be fenced so as to prevent danger to the general public.
9. No use shall be allowed which shall emanate noise or glare to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises, nor which violates the "air quality standard" established by the Michigan Air Pollution Control Commission.

D. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Any industrial use which meets the intent and purpose of this district where all work is carried on within an enclosed building and does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent to be objectionable to surrounding properties.

A determination of the 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.

2. Automobile and truck body shop (2, 4, 5d, 8).
3. Contractors equipment yard (2, 4, 5f, 9).
4. Mining, excavation and/or removal, by transporting same off the premises, of earth or any earth minerals (including gravel) exceeding 250 cubic yards in amount, and temporary on-site processing of such earth or earth minerals, in accordance with the provisions of Section 120.110 C.6.

5. Gasoline service station (2, 4, 5d, 7).
6. Commercial Solar Energy Systems when in accordance with Section 120.470.
7. Mining, excavation, quarrying, removal of earth or earth minerals, on-site processing, mining and related businesses subject to conditions and limitations set forth in Section 120.110 C.6.
8. Any “Special Exception Use” listed in “I-1” Zoning District.

E. Screening:

Screening shall be provided in accordance with Section 120.350.

F. Lot, Parcel or Building Site, Yard and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Section 120.600.

G. Related Principal Structure or Building:

Principal building or structure shall be defined as a building which is primarily occupied or devoted to the principal use of the lot parcel or building site and is owned and occupied by the title holder of the lot parcel or building site or a legal business entity principally owned by the title holder of the lot parcel or building site and operated on an integrated single industrial operation. Any principal building or structure leased or any necessary building or structure subleased to any person or legal business entity other than that owned by the title holder of the lot parcel or building site shall constitute a separate principal building for purposes of this section.

H. Principal Buildings or Structures Allowed:

Not more than one (1) unrelated principal building or structure may be constructed on a lot, parcel, or building site, except in accordance with Planned Industrial Park Development as set forth in Section 120.230 J.

I. Planned Industrial Park Development:

Planned Industrial Park Development in accordance with Section 120.230

J.

[Ord. No. 239, eff 9/27/2016]

[Ord. No. 245, eff 11/26/2017]

120.250 “I-3” Industrial District, Heavy.

A. Description of District:

This district is designed to provide land for activities of a heavy industrial nature, placing emphasis on heavy manufacturing as opposed to service type of industry. Because of the nature of the district, it should be located as to be least objectionable to adjoining commercial or residential uses.

B. Permitted Uses:

1. Grain and equipment processing.
2. Outdoor storage and warehousing.
3. Public utility buildings and storage yards.
4. Truck terminals, maintenance and service yards.
5. Signs when in accordance with the provisions of Section 120.320.
6. Accessory uses or buildings when in accordance with the provisions of Section 120.410.
7. Public utility buildings and structures in accordance with Section 120.110 C.4. (1, 4, 5a, 9).
8. Essential services.
9. Private Solar Energy Systems when in accordance with Section 120.470.

C. Conditions and Limitations:

1. All operations must be carried on within fully enclosed buildings except for the following:
 - a. Outdoor storage of product or material shall be subject to approval of a special exception use.

- b. Delivery operations which must not involve excessive noise, excessive fumes or any excessive nuisance to adjacent premises.
2. No buildings shall be located within 150 feet from the boundaries of any residential district classification and where property adjoins non-residential district classification, 75 feet of the property line abutting any public street and 15 feet of the interior, side or rear line. Any building or structure which exceeds 25 feet in height as measured from the lowest abutting grade level shall be set back an additional foot for each foot of height in excess of 25 feet from all boundary lines of the site.
3. Adequate off-street parking shall be maintained in accordance with Section 120.310.
4. All land of any individual site in use hereunder, not occupied by buildings, structures, improved parking areas or storage areas, shall be maintained in a neat and attractive manner, free of junk and debris and excessive uncontrolled growth. All land areas abutting a public or private street shall be landscaped and maintained in a neat and attractive manner, with grass, shrubbery, or other comparable attractive growth or materials.
5. Streets and drives servicing the buildings must have a right-of-way width of 66 feet where said street or drive connects or is intended to connect to adjoining property. All other streets and drives may be constructed of 24 feet of traveled area upon a 30-foot right-of-way. All streets and drives shall be constructed and maintained so as to be dust free.
6. Lighting of all types shall be so arranged that it does not produce unreasonable glare upon adjoining premises.
7. No exposed or outdoor loading and unloading docks or areas shall face any adjoining residential zone unless the same are screened therefrom by other buildings, structures or natural screening adequate to obscure the view thereof from such adjoining residential area.

8. Water and sanitary sewer shall be utilized if available within 300 feet of any portion of the site and the user of the site uses or reasonably anticipates using more than 1,000 gallons of water per 24-hour period. Surface drainage shall be through storm sewers or shall be disposed of upon the site. Leaching basins shall be fenced so as to prevent danger to the general public.
9. No use shall be allowed which shall emanate noise or glare to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises, nor which violates the "air quality standard" established by the Michigan Air Pollution Control Commission.

D. Special Exception Uses:

All Special Exception Uses are subject to the provisions of Section 120.420.

1. Slaughter house and packing plant (2, 4, 5f).
2. Junk yards, building material salvage yard (2, 4, 5f, 9).
3. Mining, excavation and/or removal, by transporting same off the premises, of earth or any earth minerals (including gravel) and temporary on-site processing of such earth or earth minerals, in accordance with the provisions of Section 120.110 C.6.
4. Mining, excavation, quarrying, removal of earth or earth minerals (including gravel), on-site processing and related businesses, subject to the following conditions and limitations:
 - a. Location:
 - (1) All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

- (2) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation business shall be permitted closer than 150 feet to interior boundary lines of the property; provided, however, that such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support as above set forth is at all times maintained.
- (3) No such excavation business shall be permitted within 75 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
- (4) The permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor the stockpiling or loading and transportation equipment.
- (5) No such excavation businesses shall be located within 100 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission or such other State Commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

b. Sight Barriers and Fencing:

Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

- (1) Earth berms constructed to a height of six feet above the mean elevation of the center line of the adjacent public highway or six feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees or shrubs.
- (2) Plantings of evergreen trees or shrubbery in three staggered rows parallel to the boundaries of the property, which shall be at least two-year transplants at the time of planting and which grow to not less than six feet in height at maturity and sufficiently spaced to provide effective sight barriers when six feet in height. Trees which die must be replaced.

c. Nuisance Abatement:

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

d. Reclamation of Mined Areas:

- (1) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two years after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
- (2) The following standards shall control reclamation and rehabilitation:
 - (a) All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation or shall be graded or back-filled with nonnoxious, non-inflammable and non-combustible solids to insure:
 - i. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,
 - ii. That the surface of such area which is not permanently submerged is graded or backfilled as necessary to provide a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - (b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal.

- (c) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are desired. Where used, top soil shall be applied to a minimum depth of 2 inches sufficient to support vegetation.
- (d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- (e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stockpiles and equipment; provided, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

(3) Financial guarantees shall be furnished the Township insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000.00 per acre, proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than 1 vertical to 4 horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township or such other official as may be designated by the Township Board. Such financial guarantee may be in any one of the following forms: Cash, certified check, irrevocable bank letter of credit, or corporate surety bond of a licensed insurance company. In no event shall such financial guarantee be less than \$9,000 in amount.

e. Submission of Operational and Reclamation Plans:

No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

- (1) A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
- (2) The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
- (3) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
- (4) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
- (5) The type of soil around the perimeter of the site as shown by soil boring tests in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, disclosing conditions satisfactory for lateral support of adjacent premises or, in lieu thereof, the written consent of the owners of adjoining premises to mining operations closer than specified in the within Ordinance to the boundaries of the site.
- (6) A map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

f. Hearing:

- (1) After receiving an application for the grant of a permit for an earth removal, quarrying, gravel processing, mining and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application, preceded by not less than 10 days' notice of the time, place and purpose of such hearing to each owner of property adjoining the proposed site as shown on the last tax roll of the Township, as corrected by known transfers since the preparation of the same, by First Class Mail, and such other notice as may be deemed appropriate by said Board.
- (2) Following such hearing, said Board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criterion set forth in the within Ordinance and shall be based, in addition, on a consideration of the following:
 - (a) The most advantageous use of the land, resources and property.
 - (b) The character of the area in question and its peculiar suitability, if any, for particular uses.
 - (c) Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 - (d) The protection and preservation of the general health, safety and welfare of the Township.
 - (e) The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.

(f) In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area.

g. Fencing:

Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or others, and such dangerous conditions shall be eliminated as expeditiously as possible.

h. Liability Insurance:

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

i. Variances:

The Zoning Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where peculiar circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be effected.

5. 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 Planning Commission 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.

6. Public utility buildings including gas and electric substations.
7. Mining, excavation and/or removal, by transporting same off the premises, of earth or any earth minerals (including gravel) exceeding 250 cubic yards in amount, and temporary on-site processing of such earth or earth minerals, in accordance with the provisions of Section 120.110 C.6.
8. Composting, Non-agricultural or residential, subject to the following:
 - a. All such facilities shall comply with applicable statutes, administrative rules or similar regulations. Copies of any licensing, reporting or communications between the operator and those agencies shall be forwarded on to the Township for its records. In addition to the application requirements for a special exception use (Section 120.420) and the requirements for site plan review (Section 120.430), the following information requirements and conditions shall be imposed:

(1) Additional Information: The applicant shall identify the nature of the composting business, including the hours of operation, a complete list of material that is proposed for composting, the method of controlling any nuisance concerns (including, but not limited to, vectors, dust, odor, noise, vibration, light and litter), natural timeline for the process (from material transport, sorting and handling, to removal as compost), the intended capacity of the site (in cubic yards) and access and circulation for vehicular movement and emergency access. A daily operational plan shall be submitted, identifying the methods for extinguishing fire, odor mitigation, or similar issues related to resolving problems before Township services and enforcement measures are required. The daily operational plan shall detail, in addition to the above, on-site staffing and security to prevent illegal dumping, the steps to be taken should anaerobic conditions occur and a description of daily cleanup procedures. The applicant shall supply proof of insurance for personal injury and property damage for not less than \$1,000,000 for each occurrence.

b. Acreage, Location, Setback/Separation Requirements: The minimum parcel size for the operation shall be 20 contiguous acres in area. The location of the site (pad) utilized for the actual compost storage area shall not exceed ten acres. This site, defined as the area of active composting operations, including storage areas for raw or finished materials, shall be set back at least 100 feet from the boundary of the parcel utilized for the operation, 1,000 feet from any non-participating parcel boundary and 2,000 feet from any non-participating residential dwelling, private well or public wellfield, the 100-year floodplain or the road right-of-way. The Township shall require screening (fencing, berms, landscaping or some combination) of the site where such site location is deemed detrimental to an adjoining property, with this determination based upon the sole reasonable direction of the Planning Commission.

- c. **Water Quality Study Requirement:** The applicant shall present a study establishing a baseline for existing groundwater and surface water conditions in the area of the site as part of the initial application. This baseline study shall also include soil conditions and identify at least three locations on the proposed site where test wells, which shall be grouted and locked, shall be located. Well testing logs shall be maintained, and samples shall be drawn, tested and analyzed by an independent laboratory on a quarterly basis, with results forwarded to the Township for review by the Township Engineer. The cost of such testing and analysis shall be borne by the applicant.

- d. The site plan shall indemnify the nature of the liner to be utilized on the site, whether clay or man-made material, manufacturer's warranty, the thickness of the liner and the location of the site (pad) and the parcel as it relates to any surface water within one mile of the pad location. The site plan application shall include calculations of storm water flow and the location of on-site retention.

- e. **Transportation/Type of Organic Material:** The applicant shall provide a truck route for the transport of material to and from the site and the internal circulation around the site. This material shall be covered during transport, and the route shall be maintained in a manner to control dust, litter, odor or other nuisance associated with such operations. A truck cleaning station shall be located along the internal route prior to exiting only any County road, with the expectation that no mud or material shall be tracked onto the road.

The type of organic material allowed shall be limited to grass clippings, twigs and organic wood waste, including sawdust and wood chips, USDA organic fruit and vegetable scraps, nut shells and coffee grounds. No hazardous or solid waste, human waste, industrial, municipal or processing waste or animal waste shall be permitted. The applicant shall present, and the Planning Commission may approve, any other additive, other than water, that is proposed for either improving the compost or reducing the odor associated with the process.

- f. Site specifications/Noise standards: The site (pad) shall be arranged to allow for access to all portions of the compost pile, wind row or tunnel. Any storage area for materials not yet added to the compost must be indicated, which such height to be no greater than six feet to allow for visual inspection.

