

**BOWNE TOWNSHIP**

**ZONING ORDINANCE**

**Adopted by:**  
Bowne Township  
December 20, 2010

**Effective:**  
January 5, 2011

**Amendments through:**  
October 2, 2019

**BOWNE TOWNSHIP OFFICES**

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# Table of Contents

<b>ORDINANCE NO. 2010-06</b> .....	<b>x</b>
<b>Article 1 - Title and Purpose</b> .....	<b>1 - 1</b>
1.01 Short Title .....	1 - 1
1.02 Purpose .....	1 - 1
1.03 Interpretation .....	1 - 1
1.04 Scope .....	1 - 1
1.05 Zoning Affects All Structures and Land, and the Use Thereof .....	1 - 1
<b>Article 2 - Definitions</b> .....	<b>2 - 1</b>
2.01 Rules Applying to the Text .....	2 - 1
2.02 Accessory Structure .....	2 - 1
2.03 Accessory Use .....	2 - 1
2.04 Adult Foster Care Facilities .....	2 - 1
2.05 Adult Uses .....	2 - 2
2.05a Affiliated Farm .....	2 - 2
2.05b Animal Preserve .....	2 - 2
2.05c Animal Rescue Facility or Animal Sanctuary .....	2 - 2
2.06 Applicant.....	2 - 2
2.07 Auto Convenience Market.....	2 - 2
2.08 Automated Teller Machines .....	2 - 2
2.09 Automobile Repair.....	2 - 3
2.10 Automotive Service Station.....	2 - 3
2.11 Basement .....	2 - 3
2.12 Bed and Breakfast.....	2 - 3
2.13 Berm .....	2 - 3
2.14 Billboard .....	2 - 3
2.15 Building.....	2 - 3
2.16 Building Grade.....	2 - 3
2.17 Building Height .....	2 - 3
2.18 Camps and Campgrounds .....	2 - 4
2.19 Clear Vision Corner .....	2 - 4
2.20 Coffee Kiosk .....	2 - 4
2.21 Commercial .....	2 - 4
2.22 Compost .....	2 - 4
2.23 Compost Facilities .....	2 - 4
2.24 Confined Animal Feeding Operation (CAFO) .....	2 - 4
2.25 Copy Shop.....	2 - 5

2.26	Day Care Facilities .....	2 - 5
2.27	Dwelling.....	2 - 5
2.28	Earthmoving .....	2 - 6
2.29	Essential Services.....	2 - 6
2.30	Excavating.....	2 - 6
2.31	Exotic Animals.....	2 - 6
2.32	Family.....	2 - 7
2.33	Family Day Care Home.....	2 - 7
2.34	Farm Animals .....	2 - 7
2.34a	Farm Building .....	2 - 7
2.34b	Farm Market.....	2 - 7
2.35	Farm Products.....	2 - 7
2.36	Farming or Farm Operation .....	2 - 8
2.37	Fences and Walls.....	2 - 8
2.38	Freestanding Sign .....	2 - 8
2.39	Gross Floor Area (GFA).....	2 - 8
2.40	Ground Sign .....	2 - 9
2.41	Health Services Clinics .....	2 - 9
2.42	Historic Structures.....	2 - 9
2.43	Home Occupations.....	2 - 9
2.44	Household Pets.....	2 - 9
2.45	Institutional Care Facilities .....	2 - 9
2.46	Junkyard.....	2 - 10
2.47	Kennel .....	2 - 10
2.48	Lot.....	2 - 10
2.49	Lot Area .....	2 - 10
2.50	Lot Line.....	2 - 11
2.51	Lot of Record.....	2 - 11
2.52	Lot Width .....	2 - 11
2.52a	Medical Marihuana Dispensary.....	2 - 11
2.53	Mobile Home .....	2 - 12
2.54	Mobile Home Park.....	2 - 12
2.55	Motel, Hotel, Tourist Cabins, Motor Hotel.....	2 - 12
2.55a	Multifamily Dwelling.....	2 - 12
2.56	Natural Resource Removal.....	2 - 12
2.56a	Nature Center.....	2 - 13
2.57	Off-Premises Sign .....	2 - 13
2.58	Ordinary High-Water Mark .....	2 - 13
2.59	Outdoor Recreation Facilities.....	2 - 13
2.60	Owner .....	2 - 13



2.61	Personal Pet Facilities.....	2 - 13
2.62	Principal Use, Activity, Building, or Structure.....	2 - 13
2.63	Property Owner .....	2 - 13
2.64	Public and Institutional Uses.....	2 - 14
2.64a	Public or Private Zoo.....	2 - 14
2.65	Public Utility Facility .....	2 - 14
2.66	Recreational Vehicle .....	2 - 14
2.67	(Reserved for Future Use) .....	2 - 14
2.68	Same or Similar Ownership .....	2 - 14
2.69	Setback .....	2 - 14
2.70	Sign .....	2 - 15
2.71	Sign Message.....	2 - 15
2.72	Site Condominium Subdivision .....	2 - 15
2.73	Site Plan .....	2 - 15
2.74	Specified Anatomical Areas .....	2 - 15
2.75	Specified Sexual Activities .....	2 - 15
2.76	State Licensed Residential Facility .....	2 - 15
2.77	Storage Shed .....	2 - 15
2.78	Story .....	2 - 16
2.79	Street or Road.....	2 - 16
2.80	Structure.....	2 - 16
2.81	Swimming Pool.....	2 - 16
2.82	(Reserved for Future Use) .....	2 - 16
2.83	(Reserved for Future Use) .....	2 - 16
2.84	Temporary Sign.....	2 - 16
2.85	Underground Home.....	2 - 16
2.86	Usable Floor Area (UFA).....	2 - 17
2.87	Veterinary Clinic .....	2 - 17
2.88	Video Rental Store .....	2 - 17
2.89	Walls.....	2 - 17
2.90	Wall Sign .....	2 - 17
2.91	Waterfront Lot.....	2 - 17
2.91a	Wildlife Park .....	2 - 17
2.92	Yard.....	2 - 17
2.93	Zoning Administrator .....	2 - 18
<b>Article 3 - General Provisions.....</b>		<b>3 - 1</b>
3.01	Access to A Street.....	3 - 1
3.02	Accessory Structures and Uses.....	3 - 1
3.03	Adult Uses .....	3 - 2
3.04	Basement Dwellings.....	3 - 3

3.05	Clear Vision Corners .....	3 - 4
3.06	Commercial Vehicles .....	3 - 4
3.07	Corner and Through Lots .....	3 - 4
3.08	Driveways .....	3 - 4
3.09	Dwelling Requirements .....	3 - 4
3.10	Dwellings—Floor Area Requirements .....	3 - 6
3.11	Earthmoving .....	3 - 6
3.12	Essential Services .....	3 - 6
3.12a	Exotic Animals .....	3 - 7
3.13	Farm Animals .....	3 - 7
3.14	Height Exceptions .....	3 - 7
3.15	Home Occupations .....	3 - 7
3.16	Household Pets .....	3 - 8
3.17	Lot Area or Space Required .....	3 - 8
3.18	Moving of Structures .....	3 - 8
3.19	Multiple Uses of Buildings .....	3 - 9
3.20	On-Site Sewage Treatment and Water Well Facilities .....	3 - 9
3.21	Principal Use .....	3 - 9
3.22	Public and Institutional Uses .....	3 - 9
3.23	Recreational Vehicles .....	3 - 9
3.24	Roads—Private .....	3 - 9
3.25	Roadside Stand .....	3 - 16
3.26	Satellite Dish and Antenna .....	3 - 17
3.27	Screening Required .....	3 - 17
3.28	Solar Panels .....	3 - 20
3.29	State Highway Setbacks .....	3 - 20
3.30	Structures On More Than One Lot .....	3 - 20
3.31	Swimming Pools .....	3 - 20
3.32	Reserved for Future Use .....	3 - 21
3.33	Telecommunication Towers and Antennas .....	3 - 21
3.34	Temporary Facilities .....	3 - 29
3.35	Temporary Housing .....	3 - 29
3.36	Underground Homes .....	3 - 31
3.37	Walls and Fences .....	3 - 31
3.38	Waterfront Lots .....	3 - 34
3.39	Open Space Preservation Development Regulations .....	3 - 35
3.40	Outdoor Furnaces .....	3 - 42
3.41	Development Along Minor Arterials .....	3 - 44
3.42	Certain Prohibited Land Uses; Medical Marihuana Facilities .....	3 - 46
3.43	Unclassified Uses .....	3 - 46

3.44	Conditional Rezoning .....	3 - 47
3.45	Width to Depth Exception in the R-1, AG, and R-2 Districts .....	3 - 51
3.46	No Zoning Applications, Approvals or Permits for a Property in Violation .....	3 - 52
<b>Article 4 - Zoning Districts .....</b>		<b>4 - 1</b>
4.01	Zoning Districts.....	4 - 1
4.02	Erection, Alteration, and Use of Building .....	4 - 1
4.03	Provision for Official Zoning Map .....	4 - 1
4.04	Identification of Official Zoning Map.....	4 - 1
4.05	Changes to Official Zoning Map.....	4 - 1
4.06	Authority of Official Zoning Map.....	4 - 2
4.07	Replacement of Official Zoning Map.....	4 - 2
4.08	Schedule of District Regulations .....	4 - 2
<b>Article 5 - AG - Agricultural District .....</b>		<b>5 - 1</b>
5.01	Description and Purpose.....	5 - 1
5.02	Uses Allowed by Right .....	5 - 1
5.03	Accessory Structures and Uses.....	5 - 2
5.04	Special Land Uses .....	5 - 2
5.05	Height, Area, and Dimension Regulations.....	5 - 3
5.06	General Requirements .....	5 - 4
5.07	Regulations for Farm Markets.....	5 - 4
5.08	Rural Recreation/Amusement Enterprises .....	5 - 7
<b>Article 6 - R-1 - Rural Residential District .....</b>		<b>6 - 1</b>
6.01	Description and Purpose.....	6 - 1
6.02	Uses Allowed by Right .....	6 - 1
6.03	Accessory Structures and Uses.....	6 - 2
6.04	Special Land Uses .....	6 - 2
6.05	Height, Area, and Dimension Regulations.....	6 - 3
<b>Article 7 - R-2 - Low-Density Residential District .....</b>		<b>7 - 1</b>
7.01	Description and Purpose.....	7 - 1
7.02	Uses Allowed by Right .....	7 - 1
7.03	Accessory Structures and Uses.....	7 - 2
7.04	Special Land Uses .....	7 - 2
7.05	Height, Area, and Dimension Regulations.....	7 - 3
<b>Article 8 - R-3 - Urban Residential District .....</b>		<b>8 - 1</b>
8.01	Description and Purpose.....	8 - 1
8.02	Uses Allowed by Right .....	8 - 1
8.03	Accessory Structures and Uses.....	8 - 1
8.04	Special Land Uses .....	8 - 1

8.05	Height, Area, and Dimension Regulations.....	8 - 2
8.06	General Requirements.....	8 - 2
<b>Article 9 - R-4 - Multifamily Residential District.....</b>		<b>9 - 1</b>
9.01	Description and Purpose.....	9 - 1
9.02	Uses Allowed by Right.....	9 - 1
9.03	Accessory Structures and Uses.....	9 - 1
9.04	Special Land Uses.....	9 - 1
9.05	Height, Area, and Dimension Regulations.....	9 - 2
9.06	General Requirements.....	9 - 2
<b>Article 10 - R-5 Manufactured Housing Community District.....</b>		<b>10 - 1</b>
10.01	Description and Purpose.....	10 - 1
10.02	Uses Allowed by Right.....	10 - 1
10.03	Accessory Structures and Uses.....	10 - 1
10.04	Special Land Uses.....	10 - 2
10.05	Height, Area, and Dimension Regulations.....	10 - 2
10.06	Basis for Approval.....	10 - 2
10.07	Review and Approval of Preliminary Manufactured Housing Community Plans..	10 - 2
10.08	General Requirements.....	10 - 4
10.09	Other Requirements.....	10 - 9
10.10	Scope and Applicability.....	10 - 9
<b>Article 11 - C-1 - Commercial District.....</b>		<b>11 - 1</b>
11.01	Description and Purpose.....	11 - 1
11.02	Uses Allowed by Right.....	11 - 1
11.03	Accessory Structures and Uses.....	11 - 2
11.04	Special Land Uses.....	11 - 2
11.05	Height, Area, and Dimension Regulations.....	11 - 2
11.06	General Requirements.....	11 - 3
<b>Article 12 - C-2 - Commercial District.....</b>		<b>12 - 1</b>
12.01	Description and Purpose.....	12 - 1
12.02	Uses Allowed by Right.....	12 - 1
12.03	Accessory Structures and Uses.....	12 - 1
12.04	Special Land Uses.....	12 - 2
12.05	Height, Area, and Dimension Regulations.....	12 - 2
12.06	General Requirements.....	12 - 2
<b>Article 13 - IND - Industrial District.....</b>		<b>13 - 1</b>
13.01	Description and Purpose.....	13 - 1
13.02	Uses Allowed by Right.....	13 - 1
13.03	Accessory Structures and Uses.....	13 - 2