A baseline noise study shall be submitted, with this to include readings along all adjoining property lines. This baseline shall then be used to determine conditions related to maximum decibel readings at those boundaries. The Planning Commission may base their requirements for screening (berms, landscaping, etc.) on the need to minimize such noise concerns in certain locations. Readings along such parcel boundary shall not exceed 65 decibels during the day (7 a.m. to 7 p.m.) or 55 decibels at night.

- g. Annual Review/Complaints: The Planning Commission shall conduct an annual review of the approved operation. Such review will include all quarterly reports of water testing, a listing of complaints received directly by the operator, the results of their steps to resolve the complaint and a list of complaints received by the Township and those results following contact. A complaint log shall be maintained by the Township. The annual review shall detail any changes to the daily operational plan allowed by the Zoning Administrator or minor modifications or administrative amendments to the site plan. No changes in conditions associated with the special exception use approval are allowed unless such change in condition is submitted as an application for review, complying with the public hearing requirements for any special exception use application.

Once a complaint is directed to and received by the Township Supervisor or Code Enforcement Officer, he/she shall make immediate contact with the operator, who shall resolve the problem and report back to the Township as to such resolution. If the Township believes no resolution of the matter has taken place within 12 hours of the contact, it may then initiate violation action against the operator.

h. Closure/Reclamation Plan: The applicant shall submit a closure and reclamation plan with the application. It shall post a cash bond as part of the approval that can be utilized by the Township to ensure compliance with the Plan. The Plan shall require notice to the Township within 30 days of business interruption that the operator either seeks to discontinue such operation or has a plan to remove and dispose of any existing material before restarting the operation. Should the applicant fail to submit this notice or cease operation of the site for more than a three-month period (excluding any seasonal fluctuations identified with the Plan), such bond may be utilized by the Township to dispose of material and reclaim the site in the approved condition. The Township Engineer shall determine the cost estimate associated with closure and reclamation and establish the cash bond at 150% of the estimated cost, which may be reviewed periodically and may be increased or decreased in the Township's discretion based in whole or part upon the Township Engineer's determination.

9. Outdoor Storage subject to Sections 120.350 and 120.420.

10. Commercial Solar Energy Systems when in accordance with Section 120.470.

E. Screening:

Screening shall be provided in accordance with Section 120.350.

F. Lot, Parcel or Building Site, Yard and Area Requirements:

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Section 120.600.

G. Related Principal Structure or Building:

Principal building or structure shall be defined as a building which is primarily occupied or devoted to the principal use of the lot parcel or building site and is owned and occupied by the title holder of the lot parcel or building site or a legal business entity principally owned by the title holder of the lot parcel or building site and operated on an integrated single industrial operation. Any principal building or structure leased or any necessary building or structure subleased to any person or legal business entity other than that owned by the title holder of the lot parcel or building site shall constitute a separate principal building for purposes of this section.

H. Principal Buildings or Structures Allowed:

Not more than one (1) unrelated principal building or structure may be constructed on a lot, parcel, or building site.

[Ord. No. 239, eff 9/27/2016]

[Ord. No. 245, eff 11/26/2017]

120.300 SUPPLEMENTARY REGULATIONS

120.310 Off-Street Parking of Motor Vehicles.

A. Provision and Maintenance:

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. Parking Spaces shall be Provided in the Manner and Location Herein Specified:

1. 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.
2. Off-street parking or storage of licensed vehicles, motor homes, boats, snowmobiles, camping trailers or any similar equipment shall be prohibited in the side yard and front yard setback areas of all residentially zoned property, except for such parking within the private driveway areas.

C. Requirements for All Parking Spaces and Parking Lots:

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 Site Plan Review and/or at the time of application for a building permit for the erection or enlargement of any building.

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. The depth of a parking space and the drive aisle serving such space shall not be less than 42 feet.
2. All off-street parking facilities shall be paved (asphalt or concrete) and drained so as to retain such storm water on-site. The Planning Commission, in its sole reasonable discretion, may waive this paving requirement or establish a timeline for completion as a condition of the approval of the site plan.

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. 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. The Planning Commission, in its sole reasonable discretion, may waive this requirement if they determine that cross-access to abutting property or differences in hours of operation may reduce this number of needed spaces.

D. Parking Spaces/Lots for the Following Uses shall be of a Concrete or Asphalt Material and shall meet Minimum Requirements as Follows:

1. Multiple-family units--Each dwelling unit containing 0 to 2 bedrooms must be provided with at least 2 1/2 parking spaces. Each dwelling unit with more than 2 bedrooms must have at least an additional parking space for each additional bedroom.

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 foot 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. Industrial/Warehouse/Storage--Adequate off-street parking equal to one parking space for each employee on the maximum shift and one parking space for each anticipated customer and visitor shall be maintained on the premises. Such parking space shall not be less than 9 feet by 20 feet in size, exclusive of driveways, and shall be constructed and maintained so as to be dust free, and shall be set back not less than 25 feet from adjoining public streets and 50 feet from adjoining residential areas by an obscuring wall not less than 4 feet high.
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--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.

120.320 Signs and Outdoor Advertising Structures:

A. Purpose:

The purpose of this Ordinance is:

1. To encourage the effective use of signs as a means of communication.
2. To maintain and enhance the aesthetic environment and the ability to attract sources of economic development and growth.
3. To improve pedestrian and traffic safety.
4. To minimize the possible adverse effect of signs on nearby public and private property.
5. To enable a fair and consistent use of signs.

The intent is not to regulate content or commercial speech but rather to establish consistency based upon type of signs through zoning classification. Toward this end, regulation of the location and size of signs is intended to enhance public safety and maintain a balance between the principal permitted use and the accessory nature of signs in support of such use.

B. Definitions.

1. **Awning:** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
2. **Awning Sign:** A sign affixed flat against the surface of an awning. For calculation purposes, such sign shall be considered a wall sign.
3. **Banner Sign:** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework. Banners shall only be utilized for temporary signs.
4. **Billboard:** A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.

5. **Construction Sign:** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
6. **Directional Sign:** A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
7. **Freestanding Sign:** A sign supported on poles not attached to a building or wall.
8. **Government Sign:** A temporary or permanent sign erected by the Township, the County or the state or federal government.
9. **Ground Sign:** A sign resting directly on the ground or supported by short poles not attached to a building or wall. For calculation purposes, such sign shall be considered a freestanding sign.
10. **Marquee:** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
11. **Marquee Sign:** A sign affixed flat against the surface of a marquee.
12. **Menu Board:** A sign that is placed along a drive aisle that is specifically utilized for drive-through purposes.
13. **Message Center Sign:** An internally illuminated sign that has a changeable electronic message board.
14. **Multi-Use Sign:** A freestanding sign that includes signage for not less than three businesses.
15. **Mural:** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
16. **Off-Premises[s] Sign:** A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located. Unless otherwise regulated, such signs shall be considered a billboard.

17. **On-Premises[s] Sign:** Any sign which pertains solely to the use of the property on which it is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
18. **Placard:** A sign not exceeding two square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
19. **Political Sign:** A temporary sign used in connection with a noncommercial message or an official township, school district, county, state, or federal election or referendum.
20. **Portable Sign:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building. For calculation purposes, a portable sign shall only be utilized where no other freestanding sign is in place and shall be considered the freestanding sign.
21. **Projecting Sign:** A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 36 inches from the face of the building or wall. For calculation purposes, a projecting sign shall be considered a wall sign.
22. **Reader Board:** A portion of a sign on which copy is changed manually.
23. **Real Estate Sign:** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
24. **Roof Line:** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
25. **Roof Sign:** A sign erected above the roof line of a building.
26. **Sign:** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, products, service, or activity.
27. **Special Event Sign:** Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.

28. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of the wall to which it is attached.
29. **Window Sign:** A sign installed inside a window and intended to be viewed from the outside. If considered permanent, such as for electronic signs, it shall be calculated with allowable wall signage. If for temporary advertising, there shall be a designed area that does not exceed 25% of the window area, and this shall be exempt from wall sign calculation.

C. General Sign Provisions/Permit Process.

No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a sign permit, unless otherwise listed as not requiring a permit based upon size, exempt or subject to a temporary sign permit as provided in this section.

1. **Application.** A sign permit application shall be obtained from the Township and submitted with a fee, as established by the Township Board. The Zoning Administrator shall have responsibility for review and approval of all sign permits. The Zoning Administrator and/or Code Enforcement Officer shall have responsibility for determining compliance once a sign has been installed with permit or where a violation has been determined without a required permit.
2. The following signs shall not require a permit:
 - a. Directional signs (6 square feet or less).
 - b. Placards (6 square feet or less).
 - c. Political signs.
 - d. Window signs (utilizing no more than 25% of the interior glass surface).

NOTE: Any sign greater than 6 square feet requires a sign permit, unless such sign is exempt or subject to temporary sign provisions.

3. Signs shall be maintained free of peeling paint or paper, fading, straining, rust, or other condition which impairs legibility or intelligibility.

4. Any freestanding sign with a permanent foundation shall also require a building permit. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
5. Signs may be internally illuminated or externally illuminated, except for home occupation signs which shall not be illuminated. For externally illuminated signs, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
6. No sign shall be placed in, upon, or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this section.
7. No light pole, utility pole, fences or other similar structures shall be used for the placement of any sign unless specifically designed and approved for such use.
8. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
9. No commercial vehicle or trailer, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
10. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light. (See Message Center sign provisions for any exceptions)
11. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts. Human sandwich board signs may be permitted provided such movement does not create a traffic hazard.
12. No wall sign shall extend beyond the edge of the wall to which it is affixed, unless approved as a projecting sign or attached to a marquee, and no wall sign shall extend above the roof line of a building.

D. Exempt Signs. The Following Signs shall be Exempt from These Provisions:

1. Government signs.
2. Historical markers.
3. Memorial signs or tablets.
4. Murals.
5. Signs not visible from any streets.
6. Signs for essential services.
7. Signs with address, owner, or occupant name, of up to two square feet in area attached to a mailbox, light fixture or exterior wall.
8. Flags or insignia of any nation, state, township, community organization, or educational institution.

E. Nonconforming Signs, Illegal Signs, and Signs Accessory to Nonconforming Uses.

1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming unless such sign has been approved subject to a variance request.
2. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
3. For purposes of this article, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of its nonconforming status. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
4. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than 50% of the value of the sign on the date of loss.

5. Any sign which for a period of six months or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within 30 days of receipt of written notice by the Zoning Administrator. Notice shall also be given for removal of such sign structure, if nonconforming, within six months of the date of such written notice, unless a new business owner or tenant has occupied such business location.
6. A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district. Should the nonconforming use cease to exist, such sign shall also be removed as indicated above.

F. Units of Measurement.

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. In no instance shall the area of the sign face exceed 50% of the permitted sign area.
2. The area of a freestanding, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

G. Sign Regulations, Including Temporary Sign Provisions, Applicable to All Zoning Districts.

1. All ground, wall and freestanding signs may include reader boards, provided the entire area utilized complies with the overall sign area calculation. Message center signs may be allowed subject to the following provisions:

Only variable date, time, temperature or gasoline pricing reference is permitted. The message may only change every 60 seconds (time) or for accuracy (date, temperature or pricing), whichever is the greater time duration. Such signs are only permitted in commercial and industrial districts, and for church use within any district, and shall be no greater than six square feet of the overall sign allowance. No more than ten characters (either numbers, letters or some combination) are permitted. Illumination levels shall not exceed one footcandle at any property line. No graphics may be utilized.

2. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
3. Real estate signs shall be removed within 30 days after completion of the sale or lease of the property. Any real estate sign greater than six square feet shall only be allowed for nonresidential uses. (Such signs shall not require a permit.)
4. Construction signs are permitted within any zone district, subject to the following restrictions:
 - a. One sign is permitted to be placed on the lot where the construction is taking place to identify contractors, design professionals, lending institutions, etc. (Such signs shall not require a permit.)
 - b. The sign shall be no larger than 16 square feet in area, and not exceed five feet in height. In a case where two or more firms utilize a sign, the sign shall be no larger than 32 square feet in area, and not exceed five feet in height.
 - c. Construction signs shall not be erected until a building permit has been issued for the project which the subject of the proposed sign, and construction activity has begun.