13.04	Special Land Uses .....	13 - 2
13.05	Height, Area, and Dimension Regulations.....	13 - 2
13.06	General Requirements .....	13 - 2
<b>Article 13A - Planned Unit Development (PUD) District .....</b>		<b>13A - 1</b>
13A.01	Intent.....	13A - 1
13A.02	Authorization and Permitted Uses .....	13A - 1
13A.03	Qualifying Conditions .....	13A - 2
13A.04	Development Requirements for All Uses.....	13A - 2
13A.05	Development Requirements for PUDs with Residential Uses.....	13A - 2
13A.06	Dedicated Open Space Requirements for Non-Residential Uses.....	13A - 10
13A.07	Public and Private Street Connections to Adjacent Property .....	13A - 10
13A.08	Procedures .....	13A - 11
13A.09	Amendments to Approved PUD .....	13A - 15
13A.10	Performance Guarantees.....	13A - 16
13A.11	Time Limitations On Development.....	13A - 16
13A.12	Appeal/Variance .....	13A - 16
<b>Article 14 - Special Land Uses.....</b>		<b>14 - 1</b>
14.01	Description and Purpose.....	14 - 1
14.02	Application Procedures .....	14 - 2
14.03	Basis for Determination.....	14 - 3
14.04	Surety .....	14 - 3
14.05	Design Standards.....	14 - 4
<b>Article 15 - Nonconforming Uses, Structures, and Lots.....</b>		<b>15 - 1</b>
15.01	Description and Purpose.....	15 - 1
15.02	Change of Nonconforming Uses.....	15 - 1
15.03	Termination of Nonconforming Uses .....	15 - 1
15.04	Expansion of Nonconforming Uses.....	15 - 1
15.05	Nonconforming Structures and Uses .....	15 - 1
15.06	Buildings and Uses Under Construction .....	15 - 2
15.07	Restoration and Repair of Damaged Buildings .....	15 - 2
15.08	Nonconforming Lots .....	15 - 2
15.09	Determination of a Lot of Record.....	15 - 3
<b>Article 16 - Off-Street Parking and Loading .....</b>		<b>16 - 1</b>
16.01	Description and Purpose.....	16 - 1
16.02	Requirements .....	16 - 1
16.03	Parking Space .....	16 - 2
16.04	Location of Off-Street Parking.....	16 - 2
16.05	Parking Facility Standards .....	16 - 3

16.06	Off-Street Loading Requirements .....	16 - 3
16.07	Permits .....	16 - 4
<b>Article 17</b>	<b>Signs and Billboards.....</b>	<b>17 - 1</b>
17.01	Description and Purpose.....	17 - 1
17.02	Regulations for All Signs.....	17 - 1
17.03	Design, Location, and Construction Standards .....	17 - 1
17.04	Sign Illumination.....	17 - 3
17.05	Gasoline Service Stations and Automobile Sales Areas .....	17 - 4
17.06	Measuring Size of Signs .....	17 - 4
17.07	Exempted Signs .....	17 - 4
17.08	Prohibited Signs .....	17 - 5
17.09	Application Requirements Pertaining to all Billboards and Signs.....	17 - 5
<b>Article 18</b>	<b>Site Plan Review.....</b>	<b>18 - 1</b>
18.01	Description and Purpose.....	18 - 1
18.02	Uses Requiring Site Plan Approval.....	18 - 1
18.03	Preliminary Plan Review .....	18 - 2
18.04	Review of Preliminary Site Plan.....	18 - 3
18.05	Final Site Plan Review .....	18 - 3
18.06	Review Procedure.....	18 - 5
18.07	Standards for Final Site Plan Review .....	18 - 5
18.08	Regulations .....	18 - 7
18.09	Conditions of Approval.....	18 - 7
18.10	Surety .....	18 - 8
18.11	Performance Guarantees.....	18 - 9
18.12	Surety Types .....	18 - 9
18.13	Procedures for Inspecting, Approving, and Accepting Improvements .....	18 - 10
18.14	Construction Warranty .....	18 - 10
18.15	Release or Exercise of Surety .....	18 - 10
18.16	Violations and Penalties.....	18 - 11
18.17	Exceptions.....	18 - 11
18.18	Changes to Site Plan .....	18 - 11
18.19	Enforcement.....	18 - 12
18.20	Expiration of an Approved Site Plan; Validity .....	18 - 12
<b>Article 19</b>	<b>Zoning Board of Appeals (ZBA).....</b>	<b>19 - 1</b>
19.01	Membership.....	19 - 1
19.02	Powers of the ZBA .....	19 - 2
19.03	Meetings and Attendance .....	19 - 2
19.04	Application and Hearing Procedures .....	19 - 2
19.05	Variances .....	19 - 4

19.06	Appeals of the ZBA .....	19 - 4
19.07	Fees.....	19 - 5
19.08	Time Limit.....	19 - 5
<b>Article 20</b>	<b>Administration and Enforcement .....</b>	<b>20 - 1</b>
20.01	Zoning Permit Required .....	20 - 1
20.02	Administrative Officials.....	20 - 1
20.03	Permit Application .....	20 - 1
20.04	Building Permit .....	20 - 1
20.05	Certificate of Occupancy .....	20 - 1
20.06	Fees.....	20 - 2
20.07	Violations, Nuisance per se, Municipal Civil Infractions .....	20 - 2
<b>Article 21</b>	<b>Amendment and Adoption .....</b>	<b>21 - 1</b>
21.01	Procedure.....	21 - 1
21.02	Fees.....	21 - 1
21.03	Information Required.....	21 - 1
21.04	Public Hearing and Notification.....	21 - 1
21.05	Decision.....	21 - 2
21.06	Adoption .....	21 - 3
<b>Article 22</b>	<b>Miscellaneous .....</b>	<b>22 - 1</b>
22.01	Severability.....	22 - 1
22.02	Effective Date .....	22 - 1
22.03	Repeal of Prior Ordinance .....	22 - 1
<b>An Ordinance to Confirm the Planning Commission, Ordinance No. 09-04 .....</b>		<b>09-04-01</b>
<b>A Land Division Ordinance, Ordinance No. 97-1 .....</b>		

**ORDINANCE NO. 2010-06**  
**(Eff. Jan. 5, 2011)**

**BOWNE TOWNSHIP ZONING ORDINANCE**

WHEREAS, the Bowne Township Board did previously adopt a Zoning Ordinance on November 20, 2000 according to Act 184 of Public Acts of 1943 of the State of Michigan; and

WHEREAS, the Zoning Ordinance has been amended significantly;

WHEREAS, THIS ORDINANCE establishes zoning for Bowne Township (Township), Kent County, Michigan, pursuant to the provisions of Act 110 of the Public Acts of 2006 as amended, the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.* whereby the conservation of soil, water, and other natural resources is encouraged, and the use of land for agriculture, forestry, recreation, residence, industry, trade, and such additional uses as may be present, or may occur, within the Township will be encouraged, regulated, or prohibited following the Bowne Township Land Use Plan (Plan).

WHEREAS, Act 110 of the Public Acts of 2006, as amended, empowers the Township to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Township Board of Bowne Township deems it necessary for the purpose of promoting and protecting the health, safety, and general welfare of the people of the Township to enact such an ordinance; and

WHEREAS, the Township Board, pursuant to the provisions of Act 33 of the Public Acts of 2008, as amended, the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.* has appointed a Planning Commission to recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has divided the Township into zoning districts and has prepared regulations concerning such zoning districts according to the Township Master Land Use Plan; and

WHEREAS, all requirements of Act 110 of the Public Acts of 2006, as amended, and Act 33 of the Public Acts of 2008, as amended, regarding the preparation of this ordinance and subsequent action of the Township Board have been met,

**NOW THEREFORE, THE TOWNSHIP OF BOWNE ORDAINS:**

That the Bowne Township Zoning Ordinance, Ordinance No. 2000-3, adopted on November 20, 2000 is hereby repealed in its entirety and that the Bowne Township Zoning Ordinance, Ordinance No. 10-06, be adopted as the Official Zoning Ordinance of Bowne Township (Ord. No. 10-05, eff. Jan. 5, 2011):



# **ARTICLE 1 · TITLE AND PURPOSE**

## **1.01 SHORT TITLE**

This ordinance shall be known as the Bowne Township Zoning Ordinance (Ordinance).

## **1.02 PURPOSE**

The purpose of the Ordinance is to establish zoning districts in the Township within which zoning districts the use of land for food, fiber, energy, and other natural resources, recreation, places of residence, industry, trade, service, and additional uses of land may be encouraged, regulated, or prohibited and for such purposes dividing portions of the Township into zoning districts of such number, shape, and area as deemed best suited to carry out the provisions of this Ordinance; and for each such zoning district designating or limiting the location, height, number of stories, and size of dwellings, buildings, and structures that may hereafter be erected or altered, and the specific uses for which dwellings, buildings, and structures may hereafter be erected or altered; the area of yards, courts, and other open spaces and the sanitary, safety, and protective measures that will be required for such dwellings, buildings, and structures; and the maximum number of families that may be housed in buildings, dwellings, and structures hereafter erected or altered.

## **1.03 INTERPRETATION**

In their interpretation and application, any enforcement officer or agency, any court, and any Board of Appeals member shall hold the provisions of this Ordinance to be minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Township.

## **1.04 SCOPE**

This Ordinance shall affect and regulate the use and occupancy of all land and every structure in the Township. Where this Ordinance imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds, or other agreements, the provisions of this Ordinance will control.

## **1.05 ZONING AFFECTS ALL STRUCTURES AND LAND, AND THE USE THEREOF**

No structure, land, or premises shall hereafter be used or occupied, and no building shall be erected, moved, reconstructed, extended, or altered except in conformity with the regulations and provisions of this Ordinance. No building permit will be issued without first obtaining a zoning permit.

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## **ARTICLE 2 · DEFINITIONS**

### **2.01 RULES APPLYING TO THE TEXT**

The following listed rules will apply to the text of this Ordinance:

- A. The particular will control the general.
- B. Chapter headings that title a chapter, section, or subsections are for convenience only and are not to be considered in any way construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- C. The words “will” and “shall” are always mandatory and not discretionary. The word “may” is permissive.
- D. Unless the context clearly indicates to the contrary, 1) words used in the present tense shall include the future tense, 2) words used in the singular number shall include the plural number, and 3) words used in the plural number shall include the singular number.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as an individual.
- G. The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” “designed to use,” “be used,” or “occupied.”
- H. Any word or term not defined herein shall have the meaning as defined in Webster’s New World Dictionary.

### **2.02 ACCESSORY STRUCTURE**

A subordinate structure devoted to an accessory use on the same premises with a principal structure. An accessory structure attached to a principal structure shall be considered part of the principal structure.

### **2.03 ACCESSORY USE**

An accessory use is naturally and normally incidental and subordinate to a principal use on the same premises with the principal use.

### **2.04 ADULT FOSTER CARE FACILITIES**

Adult foster care facilities include medium group homes, large group homes, and congregate facilities. These facilities (not private homes) provide 24-hour care to seven or more adults. Adult foster care facilities are licensed by Act No. 218 of 1979, the Adult Foster Care Facility Licensing Act.

## **2.05 ADULT USES**

Any conduct, within an establishment having as a substantial or significant portion of its income from material, services, or matters distinguished or characterized by an emphasis on depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein); that presents material by books, films, slides, or the like, or by live presentation that includes services to the patron of an establishment, that material is distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined herein). Adult uses shall include, but not be limited to, adult bookstores, adult motion picture theaters, massage establishments, and establishments for the consumption of beer or intoxicating liquor on the premises that also have adult uses.

### **2.05a AFFILIATED FARM**

A farm under the same ownership or control as a farm market, whether or not the farm market is located on the property where production occurs. However, the market must be located on land where local land use zoning allows for agriculture and its related activities. (Ord. No. 12-01, eff. Jan. 2, 2013)

### **2.05b ANIMAL PRESERVE**

A facility or operation that keeps animals in a wild state and may be used for hunting, breeding, buying, selling, exhibition or training purposes. (Ord. No. 11-01, eff. May 31, 2011)

### **2.05c ANIMAL RESCUE FACILITY OR ANIMAL SANCTUARY**

A facility or operation the purpose of which is to provide temporary or permanent shelter or medical care for certain types of animals except those that are banned by the State of Michigan, Kent County, Bowne Township, or the federal government. Rescue facilities may include exhibition, adoption services and euthanasia services. (Ord. No. 11-01, eff. May 31, 2011)

## **2.06 APPLICANT**

Any individual, partnership, public or private corporation, authority, agency, or any other legal entity or a combination of any of them, whether they hold an ownership interest in the land or not, who submit an application to the Township as required by this Ordinance. The applicant shall become the owner upon approval of an application.

## **2.07 AUTO CONVENIENCE MARKET**

A place where gasoline, motor oil, lubricants, or other minor automobile accessories are retailed directly to the public on the premises in combination with the retail sales of food, beverages, rental of videotapes, preparation of food and other items typically found in a convenience store or market. Automobile repair or liquor sales will not be allowed in an auto convenience market.

## **2.08 AUTOMATED TELLER MACHINES**

An automated teller machine is a device that performs banking or financial functions at a location remote from the controlling financial institution.

## 2.09 AUTOMOBILE REPAIR

Automobile repair is any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision service such as body, frame, or fender straightening and repair; overall painting and vehicle rust proofing, refinishing, or steam cleaning.

## 2.10 AUTOMOTIVE SERVICE STATION

An automotive service station is a building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water, and other operating commodities for motor vehicles (including trucks), aircraft, boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including facilities for storage, hand washing, minor repair, and servicing, but not including automobile repair.

## 2.11 BASEMENT

A basement is that portion of a building or room located wholly or partially below grade.

## 2.12 BED AND BREAKFAST

A residential structure that, besides being a permanent home, provides temporary room and board as a home occupation.

## 2.13 BERM

A berm is a mound of earth graded, shaped, and improved with landscaping in a way used for screening purposes.

## 2.14 BILLBOARD

A billboard is a specific type of off-premises freestanding sign in excess of 100 square feet intended to attract the attention of the motoring public.

## 2.15 BUILDING

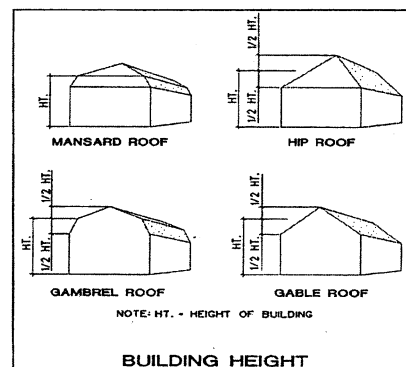
A building is a structure constructed or erected having a roof supported by columns, walls, or other supports, which is used for housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

## 2.16 BUILDING GRADE

The building grade is the point at which the ground surface is in contact with the base of a wall.

## 2.17 BUILDING HEIGHT

The height of a building is the vertical distance from the average finished ground level adjoining the building at all exterior walls to the highest point of a flat roof, and the midpoint between the eaves and the peak of the roof. See building height illustration.