- d. Construction signs shall be removed within 15 days of the issuance of any occupancy permit for the building or structure which is the subject of the construction sign.
5. Special event signs, including banner signs, are permitted in conjunction with any permitted nonresidential use, or agricultural use in a residential zoning district, subject to the following restrictions:
 - a. No more than four such signs shall be displayed for each special event. Such signs shall be located on the lot on which the special event is held. Such signs shall require a temporary sign permit.
 - b. The display of such signs shall be limited to the 21 days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of 24 square feet in area, and a maximum height of five feet and shall be set back from any side or rear property line a minimum of 15 feet.
 - d. Such signs shall be removed within 48 hours of the conclusion of the special event which is being advertised.
 - e. Such signs shall not cause a vision hazard at any road intersection or driveway.
 6. Directional signs are permitted subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-premise[s] establishment, but no advertising copy. (Such signs shall not require a building permit.)
 - b. No such sign shall exceed six square feet in area or three feet in height.
 - c. Directional signs shall be limited to traffic control functions only (Enter, exit, etc.).
 - d. Such signs shall not cause a vision hazard at any road intersection or driveway.

7. Residential yard sale signs are permitted subject to the following restrictions:
 - a. One sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, and set back a minimum of 15 feet from any side or rear property line. (Such signs shall not require a permit.)
 - b. Such sign shall not exceed six square feet in area.
 - c. Such sign shall be erected no more than seven days prior to the day(s) of the sale and shall be removed within one day after the completion of the sale.
8. Political signs shall not be subject to these restrictions.
9. Billboards shall be located so as to be visible to persons traveling on state primary highways or trunk-lines and shall conform to the regulations and provisions under Act 106 of the Public Acts of 1972, MCL 252.301 et seq., as amended, unless such billboard is prohibited by the provisions of this Code. Billboards are prohibited in all districts except the commercial and industrial districts. All billboards located in these districts shall conform to the following requirements:
 - a. Billboards are required to have the same setback as other principal structures or buildings in the zone in which they are situated. No billboard shall be located within 300 feet of any residence or residential zone.
 - b. Where two or more billboards are along the frontage of a single street or highway, they shall not be less than 1,000 feet apart. A double face (back-to-back) structure shall be considered a single sign. No V-type signs shall be allowed unless the open end of the V does not exceed five feet in distance. Billboards shall not be located less than 500 feet from any on-premises freestanding sign approved or installed in order to minimize conflict between signs.
 - c. The total surface area of any billboard, facing in one direction, shall not exceed 300 square feet, and the maximum height shall not exceed 30 feet above the grade of the ground providing support for the sign.

- d. No billboard shall be erected on the roof of any building, nor have one sign above another sign.
- e. Billboards may be illuminated by reflected light only and provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises, and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
- f. Billboards shall be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and so their use will not change the essential character of the same area.

H. Signs in Each Zoning District shall be Subject to the Following Regulations:

“A,” “R-1,” “R-2,” “R-3,” “R-4,” “R-5,” “R-6” and “RD” Zoning Districts – Permitted Signs

Ground signs for residential subdivisions, manufactured home parks, or similar agricultural or residential uses allowed in the district

Number	1 per entrance (Not more than two)
Size	No greater than 16 square feet
Location	Minimum of 15 feet from any front, side or rear property line
Height	No higher than 5 feet

Signs for home occupations

Number	1 per lot or parcel
Size	No greater than 2 square feet unless otherwise provided; 8 square feet in the “A” District
Location	On wall of principal building facing street or in front yard (15-foot setback)

Signs for nonresidential uses

Number	1 freestanding per street frontage and no more than 2 wall signs
Size	Wall: No greater than 5% of the wall area to which the sign is affixed per sign. Freestanding: No more than 32 square feet.
Location	On wall of building facing street or in front yard (15-foot setback)

Real estate signs

Number	1 per lot or parcel, per 300 feet of road frontage
Size	No greater than 6 square feet for developed properties or lots; 32 square feet for vacant lots or parcels
Location	Minimum of 5 feet from any front, side or rear property line
Height	No higher than 5 feet

**“CBD,” “C-1,” “C-2,” “C-3” and
“I-1,” “I-2” and “I-3” Zoning Districts – Permitted Signs**

Ground signs (Required for a single business

Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 15 feet from any property line, and outside the public right-of-way
Height	No higher than 5 feet

Freestanding signs (Permitted only for
multi-use business locations

Number	1 per lot or parcel, except that only 1 ground sign or 1 freestanding sign shall be permitted per lot or parcel
Size	No greater than 60 square feet
Location	Minimum of 15 feet from any property line, and outside the public right-of-way
Height	No higher than 20 feet, with a minimum of 8 feet between the ground and the bottom of the sign

Wall signs

Number	1 per each 50 feet of street frontage
Size	No greater than 10% of the wall area to which the sign is affixed, not to exceed a maximum sign area of 200 square feet
Location	On wall of building facing street

Real estate signs

Number	1 per lot or parcel
Size	No greater than 16 square feet for developed properties or lots; 32 square feet for vacant lots or parcels
Location	Minimum of 15 feet from any property line, and outside the public right-of-way
Height	No higher than 5 feet

120.330 Nonconforming Uses, Lots or Structures.

The following regulations shall control nonconforming uses, lots or structures in existence at the time of passage of this Ordinance:

- A. Nonconforming uses, lots or structures in existence at the time of passage of this Ordinance shall not be extended, added to or altered unless such extensions, alterations or additions are in conformity with the provisions of this Ordinance. Notwithstanding, the Township Zoning Board of Appeals shall have the authority to waive conformity with the provisions of this Ordinance for the extension, addition, alteration, or improvement of a nonconforming use, lot or structure in existence at the time of passage of this Ordinance if such extension, addition, alteration, or improvement does not: (1) increase the non-conformity with the provisions of this Ordinance and (2) does not have a negative impact on the public health, safety or welfare.
- B. If the nonconforming use, lot 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, lot or structure shall be in conformity with this Ordinance.
- C. If a nonconforming use, lot or structure 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.
- D. 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, movable 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.
- E. When a non-conforming structure is damaged or destroyed by fire or other calamity it may be repaired or reconstructed to its original size, shape and design if a building permit therefore is obtained within twelve (12) months from the date of the damage and providing construction is completed within one (1) year from the date of permit issuance.

- F. Agricultural uses that existed at the time of passage of this Ordinance provision shall be deemed to be legal nonconforming uses that may be extended, added to or altered provided such uses are in compliance with the Michigan Right to Farm Act, Public Act 93 of 1981 (the “Act”), and any Generally Accepted Agricultural Management Practices adopted pursuant to the Act. The applicant must prove that such prior agricultural use was a “Farm” or “Farm operation” used in the commercial production of farm products.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 249, eff 01/29/2019]

[Ord. No. 255, eff 05/26/2020]

120.340 Home Occupations.

Any home occupation, where allowed, in a zoning district classification, shall be operated in accordance with all of the following conditions and limitations:

- A. The occupation or activity shall be as an accessory use entirely in a residential dwelling unit or attached garage, and not in an unattached garage or accessory building, except for storage purposes described in this Section K.
- B. The dwelling shall have no exterior evidence of a home occupation other than one sign not exceeding one (1) square foot in area.
- C. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes.
- D. No retail sales shall be allowed from the premises.
- E. No home occupation shall be conducted upon or from the premises which would constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of a heavy volume of vehicular traffic to the premises.
- F. No manufacturing or processing may occur on premises.
- G. No outdoor storage of any product or material.
- H. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the home occupation is conducted.
- I. The office of a home occupation shall not utilize more than 300 square feet of space.
- J. The home occupation shall be conducted only by persons living within the primary dwelling and no others, either as principals or employees.
- K. Storage, in accordance with a home occupation, may be in a garage or accessory building, not to exceed 300 square feet.
- L. No hazardous chemicals or volatile materials shall be stored on-site.
- M. Parking of motor vehicles shall be limited one (1) commercial vehicle per parcel, pursuant to Section 120.310.

120.350 Screening.

- A. Where a commercial or industrial use occupies a parcel immediately adjacent to a residential zoning district (i.e., "A", "R-1", "R-2", "R-3", "R-4", "R-5" or "RD") a screening area shall be established on the parcel between the commercial or industrial use and the residential zoning district.

- B. Whenever screening is required, or whenever premises or operations are required to be screened under this Ordinance, the same shall be construed to require one or more of the following as may be determined to be necessary:
 - 1. A nature compact planting area composed of at least two rows of one or more of these upright conifers: Blue, Green, White or Serbian Spruce, Douglas Fir, Austrian Pine or other generally accepted conifers and/or combinations thereof; however, Douglas Fir shall not be used in combinations with Blue, Green, White or Serbian Spruce. Said area shall be planted at 6 feet on center and plantings shall be alternately spaced between the rows; further, spacing shall be such that density and screening effects are maintained throughout the calendar year. The area shall consist of at least two-year transplants at the time of planting. The planting area shall be maintained in a neat and attractive manner.

 - 2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities required to be screened from the view of occupants of adjoining premises or public highways, not less than 6 feet in height, and maintained in a neat and attractive manner.

 - 3. A berm of not less than 15 feet in width and 4 feet 6 inches in height constructed with 1 1/2 feet of rise for each 2 1/2 feet of slope. Said berm shall be seeded with perennial rye and an appropriate grass seed, and shall be covered with organic mulch. Said berm shall be landscaped with shrubbery and trees to enhance the screening effect an aesthetic appearance of same, and shall be maintained in a neat and attractive manner.

120.360 Fencing and Swimming Pool.

- A. All fences of any nature, type or description located in Cooper Charter Township shall conform to the following requirements:
1. No fence in excess of six (6) feet in height shall be erected, constructed, located or maintained in any residential district. In addition, no fences in excess of 48 inches in height shall be erected, constructed, located or maintained in any front yard in any residential district. All fences in the front yard shall be non-opaque in nature, designed or constructed of materials that provide for a clear field of vision through the fence.
 2. No fence located in a residential zoning district may contain barbed wire, spikes, nails or other sharp points or instruments of any kind on the top or on the side of any fence, or electrical current or charge in said fence, except for agricultural purposes or lots, parcels or building sites greater than 2½ acres in size.
 3. All fences hereafter constructed shall be of ornamental nature consisting of wood, vinyl, chain link and/or metal, brick or block standard fencing materials. The finished portion of the fence shall face outward, toward adjoining properties. In no case shall items such as, or similar to, the following be used in the construction of any fences: Pallets, tires, scrap metal, etc.
 4. In the case of lakefront lots or lots bordering on a river or stream, no fence shall be located on the lake side or fronting upon a river or stream except as in conformance with the front yard requirements, as set forth above.
 5. Fences in the agricultural or residential districts may be located on the property lines or road right-of-way lines of a parcel of land, providing such fences are maintained in a good construction and do not result in an unreasonable hazard to persons who might come near them.
 6. Within the commercial or industrial districts, barbed-wire cradles shall be permissible, provided they have no more than three (3) strands of barbed wire and have a height from top to bottom of the cradle of no more than one (1) foot. However, barbed wire cradles shall not be considered as part of the fence for purposes of determining compliance with the maximum eight (8) foot height limitation.

7. The Planning Commission shall have authority to waive the fence height limitations within the commercial or industrial districts if the Planning Commission determines, based upon the nature of the site, nature of the properties and streets adjoining the subject property and the nature of the proposed use, that such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will not otherwise be inconsistent with the purposes of this section.
 8. No fence, wall, structure or planting shall be erected, established or maintained in any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corners shall mean a triangular area formed by the street property lines, and a line connecting them at points 30 feet from the intersection of street lines or in the case of rounded property corner, from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery up to 30 inches in height.
 9. Interior fences within a mobile home park shall not exceed 48 inches in height and shall not have less than two (2) access gates, which provide free access to all sides of the mobile home for firefighting purposes.
- B. All swimming pools hereafter constructed outside of a building shall be enclosed by a fence (or wall) extending from the ground to a point at least four (4) feet above any ground or climbable object, subject to building code requirements. Such fence (or wall) shall be of one of the following types:
1. Vertical board or pole fence with boards or poles spaced not greater than two (2) inches with all horizontal members on the pool side of the fence (or wall);
 2. Solid fencing having a flush exterior;
 3. Chain link or metal mesh, the openings of which shall not exceed two and one-fourth (2 1/4) inches;

4. Gates shall meet the requirements for fence construction, and shall be self-closing, self-latching, and equipped with a key lock capable of securely holding the gate closed. Service gates not ordinarily used for ingress or egress for swimmers need not be self-closing or self-latching, but must be securely locked when not in use;
 5. For the purpose of determining suitable, alternative types of fences and gates, the Planning Commission is hereby given authority to grant variances so as to allow for suitable, alternative types of fencing and gates, provided that the alternative shall be reasonably equivalent to the type herein specified.
- C. Notwithstanding the above, fencing shall not be required for an above-ground swimming pool, having a height of at least four feet above any ground or climbable object within five (5) feet of sides, and shall have a retractable or removable ladder that shall be removed or retracted at all times while the swimming pool is not in use.
- D. Hot Tubs/Jacuzzi Tubs shall be securely covered when not in use.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 248, eff 01/29/2019]

120.370 Basement or Cellar Occupancy.

A structure which consists entirely of basement or cellar, or the principal part of which is determined by the Zoning Board of Appeals to be a basement or cellar, shall not be occupied for dwelling purposes.

120.380 Agricultural Service Business or Rural Service Enterprise.

Any Agricultural Service Business or Rural Service Enterprise shall be operated in conformance with the following conditions and limitations.

A. Permitted Uses.

1. Agricultural Service Businesses:
 - a. Grain and seed elevators for storage, drying, and wholesale of agricultural products.
 - b. Veterinary clinic.
 - c. Wholesale and distribution facilities of agriculturally related products, such as bulk feed, fertilizer, and seed.
2. Rural Service Enterprises:
 - a. Landscape/lawn maintenance service providers.
 - b. Pest control service providers.
 - c. Residential contractor's office.
 - d. Residential handyman repair.

B. General Provisions.

1. May only be established on a parcel of at least three (3) acres.
2. Only one business may operate from the subject property.
3. Buildings or structures.
 - a. Shall be designed and located on the site to create the least amount of conflict with agricultural uses and rural character.
 - b. Buildings or structures related to the business or enterprise shall be limited in scale so that it is in character with rural development and in no case shall more than 5,000 square feet of total area be constructed or utilized for the business or enterprise.

- c. If the business or enterprise is located on a parcel with a primary residence, all buildings or structures related to the business or enterprise shall be considered accessory to the single-family residence. The total accessory building square footage for the primary residence shall be in compliance with Section 120.410 herein. Buildings or structures related to the business or enterprise shall be in compliance with Section 120.380.B.3.b noted above.
4. The front yard setback shall be a minimum of 75 feet.
5. Retail sales is prohibited on site, except for specialty products needed by veterinary clinics.
6. All uses, except for those that relate to growing or storing plants, must be conducted within a fully enclosed building.
7. Storage of materials must be done within fully enclosed buildings or structures, unless specifically permitted herein.
8. No outdoor display of goods is permitted.
9. Access to the property shall be achieved from a County primary road as permitted by the Road Commission of Kalamazoo County. If access to a County primary road is not permitted, vehicles and equipment from the business or enterprise must take the shortest direct route to the nearest County primary road.
10. If adjacent to residentially zoned or used property, a minimum buffer area of 100 feet is required at the property line adjacent to such zone or use. In addition, screening must be provided within this buffer area which meets the requirements of Section 120.350.
11. Only one freestanding sign is permitted, consistent with the sign standards in Section 120.320.
12. Hours of operation shall be from 7:00 am to 8:00 pm Monday through Friday and 9:00 am to 6:00 pm Saturday and Sunday.

C. Specific Provisions for Rural Service Enterprises.

1. No customers are permitted on the subject property.

2. Outdoor storage of natural products, such as natural landscape materials, is permitted if the location of the outdoor storage is completely screened from any road right-of-way or residentially zoned or used property.
3. Heavy equipment including but not limited to heavy duty rated trucks, cranes, crawler-type tractors, earth movers, dump trucks, cement mixers, or other equipment of equal or greater size and weight are prohibited.
4. Off-site materials, such as yard clippings, landscape waste, demolition debris, etc. may not be brought to the property for disposal or burning.

D. Zoning Administrator Review.

A zoning review shall be required for any Agricultural Service Business or Rural Service Enterprise to ensure the requirements outlined herein have been met and the rural character of the area is maintained. An appeal of the Zoning Administrator's determination shall follow the procedures of Section 120.90 herein.

[Ord. No. 258, eff 02/25/2021]

120.390 Restriction on Number of Principal Buildings Per Parcel.

- A. In the "A", "R-1", "R-2" and "R-3" zone classifications only one dwelling may be placed on a lot, parcel or building site.

In addition, no person shall place or allow the placement for storage purposes or otherwise of a mobile home upon a lot or parcel of record, except in compliance with the standards set forth in the definition of "dwelling" contained in Section 120.14 of this Ordinance.

[Ord. No. 255, eff 05/26/2020]

120.400 Private Streets and/or Roads.

A. Purpose.

The purpose of this section is to govern the installation, construction or establishment of private streets or roads within the Township, which are not located within a platted subdivision but which are located within a condominium project. This section sets procedural requirements, documentary requirements and requirements regarding design and construction. This section is intended to serve the health, safety and welfare of the public by standardizing private streets or roads, and requiring design and construction (and maintenance) of same so as to facilitate access by emergency vehicles and by multiple public and private users.

B. Scope.

The requirements hereinafter set forth shall apply to all private streets or roads within the Township which are not located or to be located within a platted subdivision but are located or to be located within a condominium project. Private streets or roads located within or to be located within a platted subdivision are governed by the Subdivision Control Ordinance of the Township.

C. Procedural Requirements:

1. Preliminary Private Street/Road Permit.

Prior to the commencement of the installation, construction or establishment of a private street or road within the scope of this section, a preliminary private road permit must be obtained from the Township.

In order to obtain a private road permit, the following must be provided to the Township:

- a. Application for preliminary private road permit;
- b. Initial plans and specifications regarding the design and proposed construction of the private street or road;
- c. Any and all easements required herein;

- d. Maintenance agreement required herein; the maintenance agreement shall clearly provide unequivocal notice that the private street/road will not be maintained by the Township.
- e. A fee based upon the fee schedule adopted by the Township Board, which schedule may be amended from time to time by the Township Board.

2. Issuance of Preliminary Private Street/Road Permit.

A preliminary private street/road permit shall be issued if the Planning Commission determines, after public hearing on the application, that private streets or roads within the project will not adversely affect the public health, safety or welfare. In determining same the Planning Commission shall consider:

- a. The number of units and/or building sites to be served by said streets or roads;
- b. Layout of proposed project;
- c. Ability to access with emergency vehicles;
- d. Whether the street or road will serve as a link between different public roads; and
- e. All other relevant factors.

3. Final Private Road Permit.

Prior to issuance of building permits, a final private road permit must be obtained from the Township. The final private road permit shall be issued after the construction of a private street or road for which a preliminary permit was granted, after review and approval of said private street or road by the Township's engineer, and after payment of final permit fee.

4. Other Permits.

Nothing in this section shall relieve any person, firm, corporation or other entity from compliance with other permit requirements of the county or state.

D. Design and Construction Requirements.

All private streets or roads within the scope of this section shall comply with the following standards and requirements of design and construction:

1. All streets or roads shall be located upon a right-of-way of not less than 66 feet.
2. All streets or roads shall be constructed in accordance with Kalamazoo County Road Commission standards and specifications.
3. The private street/road shall furnish a minimum of two access streets connecting same to a public street or streets unless the Zoning Board of Appeals grants a variance from such requirement where, in the opinion of the Board, the additional access(es) would not improve traffic safety because of particular characteristics of the proposed development.

E. Documentary Requirements:

1. Utility Easements.

No private street or road within the scope of this section shall be established unless an easement is provided to the Township within or adjoining said private street or road for all public utilities.

2. Access Easements.

No private street or road within the scope of this section shall be established unless all necessary access easements are provided to the benefited properties and/or to the Township.

3. A Maintenance and Repair Agreement.

No private street or road within the scope of this section shall be established unless a maintenance and repair agreement, recordable with the County Register of Deeds, is supplied providing:

- a. Legal description(s) of all property enjoining a right to utilize the private street or road, i.e., "benefitted properties";
- b. Legal description(s) of all right-of-way and public utility easements;

- c. Legal description(s) of all property having a responsibility for repair, maintenance and/or snow removal for the private street or road, i.e., "responsible properties";
- d. A description of the respective responsibilities, monetary and otherwise, of such responsible property(ies) for repair, maintenance and/or snow removal.
- e. The method by which decisions regarding repair, maintenance or snow removal are to be made by the owner(s) of the responsible property(ies);
- f. A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefitted and responsible property(ies);
- g. A provision stating that the Township may, at its option, maintain, repair and/or remove snow from the private street or road and charge the cost of same to the responsible property(ies) if the property owners fail to repair, maintain or remove snow from same;
- h. Signatures of all persons having any interest in the property or properties on which the street or road is located, benefitted properties and responsible properties.

F. Variance.

The Zoning Board of Appeals may grant a variance from the foregoing where there are practical difficulties or unnecessary hardships in the way of carrying out strict compliance with the section or where, in the opinion of the Board, the spirit and intent of the foregoing provisions are preserved and where the health, safety and welfare of the public is secured and substantial justice thereby accomplished.

G. Existing Private Streets or Roads.

This section shall not apply to any private street or road established prior to the effective date of this Ordinance.

120.410 Accessory Uses or Buildings.

A. Accessory Uses.

Any use which complies with all of the following conditions, may be operated as an accessory use and may be operated in an accessory or principal building which:

1. Is clearly incidental and customary to and commonly associated with the operation of the permitted uses;
2. Is operated and maintained under the same ownership and on the same lot, parcel or building site as the permitted uses;
3. Does not include structures or structural features inconsistent with permitted uses.
4. May only be established subsequent to the establishment, erection or construction of the principal building on the lot, parcel or building site, except as otherwise permitted and in accordance with the special exception use provisions of the zoning district classification in which the lot, parcel or building site is situated. Where a parcel is 10 or more acres in area, an accessory building may be constructed as the principal building on the parcel without restriction, provided it shall adhere to principal building setbacks.

B. Accessory Buildings.

1. In addition to the requirements under Section 120.600, an accessory building is subject to the following limitations:

Property Size	Maximum for all Accessory Buildings	Maximum Building Height	Maximum Building Length
Less than 1 acre	1,080 sq. ft.	20 ft.	36 ft.
1 acre to 1.99 acres	1,280 sq. ft.	-	40 ft.
2 acres to 2.99 acres	1,680 sq. ft.	-	-

2. Parcels, lots, or building sites of 3 acres or more in size are subject to the lot coverage provisions of Section 120.600 of the Ordinance.
3. Roofs must be sloped with a rise over run pitch between 4/12 and 9/12. Flat roofs are prohibited.
4. Accessory buildings may only be established subsequent to the establishment, erection or construction of the principal building on the lot, parcel or building site, except as otherwise permitted and in accordance with the permitted use or special exception use provisions of the zoning district in which the property is situated.
5. Accessory buildings shall be located in the rear or side yard of said lot, parcel or building site, unless the lot is in excess of 2.5 acres, in which case the accessory building may be located in the front of the principal structure so long as the accessory building is set back a distance equal to twice the minimum front yard setback as set forth in the particular zoning district in which they are located.
6. A single portable accessory structure not exceeding 200 square feet in area nor exceeding an overall height of 20 feet and which is mobile and not permanently affixed to the ground, shall be allowed, in addition to any other accessory buildings allowed, and the same shall not constitute a violation of the limitations placed on the number of accessory buildings as set forth above. Portable accessory structures include any temporary pavilion, portable garage, portable carport, portable shed, portable yard barn, portable covered metal structure or any other similar accessory structures or buildings. All portable accessory structures must be located in the rear yard. All portable accessory structures shall be located at least 25 feet from any road right-of-way, and at least 5 feet from lot lines. All other lot coverage requirements are waived for a single portable accessory structure subject to this subsection. It is the responsibility of property owners to place a portable accessory structure subject to this subsection at a location on their property that conforms to these requirements. Property lines should be verified by property owners before placement of any structure.

7. Any portable accessory structures exceeding 200 square feet in area and/or exceeding an overall height of 20 feet, which is mobile and not permanently affixed to the ground, will require a building permit per applicable building code requirements. Portable accessory structures exceeding 200 square feet in area shall be subject to the lot coverage requirements and all other provisions of this Ordinance which are applicable to accessory buildings. Portable accessory structures include any temporary pavilion, portable garage, portable carport, portable shed, portable yard barn, portable covered metal structure or any other similar accessory structures or buildings. It is the responsibility of the property owner to place all portable accessory structures on their own property. In accordance with setback requirements, property lines should be verified before placement of any structure by property owners.
8. Any accessory structure may include a bathroom facility, but may not include any kitchen or cooking facilities.
9. Exception for Non-Buildable Lots: Any accessory building may be permitted on a non-buildable parcel subject to the following conditions:
 - a. The non-buildable parcel shall be consolidated with a contiguous parcel, lot or site condominium unit by recording a deed restriction that such consolidation of the non-buildable parcel with a parcel, lot or unit must remain in perpetuity.
 - b. The zoning of the consolidated parcel, lot or unit shall be of the same zoning classification or in a different zoning classification where single-family dwellings are permitted in both districts.
 - c. The buildable parcel, lot or unit must be legal or legal nonconforming (lot of record) and the consolidated non-buildable parcel must be of a contiguous width equal to or greater than the width of the buildable parcel for its entire width.