## **2.18 CAMPS AND CAMPGROUNDS**

Camps and campgrounds include, but are not limited to, RV campgrounds, tent and trailer campgrounds, youth YMCA, YWCA, Boy & Girl Scouts, church camps, children's camps (as licensed by Act No. 116 of 1973 Child Care Organizations Act), and adult foster care camps (as licensed by Act No. 218 of 1979 Adult Foster Care Licensing Act). Children's Camps are residential, day, troop, or travel camps conducted in a natural environment for more than four school-age children, apart from their parents, relatives, or legal guardians, for 5 or more days in a 14-day period.

## **2.19 CLEAR VISION CORNER**

That portion of a corner lot closest to the intersection, where obstructions might impair the ability of drivers to see oncoming traffic.

## **2.20 COFFEE KIOSK**

A retail business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window to customers seated in their automobiles for consumption off-premises and that provides no indoor or outdoor seating.

## **2.21 COMMERCIAL**

This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of service offices or recreation or amusement enterprises, or garage/basement sales operating more than 12 days during any 12-month period.

## **2.22 COMPOST**

Compost is a light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.

## **2.23 COMPOST FACILITIES**

A compost facility is a commercial resource-recovery operation involving the transportation of resource material to the site from off-site locations or resource products from the site that involves the processing of organic material into compost.

## **2.24 CONFINED ANIMAL FEEDING OPERATION (CAFO)**

The concentrated confined feeding or holding of animals or poultry including, but not limited to, horse, cattle, sheep, or swine feeding areas; dairy confinement areas; slaughterhouse or shipping terminal holding pens; poultry and egg production facilities; and fur farms in buildings or in pens or lots where the surface has been prepared with concrete, rock, or fibrous material to support animals in wet weather or that have wastewater treatment works. A confined animal feeding operation is any lot, yard, corral, or other area in which livestock are confined, primarily for feeding and growth. The term does not include areas used for raising crops or other vegetation or upon which livestock are allowed to graze. Any agricultural use that contains the following number of animal units is considered a CAFO:

CAFOs

Animal Unit:	50	250	1,000
Animal Type <sup>1</sup>	Number of Animals		
Slaughter and Feeder Cattle	50	250	1,000
Mature Dairy Cattle	35	175	700
Swine <sup>2</sup>	125	625	2,500
Sheep and Lambs	500	2,500	10,000
Horses	25	125	500
Turkeys	2,750	13,750	55,000
Laying Hens or Broilers	5,000	25,000	100,000
Mixed	50	250	1,000
<p><sup>1</sup> All other farm animals not in this table, but defined in the Michigan Right to Farm Act or described in Michigan Commission of Agriculture Policy are to be calculated as 1,000 lbs. live weight equals 1 animal weight.</p> <p><sup>2</sup> Weighing over 55 lbs.</p>			

**2.25 COPY SHOP**

A retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

**2.26 DAY CARE FACILITIES**

A day care facility is a facility for the care of children or adults for less than 24 hours. Day care facilities do not include state licensed residential facilities, family day care homes, foster-family homes, or adult foster care facilities. (See also institutional care facilities.) Such facilities are further defined as follows:

- A. Group Day Care Home: A private home where 7 to 12 children are received for care and supervision. This number shall not include more than two children younger than two years old. A group day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended.
- B. Adult Day Care (Private Home): Adult day care facilities offer a supervised environment for temporary care of adults 18 years old and older.

**2.27 DWELLING**

- A. A dwelling is a building used as a permanent home or sleeping place by one or more persons. Dwelling includes single-family, two-family, and multifamily dwellings.

Hotels, motels, tourist cabins, and motor hotels are not dwellings and are defined elsewhere in this Ordinance.

1. Dwelling, Multifamily: A building designed for use and occupancy by three or more families living independently of each other.
2. Dwelling, Single-Family: A building designed for use and occupancy by one family only.
3. Dwelling, Two-Family: A building designed for use and occupancy by two families living independently of each other.

## **2.28 EARTHMOVING**

Earthmoving is the noncommercial removal of such natural resources as sand, gravel, or earth materials, or the alteration of land to prepare or render land suitable for uses allowed in the zoning district in which the land is located. This definition shall not include excavation which, by its nature, is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, etc.

## **2.29 ESSENTIAL SERVICES**

Essential service means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply, or disposal system including poles, wires, main drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of utility service by such utilities or municipal departments or commissions or for the public health, safety, or general welfare. Landfill operations are specifically excluded.

Notwithstanding any other provision in this Ordinance, telecommunications towers and antennas shall be regulated and allowed pursuant to the general provisions section of this Ordinance and shall not be regulated or allowed as essential services under this Ordinance.

## **2.30 EXCAVATING**

Excavating means the removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land or road grade, whichever shall be highest, excepting common household gardening.

## **2.31 EXOTIC ANIMALS**

Any animal that is native to a foreign country or of foreign origin or character, that is not native to the United States or west Michigan, or was introduced from abroad. This term specifically includes animals such as but not limited to lions, tigers, leopards, elephants, camels, antelope, anteaters, hyenas, monkeys, kangaroos, water buffalo, gorillas, alligators, crocodiles, large and small reptiles, and species of foreign domestic cattle such as Ankole, Gayal, and Yak. Exotic animals include those animals that are non-indigenous to Michigan specifically including but not limited to wolves, bears, boars, or wolverines. (Ord. No. 11-01, eff. May 31, 2011)



**2.32 FAMILY**

Family means a person living alone in a single dwelling, or two or more persons whose domestic relationship is of a continuing, non-transient character and who reside together living as a single, housekeeping unit in one dwelling, This definition does not include a collective number of individuals or any society, club, fraternity, sorority, association, federation, lodge, school dormitory, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

**2.33 FAMILY DAY CARE HOME**

A private home in which one to six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except those children related to an adult member of the resident family by blood, marriage, or adoption. This includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. A family day care home is a facility licensed and regulated by the State of Michigan under Act 116 of 1973, as amended. (Amended June 19th, 2006)

**2.34 FARM ANIMALS**

Farm animals are all animals that are not household pets or exotic animals. Farm animals are limited to such animals as horses, pigs, goats, or cattle.

**2.34a FARM BUILDING**

Any building other than a dwelling which is erected, moved upon or maintained on a farm which is essential and customarily exclusively used in a farm operation as defined herein. (Ord. No. 19-01, eff. October 2, 2019)

**2.34b FARM MARKET**

A place, area, or buildings from which farm products produced on and by an affiliated farm are sold. A farm market must also meet one of the following requirements: the square footage devoted to the sale of such farm products must constitute at least 50 percent of the total square footage used to display all of the products offered for retail sale, or at least 50 percent of the gross dollars of products sold must be from farm products produced on and by the affiliated farm. (Ord. No. 12-01, eff. Jan. 2, 2013)

**2.35 FARM PRODUCTS**

Farm products are those plants and animals useful to human beings produced by agriculture and include, but are not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of Agriculture and Rural Development, as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981 as amended. (Ord. No. 12-01, eff. Jan. 2, 2013)

## 2.36 FARMING OR FARM OPERATION

Farming is the operation and management of a farm or a condition or activity that occurs at any time, as necessary, on a farm in connection with the commercial production, harvesting, and storage of farm products or any other activity, as determined by the Michigan Commission of Agriculture and as further defined by the Michigan Right-to-Farm Act, P.A. 93 of 1981. Farming shall include the following activities:

- A. The generation of noise, odors, dust, fumes, and other associated conditions resulting from farming.
- B. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm dryers.
- C. Field preparation, ground and aerial seeding, and spraying.
- D. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides, but not recycled materials.
- E. The use of alternative pest-management practices.
- F. The fencing, feeding, watering, sheltering, transportation, treatment, uses, handling, and care of farm animals.
- G. The management, storage, transport, utilization, and application of farm products, including manure or agricultural wastes.
- H. Marketing produce and other products at roadside stands or farm markets. (Ord. No. 12-01, eff. Jan. 2, 2013)

## 2.37 FENCES AND WALLS

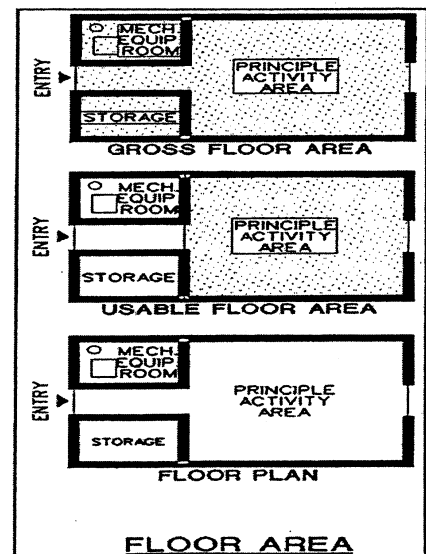
Fences and walls are accessory structures erected to enclose or screen areas of land. Retaining walls are erected to support an embankment or to prevent erosion or collapse of steep slopes.

## 2.38 FREESTANDING SIGN

Freestanding signs are elevated by supports so that the bottom of the sign is greater than 1½ feet above ground level.

## 2.39 GROSS FLOOR AREA (GFA)

Gross floor area (GFA) shall mean the total floor area used for the main activities and storage areas of a building. GFA is the area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, and attic floor areas with less than 5 vertical feet from the floor to finished ceiling, and all basements, including walkout basements, are excluded.



## **2.40 GROUND SIGN**

Ground signs are attached directly to the ground or have a clear space beneath the sign of less than 1½ feet. Ground signs may have messages on one or more sides.

## **2.41 HEALTH SERVICES CLINICS**

Health services clinics are establishments primarily engaged in providing inpatient health-related personal care, in which children and adults are received for care and treatment.

Health services clinics include offices of dentists, doctors, orthodontists, chiropractors, and outpatient med-stations. Establishments of this type do not include homes for the aged, assisted living facilities, extended-care facilities, nursing homes, intermediate care facilities, convalescent homes, rest homes, any establishment commonly described as an alcohol or a substance abuse rehabilitation center, or personal care facilities with health care or institutional care facilities where individuals receive care for extended periods.

## **2.42 HISTORIC STRUCTURES**

Historic structures are structures that have received state or federal historic designation including centennial farms.

## **2.43 HOME OCCUPATIONS**

Home occupations are activities carried on in the home being clearly incidental and secondary to the principal residential use.

## **2.44 HOUSEHOLD PETS**

Any animal kept for companionship, personal enjoyment, and pleasure, and treated with fondness that is customarily kept within a dwelling. Household pets are commonly purchased in a pet store and have been tamed or domesticated and are not likely to bite, attack, or cause death, maiming, or illness or act in a vicious manner toward humans without provocation. Household pets are limited to such animals as dogs, cats, fish, birds, rodents, lizards, nonvenomous snakes, and spiders.

## **2.45 INSTITUTIONAL CARE FACILITIES**

An institutional care facility is a facility for the care of children or adults such as, but not limited to, hospitals, extended-care facilities, and nursing homes. Institutional care facilities do not include state licensed residential facilities, or adult foster care facilities. (See Day Care Facilities.) Institutional care facilities can be further defined as follows:

- A. Child Care Center: A facility, other than a private home, where one child or more is received for care and supervision.
- B. Intergenerational Day Care: A day care facility that combines the care of children with the care of adults.
- C. Child Caring Institution: As defined in PA 116 of 1973, MCL 722.111, Sec. 1(1)(b).
- D. Adult Day Care (Institutional): Adult day care facilities offer a supervised environment for temporary care of adults in an institutional (nonresidential) setting.

- E. Assisted Living Facilities: Assisted living facilities provide care to elderly individuals as a special combination of housing, personalized supportive services, and health care. Assisted living facilities include independent living facilities, senior housing, or extended-care facilities. Assisted living facilities are not regulated or licensed by state agencies.
- F. Extended-Care Facilities: Extended-term care facilities provide inpatient nursing and health related personal care other than in a private home, in which one or more adults who are aged or physically impaired, are received for care and supervision.

Extended-term care facilities include nursing homes, hospice facilities, subacute care facilities, and homes for the aged as regulated by Act No. 368 of 1978 Public Health Code, as amended.  
(Amended June 19th, 2006)

## 2.46 JUNKYARD

A junkyard is a place where discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, processed, packed, disassembled, or handled including housewrecking, structural steel materials salvage, and automobile wrecking enterprises. The purchase or storage of used furniture and household equipment, used cars in operable condition, or used or salvaged materials used in manufacturing are excluded if such uses are carried on in enclosed buildings.

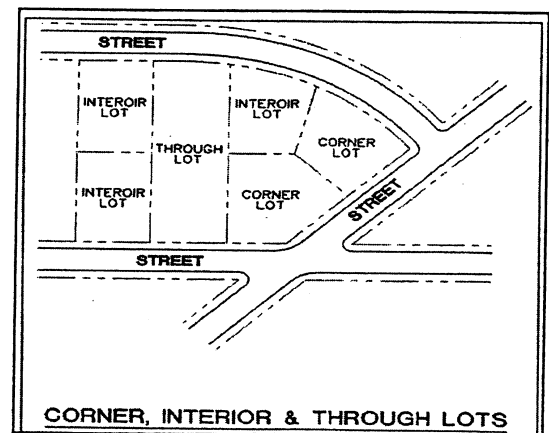
## 2.47 KENNEL

A kennel is any lot, building, structure, or premises on which four or more dogs, cats, or other household pets, four months of age or older, are kept temporarily or permanently for breeding, boarding, or for sale.

## 2.48 LOT

A lot is a parcel of land, exclusive of any adjoining street, separated from other parcels by a legal description. For a site condominium subdivision, the term "lot" shall include the portion of the condominium project designed and intended for separate ownership and use as described in the master deed. The word "lot" shall include parcel.

- A. Corner Lot: A lot that has at least two contiguous sides abutting on a street for their full length.
- B. Through Lot: A lot, other than a corner lot, having frontage on more than one street.
- C. Waterfront Lot: A lot having at least one side fronting on a river, stream, lake, pond, or other permanent water feature.



## 2.49 LOT AREA

Lot area is the total horizontal area within the lot lines of a lot, exclusive of any public or private road right-of-way. The area within the public or private road right-of-way shall not be included in the area

of a lot even if such area is included in the property description of the lot. (Ord. No. 18-01, eff. Jan. 31, 2018)

## 2.50 LOT LINE

The lot line defines the boundaries of a lot or parcel of land. Front, side, and rear lot lines shall be determined by the Zoning Administrator, based on factors such as the orientation of the principal structure, the location of the main entrance, the street address, the location and orientation of adjacent structures, and the configuration of adjacent lots.