- d. That this exception is for accessory buildings only and shall not allow for any consolidation that would allow for a lot or unit to be used for access for a principal building site.
- e. That the location of the accessory building shall be behind the principal dwelling, using the extended lot width side yard setbacks. This would ensure that the accessory building is not located behind that of an adjoining dwelling (or lot if vacant) and that such area could be split for the benefit of the adjoining lot at some point in the future.

[Ord. No. 240, eff 9/27/2016]

[Ord. No. 257, eff 02/25/2021]

120.420 Special Exceptions.

A. Special Exception, Explanation:

1. In order to allow this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of these uses designated as Special Exception Uses within the various zoning classifications set forth in the Ordinance.
2. Such Special Exception Uses have been so designated because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances, and without proper controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.
3. With this in mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its discretion, is satisfied that the same, under conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board, would meet the special condition set forth in the Ordinance text which designates the Special Exception Use and general conditions hereafter set forth.

B. Special Exception, Application and Notice:

1. Application for a special exception use permit shall be filed with the Township Zoning Administrator or other designated official. Applicant shall submit a site plan containing plans and specifications or other data or explanatory material required by the Ordinance and also stating the methods by which the use will comply with the conditions specified for each grant of special exception.
2. When Application for a special exception use permit is submitted, the applicant shall pay a fee determined by the Township Board, which from time to time may be amended, to help defray expenses in connection with the application.

3. The Planning Commission, upon receipt of the application and fees, shall schedule and hold a public hearing. The public hearing notice shall comply with the requirements under Act No. 110 of the Public Acts of 2006, as amended, and shall be published in a newspaper circulated within the Township and by a similar notice mailed or personally delivered to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures with 300 feet thereof. The notice shall be given not less than 15 days prior to the date of such hearing. The notice shall:
 - a. Describe the nature of the special land use request.
 - b. Indicate the property which is the subject of the special land use request.
 - c. State when and where the public hearing will be held.
 - d. Indicate when and where written comments will be received concerning the request.
 - e. Indicate that anyone so wishing will be heard at the public hearing.

C. Special Exception, Hearing Procedure.

In hearing a request for special exception use permit the Planning Commission shall be governed by the following principles and procedure:

1. The applicant for a special exception use permit shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all question of fact, which are to be determined by the Planning Commission.
2. A special exception may be granted if the Planning Commission finds from the evidence produced at the hearing:
 - a. That all special conditions and limitations set forth in the text of the Ordinance accompanying the special use designation within a zone classification can and will be complied with.
 - b. That public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

- c. That the proposed land use or activity will not unreasonably interfere with protection of the natural environment and conserve natural resources and energy.
- d. That the proposed land use or activity will be compatible with the adjacent uses of land and promote the use of land in a socially and economically desirable manner.

D. Special Exception Use Permits, Special Provisions.

The Planning Commission may, and is hereby empowered to, add to the specific conditions and limitations enumerated in the Ordinance, others that it may deem necessary to protect adjacent properties, the general neighborhood, the residents and workers therein and to make the use comply with the intent and purpose of the special exception use provisions of this Ordinance, other Township Ordinances and state and federal statutes. In addition, such special conditions shall meet the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those persons who will use the land use or activity under consideration, the residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and the purposes, which are affected by the proposed use of activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

E. Minimum 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 as above provided.

Special Exception Use	Minimum Required Standards
Adult foster care facilities	3, 5b
Agricultural crop farming	8
Asphalt and concrete ready-mix plant	1, 4, 5f
Auto-body and frame shop	2, 4, 5d, 8
Automobile and truck repair garage	2, 4, 5c, 8
Bar, tavern and night club	2, 4, 5e
Bus or travel terminal	1, 4, 5e
Care home	3, 5a
Cemetery	2, 3, 5a
Children's nurseries and licensed day care center	2, 4, 5b
Church	2, 5b
Club, private non-commercial	2, 4, 5b
Commercial recreation enterprises	2,4,5c
Contractor's equipment yard	2, 4, 5f, 9
Contractors' work shops	2, 3, 5b, 8
Drive-in theater	1, 5f, 9
Essential services	2, 3, 5d, 6
Gasoline service station	1, 4, 5d, 7
Hospital	1, 3, 5c
Institutions, charitable, eleemosynary, philanthropic	2, 3, 5c
Junk yards, building material salvage yard	2, 4, 5f, 9
Liquor, package sale	2, 5d

Machinery and heavy equipment sales	2, 3, 5c, 8
Medical clinic	2, 4, 5a
Mini-warehouse business	2, 3, 5c
Mobile home sales	1, 4, 5e
More than one Principal Commercial Use, Building or Structure on one parcel	4, 5c, 7, 8, 9, 10
Nurseries and greenhouses	4, 5b, 9
Offices, incidental to allowable uses within zoning district	2, 3, 5b
Outdoor Storage	5c, 8, 9
Nursery, Children's	2, 4, 5a
Public utility buildings and structures	2, 4, 5a, 9
Recreational equipment sales	2, 3, 5c, 8
Riding stable, race track, commercial	2, 4, 5f
Sanitary landfill	1, 5f, 9
School, parochial, private and public	2, 5b
Shooting ranges (club)	2, 11, 12
Shooting ranges (commercial)	2, 5f
Small manufacturing compounding and assembling facilities in the I-1 zone	1, 3, 5b, 8
Slaughter house	1, 4, 5f
Truck terminal	1, 4, 5e

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

1. The use shall have frontage on a paved primary road.
2. The use shall have frontage on a secondary road or greater.

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. Building and activities (including, but not limited to, parking, drive aisles, etc.) shall not be closer than the specified number of feet to adjacent residentially-zoned properties.
 - 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 an 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. Adequate ingress and egress required to accommodate normal traffic. Driveways and parking areas must be of concrete or asphalt materials, to reduce dust and noise to adjacent properties.

11. Target areas, buildings and activities (including, but not limited to, parking, drive aisles, etc.) shall be set back at least 1,000 feet from adjacent dwellings and at least 500 feet from any adjacent property line of property not owned by the same owner.
12. The site shall be a minimum of 65 acres in size.

F. Record of Conditions.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon a rehearing of the special exception use.

Any property which is the subject of a special exception use permit which has not been used for a period of 1 year (without just cause being shown which is beyond the control of the owner and which is acceptable to the Planning Commission) for the purposes for which such special exception was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such special exception use shall thereupon terminate.

[Ord. No. 249, eff 01/29/2019]

120.430 Site Plan Review.

For all commercial or industrial uses proposed or expanded within the wellhead protection overlay zone, in addition to the information required for site plan review, the applicant shall comply with all the provisions of Section 120.450 of the Zoning Ordinance and its subparts.

A. Purpose.

The intent of this section is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

B. Scope.

The Building Inspector shall not issue a building permit for the construction or remodeling of any buildings, structures or uses, and shall not issue any occupancy permits where a change in use of the premises is involved until a detailed Site Plan has been reviewed and approved by the Township Planning Commission. The following require Site Plan Review:

1. Multiple-Family Planned Unit Development.
2. Mobile Home Park or Subdivision Development.
3. Office Development.
4. Commercial Development.
5. Industrial Development.
6. Special Exception Uses Development.
7. Reserved.
8. Churches.
9. Site Condominium Developments, unless otherwise regulated by the Cooper Charter Township Site Condominium Ordinance.
10. Planned Industrial Park Development.

11. A change in use.

C. Site Plan, Application, Fees and Requirements:

1. Application for a site plan review shall be filed with the Township Zoning Administrator or other designated official. Applicant shall submit site plan containing plans and specifications and other data or explanatory material required by the Ordinance.
2. When application for site plan review is submitted, the applicant shall pay a fee determined by the Township Board, which from time to time may be amended.
3. Applicant shall provide ten (10) copies of the application, which shall contain the following data:
 - a. The name and address of the applicant.
 - b. The legal description of the subject parcel of lot, parcel or building site.
 - c. The area of the subject lot, parcel or building site of land stated in acres or, if less than one acre, in square feet.
 - d. The present zoning classification of the subject lot, parcel or building site of land.
 - e. A general description of the proposed development.
4. Applicant shall provide a complete list of any hazardous substances or volatile materials that may be stored on site. Any new hazardous substances or volatile materials brought on site shall be reported to Cooper Charter Township Fire Department immediately.
5. Applicant shall provide ten (10) copies of the site plan, which shall include the following “checklist items”:
 - a. It shall be of a scale not greater than one inch equals 20 feet for parcels of less than four (4) acres, nor less than one inch equals 200 feet for parcels of four (4) or more acres, however, of such size and accuracy that the Planning Commission can readily interpret the plan.

- b. It shall show an appropriate vicinity map, descriptive legend, north arrow, scale, date of preparation and the name and address of the individual or firm preparing the plan.
- c. It shall identify the subject property by indicating property lines and location, including dimensions, angles and size, correlated with the legal description. It shall show the required setbacks for the specified zoning district.
- d. It shall show the topography at two-foot contours or not less than four-foot contour intervals for parcels of four (4) or more acres and all natural features, including wood lots, streams, rivers, lakes, drains, wet lands, natural drainage channels, unstable soils and similar features.
- e. It shall show existing man-made features on and within 100 feet of the site, such as buildings, structures, high tension towers, pipelines, existing utilities, including water and sewer lines, excavations, bridges, culverts, drains and easements. It shall show existing road right-of-ways and proposed location of driveways.
- f. It shall show proposed building elevations and grade changes as needed and the method for handling all storm water retention on site. It shall show required parking and drive aisle calculations and dimensions. It shall show areas to handle snow removal that do not impact such required parking and access.
- g. It shall include a landscape plan coordinated with parking lot islands and lighting locations. A minimum of twenty (20) percent open space shall be achieved on each site, unless specifically waived by the Planning Commission. Dumpster locations shall be screened by an opaque fence enclosure.
- h. Compliance with the recommendations of the Fire Chief, including a Knox Box for emergency access provided by the applicant. The Planning Commission, in its sole reasonable discretion, may waive such recommendations based upon sufficient compliance with other safety measures.

D. Standards for Site Plan Review.

In reviewing the detailed site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Zoning Ordinance. Further, in consideration of each site plan, the Planning Commission shall endeavor to insure the following:

1. The proper development of roads, easements and public utilities has been provided to protect the general health, safety and welfare of the Township.
2. There is a proper relationship between existing streets and highways with the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas so as to insure the safety and convenience of vehicular and pedestrian traffic.
3. The buildings, structures and entryways thereto are so situated and designed as to minimize adverse effects upon owners and occupants of adjacent properties and upon the neighborhood.
4. The proposed use will not have a harmful effect on the surrounding neighborhood development. Provision for fencing, walls and landscaping devices may be required to provide screening from adjacent land.
5. As many features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
6. The height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
7. The plan will not result in any additional run-off of surface waters onto adjoining property.

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

E. Approval/Disapproval.

The Planning Commission shall have the authority to approve (conditionally or unconditionally), disapprove or modify the proposed site plan. Decisions disapproving, approving, or modifying a site plan shall be based upon requirements, standards and criteria set forth in the Zoning Ordinance. The Planning Commission may also approve site plans lacking some of the required checklist items as indicated in C. 5 above.

If the plan is disapproved, the Planning Commission shall state the reasons therefore. If the plan is modified, the required modifications and any reasons therefore shall be specifically stated by the Planning Commission. Any conditions of approval shall be specifically stated by the Planning Commission.

F. Conformity to Approved Site Plan Required.

Development of the subject parcel shall be in complete conformity with the approved site plan and any amendments thereto approved by the Planning Commission. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Township Building Inspector, or the Township Zoning Administrator or other designated official, by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.

G. Time Limitations.

Approval of the site plan shall be valid for a period of 1 year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said 1 year, the site plan approval shall become void and unless one of the following occurs:

1. A new application for site plan approval shall be made and a new approval obtained before such expiration and before any construction or earth change is commenced upon the site, or
2. An application for extension of the site plan approval is made and approved by the Zoning Administrator subject to a review that such site plan remains in conformance with the Zoning Ordinance provisions effective on the date of the application for extension.

H. Amendment to Site Plan/Administrative Review.

A proposed amendment or modification to a previously-approved site plan may be submitted for review by the Planning Commission in the same manner as the original application unless adhering to all of the following provisions:

1. The proposed amendment relates to an approved use, whether permitted or by prior special use approval;
2. Such amendment does not include building additions or alterations beyond the existing footprint of the building or is for an accessory building; and
3. The proposed amendment does not change the vehicular circulation into the site (new driveway location) or within the site (additional drive aisles) or require the need for expanded or improved stormwater retention facilities.

I. Security Deposit.

1. To insure compliance with a Zoning Ordinance and any conditions imposed at the time of issuance of the site plan review approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond, acceptable to the Planning Commission covering estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the Clerk of the Township to insure faithful completion of the improvements.

2. The Planning Commission shall direct the Township Clerk to rebate said cash deposit in reasonable proportion to a ratio of work progress. The amount of rebate shall be determined from time to time at a regular or special meeting of the Planning Commission, based upon evidence presented by the applicant and/or appropriate Township officials demonstrating the ratio of work completed on the required improvements.
3. If any improvements are not constructed within the time limit established or part of the site plan approval or within any extension thereof, then the Planning Commission shall direct the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
4. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project, which is the subject of zoning approval.

J. Optional Sketch Plan Review.

Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final site/plan approval. The purpose of such procedure is to allow discussion between a developer and the Planning Commission to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans may also be approved as part of the review and approval of a special exception use. Such sketch plans shall include as a minimum the following:

1. The name and address of the applicant or developer, including the names and addresses of all officers of a corporation and partners of a partnership.
2. A legal description of the property.
3. Sketch drawings showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

K. Setback Requirement for Water Impoundment Area.

All ponds, lakes, drainage basins, leaching basins or other water impoundment areas hereafter excavated or constructed shall be setback at least 50 feet from all public and private street rights-of-way.

L. Lighting.

All lighting upon any premises, regardless of zoning classification, shall be so arranged on said premises so as to avoid glare or direct illumination onto any portion of any adjacent highway or onto any adjacent premises. The Planning Commission may require that a “photometric” be provided indicating illumination levels on the site and at the property lines.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 248, eff 01/29/2019]

[Ord. No. 255, eff 05/26/2020]

120.440 Radio, Television and Cellular Transmission Towers.

Radio, television and cellular transmission towers are permitted as a special use in the "A", "R-1," "C-1," "C-2," "I-1," "I-2," "I-3" Zoning Districts, subject to the following conditions and limitations as well as the Special Use provision of Section 120.420 and Site Plan approval per Section 120.430.

A. Definitions.

A tall framework or structure used for transmitting, receiving or relaying radio, television, cellular phone signals, or any transmitting or any relay structure.

B. Application Requirements.

Prior to application, interested individuals must provide record that they have sent certified mail announcements to all other tower users in the area stating their citing needs and/or sharing capabilities. Record[s] must be given to the Planning Commission verifying that the applicant has exhausted all co-location and tower sharing possibilities with all other towers within the area. A special use application and site plan must be submitted at least 30 days prior to the hearing.

C. Regulations and Conditions.

1. Height.

Towers for radio, television, cellular phones and other transmitting and relay antenna towers shall be located so any setback equals the setback from any adjacent or adjoining property lines equal to or greater than the height of the tower. The maximum height shall be the minimum demonstrated to be necessary by a radio frequency engineer. However, in no case shall the height of the tower exceed 300 feet.

2. Construction.

All towers shall be self-collapsing and comply with all Michigan building code regulations. The applicant shall provide all appropriate engineering information, site plans, and drawings to the Building Official at the date of application. No building other than the associated support building, sidewalk, parking lot, or other area with anticipated pedestrian or vehicular traffic shall be permitted within the self-collapsing or "safe fall" area.

3. Compatibility.

The entire facility must be aesthetically and architecturally compatible with the surrounding environment. The use of residentially compatible materials such as wood, brick and stucco is required for associated support buildings which shall be designed to architecturally match the exterior of residential structures within the neighborhood. The structures shall be located and constructed in compliance with the following criteria:

a. Locational Criteria.

- (1) Facilities shall be sited to minimize views from residential areas or the public right-of-way.
- (2) Concentration of support structures will be limited in all geographic areas to avoid excessive visual impacts.
- (3) Minimum spacing between towers shall be two (2) miles.

b. Development and Design Standards.

- (1) Support structures shall be located as to be screened from view by sitting them near tall buildings or placed near existing tall trees.
- (2) Whenever possible all support structures shall be of a monopole design.
- (3) Support structures shall be located a minimum of one hundred fifty (150) feet from any residential lot line.
- (4) Support structures shall be painted in unobtrusive colors.
- (5) Support structures shall be designed to prevent unauthorized climbing.

- (6) When lighting is required and is permitted by the FAA or other federal or state authority, the Planning Commission shall approve any and all lighting on the tower and/or any light for associated support building. It shall be oriented inward so as not to project onto surrounding properties.
 - (7) The Planning Commission may require anti-climbing devices and security fencing to prevent access to the associated building, tower, and guyed wires.
 - (8) Signs and logos are prohibited on the tower.
 - (9) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
 - (10) Towers shall be located so that they do not interfere with reception in nearby residential areas.
 - (11) Existing on-site vegetation shall be preserved to the maximum extent practicable.
 - (12) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
 - (13) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
 - (14) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- c. Safety Standards. All new wireless communication facilities shall be designed within the applicable ANSI standards.

4. Collocation and Construction.

Any proposed tower shall be designed and constructed to accommodate future collocation. Towers must be designed to allow for future arrangement of antennas upon the tower and to accept not less than three (3) antennas mounted at varying heights. Whenever possible, proposed wireless communication facilities shall co-locate on existing buildings, structures and existing wireless communication structures. If a provider fails to or refuses to permit co-location, such a structure shall be a nonconforming structure and shall not be altered or expanded in any way.

5. Airport or Helipad Setbacks.

All towers over twenty-five (25) feet in height shall be a minimum of one-half (1/2) nautical mile (or 3,013.5 feet) from any airport runway or designated helicopter landing site.

6. Discontinuance.

When a wireless communication structure has not been used for a period of ninety (90) consecutive days after new technology is available which permits the operation of a facility without the necessity of a wireless communication structure, all parts of the structure shall be removed within one hundred and sixty (160) days. The removal of antennae or other equipment from the structure or the cessation of reception or transmission of radio signals shall be considered the beginning of non-use. Cooper Charter Township may secure the removal of the structure if it is still standing thirty (30) days after the Township has sent a notice to the operator stating the need to remove the structure. In securing the removal of the structure, the Township may charge up to 125% of the removal cost to the operator and/or the land owner.

D. Review.

Prior to approval the applicant must provide written verification that the tower, site, and construction has been reviewed by and has met all standards and regulations required by the Michigan Aeronautics Commission and Federal Aviation Administration. It must also comply with the Tall Structures Act, Act No. 259 of the Public Acts of 1959, when applicable.

E. Abandonment.

A tower, which remains unused for a period of eighteen (18) months will be considered abandoned. Applicants or current owners are required to demolish any unused tower.

120.450 Wellhead Protection Overlay Zone.

A. Purpose.

The Wellhead Protection Overlay Zone is designed to safeguard the public health, safety and welfare of citizens and institutions that are customers of the Parchment Water System by regulating the land use and the storage, handling, use and/or production of Regulated Substances within the wellhead capture zone described as the land area adjacent to and upgradient from existing and proposed municipal water well fields, within the Township. The intent of this designation is to protect the community's potable water supply against contamination.

B. Permitted Uses, Yard and Area Requirements.

The permitted uses, yard and area requirements within the Wellhead Protection Overlay Zone shall be those of the underlying zoning district, except as set forth below.

1. The processing or compounding of chemicals or drugs or bulk storage thereof.
2. Foundries.
3. Heavy equipment repair.

C. Special Exception and/or Conditional Uses.

The special exception or conditional uses within the Wellhead Protection Overlay Zone shall be those of the underlying zoning district except as set forth below.

1. Sanitary landfills of any kind whether type I, II, or III as defined by Act No. 641 of the Public Acts of 1978 or Act No. 64 of the Public Acts of 1979 or any regulations enacted thereunder and pursuant thereto.
2. The mining or excavation, extraction, or processing of sand, gravel and limestone.
3. Gasoline service stations.
4. Bus or truck terminals.
5. Junk or material salvage yards.

6. Automobile and truck body shops.
7. Ready-mix concrete or asphalt plants.
8. Metal processing plants and/or electroplating plants.
9. Paint and coating manufacturing. The requirements of this section shall be in addition to any applicable regulations in this chapter.

D. Groundwater Protection Standards.

1. Use of Regulated Substances in conjunction with permitted and conditional uses in this district shall be limited to:
 - a. The aggregate of Regulated Substances in use may not exceed 20 gallons or 160 pounds at any time.
 - b. The total use of Regulated Substances may not exceed 50 gallons or 400 pounds in any 12-month period.
2. A limited exclusion from the provisions of Section 120.450 B. is authorized for non-routine maintenance or repair of property or equipment. The use of Regulated Substances under this exclusion shall be limited to:
 - a. The aggregate of Regulated Substances in use may not exceed 50 gallons or 400 pounds at any time.
 - b. The total use of Regulated Substances may not exceed 100 gallons or 800 pounds in any 12-month period.
3. A limited exclusion from the provisions of Section 120.450 B. is authorized for medical and research laboratory uses; provided, however, Regulated Substances shall be stored, handled or used in containers not to exceed five gallons or 40 pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed 250 gallons or 2,000 pounds.

4. A limited exclusion from the provisions of Section 120.450 B. is authorized for Regulated Substances which are cleaning agents; provided, however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public and provided the aggregate inventory of such cleaning agents shall not exceed 100 gallons or 800 pounds at any time. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.
5. Storage of fuel and lubricants for vehicle operations and fuel for building and/or processing heating in conjunction with permitted and conditional uses in this zone shall be in aboveground tanks.
6. Notwithstanding other provisions of this chapter, non-conforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed as per the specifications of Act No. 423 of the Public Acts of 1984 and all Regulations enacted pursuant thereto and not exceeding the capacity of existing tanks. Replacement of underground tanks for Regulated Substances other than the above-noted fuels and lubricants is not permitted.
7. A limited exception from the provisions of Section 120.450 B. is authorized for agricultural use provided such use of the hazardous substance is in compliance with generally accepted farming practices and promulgated by the Michigan Department of Agriculture.

E. Site Plan Information Requirements.

All buildings and structures constructed or remodeled requiring a building permit and the site plan approval as set forth in Section 120.430 of the Ordinance which are within the Wellhead Protection Overlay Zone shall also comply with the following additional site plan requirements.

In addition to the information required by Section 120.430, an applicant for Site Plan Review shall submit the following information:

1. A copy of the MIOSHA Material Safety Data Sheet or "Hazardous Substances Reporting Form for Site Plan Review."
2. Location of existing and proposed facilities and structures, above and below ground, including but not limited to the following:

- a. Public and private groundwater supply wells on site and on adjacent properties.
 - b. Septic systems and other waste water treatment systems.
 - c. All interior and exterior areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances.
 - d. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil, chemical storage, hazardous waste storage, collection of contaminated storm water or wash water, and all similar uses.
 - e. Location of interior and exterior drains, dry well, catch basins, retention/detention areas, storm water/retention ponds, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall be identified on the site plan.
3. Location of existing wetlands, water bodies, water courses and floodplains.
 4. Soil characteristics of the site, at least to the detail provided by the U.S. Soil Conservation Service.
 5. Delineation of areas on the site which are known to be contaminated, together with a report on the status of site cleanup.

F. Site Plan Review Standards.

In addition to the criteria set forth in Section 120.430, in reviewing a Site Plan and approving, disapproving or modifying same, the Planning Commission shall be governed by the following standards:

1. Groundwater Protection Standards.
 - a. The project and related improvements shall be designed to protect the natural environment, including wetlands, water bodies, water courses, floodplains, groundwater and soils.

- b. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body or water course and shall not increase flooding or the possibility of polluting surface or groundwater, on site or off site.
 - c. General purpose floor drains shall be connected to a public sewer system, an on-site holding tank or a system authorized through a state groundwater discharge permit.
 - d. Chemical loading and unloading areas should not have drains which discharge into the storm water piping or collection systems unless equipped with an appropriate sump pump which can be shut down in the case of a spill. Further, chemical loading and unloading areas should be designed to contain or direct spillage in such a manner as to prevent potential discharge to the ground or groundwaters, storm water piping or recharge ponds or lagoons.
 - e. Sites at which hazardous substances are loaded/unloaded, stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, wetlands, water bodies, water courses or groundwater.
 - f. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approval.
2. Aboveground Storage and Use Areas for Hazardous Substances and Polluting Materials.
- a. Secondary containment of hazardous substances shall be provided. Secondary containment shall be sufficient to store 110% of the stored substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Secondary containment structures such as buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to nearby drains, soils, wetlands, water bodies, water courses or groundwater. Where allowed, the secondary containment provided in B.1. above shall apply.