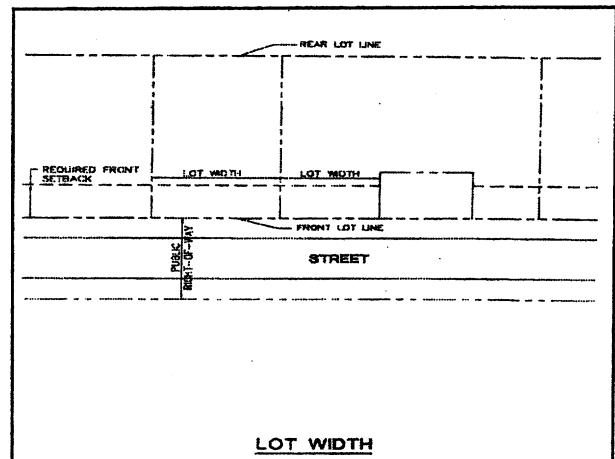
- A. Front Lot Line: The right-of-way line of the street or road on which the lot is located. For a through lot, the front lot line is the line separating the lot from each road right-of-way. In a corner lot, the front lot line will be as determined by the Zoning Administrator. In the case of a waterfront lot, the front line shall be considered that lot line on the waterfront. (Amended March 17, 2003)
- B. Side Lot Line: Any lot line that intersects with the front lot line, or a lot line that is more or less perpendicular to the front lot line.
- C. Rear Lot Line: Any lot line that is not a front or side lot line.

## 2.51 LOT OF RECORD

A lot of record is a lot that is part of a subdivision and is shown on a plat or a map thereof, which has been recorded in the office of the Register of Deeds for Kent County before the effective date of this Ordinance, or a parcel of land described by metes and bounds that is the subject of a deed or land contract recorded in said office before said date.

## 2.52 LOT WIDTH

Lot width is the horizontal distance between the side lot lines, uninterrupted by other lots or rights-of-way, and measured at the required front setback line. In the event that a lot may have more than one horizontal distance between side lot lines (as shown in the figure), only the greatest distance shall be used to meet the lot width requirement, and under no circumstances shall the minimum lot width be determined based on more than one horizontal distance. The minimum lot width shall be established for each zoning district according to the schedule of district regulations.



### 2.52a MEDICAL MARIHUANA DISPENSARY

(Ord. No. 11-02, eff. May 31, 2011)

Any business, facility, association, cooperative, location, operation, whether fixed or mobile, where medical marihuana is made available to, sold, grown, processed, delivered, or distributed by or to one or more of the following:

- A. A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended being MCL 333.26421 *et seq.*, as amended).

- B. A qualifying patient (as defined by Michigan Initiated Law 1 of 2008, as amended being MCL 333.26421 *et seq.*, as amended).
- C. Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana or such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, club, or commercial operation facility.

A medical marihuana dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended being MCL 333.26421 *et seq.*, as amended) so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this Ordinance and any other applicable Bowne Township ordinances, but also all applicable Michigan and federal laws and regulations

### **2.53 MOBILE HOME**

A mobile home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems in the structure. Mobile home does not include a recreational vehicle. A mobile home is also referred to as a "manufactured home" in this Ordinance. (Amended October 15, 2001)

### **2.54 MOBILE HOME PARK**

A mobile home park is a parcel or tract of land upon which three or more mobile homes are located on a continual nonrecreational basis and offered to the public for that purpose despite whether a charge is made therefor, together with any building, structure, enclosure, street equipment or facility used or intended for the occupancy of a mobile home. Mobile home parks are regulated by the Mobile Home Commission Act, P.A. 96, 1987, as amended. Mobile home parks are also referred to as "manufactured housing communities" in this Ordinance. (Amended October 15, 2001)

### **2.55 MOTEL, HOTEL, TOURIST CABINS, MOTOR HOTEL**

A motel, hotel, tourist cabin, or motor hotel is a series of attached, semidetached, or detached rental units providing overnight lodging for transients, open to the traveling public.

### **2.55a MULTIFAMILY DWELLING**

A building containing three or more dwelling units which are attached by common major structural elements. (Ord. No. 12-01, eff. Jan. 2, 2013)

### **2.56 NATURAL RESOURCE REMOVAL**

Natural resource removal is the extraction and/or excavation of sand, gravel, topsoil, clay, earth, marl, peat, or any other nonrenewable earth material not regulated in the Mine Reclamation Act, Act 92 of 1970, as amended, in a regular commercial operation by excavating directly from such resources lying exposed in their natural state or by removing any overburden lying above such resources. It does not include excavation or grading preliminary to a construction project that by its

very nature is of limited scope and duration and is undertaken primarily for the immediate use and development of the land excavated, such as for the purposes of building construction, septic tanks, swimming pools, etc. (see "Earthmoving").

### **2.56a NATURE CENTER**

A facility or operation the purpose of which is to educate people about nature and the environment. A nature center may include open space, trails, visitor center, gardens, arboretum, trails, and wildlife native to Michigan only (including native reptiles, rodents, insects, birds, or fish). Nature centers may include preserved mounted animals or nature dioramas. Nature centers may also include paid or volunteer staff, may charge admission, and may offer educational programs to the general public, as well as day camp, after-school and school group programs. (Ord. No. 11-01, eff. May 31, 2011)

### **2.57 OFF-PREMISES SIGN**

An off-premises sign is located on a parcel separate from the parcel that is the focus of the message being displayed. Off-premises signs are not related to the premises, or the nature of the business conducted, or products sold or manufactured on the premises on which the sign is located.

### **2.58 ORDINARY HIGH-WATER MARK**

The ordinary high-water mark is defined by Act No. 346 of 1972, as amended, as the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level.

### **2.59 OUTDOOR RECREATION FACILITIES** (Ord. No. 11-01, eff. May 31, 2011)

Outdoor recreation facilities include golf courses, nature centers, riding stables, public or private zoos, wildlife parks, and animal preserves including game and hunting preserves that utilize wildlife.

### **2.60 OWNER**

Upon approval of an application required by this Ordinance, the applicant shall become the owner.

### **2.61 PERSONAL PET FACILITIES**

Personal pet facilities are intended for the keeping of household pets on residential property. They include small enclosures and fenced yard areas.

### **2.62 PRINCIPAL USE, ACTIVITY, BUILDING, OR STRUCTURE**

The principal use, activity, building, or structure is the primary or predominant use or structure located on an individual lot.

### **2.63 PROPERTY OWNER**

The property owner is any individual, partnership, public or private corporation, or any other legal entity holding an ownership interest in land whether recorded or not. An ownership interest means

ownership by one person or by different private entities if the land is owned by joint interest or by members of the same immediate family.

## 2.64 PUBLIC AND INSTITUTIONAL USES

Public and Institutional uses are churches, public parks, play fields, playgrounds, tennis courts, swimming pools, and nonprofit recreational clubs and recreational uses; municipal, county, state, and federal administration buildings; police and fire stations; charter; trade; public and parochial elementary, intermediate, and high schools (nonboarding); public libraries and museums; community centers, civic centers; government-owned facilities, buildings and structures; cemeteries; and/or similar uses providing service necessary to the community.

### 2.64a PUBLIC OR PRIVATE ZOO

Any park, premises, building, cage, enclosure or other structure in which a live animal is kept for public exhibition or viewing. Zoos may include paid or volunteer staff and may offer educational programs to the general public, as well as school group programs. A zoo may include a petting zoo, which is an exhibit that includes direct contact of animals with the public, including handling and feeding. A petting zoo includes only non-dangerous animals and may include farm animals. (Ord. No. 11-01, eff. May 31, 2011)

## 2.65 PUBLIC UTILITY FACILITY

A public utility facility is a site used by a public utility provider for treatment, transmission, or production of a utility commodity including facilities for maintenance and storage.

## 2.66 RECREATIONAL VEHICLE

A recreational vehicle is a vehicular transportable structure mounted on wheels that is self-propelled or towed by a motor vehicle. A travel trailer is designed to provide temporary living quarters for recreational, camping, or travel use. This definition includes, but is not limited to, portable structures commonly known as motor homes, travel trailers, travel homes, fold-down campers, truck-mounted campers, converted buses, and fifth wheels.

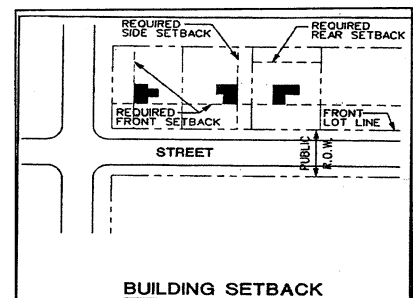
### 2.67 (reserved for future use)

## 2.68 SAME OR SIMILAR OWNERSHIP

Same or similar ownership means ownership by the same person, by members of the same immediate family, or ownership by different legal entities if a 30% or greater interest in each of those legal entities is owned by the same individual or by a member or members of the same immediate family. Where two or more parcels share a common property line, ownership of at least one, but less than all of the parcels by a particular individual, and ownership of the remaining parcel or parcels by a private legal entity, in which the individual or a member, or members, of his or her immediate family own a 30% or greater interest, will constitute same or similar ownership.

## 2.69 SETBACK

The setback is a line measured from and parallel to the front, rear, and side lot lines that establishes the minimum distance that a





building or structure is allowed to be located from the lot line. Setback also is referred to as the required setback line. Steps may be located between the required setback line and the lot line. Porches are considered part of the building or structure and must meet required setback requirements.

## **2.70 SIGN**

A sign is any announcement, declaration, illustration, or insignia that is accessory to the principal use of a building or premises and is used to identify, advertise, or promote the interest of any person, product, or project thereon, when the same is placed, painted, or displayed out of doors in view of the general public.

## **2.71 SIGN MESSAGE**

A sign message is the words, symbols, and graphic content of a sign.

## **2.72 SITE CONDOMINIUM SUBDIVISION**

A site condominium subdivision is a division of land based on condominium ownership that is subject to the provisions of the Condominium Act, Public Act 59 of 1978.

## **2.73 SITE PLAN**

A site plan is a scaled drawing that shows the locations and dimensions of improvements on a parcel of land such as, but not limited to, buildings, driveways, parking facilities, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.

## **2.74 SPECIFIED ANATOMICAL AREAS**

Specified anatomical areas are defined as less than completely and opaquely covered human genitals, pubic region, buttocks, female breasts (below a point immediately above the top of the areola), and human male genitals in a discernible turgid state, even if completely and opaquely covered.

## **2.75 SPECIFIED SEXUAL ACTIVITIES**

Specified sexual activities are defined as human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, or sodomy; and the fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

## **2.76 STATE LICENSED RESIDENTIAL FACILITY**

A state licensed residential facility is a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care. (Amended June 19th, 2006)

## **2.77 STORAGE SHED**

A storage shed is a small building that may or may not be built from a prepackaged kit. Storage sheds typically do not require a building permit and may or may not be constructed on a concrete

slab or be anchored to the ground. Storage sheds are used for outside storage of yard implements and equipment. A storage shed has less than 100 gross square footage.

## **2.78 STORY**

- A. A story is the portion of a building between the surface of any floor at grade level and the surface of the floor above it or, if there is no floor above it, the space between such floor and the ceiling above it.
- B. A half story is the part of a building between a pitched roof and the uppermost full story, said part having a floor area that does not exceed one-half of the floor area of said full story, provided that the area contains at least 200 square feet with a clear height of at least 7½ feet.

## **2.79 STREET OR ROAD**

A street or road is the dedicated and accepted public thoroughfare including the right-of-way and roadway. A private road reviewed and approved by the Planning Commission in accordance with this Ordinance shall be considered a street or road for purposes of this Ordinance.

## **2.80 STRUCTURE**

A structure is anything constructed, erected, or to be moved to or from any premises that is permanently located above, on, or below the ground, including signs and billboards.

## **2.81 SWIMMING POOL**

A swimming pool is a structure used to hold water for swimming and aquatic recreation. Plastic, canvas or rubber portable pools, temporarily erected on the ground and containing less than 2 feet of water, are excluded.

**2.82** (reserved for future use) (Ord. No. 14-02, eff. Dec. 30, 2014)

**2.83** (reserved for future use) (Ord. No. 14-02, eff. Dec. 30, 2014)

## **2.84 TEMPORARY SIGN**

Temporary signs are for short-term advertising without permanent in-ground supports.

## **2.85 UNDERGROUND HOME**

An underground home is a dwelling without a full story above building grade designed as a complete living unit, and meeting the requirements of a Special Land Use as provided for in this Ordinance. An underground home is designed with sides that are either partially or totally below building grade. An underground home includes earth-bermed, earth-sheltered and envelope homes, and similar dwellings. The underground home shall have at least one exit not more than 24 inches above the exterior grade, and at a common grade to the interior of the home.

## 2.86 USABLE FLOOR AREA (UFA)

UFA shall mean the total area of all the floors of the building used by the principal activity, measured from the exterior faces of the building. The areas used for storage, mechanical equipment, stairwells, or otherwise not occupied by people shall be excluded.

## 2.87 VETERINARY CLINIC

A veterinary clinic is a facility for the medical treatment of animals. Keeping animals for limited periods for observation when in the care of a veterinarian does not constitute a kennel.

## 2.88 VIDEO RENTAL STORE

An establishment engaged in the retail rental or lease of videotapes, films, CD-ROMS, laser discs, electronic games, cassettes, or other electronic media. A video rental store may also have limited sales of rental merchandise and electronic merchandise associated with VCRs, video cameras, and electronic games.

## 2.89 WALLS

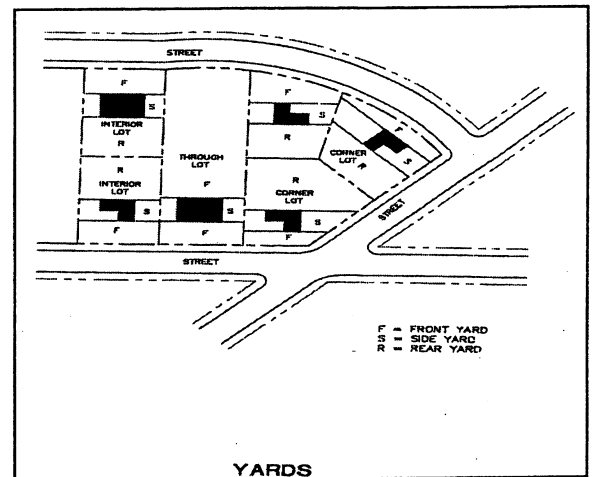
See fences and walls.