- c. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - d. Areas and facilities for loading/unloading of hazardous substances, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to nearby drains, soils, wetlands, water bodies, water courses or groundwater.
 - e. All storage of fuel and lubricants for vehicle operation and fuel for building and or processing in conjunction with permitted and conditional uses for the same shall be above ground.
3. Underground Storage Tanks.
- a. Existing underground storage tanks or replacements allowed under Section 120.450 D.6. shall be registered with the State Police Fire Marshal Division in accordance with the requirements of the U.S. Environmental Protection Agency.
 - b. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with the requirements of the State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.
 - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Environmental Quality.
4. Sites with Contaminated Soils and/or Groundwater.
- a. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site and the need to protect the public health and the environment.

- b. Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Environmental Quality is available; indicating that cleanup will proceed in a timely fashion.

120.460 Wind Energy Conversion Systems

A. Purpose:

The regulation of wind energy conversion systems, including the height, minimum lot area, and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety, and welfare of Township residents.

B. Definitions:

1. Wind energy conversion system ("WECS") is a system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment.
2. Small turbine/on-site system ("Small Turbine WECS") is intended to primarily serve the needs of the customer, with a single tower that may or may not be connected to the utility grid.
3. Large turbine/utility grid system ("Large Turbine WECS") is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities, or larger cooperatives.

C. Use Approval:

Due to the concerns related to health, safety and welfare, WECS shall be regulated as special exception uses within the "A" Agricultural District, the "R-1", "R-2", "R-3", "R-4", "R-5", "R-6" residential zoning districts, and the "RD" Recreation District. WECS shall be regulated as a permitted use subject to condition within the "C-1", "C-2", and "C-3" commercial districts and the "I-1", "I-2" and "I-3" industrial districts, provided such land area is sufficient to support their development and operation. Roof-mounted WECS that do not exceed the height regulation within the underlying zoning district shall also be considered a permitted use, provided such location does not exceed the noise requirements at the adjoining property line.

The following requirements shall be met, and the Planning Commission may impose additional conditions for special exception use approval where appropriate:

1. In addition to the requirements for site plan review, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within five hundred (500) feet of the WECS.
2. Each application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - a. A standard foundation and anchor design or specifications for normal soil conditions;
 - b. Detailed instructions for operation and maintenance of the WECS on site;
 - c. A copy of all warnings and/or documents provided by the manufacturer of the WECS;
 - d. Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and
 - e. Proof of Insurance.

In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator, and the following information shall be included:

- (1). The name, address, and telephone number of the owner of the tower/subsystem;
- (2) Manufacturer's name and address;
- (3) Model number;
- (4) Serial number;
- (5) Emergency and normal shutdown procedures;

- (6) The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator;
- (7) Name of installer;
- (8) Name of person responsible for maintenance; and
- (9) Emergency telephone numbers in force for the installer and the person responsible for maintenance.

3. Electromagnetic Interference:

The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including sub parts A and F) and 18 (including sub parts A, D and H).

4. Noise:

The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.

D. Site development:

The following site development requirements shall be imposed on the approval of the special exception use:

1. Lot Area/Setbacks:

No Small Turbine WECS shall be erected on any lot or parcel less than one (1) acre in area. No Large Turbine WECS shall be erected on any parcel less than twenty (20) acres in area. The tower(s) shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to above-ground utility lines and/or property lines than 150% of the height of the tower as defined in (b) below. For roof-mounted systems exceeding the height within the underlying zoning district, no lot area requirement is imposed, but the minimum setback from any property line shall be no less than 110% of the combined height of the roof location and system, including any blades.

2. Height:

The maximum allowable height for any Small Turbine WECS, based upon the combined tower and rotor blade length, shall be:

- a. 40 feet for parcels of one to less than five acres;
- b. 80 feet for parcels of five to less than ten acres; and
- c. Up to 120 feet for parcels of ten acres or more.

The maximum allowable height for any Large Turbine WECS, based upon the combined tower and rotor blade length, shall be three hundred (300) feet. The Planning Commission, in consideration of such request, may waive this height requirement where such proposed location does not negatively impact adjoining properties and where such adjoining property owner has indicated through formal letter that such waiver is acceptable.

Ground Clearance: For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet.

3. Accessibility:

Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.

4. Connection to power grid:

In the case of a WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident/owner shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility shall install appropriate electric metering (for sellback or non-sellback), and the customer shall install a disconnecting device adjacent to the electric meter(s).

5. Vibration:

Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.

6. Additional studies:

The applicant may offer and submit, or the Planning Commission may require that the applicant submit, studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.

E. Decommission Plan/Site Reclamation:

The applicant shall submit a plan that indicates the designed life of the system, the estimated cost and method to ensure proper installation and removal, and the manner in which the site will be reclaimed. The Township may impose a bond or request similar surety that such system will be removed or replaced after this useful design life.

120.470 Solar Energy Systems

A. General Requirements:

All Solar Energy Systems are subject to the following general requirements:

1. All Solar Energy Systems must conform to the provisions of this Ordinance and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
2. Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.

B. Private Solar Energy Systems:

1. Private Solar Energy System BIVPs. Private Solar Energy System BIVPs shall be permitted in all zoning districts, provided such BIVPs conform to applicable County, State and Federal regulations and safety requirements, including the Michigan Building Code. A building permit shall be required for the installation of any BIVPs.
2. Roof or Building Mounted Private Solar Energy Systems. Roof or building mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - a) No part of the Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond the wall on which it is mounted.
 - b) No part of a Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
 - c) No part of a Solar Energy System mounted on a roof shall extend more than two (2) feet above the surface of the roof.

- d) In the event that a roof or building mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment.
- e) A building permit shall be required for installation of roof or building mounted Private Solar Energy Systems.

3. Ground Mounted Private Solar Energy Systems. Ground mounted Private Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:

- a) Prior to the installation of a ground mounted Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
- b) A ground mounted Solar Energy System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted Solar Energy System exceed fifteen (15) feet above the ground when oriented at maximum tilt.
- c) A ground mounted Solar Energy System shall be located in the rear yard and shall meet the rear yard setback requirements applicable in the zoning district in which the Solar Energy System will be located.
- d) All power transmission or other lines, wires or conduits from a ground mounted Solar Energy System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Solar Energy System, they must be placed in a secured container or enclosure.
- e) There shall be greenbelt screening around any ground mounted Solar Energy Systems and equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this Ordinance applicable to fences) may be used.

- f) No more than 20% of the total lot area may be covered by a ground mounted Solar Energy System.
- g) In the event that a ground mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months from the date of abandonment.
- h) A building permit shall be required for installation of a ground mounted Solar Energy System.

C. Commercial Solar Energy Systems. Commercial Solar Energy Systems shall only be allowed in the “**I-2**” or “**I-3**” **Industrial Districts** as a special use approved by the Planning Commission. In addition to any other requirements for special use approval, Commercial Solar Energy Systems shall be ground mounted and are subject to the following requirements:

1. The property owner or applicant for a Commercial Solar Energy System shall provide the Planning Commission with proof of ownership of the subject property, a copy of any lease agreement for a commercial solar energy system, together with an operations agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency procedures and general safety documentation.
2. Commercial Solar Energy Systems shall be located on parcels of land no less than twenty (20) acres in size.
3. The Commercial Solar Energy System shall meet the minimum front, side and rear yard setbacks of the zoning district.
4. The height of the Commercial Solar Energy System and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.
5. Landscaping shall be provided to screen the system from view on all sides to the greatest extent possible.
6. Prior to installation, the applicant shall submit a descriptive site plan to the Planning Commission which includes where and how the Commercial Solar Energy System will connect to the power grid.

7. No commercial solar energy system shall be installed until evidence has been given to the Planning Commission that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. Any such agreement shall be furnished to the Planning Commission.
8. To ensure proper removal of a Commercial Solar Energy System upon discontinued use or abandonment, applications shall include a description of the financial security guaranteeing removal of the system which must be posted with the Township within fifteen (15) days after approval or before a construction permit is issued for the facility. The financial security shall be: 1) a cash bond; or 2) an irrevocable bank letter of credit or a performance bond, in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the applicant and shall be subject to approval by the Township.
9. If the owner of the facility or the property owner fails to remove or repair the defective or abandoned Commercial Solar Energy System, the Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the Solar Energy System and recover any and all costs, including attorney fees.

[Ord. No. 245, eff 11/26/2017]

120.480 Noncommercial Keeping of Livestock and Honeybees.

A. Purpose.

The purpose of this Ordinance is to:

1. Allow property owners and occupants to keep livestock and honeybees for their private enjoyment on a noncommercial basis as an accessory use to the primary residence.
2. Provide minimum standards and allow reasonable accommodations for the keeping of livestock and honeybees.
3. Limit the adverse effects of the keeping of livestock and honeybees, which can include noise, odors, attraction of predators, unsanitary conditions, and similar adverse impacts on surrounding properties.

B. Zoning Districts.

The noncommercial keeping of livestock and honeybees is permitted in the A, R-1, R-2, and R-3 Districts on single-family properties per the requirements outlined herein.

C. Acreage.

Acreage requirements are exclusive, and the minimum required acreage must be provided for each animal, as follows:

1. Large animals. Two and one-half (2 ½) acres for the first large animal and one additional acre for each additional large animal (generally more than 300 pounds at maturity), including horses, cattle, swine, or similar animals.
2. Moderate-sized animals. One (1) acre for each moderate-sized animal (generally greater than 35 and less than 300 pounds at maturity), including sheep, goats, or similar animals.

3. Small animals. Small animals (generally under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals are permitted with no specific acreage requirements. However, parcels and/or lots should be large enough to accommodate the small animals in a manner that allows the maintenance of the property and the condition of the animals to be such that ancillary nuisances such as noise, odor, attraction of insects and predators, unsanitary conditions, or other public health concerns are mitigated.
4. Honeybees. One-quarter acre per colony for the first acre. One additional colony shall be permitted for each additional one-half acre.

D. Breeding.

Any resulting offspring must be removed from the property within 90 days and the property shall be brought back into compliance with the acreage requirements related to number of permitted animals.

E. Shelter.

A shelter shall be constructed to house the livestock or honeybees, as follows:

1. No animal shelter or beehive shall be placed in the front yard of a lot in a subdivision or a building site in a site condominium.
2. Indoor structure space shall be designed to allow the animal(s) to comfortably lie down, stand-up, turn around, stretch their limbs, gain access to food and water, or permit normal postural adjustments for maintenance behaviors such as grooming or preening while kept indoors. Minimum space requirements shall meet the Generally Accepted Agricultural and Management Practices.
3. A single beehive structure, which shall accommodate one bee colony, shall be a maximum of 20 cubic feet in volume.
4. All accessory structures or buildings constructed shall meet the requirements of Section 120.410: Accessory Uses or Buildings, accept as required herein.

5. Setbacks. If noted below, livestock shelters and beehives shall have additional setbacks beyond what is required for a residential accessory structure.
 - a. Livestock shelters for moderate- and large-sized animals shall be at least 50 feet from any property line and 150 feet from any neighboring pre-existing dwelling.
 - b. Beehives shall be set back 25 feet from any property line and 50 feet from any neighboring pre-existing dwelling.
 - c. The use of existing accessory buildings constructed prior to the date of this Ordinance to house livestock may be utilized and additional setback requirements waived.
 - d. Small animal shelters shall meet the requirements under Section 120.140: Accessory Uses or Buildings.

F. Enclosure.

Livestock shall not be allowed to roam freely beyond the limits of the property in which it is housed and must be contained in a fully enclosed fenced area. The enclosure shall be sized to meet Generally Accepted Agricultural and Management Practices. Fencing shall be placed to prevent animals from becoming a nuisance or to trespass in any form onto neighboring properties. Fences shall also meet the requirements of Section 12.360. Animal enclosures are prohibited in the front yard of a lot in a subdivision or a building site in a site condominium.

G. Waste Management.

To minimize impacts on neighboring properties, proper waste management must be employed for the keeping of livestock. At minimum, the following must occur on a periodic basis (every 2 to 4 days):

1. Manure and organic material accumulations shall be removed from areas outside the shelter.
2. Indoor areas shall be cleaned, and all manure and indoor bedding removed.