## 2.90 WALL SIGN

Wall signs are attached to a building lying flat against the wall of the building therewith.

## 2.91 WATERFRONT LOT

A waterfront lot is any lot or parcel of land on an inland lake or stream. An inland lake or stream is a natural or artificial lake, pond, impoundment, river, stream, creek, or any other water body having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water and has a surface area of 5 acres or more.



## 2.91a WILDLIFE PARK

A facility or operation where exotic or native animals live in a natural, undomesticated state in relatively large habitat that is substantially similar to the animal's natural habitat. A wildlife park may include paid or volunteer staff and may offer educational programs to the general public, as well as school group programs. (Ord. No. 11-01, eff. May 31, 2011)

## 2.92 YARD

A yard is an area located between the lot line and the principal structure.

- A. Front Yard: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and the nearest point of the principal structure.

- B. Rear Yard: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest point of the principal structure.
- C. Side Yard: The side yard is the yard between a principal structure and the side lot line extending from the front of the principal structure to the rear of the principal structure.

### **2.93 ZONING ADMINISTRATOR**

Any reference in this Ordinance to the “Zoning Administrator” shall mean that person having the duties of enforcing this ordinance.

## **ARTICLE 3 · GENERAL PROVISIONS**

### **3.01 ACCESS TO A STREET**

All lots must abut on a street or road for an uninterrupted distance equal to the minimum lot width as required in this Ordinance. For a lot abutting the end turnaround area of a cul-de-sac, the minimum road frontage will be 50 feet, provided the lot width meets the minimum lot width requirements of the zoning district in which it is located.

### **3.02 ACCESSORY STRUCTURES AND USES**

(Ord. No. 19-01, eff. October 2, 2019.)

Except as otherwise provided in this Ordinance, the following requirements shall be met:

- A. Where the accessory structure is attached to a principal building, it shall be subject to and must conform to all regulations of this Ordinance applicable to such principal buildings. Accessory buildings and garages shall be considered as attached to the principal building when the distance between structures is covered by a breezeway, portico, covered colonnade, or similar architectural device.
- B. For accessory structures and uses in all zoning districts, the minimum front yard setback shall not be less than the required front setback for principal buildings, except as required by Section 3.02 K.
- C. For non-farm accessory structures and uses in the AG Agricultural, the R-1 Rural Residential, the R-2 Low Density Residential, the R-3 Urban Residential, the R-4 Multifamily Residential, and the R-5 Manufactured Housing Community District, accessory structures and uses shall be a minimum of ten (10) feet from any side and rear lot line, except as required by Section 3.02 K.
- D. For accessory structures and uses in the C-1 Commercial District, the C-2 Commercial District, and the IND Industrial District, side and rear setbacks for accessory structures and uses shall be as required for principal structures by the zoning district in which the accessory structure or use is located.
- E. Farm buildings as defined by Section 2.34a herein, shall comply with the setback requirements of the zoning district in which the farm building is to be located. Accessory buildings not essential and customary to a farm use shall be subject to the requirements of this section.
- F. On a waterfront lot, not more than one (1) accessory building shall be located between a dwelling and the street. Such accessory building shall satisfy all building setback requirements for the district in which it is located. (Amended March 17, 2003)
- G. On a waterfront lot, one (1) accessory building may be located on that portion of the lot between the water and the principal dwelling, provided it is not larger than twenty-four (24) square feet and eight (8) feet in height. (Amended March 17, 2003)
- H. No accessory structure shall be used for dwelling purposes.
- I. In the R-3 Urban Residential District, the maximum lot coverage for all structures including all accessory structures and uses shall not exceed 35% percent.

- J. Principal structures must be present on the parcel, or have an approved building permit, before accessory structures and uses are constructed. Farm buildings which are part of farming or a farm operation as defined herein may be constructed on a lot before an agricultural single-family dwelling, as defined herein, is established.
- K. In the R-1 Rural Residential, the R-2 Low Density Residential, the R-3 Urban Residential, and the R-4 Multifamily Residential, a non-farm accessory building or enclosure containing non-house pets such as horses, cattle, swine, fowl, or similar animals shall be set back a minimum of 100 feet from any lot line.
- L. Detached accessory structures shall be a minimum of ten (10) feet from another building.
- M. Except for farm buildings, no wall of an accessory building or structure shall exceed a height of 20 feet. A wall is the vertical exterior surface of a building or structure, the height of which is the vertical distance from the average finished ground level adjoining the wall of the building or structure to the highest point of the wall, not including the eaves and roof structure which adjoin the wall.
- N. The setbacks of any existing accessory structure or use which are lawfully existing on the effective date of this ordinance shall be considered a lawfully existing conforming setback for the purposes of zoning.

### **3.03 ADULT USES**

Adult uses are allowed according to the following standards:

- A. The need for special regulation of certain business uses that, by their very nature, are deemed to have unique characteristics and effects on surrounding properties, is recognized as a legitimate objective. Special regulation is needed to ensure these uses are not concentrated in any one area, thus preventing adverse effects on the surrounding neighborhood, such as blight and urban deterioration, negative effects on economic development potential, social disorder and crime, negative effects on community standards for aesthetics, the reduction of property values and the subsequent negative impact on the community tax base. The primary objective is to prevent a concentration of these uses by establishing spacing standards and, thus, ensuring disbursement of these uses throughout the community.
- B. Adult uses shall only be located within C-2 Districts.
- C. An application to establish an adult entertainment activity shall not be approved if there is already in existence one or more adult uses within 500 feet of the boundaries of the site of the proposed activities, excepting as otherwise provided for within this section.
- D. An application to establish an adult entertainment activity shall not be approved if the proposed location is within 500 feet of any licensed day care facilities, adult foster care home, senior citizens' center, park, or church, and shall not be approved if the proposed location is within 2,650 feet from any K -12 school, except as otherwise provided for within this Ordinance.
- E. The Planning Commission may waive the locational standards limiting adult uses as they relate to similar uses if the following findings are made:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of the section will be observed.
  2. That the proposed use will not enlarge or encourage the development of a “skid-row” area.
  3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
  4. That all applicable regulations of this section will be observed.
- F. The Planning Commission may waive the locational standards limiting the location of adult uses as they relate to licensed day care facilities, adult foster care homes, senior citizen centers, parks, or churches, provided a validated petition requesting such a waiver is presented to the Planning Commission, signed by the owners or purchasers of at least 51% of the parcels of land within 500 feet of the proposed location. In addition to this requirement, the Planning Commission may waive the requirement that adult uses be located no closer than 2,650 feet from schools only if the proponent also demonstrates that school children are not required to pass by the location while walking to or from school. Any petition presented to the Planning Commission shall contain, at a minimum, the following:
1. A statement in the form of an affidavit attested to by the circulator of the petition that the circulator personally witnessed the signatures on the petition and the same were affixed to the petition by the person whose name appeared thereon.
  2. A statement on the petition so worded that the signers of the petition will attest to the fact that they are the owners or purchasers of the parcel of land identified by the permanent parcel number opposite their signatures.
  3. For the purpose of this section, parcels of land shall equate to the permanent parcel numbers assigned by the Township to all property within the said 500 feet.
- G. An applicant requesting a waiver of locational requirements shall file an application with the Zoning Administrator; however, the Zoning Administrator shall not accept an application for the waiver of locational requirements for an adult entertainment activity as it relates to licensed day care facilities, adult foster care homes, senior citizen centers, K -12 schools, parks, or churches, without a petition as required herein. Said petition shall be validated by the Zoning Administrator. The Zoning Administrator shall then notify the Planning Commission of the receipt of the requests and petition within 15 days of filing.
- H. Before the granting of a waiver of locational requirements, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operations of regulated use as may, in its judgment, be necessary for this protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

### **3.04 BASEMENT DWELLINGS**

The use of any basement as a dwelling is prohibited. Any dwelling without a full floor above any part of the building grade shall be considered a basement dwelling. An underground home approved as a Special Land Use pursuant to this Ordinance is not considered a basement dwelling.

### **3.05 CLEAR VISION CORNERS**

No sign, fence, structure, or planting over 30 inches in height shall be planted or erected on the street side of a line drawn between two points each being 30 feet from the intersection of the rights-of-way of two intersecting streets.

### **3.06 COMMERCIAL VEHICLES**

Storage of commercial vehicles exceeding a rated capacity of 2½ tons is prohibited in all residential zoning districts. Temporary off-street parking of such vehicles may be allowed in residential districts. Storage shall be defined as the keeping of more than one such vehicle for a period of 30 days or longer per calendar year.

### **3.07 CORNER AND THROUGH LOTS**

Any yard that abuts a street right-of-way shall meet the front yard requirements of the zoning district in which it is located.

### **3.08 DRIVEWAYS**

An approved driveway permit must be obtained from the Kent County Road Commission (KCRC) and Michigan Department of Transportation (for driveways on M-50) and submitted to the Zoning Administrator prior to the issuance of a zoning permit. All driveways must maintain a cleared driving area their entire length to a width of 12 feet and a cleared height of 10 feet. No driveway may have a slope greater than 15%.

### **3.09 DWELLING REQUIREMENTS**

A. Every dwelling shall:

1. Comply with the minimum requirements of this Ordinance for the zone in which it is located, included living area requirements, area, height, width, and dimension regulations.
2. Have a minimum width across any front, side, or rear elevation of 24 feet through 75% of its length and comply in all respects with the current Building Officials Code Administrators (BOCA) standards, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction that are different from those imposed by the current BOCA standards, then such federal or state standard or regulation shall apply.
3. Be firmly attached to a permanent foundation or footings buried beneath the frost line following the current BOCA standards and shall have a wall of the same perimeter dimension of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. When the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.
4. Be installed with the wheels removed, in the event that a dwelling is a mobile home as defined herein. Additionally, no dwelling shall have any exposed towing



mechanism, undercarriage, or chassis. The perimeter of the mobile home shall have a skirting of a permanent nature similar to that used for site-built housing.

5. Be connected to a public sewer and water supply or to such private facilities approved by the Kent County Health Department (KCHD). All drain fields, absorption beds, or seepage pits shall not be closer than 100 feet from any lake, stream, river, or other surface water.
  6. Contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
  7. Be aesthetically compatible in design and appearance with other dwellings in the vicinity, with either a roof overhang of no less than 6 inches on all sides or, alternatively, with window sills and roof drainage system concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second door being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this section, as well as character, design, and appearance of one or more residential dwellings located outside 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. Contain no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
  9. Comply with all pertinent building and fire codes. For a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States (U.S.) Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- B. The foregoing standards shall not apply to a mobile home 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 concerning such parks.
- C. All construction required herein shall be commenced only after a zoning permit has been obtained in accordance with the current BOCA standards.

### **3.10 DWELLINGS—FLOOR AREA REQUIREMENTS**

- A. All single-family dwellings shall have a minimum Gross Floor Area of 1,100 square feet, with at least 720 square feet on the ground floor for dwellings of more than one (1) story; provided, no less than three hundred eighty (380) square feet shall be provided on the second floor; or a total of not less than one thousand one hundred (1,100) square feet in a split level single family dwelling. (Amended March 17, 2003)
- B. Multifamily dwellings shall have the following minimum floor area:

Studio apartment	480 square feet per unit.
1 bedroom	600 square feet per unit.
2 bedroom	750 square feet per unit.
3 bedroom	900 square feet per unit.
4 or more bedrooms	1,000 square feet per unit plus an additional 100 square feet for every bedroom more than 4 bedrooms.

### **3.11 EARTHMOVING**

Earthmoving affecting areas greater than 2 acres shall require review and approval of a site plan by the Planning Commission in accordance with this Ordinance. Site Plan Review shall be required to protect the public health, safety, and welfare and to protect ground and surface waters, natural drainage, and water tables. Once a site plan has been approved by the Planning Commission, the Zoning Administrator shall issue an earthmoving permit that shall be valid for 12 months. Such permit may be renewed by the Zoning Administrator for one additional 12-month period, if all of the conditions of the approved site plan are met.

### **3.12 ESSENTIAL SERVICES**

It shall be lawful for public utilities, municipal departments, or commissions to erect, construct, alter, or maintain underground or overhead gas, electrical, steam, or water distribution or transmission systems, collection, communication supply or disposal system, including poles and towers, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police equipment, and accessories in connection therewith, providing such services are below ground or located within a public right-of-way. Essential services located above ground and outside of public rights-of-way will be subject to the following terms and conditions:

- A. The erection or construction of any or all buildings and structures shall be designed and erected to conform harmoniously with the general architecture and plan of such zoning district in which it is to be erected.
- B. All buildings or structures must comply with the use, height, area, building, or structure necessary for public convenience and service, provided that such public building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such zoning district, and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality, and a different suitable location is not readily available.
- C. Are screened from view as much as possible using natural materials. Landscaping is preferred to walls and fences.

### **3.12a EXOTIC ANIMALS**

Exotic animals are prohibited in all zoning districts, except in a lawfully existing public or private zoo, wildlife park, animal rescue facility or sanctuary, or animal preserve. Animals prohibited by Federal, State of Michigan, Kent County or local law or statute, or determined to be dangerous by federal, state or local authorities are prohibited in Bowne Township. (Ord. No. 11-01, eff. May 31, 2011)

### **3.13 FARM ANIMALS**

(Ord. No. 11-01, eff. May 31, 2011)

- A. No animal or fowl, other than household pets, may be kept in any zoning district on a parcel of land of less than 4 acres.
- B. Buildings used to house farm animals must be set back 50 feet from all property lines.
- C. Farm animals are not allowed in commercial or industrial zoning districts, but are allowed in residential zoning districts, providing the following:
  - 1. There may be one animal for every 1 full acre of parcel size over the first 4 acres.
  - 2. The homeowner must provide a protected enclosure.
  - 3. The property must be properly fenced in accordance with this Ordinance.

### **3.14 HEIGHT EXCEPTIONS**

- A. All Districts: The height requirements of all zoning districts may be exceeded for parapet walls (providing they are not more than 4 feet in height), chimneys, silos, farm barns and storages, roof-mounted television and radio antennae, cupolas, spires, ornamental projections, water towers, or wireless communication towers and antennas.  
(Ord. No. 14-02, eff. Dec. 30, 2014)
- B. Industrial Districts: In the industrial zoning districts, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks, and other necessary accessory structures are allowed provided they are located not less than the same distance as their height from any adjoining property.

### **3.15 HOME OCCUPATIONS**

An occupation may be conducted in a dwelling, provided that:

- A. No person other than immediate members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling for the occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling shall be used in the conduct of home occupations.
- C. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupations other than one sign, not exceeding 6 square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

- D. In residential zoning districts, no home occupations shall be conducted in any accessory building.
- E. There shall be no sale of products or services except as are produced on the premises by such home occupations.
- F. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a front yard.
- G. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises or causes fluctuation in line voltage off the premises.
- H. Outdoor storage of equipment, trucks, machines or supplies is prohibited.
- I. Retail sales and machine manufacture of goods from raw materials are not allowed.
- J. Bed and breakfast establishments may be located only in single-family dwellings operated by the property owner. There must be one parking space for each guest room. The number of guest rooms shall be limited to one for each 1,000 square feet of GFA. Meals may be served in a separate room designed for serving meals and only to overnight guests, not the general public.
- K. In agricultural zoning districts, home occupations may be conducted in accessory buildings as Special Land Uses.

### **3.16 HOUSEHOLD PETS**

Not more than three household pets of any species may be kept on any parcel. Household pets may not be kept, bred, or maintained for commercial purposes. Household pets must be kept indoors, within cages or on other types of restraints.

### **3.17 LOT AREA OR SPACE REQUIRED**

No lot or lots in single ownership, and no required setback, parking facilities, or other space shall be reduced to less than the minimum area or space required under this Ordinance. No lot or lots in the same or similar ownership shall be further reduced if already less than the minimum. Lots in same or similar ownership that do not meet the minimum required lot size shall be combined to meet the dimensional standards for the zoning district in which they are located. No portion of an existing lot of record shall be sold if the new lot that is created does not meet the area and dimension requirements of the zoning district in which it is located. If a lot that does not meet the area and dimension requirements of this Ordinance the purchaser shall have the right to revoke the contract, return ownership to the seller, and receive return of any payments made to the seller.

### **3.18 MOVING OF STRUCTURES**

The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met, including a building permit. A performance bond may be required by the Zoning Administrator prior to such moving in the amount of 10% of the assessed valuation of the structure.

### **3.19 MULTIPLE USES OF BUILDINGS**

Multiple uses of a single building may be allowed as the principal use in commercial and industrial zoning districts by Special Land Use. All uses must be allowed in the zoning district in which the multiple use is to be located.

### **3.20 ON-SITE SEWAGE TREATMENT AND WATER WELL FACILITIES**

All uses not served by a public sewer must obtain an approved permit for the necessary onsite sewer and water facilities from the KCHD. The permit must be submitted to the Zoning Administrator, together with a diagram with dimensions showing the location and size of the facilities, prior to the issuance of a zoning permit and building permit.

### **3.21 PRINCIPAL USE**

Only one principal use shall be made of a lot, except as otherwise specifically allowed. A single-family dwelling, other than a farm dwelling, shall constitute a principal use, and only one single-family dwelling shall be allowed on a lot.

### **3.22 PUBLIC AND INSTITUTIONAL USES**

Public and institutional uses, as a Special Land Use, may be located in any zoning district upon approval by the Planning Commission as provided in this Ordinance.

### **3.23 RECREATIONAL VEHICLES**

No recreational vehicle shall be located on any lot where there is no principal building except as specifically provided in this Ordinance.

### **3.24 ROADS—PRIVATE**

- A. Location Allowed: Private roads are allowed in all zoning districts, except agricultural. The application package, together with the application review fee shall include a written description of the proposed development to be served, name and address of the applicant and detailed site plans and construction plans (see Site Plan Review requirements of this Ordinance), and a detailed description of how the costs of operation and maintenance will be apportioned and paid for by benefiting property owners. An architect, engineer, or other person will be consulted if deemed necessary. If the Planning Commission approves the application, the building official shall issue a private road construction permit to the applicant upon payment of the permit fee. No construction shall begin on the private road or on adjacent properties that depend on the private road for access until the private road construction permit has been issued. The applicant shall notify the Township at least 72 hours prior to initiation of construction of the private road. During construction, the applicant shall allow the Township to review construction progress for compliance with the approved site plan and construction drawings. In reviewing the application, the Planning Commission shall consider:
- (Amended February 21, 2005)

1. the impact of the proposed development on adjacent properties;
2. whether the health, safety, and general welfare of persons or property using or affected by the private road will be adequately protected;

3. whether approval of the private road will result in fewer individual driveway access points onto the adjacent public road; and
  4. whether the precedent set by allowing the private road in the circumstances under consideration will adversely affect the long-term development policies of the Township.
- B. Site Plans and Construction Plans: A site plan and construction plan, meeting the Site Plan review requirements of this Ordinance, showing the proposed road location, adjacent properties, proposed street grades, drainage, and proposed improvements shall be prepared by a registered engineer, registered landscape architect, or registered land surveyor and shall be submitted to the Planning Commission as part of the private road construction permit application and approval. In addition to the requirements of this section, the Planning Commission shall review the request for a Private Road permit in accordance with the procedures of Chapter 18, including the review standards of section 18.07, and may attach conditions to an approval in accordance with section 18.09. (Amended February 21, 2005)
- C. Final Private Road Permit: Upon completion of construction, the Township will complete a final review of the private road improvement to verify compliance with the approved construction plans. The applicant shall correct any deficiencies identified during either an interim or final review. Upon final review and approval of the completed private road improvements, with all completed improvements shown on the private road construction plans as approved by the Township, and upon approval of all streets, facilities, and other improvements including drainage, grading, soil stabilization, and culverts, the Township Clerk shall issue a final private road permit to the applicant. Zoning permits for construction on properties served by the private road shall not be issued until the final private road permit has been issued.
- D. The requirements of Section 3.24 herein shall not be waived or varied within a PUD. (Ord. No. 15-01, eff. Mar. 4, 2015)
- E. For a private road providing access to not more than two, and not less than two legally created lots, parcels, or condominium units, the following shall be required: (Ord. No. 15-01, eff. Mar. 4, 2015)
1. A private road shall be located in an easement not less than 66 feet wide.
  2. The area in which the private road is located shall have a minimum cleared width of 28 feet, and overhead branches shall be trimmed to a height of 14 feet above the ground, in order to ensure safe passage of private and emergency vehicles.
  3. The driving surface of a private road shall be a minimum of 18 feet.
  4. The driving surface of a private road shall have a sub-base of stable soil and minimum top surface of six inches of MDOT 22a compacted gravel or another equivalent material as approved by the Township Engineer.
  4. The driving surface of the private road shall be crowned to facilitate drainage.
  5. The minimum inside radius of any private road shall be a minimum of 50 feet.

6. The longitudinal slop of the private road shall not exceed six (6) percent, unless a steeper driveway is specifically approved by the Township Fire Chief and Township Engineer.
  7. The driving surface, cleared width, and cleared area above the private road shall be adequately maintained by the property owners, or those persons with a legal right to use the private road, to ensure safe passage of private and emergency vehicles.
  8. When a private road crosses any stream or drainage course, the method used shall be approved by the Township Fire Chief and Township Engineer in order to insure a sufficient load capacity to support Fire Department equipment.
  9. These regulations shall apply to all private roads providing access to not more than two, and not less than two legally created lots, parcels, or condominium units constructed after the effective date of this Section. For a shared driveway existing as of the effective date of this Section, which thereafter becomes a private road by the addition of parcels or dwelling units, the requirements of Section 3.24 F. or G. shall apply.
  10. A legally created lot, parcel, or condominium unit which has the required lot frontage and lot width on a private road shall take its access from the private road.
- F. Design Standards for Roads Serving Six or Fewer Parcels: Private roads serving six or fewer parcels shall meet the following design standards: (Amended February 21, 2005) (Ord. No. 15-01, eff. Mar. 4, 2015)
1. Be constructed in a workmanlike manner upon and parallel to the centerline of an easement established by duly recorded conveyance which is not less than 66 feet in width.
  2. The building setback for all yards abutting a private road easement shall be measured from the easement line.
  3. The area in which the private road is to be located shall have a minimum cleared width of at least twenty-eight (28) feet, which clearing shall always be maintained.
  4. Be constructed to sufficiently control storm water runoff and allow effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the drive, by sloping the sides of the drive from the center thereof, or by other effective methods, subject to review and approval by the Township Engineer.
  5. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, materials, and grades shall be determined using the KCRC storm runoff calculations formula and are subject to approval by the Township Engineer.

6. The layout of private roads in respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, street signs, horizontal curves, curb openings at intersecting streets, and all other design elements shall conform to the Kent County Road Commission standards for platted streets.

7. The private road shall have a finished driving surface width of not less than twenty-two (22) feet wide and a 7-foot wide grass shoulder. The road shall be built of a minimum of seven (7) inches of gravel (MDOT 22A or a material approved by the Township Engineer) over a 12-inch sand sub-base. The road and shoulder shall be constructed with a two percent (2%) cross slope for drainage.

8. All cul-de-sacs must terminate with turnarounds having a right-of-way radius of 50 feet and a gravel turning radius of 28 feet.

9. Location of road easements and site layout must respect the physical features and existing terrain of the site to maximize efficiency of design and site aesthetics.

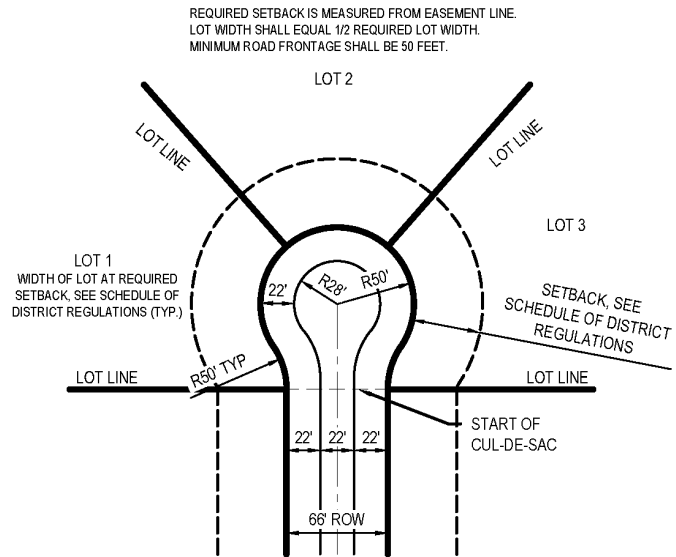
10. Roads shall have a minimum length of 300 feet and a maximum length of 2,000 feet without having another means of access to a public road.

11. Corner lots located at the intersection of a private road and a public road shall be accessed from the private road, if such lots are created or owned by the applicant or seller of the property on which the private road is to be located.

G. Design Standards for Roads Serving Seven or More Parcels: Private roads serving seven or more parcels shall meet the following design standards. These requirements shall apply to the entire length of a private road (including all segments or portions of a private road on which fewer than seven parcels have frontage) when there are a total of seven or more lots or units utilizing any portion of the private road for access to a public street or road. (Amended February 21, 2005) (Ord. No. 15-01, eff. Mar. 4, 2015)

1. Be constructed in a workmanlike manner upon and parallel to the centerline of an easement established by duly recorded conveyance which is not less than 66 feet in width.

2. The building setback for all yards abutting a private road easement shall be measured from the easement line.



TYPICAL CUL-DE-SAC DETAIL  
NOT TO SCALE



3. The area in which the private road is to be located shall have a minimum cleared width of at least twenty-eight (28) feet, which clearing shall always be maintained.
  4. Be constructed to sufficiently control storm water runoff and allow effective storm water drainage, such as by means of ditches constructed parallel to and on either side of the drive, by sloping the sides of the drive from the center thereof, or by other effective methods, subject to review and approval by the Township Engineer.
  5. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, materials, and grades shall be determined using the Kent County Road Commission storm runoff calculations formula and are subject to approval by the Township Engineer.
  6. The layout of private roads in respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, street signs, horizontal curves, curb openings at intersecting streets, and all other design elements shall conform to the KCRC standards for platted streets.
  7. Have a finished driving surface width of not less than twenty-two (22) feet wide and a 7-foot wide grass shoulder. The road shall be built of a minimum of seven (7) inches of gravel (MDOT 22A or a material approved by the Township Engineer) over a 12-inch sand sub-base. The road and shoulder shall be constructed with a two percent (2%) cross-slope for drainage. Bituminous surfacing with a three (3) inch depth, minimum, will be required.
  8. All cul-de-sacs must terminate with turnarounds having a right-of-way radius of 50 feet and a paved turning radius of 28 feet. (Ord. No. 17-01, eff. Dec. 6, 2017)
  9. Location of road easements and site layout must respect the physical features and existing terrain of the site to maximize efficiency of design and site aesthetics. (Ord. No. 17-01, eff. Dec. 6, 2017)
  10. Roads shall have a minimum length of 300 feet and a maximum length of 2,000 feet without having another means of access to a public road.
  11. Corner lots located at the intersection of a private road and a public road shall be accessed from the private road, if such lots are created or owned by the applicant or seller of the property on which the private road is to be located.
- H. Applicability: These regulations will apply to all private roads created or constructed after the date of adoption of this Ordinance. Furthermore, these regulations will also apply to existing private roads when any of the following occurs: (Amended February 21, 2005) (Ord. No. 15-01, eff. Mar. 4, 2015)
1. A private road serving less than seven parcels is subsequently intended to serve seven or more parcels.
  2. Additional parcels or residential units are added to an existing private road or a shared driveway created prior to the date of adoption of this Section.
  3. Extensions or additions are added to an existing private road.