3. If manure must be temporarily stored on the premises, it shall be placed in a covered bin or on a concrete pad. The storage area shall be covered at all times to reduce odors and the chance of attracting pests.
4. Storage of waste materials shall be a minimum of 100 feet from any property line.
5. No runoff shall leave the waste storage bin or concrete pad. No manure or wash water runoff shall be allowed to flow onto neighboring properties, into storm water systems, a road ditch, stream, creek, or other waterway. A direct discharge into a waterway is illegal and penalties may incur from the Michigan Department of Environment, Great Lakes, and Energy.

H. Slaughtering.

Slaughtering of livestock shall occur in an enclosed area where all wash water and slaughtering by-products can be captured. At no time may by-products of slaughtering be allowed to flow onto the ground or any body of water. By-products shall be securely bagged and placed in an enclosed and covered bin or concrete pad until proper removal.

I. Additional Requirements for Bees.

1. Hives shall be placed in such a way that the entrance is positioned internal to the property.
2. A flyaway barrier at least six feet in height shall shield any part of the property line that is within 25 feet of a beehive. Such flyaway barrier must consist of a solid fence, dense vegetation, or combination thereof to direct a bee's flight pattern to be above six feet in height at the property line. The Zoning Administrator may approve an additional barrier type if it meets the intent of assisting the bees to gain altitude before leaving the property.
3. A constant supply of water shall be provided to all hives on site throughout the active flight season. Common water sources include birdbaths, plastic wading pools, or entrance feeders may be employed.

J. Prohibited Activities.

1. Roosters on property less than two and one-half (2½) acres in size.

2. The keeping, breeding, exchanging, or selling of any undomesticated, exotic, or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.
3. The keeping of livestock and honeybees where conditions of maintenance are such to cause:
 - a. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days,
 - b. Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods,
 - c. Flies, insects, or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.

K. Zoning Review.

Zoning Administrator review is required for all moderate- and large-sized animals. The application shall include the following:

1. Property address and parcel number.
2. Zoning of property.
3. Total number of acres.
4. Requested number of animals.
5. Waste management plan.
6. Sketch plan that includes property lines; the location of existing buildings on the property; the location of residential dwellings within 200 feet of the property; the dimensions of any new structures; and, the distance of any structure, fence enclosure, and waste storage area from property lines.

[Ord. No. 259, eff 04/27/2021]

[Ord. No. 260, eff 08/29/2021]

Supplement 9 – Ord. No. 260

120.500 Use District Boundaries.

Use district boundaries shall be based upon scale as depicted on the Zoning District Map.

120.600 Schedule of Lot, Parcel, Building Site, Yard and Area Requirements.

MINIMUM LOT, PARCEL, BUILDING SITE, FRONTAGE WIDTH (FT.)

<i>Principal Structure</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
Single-Family	132(G)(I)	132(G)(I)	132(G)(I)	132(G)(I)	N/A	N/A	***
Two-Family	132(G)(I)	132(G)(I)	N/A	132(G)(I)	132(G)(I)	132(G)(I)	***
Multiple-Family	N/A	N/A	N/A	N/A	200(A)(I)	300(A)(I)	***

MINIMUM LOT, PARCEL OR BUILDING SITE AREA PER DWELLING UNIT (SQ. FT.)

<i>Principal Structure</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
Single-Family	22.275 (A), (G), (H)	22.275 (A), (G), (H)	22.275 (A), (G), (H)	22.275 (A), (G), (H)	N/A	N/A	***
Two-Family	22.275 (A), (G), (H)	22.275 (A), (G), (H)	N/A	13,500 (A), (G)	13,500 (A), (G)	N/A	
Multiple-Family	N/A	N/A	N/A	N/A	(D)	(D)	

MAXIMUM BUILDING HEIGHT OF RESIDENTIAL STRUCTURE (FT.)

<i>Principal Structure</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
All Residential Structures	35	35	35	35	35(C)	35	N/A

MAXIMUM BUILDING COVERAGE OF LOT, PARCEL OR BUILDING SITE (%)

	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
Maximum Coverage	10%	15%	15%	20%	30%	30%	N/A

MINIMUM FLOOR AREA PER DWELLING UNIT (ABOVE GRADE) (SQ. FT.)

The minimum ground floor area for a two story dwelling shall be 600 square feet.

<i>Principal Structure</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
Single-Family	1040 (J)	1040 (J)	1040 (J)	900 (J)	(B)	(B)	***
Two-Family	720 (J)	720 (J)	N/A	720(J)	720 (J)	N/A	N/A
Multiple-Family	N/A	N/A	N/A	N/A	(B)	(B)	N/A

MINIMUM FRONT YARD SETBACK (FT.)

<i>Principal Structure</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
Primary Road	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	***
Secondary Road	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	***

MINIMUM SIDE YARD SETBACK (FT.)

<i>Principal Structure</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
The Percent of Lot, Parcel or Building Site Width at the Setback Line with a Maximum of 15 ft.	10% or Maximum 15 ft.	10% or Maximum 15 ft.	10% or Maximum 15 ft.	10% or Maximum 15 ft.	15 ft. or ½ building height, whichever is greater	15 ft. or ½ building height, whichever is greater	***

MINIMUM REAR YARD SETBACK (FT.)

<i>Principal Structure</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
All Primary Structures	15 ft.	15 ft.	15 ft.	15 ft.	40 ft. or ¾ building height, whichever is greater	40 ft. or ¾ building height, whichever is greater	***

Accessory buildings and uses shall be subject to the same setback provisions as the principal structures, unless otherwise indicated.

<i>Accessory Structures & Uses</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
Accessory Structures & Uses	F	F	F	F	F	F	F

MINIMUM REAR YARD (FT.)

<i>Accessory Structures & Uses</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
All Accessory Structures & Uses	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

MAXIMUM HEIGHT (FT.)

<i>Accessory Structures & Uses</i>	"A"	"R-1"	"R-2"	"R-3"	"R-4"	"R-5"	"R-6"
All Accessory Structures & Uses	See Sec. 120.410	See Sec. 120.410	See Sec. 120.410	See Sec. 120.410	See Sec. 120.410	See Sec. 120.410	See Sec. 120.410

****MINIMUM LOT, PARCEL, BUILDING SITE, FRONTAGE WIDTH (FT.)**

<i>Principal Structure</i>	"C-1"	"C-2"	"C-3"	"CBD"	"I-1"	"I-2"	"I-3"
Principal Structure	82.5(I)	82.5(I)	132(I)	82.5(I)	132(I)	132(I)	132(I)

MAXIMUM BUILDING HEIGHT OF STRUCTURE (FT.)

<i>Principal Structure</i>	"C-1"	"C-2"	"C-3"	"CBD"	"I-1"	"I-2"	"I-3"
All Structures	35	35	35	35	35	35	35

MAXIMUM BUILDING COVERAGE OF LOT, PARCEL OR BUILDING SITE (%)

	"C-1"	"C-2"	"C-3"	"CBD"	"I-1"	"I-2"	"I-3"
Maximum Coverage	50%	50%	50%	50%	50%	50%	50%

MINIMUM FRONT YARD SETBACK (FT.)

<i>Principal Structure</i>	<i>"C-1"</i>	<i>"C-2"</i>	<i>"C-3"</i>	<i>"CBD"</i>	<i>"I-1"</i>	<i>"I-2"</i>	<i>"I-3"</i>
Primary Road	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Secondary Road	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.	40 ft.

MINIMUM SIDE YARD SETBACK (FT.)

<i>Principal Structure</i>	<i>"C-1"</i>	<i>"C-2"</i>	<i>"C-3"</i>	<i>"CBD"</i>	<i>"I-1"</i>	<i>"I-2"</i>	<i>"I-3"</i>
All Principal Structures	0 ft. (K)	0 ft. (K)	25 ft. (K)	0 ft. (K)	15 ft. (E)	25 ft. (E)	25 ft. (E)

MINIMUM REAR YARD SETBACK (FT.)

<i>Principal Structure</i>	<i>"C-1"</i>	<i>"C-2"</i>	<i>"C-3"</i>	<i>"CBD"</i>	<i>"I-1"</i>	<i>"I-2"</i>	<i>"I-3"</i>
All Principal Structures	0 ft. (K)	0 ft. (K)	75 ft. (K)	0 ft. (K)	15 ft. (E)	25 ft. (E)	25 ft. (E)

Accessory buildings and uses shall be subject to the same setback provisions as the principal structures.

<i>Accessory Structures & Uses</i>	<i>"C-1"</i>	<i>"C-2"</i>	<i>"C-3"</i>	<i>"CBD"</i>	<i>"I-1"</i>	<i>"I-2"</i>	<i>"I-3"</i>
All Accessory Structures & Uses	F	F	F	F	F	F	F

MINIMUM SIDE YARD SETBACK (FT.)

<i>Accessory Structures & Uses</i>	<i>"C-1"</i>	<i>"C-2"</i>	<i>"C-3"</i>	<i>"CBD"</i>	<i>"I-1"</i>	<i>"I-2"</i>	<i>"I-3"</i>
All Accessory Structures & Uses	0 ft. (K)	0 ft. (K)	25 ft. (K)	0 ft. (K)	15 ft. (E)	15 ft. (E)	15 ft. (E)

MINIMUM REAR YARD SETBACK (FT.)

<i>Accessory Structures & Uses</i>	"C-1"	"C-2"	"C-3"	"CBD"	"I-1"	"I-2"	"I-3"
All Accessory Structures & Uses	0 ft. (K)	0 ft. (K)	25 ft.	0 ft. (K)	15 ft. (E)	15 ft. (E)	15 ft. (E)

MAXIMUM HEIGHT (FT.)

<i>Accessory Structures & Uses</i>	"C-1"	"C-2"	"C-3"	"CBD"	"I-1"	"I-2"	"I-3"
All Accessory Structures & Uses	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.

** IN NO CASE SHALL THE MINIMUM ROAD FRONTAGE BE LESS THAN 66 FEET.

*** SUBJECT TO ACT NO. 409 OF THE PUBLIC ACTS OF 1976 AND MICHIGAN MOBILE HOME COMMISSION & DEPARTMENT OF PUBLIC HEALTH REGULATIONS.

- (A) Measured from road right-of-way.
- (B) 0 Bedrooms (Efficiency Apartment) – 400 square feet.
1 Bedroom – 500 square feet.
1 or More Bedrooms – 150 square feet for each additional bedroom above one.
- (C) The maximum height shall be two stories excluding basements.
- (D) A multiple dwelling may not cover more than 30% of the ground area of the lot, parcel or building site upon which it is located.
- (E) No building shall be located within 150 feet from the boundaries of any residential district classification. Any building or structure which exceeds 25 feet in height, as measured from the lowest abutting grade level shall be setback one additional foot for each foot of height in excess of 25 feet from all boundary lines of the site.

- (F) Accessory buildings and uses shall be located in the rear of said lot, parcel or building site, unless the lot is equal to or in excess of 2.5 acres in which case the accessory building or use may be located to the side or in front of the principal structure so long as the accessory building is set back a distance equal to twice the minimum front yard setback as set forth in the particular zoning district in which they are located.
- (G) In residential plats, and/or site condominiums, the minimum lot size of building site shall be as provided in the Township Subdivision Control Ordinance or the Township Site Condominium Ordinance, respectively.
- (H) Where the minimum requirements of the Ordinance require a structure larger than a majority of houses in the area, dwelling unit size may be appealed to the Zoning Board of Appeals.
- (I) The minimum lot, parcel or building site frontage shall be continuous uninterrupted lineal footage as measured at the point the lot, parcel or building site abuts the public or private street, road or highway.
- (J) Attached garages shall not exceed the square footage of the ground floor area of the dwelling unit to which they are attached.
- (K) No building shall be erected within 10 feet from the boundaries of any residential district classification or not less than 10% of the frontage of parcel which building will be erected upon, whichever is greater. (Maximum setback requirement is 50 feet unless otherwise specified.)
- (L) Structural additions, such as patios, decks or similar improvements that do not require a building permit, may be located in the front yard, provided such improvement does not extend past one-half the required front yard setback.

[Ord. No. 255, eff 05/26/2020]

[Ord. No. 257, eff 02/25/2021]

120.700 Repeal and Effective Date.

A. Repeal of Prior Ordinances.

All prior Zoning Ordinances of Cooper Charter Township, Kalamazoo County, State of Michigan, and all amendments thereof, are hereby repealed effective coincident with the effective date of the adoption of this Ordinance. In the event the within Ordinance is rejected at a referendum election under the statutes, the within repealing clause shall be ineffective to repeal any prior zoning Ordinances of the Township.

B. Effective Date.

The effective date is May 13, 2002.