4. The Township determines that an existing private road is unsafe or will not permit reasonable access to firefighting and emergency vehicles year-round to all portions of the private road. These regulations will apply not only to the new portion of a private street, but the entire length of the private street or shared driveway.
- I. Maintenance and Repair: Maintenance, repair, and liability for private roads and drainage-ways shall be the responsibility of property owners adjacent to the private road and not the responsibility or liability of the Township. Maintenance of all required improvements is a mandatory requirement of this Ordinance.
    1. Property Owners' Association (Association): The applicant shall establish, by appropriate deed provisions, an Association that shall be responsible for road and drainage maintenance and repair. The Association shall have the authority and responsibility to apportion and collect the cost of maintenance and repair from benefiting property owners. The Association shall be responsible for notifying the Township annually as to the officers of the Association, the balance of the fund, and all repairs and improvements undertaken. Before any final approval, the applicant shall furnish the Township with the bylaws of such Association. Said Association shall take ownership and assume the maintenance responsibilities including, but not limited to, snow and ice removal and general upkeep of all roads, drains, parks, and open space. Such Association shall not be dissolved, nor shall it rescind any provisions or otherwise alter the maintenance agreement without the approval of the Township. The facilities and improvements included within or outside any easement, may not be sold, conveyed or disposed of, except to the Township or to another Association approved by the Township.
    2. Easements: Easements for drainage and access must be permanent. The easements and all improvements within the easements must be described in the deeds of all benefiting property owners.
    3. Maintenance Agreement: A maintenance agreement must be entered into between the applicant and the Township identifying the Association as the responsible entity for maintaining and repairing all easements.

The maintenance agreement shall provide that until 50% of the parcels are sold, the applicant will be responsible for the cost of all maintenance and repairs. The maintenance agreement shall go into effect after the applicant has obtained a final private road permit. The maintenance agreement shall be conditioned upon the maintenance and repair of all required road and drainage improvements and such other improvements, within or outside of easements, shown on the private road construction plans as approved by the Township, or such other maintenance and repairs as may reasonably be required. The maintenance agreement shall provide that in case of default of performance, the Township may undertake necessary repairs and maintenance improvements, assigning the cost against the applicant or Association.

- a. Before the maintenance agreement is recorded, it will be submitted to the Township for review and approval. Each maintenance agreement will include the following:

"This road is private and is not required to be maintained by the KCRC or any other governmental unit. The owners of the parcels will be responsible for maintaining this street and all other easements and public improvements to

the standards required by these regulations and all other applicable laws. Such reasonable maintenance will include, but not be limited to, snow and ice removal and general upkeep of all roads, drains, parks, open space, etc."

- b. The applicant/owner will place a copy of the preceding paragraph on each deed as a deed restriction for any parcel serviced by the private road before each parcel is sold and will insert the paragraph into the maintenance agreement. The deed restrictions will run with the land and will bind all purchasers of properties benefited by the private street.
- c. If the applicant or Association fails to maintain the improvements in reasonable order and condition, the residents and owners of the development setting forth the manner in which the Association has failed to maintain the improvements in reasonable condition. Notice to the Association that the Township will be undertaking the necessary repairs and maintenance improvements shall be directed to the address given initially by the applicant in the private road construction application and when 50% of the parcels are sold, to the Association. Notice shall also be provided to the banking institution that is the depository for the maintenance fund. Said notices shall include a demand that such deficiencies of maintenance be cured within 30 days, and shall state the date and place of a hearing to be held within 15 days of the notice. At such hearing, the Township may give an extension of time within which such deficiencies of maintenance shall be cured. If the deficiencies are not cured within 30 days or any extension thereof, the Township may enter upon said improvements and maintain the same for a period of 1 year in order to preserve the taxable values of the properties and to prevent the improvements from becoming a public nuisance. The Township shall use the proceeds from the Association maintenance fund to pay for said improvements and maintenance. Said entry and maintenance shall not vest in the public any rights to use the improvements.
- d. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the Association, call a public hearing, at which hearing the Association must show cause why such maintenance by the Township should not, at the election of the Township, continue for a succeeding year. If the Township determines that the Association is ready and able to maintain said improvements in reasonable condition, the Township will cease to maintain said improvements at the end of said year. If the Township determines the Association is not ready and able to maintain the improvements in a reasonable condition, the Township may, in its discretion, continue to maintain said improvements during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the Township will constitute a final administrative decision subject to judicial review.
- e. The cost of such maintenance by the Township will be assessed against the properties within the development that have the right of enjoyment of the improvements, and become a tax lien on said properties. The Township shall file a notice of liens in the office of the Kent County Clerk upon the properties affected by such liens within the development.

4. Maintenance Fund:

- a. A maintenance fund shall be established by the applicant in the name of the Association and the Township. The maintenance fund will be kept in a banking institution licensed to do business in the State of Michigan and will be the depository for all proceeds. The fund shall be initially funded by the applicant in the amount of \$500 per parcel, or 2% of the total estimated sale price of all lots, whichever is the greater amount as approved by the Planning Commission. The fund will serve to guarantee the maintenance, repair or reconstruction of the improvements by the applicant and the Association in perpetuity. Association bylaws shall provide that the benefiting property owners are assessed equally based on a specified formula annually for deposit into the fund. The bylaws will further provide for reasonable increases in the assessment.
  - b. The Association bylaws shall provide that the trust officer of a banking institution, licensed to do business in the State of Michigan, serve as a cosignatory with those members of the Association empowered to disburse funds. No disbursements of funds may be made without the co-signature of such trust officer. As an alternative to the foregoing, any member of the Property Owners Association may be allowed to post a fidelity bond in the minimum amount of \$5,000 and submit proof thereof to the Township. If this action is taken, then no cosignatory of such trust officer shall be required.
5. Financial Accounting. The applicant shall fully satisfy the Township as to the adequacy and prospects for financial stability of the Association. Proper accounting measures will be maintained to allow for continual balance sheets and ledgers of income and expenses. It is recommended that the bylaws governing such Association make provision for a fiduciary audit of all accounts and all financial transactions, as such audits may be requested by the Township. All audits to be undertaken should be conducted by an independent certified public accountant of the State of Michigan. A copy of such audits as may be conducted, shall be filed with the Township as a public record within 90 days of the close of the fiscal year of the Association.
6. Violations:
- a. Violations of this provision shall subject the applicant or Association to the penalties prescribed in this Ordinance. In addition, the Township may impose one or more of the following penalties until the necessary maintenance or repairs are completed:
    - 1) Stop construction work on all construction in the names of property owners belonging to the Association.
    - 2) Refuse to issue building permits to property owners belonging to the Association.
    - 3) Refuse to issue occupancy permits to property owners belonging to the Association.

### **3.25 ROADSIDE STAND**

The size of any such display at a roadside stand shall not exceed 400 square feet in area and may not be operated for more than 10 consecutive days every 3 months.

### **3.26 SATELLITE DISH AND ANTENNA**

No satellite dish or other antenna shall be located in a front yard. A satellite dish or antenna shall meet the side and rear setback requirements.

### **3.27 SCREENING REQUIRED**

All uses and activities requiring screening must be submitted to the Planning Commission according to the Site Plan Review requirements of this Ordinance.

#### **A. General Screening Requirements:**

1. All uses listed below shall be screened from adjacent residential zoning districts as required in this section. Screening may consist of walls, fences, vegetation, and berming or a combination of any of these as allowed by the Planning Commission.
  - a. Buildings in commercial districts.
  - b. Buildings in industrial districts.
  - c. Communication towers.
  - d. Multifamily dwellings.
  - e. Outdoor storage areas.
  - f. Off-street parking facilities.
  - g. Loading and unloading areas.
  - h. Compost facilities.
  - i. All other uses specifically identified as having to meet the requirements of this section.

#### **B. Walls and Fences (the following standards shall apply):**

1. Walls and fences shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Ordinance and except such openings as may be approved by the Planning Commission.
2. Walls and fences shall be constructed of durable, weather resistant, rustproof, and easily maintained materials.
3. Walls and fences may not be constructed with openings that exceed 20% of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.

4. The height of the required fence or wall shall be as follows:

USE	REQUIRED HEIGHT
Buildings in Commercial Districts	4'-6"
Buildings in Industrial Districts	6'
Multifamily Dwellings	4'-6"
Outdoor Storage Areas	6' to 8'*
Off-Street Parking facilities	4'-6"
Loading and Unloading Areas	6'
* Wall height shall be a minimum of 6' unless a higher wall is required to adequately screen the area, with a maximum wall height being 8'.	

C. Vegetation (the following standards shall apply):

1. Vegetation shall consist of upright conifers such as, but not limited to: Blue, Green, White, or Serbian Spruce; Douglas Fir; Austrian Pine; Juniper; or Hemlock.
2. There shall be a greenbelt planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such greenbelt shall contain at least one straight or double staggered row of deciduous and/or evergreen trees, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 5 feet apart on center and which grow to a height not less than three feet. In addition to the requirements of this section, parking facility screening shall be subject to the requirements of Section 16.05 A. (Ord. No. 1-08, eff. Dec. 3, 2008)
3. For staggered, double-row plantings, trees shall be planted not more than 15 feet on center. For single row spacing, trees shall be planted not more than 10 feet on center.
4. Trees shall not be less than 5 feet in height at the time of planting.
5. Trees shall be set back from the property line so that branches do not extend beyond the property line at maturity.
6. Existing trees that comply with the standards of this section, as determined by the Planning Commission, shall be credited toward meeting the screening requirements.
7. All required plant units shall be maintained in a healthy, growing condition. Any required plant units that are destroyed, removed, diseased, or die, shall be replaced within 6 months with plant units that meet the requirements of this section. Failure to maintain required plant units in such a manner, including the removal and

replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

8. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas, and shall maintain their density and screening effect throughout the calendar year.

D. Berming (the following standards shall apply):

1. Berms shall be at least 4' 6" in height, constructed with 1 foot of rise for each 3 feet of horizontal rise.
2. Berms shall be constructed of clean fill and topsoil, and seeded with perennial rye and an appropriate grass seed, and shall be covered with an organic mulch.
3. Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm, and shall be maintained in a neat and attractive manner.

E. Landscaping:

1. Landscaping shall mean, at a minimum, an area constructed of clean fill and topsoil and seeded with perennial rye and an appropriate grass seed with a minimum 30% cover of plant materials and mulch.
2. Landscaping may include berms. Berms may include shrubbery and trees to enhance the landscaping effect and aesthetic appearance.

F. Screening of refuse storage areas:

1. Trash, garbage, and refuse storage and receiving areas are required to be screened from view. Screening walls or fences for these purposes shall be a minimum of 4' 6" in height and shall be of satisfactory height so as to completely screen the appropriate areas from view.
2. Screening walls shall have no openings except for gates or doors intended to access said area.

G. Surety: Surety, as required by this Ordinance, sufficient to cover the cost of the required screening, may be required and used if the required improvements are not completed within 12 months from the date of approval.

H. Modification of Required Screening and Landscaping: For existing and proposed uses that require screening or landscaping, screening or landscaping should be installed insofar as practical. The Planning Commission in its review of the site plan or landscaping plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this article, and other applicable sections of this ordinance which regulate screening and landscaping. In doing so, the Commission shall consider the following criteria:

1. The amount of space on the site available for landscaping.
2. Existing landscaping on the site and on adjacent properties.

3. The type of use on the site and size of the development.
4. Existing and proposed adjacent land uses, including those uses recommended for the area by the Bowne Township Master Plan.
5. The effect the required landscaping would have on the operation or appearance of the existing or proposed land use.
6. Whether additional landscaping is necessary to mitigate the adverse effects of adjoining land uses, to reduce headlight glare, reduce noise and to otherwise achieve the objectives of this Section. (Ord. No. 01-08, eff. Dec. 3, 2008)

### **3.28 SOLAR PANELS**

Freestanding solar panels shall be considered an accessory structure and shall meet all front, side, and rear yard requirements specified for such structures.

### **3.29 STATE HIGHWAY SETBACKS**

Front setbacks shall be 50 feet from the road or street right-of-way or easement for all parcels with frontage on any State Highway or minor arterial (including M-50), except in the case where the setback required by Section 3.41 of this Ordinance is greater than 50 feet. (Ord. No. 10-1, eff. June 2, 2010)

### **3.30 STRUCTURES ON MORE THAN ONE LOT**

If a structure is proposed to be constructed on the lot line of two or more lots under single ownership, the lots must be combined into a single tax identification number before a zoning permit will be issued.

### **3.31 SWIMMING POOLS**

Swimming pools may be installed in any zoning district as an accessory use. All pools must meet the following conditions:

- A. Pools may be installed in the side or rear yards of a lot in residential and agricultural districts. Motels and hotels may install pools in the front yard. All yard requirements shall be met, except as provided below.
- B. A good quality fence not less than 5 feet in height shall be required. The support posts thereof shall be constructed in a permanent manner and in such a way as to last for the duration of such pool. Such posts shall be spaced at intervals of not more than 8 feet. The fences shall entirely enclose the pool.
- C. Every gate or other opening in the fence shall be designed and maintained to prevent entry of persons except as allowed by the property owner.
- D. No pool or pool enclosure shall be erected closer than 5 feet from the rear and side property lines of the lot. For corner lots, the pool shall not be located closer than 20 feet from any property line abutting any street.



- E. Pools may not occupy more than 40% of the area of the yard. In computing such area, all other accessory structures shall be excluded.
- F. If a public water supply system is available, only public water shall be used to supply water for such pool.
- G. The inlet of the water supply system shall be above the overflow level of the pool and fitted with an antisiphon device.
- H. Such pool shall be chemically treated in a manner sufficient to maintain bacterial standards established by the provisions of the Michigan Department of Health relating to public swimming pools.

**3.32** (reserved for future use)  
(Ord. No. 14-02, eff. Dec. 30, 2014)

**3.33 TELECOMMUNICATION TOWERS AND ANTENNAS**  
(Ord. No. 14-02, eff. Dec. 30, 2014)

- A. **Purpose.** It is the intent of this section to regulate those wireless communication towers and antennas in accordance with the Federal Telecommunications Act of 1996, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 Of 2006, as amended. Within the general parameters of these laws, this Ordinance also intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Section intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

Amateur radio antennas operating under a license issued by the Federal Communications Commission which are proposed to be installed on a new wireless communications support structure shall be subject to the provisions of this section, unless such provisions would preclude or prevent the operation of the antenna, then such provisions shall not apply.

- B. Wireless communication towers are permitted in the AG Agricultural, R-1 Rural Residential, R-2 Low Density Residential, R-3 Urban Residential, C-2 Commercial, and IND-Industrial Districts.
- C. Exemptions for antennas only. The following antennas which are installed on an existing wireless communications support structure are exempt from the requirements of this Section but are subject to the applicable building code requirements of Bowne Township:
  1. Amateur radio antennas operating under a license issued by the Federal Communications Commission;
  2. Television reception antennas;
  3. Antennas used primarily for a farm operation;
  4. Citizen band radio antennas;
  5. Short wave antennas;
  6. Satellite dishes;
  7. Government wireless communications equipment and support structures which are subject to state and federal law or regulations that preempt municipal regulatory authority.

- D. **Definitions.** As used in this section:

1. "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
2. "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
3. "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
4. "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

E. Co-location of New Wireless Communications Equipment and Modification of Existing Wireless Communications Support Structures Permitted By Right:

The co-location of new or the replacement of existing wireless communications equipment as defined herein and the modification of existing wireless communications support structures shall be permitted by the Zoning Administrator subject to compliance with all of the following requirements and the issuance of the applicable Township building and electrical permits.

1. Application and Submittal Information The applicant shall file with the Township an application for wireless communications equipment and wireless communications support structures that shall include the following information.
  - (i) A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure.
 

This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
  - (ii) A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer's specifications and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
  - (iii) A description of the tower maintenance program.
  - (iv) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.

- (v) Security measures including emergency contact personnel.
  - (vi) The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the township and the cancellation of such policy shall not be effective without the approval of the Township.
  - (vii) All required fees shall be paid to the township at the time of application.
2. Site Plan Requirements The applicant shall also file with the Township three copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet containing the following information unless specifically waived by the Zoning Administrator:
- (i) The date on which the site plan was prepared as well as the name of the preparer.
  - (ii) A north arrow and legal description of the property.
  - (iii) The area and dimensions of the parcel containing the tower and antenna including any area leased for the tower.
  - (iv) A location map sufficient to show the character of the area surrounding the proposed antenna and the zoning and land use on adjacent properties.
  - (v) The height of the tower and antenna and its distance to all property lines.
  - (vi) Any buildings or structures existing on the parcel.
  - (vii) The distance to the closest building on adjacent property.
  - (viii) The location of any overhead transmission lines on the site or on adjacent property which might be affected by the tower.
  - (ix) Any tower supporting structures or devices.
  - (x) Type and height of fencing to be installed around the tower or an equipment building.
  - (xi) Elevation drawings of any buildings designed to serve the tower.
  - (xii) Access road, width and construction standards along with access easement.
  - (xiii) Any lighting proposed to be located on the tower.
  - (ix) Visual impact - The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.

3. Procedures:

- (i) The application materials shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 3.33 E. 1. and 2.
- (ii) Upon approval of the application, the applicant may proceed to obtain the applicable building and electrical permits.

4. Review Standards In order to approve the application, the Zoning Administrator must find that the proposed project meets all of the following requirements:

- (i) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- (ii) The existing wireless communications support structure or existing equipment compound is in compliance with the Bowne Township Zoning Ordinance and applicable building and electrical codes.
- (iii) The proposed collocation and any subsequent collocations will not do any of the following:
  - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater. The height shall be measured from the top of the antenna to the average ground grade within 25 feet of the base of the wireless communications support structure;
  - b. Increase the width of the original wireless communications support structure by more than the minimum necessary to permit collocation; or
  - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
- (iv) The proposed collocation complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless communications equipment as previously approved by the Bowne Township Planning Commission or Zoning Administrator; and
- (v) Any wireless communications equipment which meets the requirements of subsection E. 4. (i) and (ii) but does not meet the requirements of subsection E. 4. (iii) or E. 4. (iv) shall only be approved if the co-location complies with the requirements of Section 3.33 F.

F. Wireless Communications Equipment and Wireless Communications Support Structure Allowed By Special Use Permit:

Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure may be allowed in the AG Agricultural, R-1 Rural Residential, R-2 Low Density Residential, R-3 Urban Residential, C-2 Commercial, and IND-Industrial zoning districts if a Special Use Permit is approved by the Planning Commission subject to the regulations and requirements of this Section and also the general special land use review procedures and standards of Article 14 Special Land Uses of this Zoning Ordinance.

1. Procedures:

- (i) An application for a Special Use Permit for wireless communications equipment and wireless communications support structures shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 3.33 F. 2. and 3. following. Within 14 days of receiving the application the Zoning Administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the Special Use Permit application is considered complete (but not approved).
- (ii) Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of Section 21.04 of this Ordinance.
- (iii) The Planning Commission shall render a decision on a completed application within 90 days of its receipt or 60 days if the request is subject to 3.33 E. 4. (v). Failure to do so shall result in the approval of the application as submitted.
- (iv) Any conditions imposed upon the approval of the Special Use Permit must relate directly to the requirements of this Zoning Ordinance and any applicable Township ordinances as well as applicable State of Michigan and federal laws.

2. Application Requirements: In addition to normal application requirements, an application for wireless communications equipment and wireless communications support structures which require a Special Use Permit shall include all of the following information. The fee paid by the applicant shall not exceed the actual cost to process the application or \$1000.00, whichever is less.

- (i) **Proposed Use** - A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
- (ii) **Location Justification** – Written materials which document the need for the proposed location.
- (iii) **Ownership Interest** -The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.
- (iv) **Other Tower Locations** - A map depicting other locations of wireless communications support structures within three miles of the proposed site.

- (v) **Co-Locations** -Documentation that the applicant has investigated the potential of co-location with other wireless communication service providers or owners of wireless communications support structures located in Bowne Township or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of such other wireless communications support structures.
  - (vi) **Engineering Certification and Plans** – A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer’s specifications, all applicable state and federal structural, electrical and safety requirements, and applicable Township codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
  - (vii) A description of the tower maintenance program.
  - (viii) A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that zoning district.
  - (ix) Security measures including emergency contact personnel.
  - (x) **Liability** - The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the Township and the cancellation of such policy shall not be effective without the approval of the Township.
3. Site Plan Requirements Eight copies of a site plan accurately drawn at a scale of not more than one inch equals 100 feet. However, a larger scale may be accepted by the Planning Commission depending upon the size of the parcel.

The plan shall be prepared and sealed by a professional engineer. The site plan shall contain at a minimum the information required by section 3.33 E. 2. and any information required by Article 14, Special Land Uses, of this Ordinance, or as may be required by the Planning Commission unless specifically waived by the Planning Commission.

4. Performance Standards Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements:
- (i) A new wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the 100% of the height of the tower from any property line or road right of way as measured from the tower base. At a minimum, towers shall be setback 150 feet from any property line, or 100% of the height of the tower, whichever is greater. Guy

wires and accessory buildings shall satisfy the minimum setback of the zoning district in which the tower is located.

The separation of the tower from other uses shall be 200 feet or 300% of height of tower, whichever is greater, from single-family residences or residentially zoned land.

The Planning Commission may modify the required setback if the Township Engineer determines that the structural integrity of the structure will withstand high winds and impacts and that the likelihood of a structure failure is minimal and the Commission determines that a lesser setback will not threaten the safety of adjoining properties or roadways. The applicant shall incur all costs associated with the Township engineering review.

- (ii) The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer's installation requirements provided they do not conflict with the state and local requirements;
- (iii) All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded;
- (iv) The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959);
- (v) A tower or similar structure which has been constructed to support an antenna which is unused or abandoned for six months shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the end of such 6-month period commencing upon written notice to the property owner by the zoning enforcement officer. Upon removal, the site shall be restored to its previous appearance and, where appropriate, re-vegetated.

A copy of relevant documents (including a signed lease, deed, or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that the tower is not removed within 90 days of the 6-month period of the cessation of operations at a site, the tower and associated facilities shall be removed by the township. A bond shall be posted to cover the removal cost of any abandoned towers, the amount as determined by the Bowne Township Board. The Township Clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier co-locating on that tower.

- (vi) In removing the tower, the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission;
- (vii) The antenna or tower shall be permanently secured to a stable foundation;

- (viii) No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;
- (ix) All antennas and towers must be grounded to protect against damage from lightning;
- (x) All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference;
- (xi) Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact; and
- (xii) Towers shall be surrounded by a chain-link fence or wall not more than 8 feet in height or less than 6 feet in height. The chain-link fence shall be erected surrounding the tower and all supporting wire ground supports (anchors) on all sides to prevent unauthorized access. If barbed wire is included in the fence, it shall be within the 8-foot height limit. All towers shall be equipped with anti-climbing devices.
- (xiii) Ground landscaping shall be required to soften the appearance of a tower and screen as much of the tower as possible, the fence surrounding the tower, and other ground level features such as a building. Any combination of existing vegetation, topography, walls, decorative fences, or other features, instead of landscaping, may be allowed if the same degree of screening as the required landscaping is achieved. Existing vegetation on and around the site shall be preserved to the greatest extent possible.
- (xiv) To minimize the number of antenna or wireless sites in the community in the future, the proposed support structure shall be required to accommodate other users including other wireless communication companies and particularly local police, fire, and ambulance companies, unless it is determined to be technically unfeasible, and any tower approved hereunder shall be made available under commercially reasonable terms to others, including competing users.
- (xv) All equipment and machinery shall be stored in a fully enclosed building, provided that only one building, not to exceed 300 square feet in size, shall be allowed. For each co-located antenna, one additional building shall be allowed.
- (xvi) All parking facilities shall be set back at least 50 feet from all lot lines.
- (xvii) No overnight parking of vehicles shall be allowed.
- (xviii) All structures located adjacent to any residential district or dwelling must be screened from view by a fence or by evergreen trees or shrubs in accordance with the screening and fencing provisions of this Ordinance.
- (xix) No lights or illumination shall be allowed unless required by the FCC or FAA.

5. Approval Standards In order to approve the application, the Planning Commission shall find that:



- (i) The proposed use and structure meet the Special Land Use approval standards of Section 14.03;
  - (ii) The proposed use and structure meet requirements of this Section 3.33;
  - (iii) Approval of the project will fill a significant gap in the service coverage of the applicant; and
  - (iv) That alternate sites or facilities for the wireless communications equipment and wireless communications support structures are not available or feasible.
6. Conditions of Approval Any conditions imposed on an approval must relate directly to this Ordinance, other applicable Township ordinances and codes and applicable State and federal laws.
7. Noncompliance with Section 3.33 F. Requirements

If the Planning Commission determines to deny an application for Special Use Permit approval because the proposed project does not meet one or more of the requirements contained in Section 3.33 F. or any of the special use or site plan standards found elsewhere in this Ordinance the Planning Commission shall nevertheless approve the proposed project if no other alternative tower sites or facilities are available or feasible and at least one of the following applies:

- (i) A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless services to the area in question;
- (ii) There is not substantial evidence on the record justifying a denial; or
- (iii) A significant gap in the existing service coverage exists in the area and the proposed project would close that gap.

Pursuant to any such approval by the Planning Commission, the wireless communication support structure and equipment shall still comply with all of the requirements of Section 3.33 F. and other applicable provisions of this Ordinance except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would (a) prohibit or have the effect of prohibiting the providing of personal wireless services to the area, or (b) prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

### **3.34 TEMPORARY FACILITIES**

Temporary accessory structures for nonresidential purposes only may be allowed by permit by the Zoning Administrator for construction activities. The permit shall specify the location of the temporary accessory structure and shall cancel 6 months after the date of its issuance. The Zoning Administrator may renew the permit for additional 6-month periods, not to exceed two years, if he finds good cause. In any event, the temporary accessory structures and all debris shall be removed within 15 days after completion or abandonment of the work.

### **3.35 TEMPORARY HOUSING**

- A. Mobile homes shall be allowed as temporary housing provided they meet the following requirements. The building inspector may issue a permit for temporary housing or use of

a mobile home constructed to the Department of Housing and Urban Development (HUD) specifications outside of an approved and licensed mobile home park under the following situations:

1. For use as a temporary dwelling for the occupants of a dwelling damaged by fire or storm.
  - a. For use by full-time farm labor for the farm on which the mobile home is to be located.
  - b. For use as a temporary dwelling during the construction of a new permanent dwelling on the same parcel, provided that a zoning permit has been issued for the permanent dwelling prior to the issuance of the temporary housing permit for the mobile home.
  - c. For use as a temporary dwelling for disabled or infirm members of the family occupying a permanent dwelling on the same parcel.
2. The temporary housing permit shall not be issued unless the following requirements are met:
  - a. The mobile home must be located within 100 feet of the principal residential dwelling.
  - b. The mobile home has a water system and septic tank system that meets the requirements of the KCHD. A certificate from said department showing such compliance shall be filed with the building inspector before any use or occupancy is made of said mobile home.
  - c. The mobile home shall be placed on a cement slab or supported by cement piers or blocking to form a foundation for the mobile home frame. The mobile home frame shall be anchored to the ground or anchored in the cement slab.
  - d. If the mobile home is to be located on the same property occupied by another dwelling, the lot area to be associated with the mobile home must be defined, and the yard requirements for a single-family dwelling shall be met.
  - e. Any mobile home shall have skirting of noncorrosive metal or plastic.
3. The time allowed by the temporary housing permit shall not exceed 1 year. A temporary housing permit issued under this section shall not be renewed for the same unit or location without the approval of the Board of Appeals.
4. The fee to be paid for the issuance of a temporary housing permit for a mobile home shall be established by the Township Board. If a permit is allowed to be renewed, an additional fee will be collected.
5. The temporary dwelling shall be removed within 30 days after the disability no longer exists or the disabled or infirm person leaves the premises or within 30 days of issuance of an occupancy permit for the permanent dwelling.
6. The building inspector shall revoke the temporary housing permit at any time if the usage violates any of the requirements outlined in this section. If a permit is

revoked, the unit must be vacated and removed from the property within 30 days, or it constitutes a violation of the Ordinance and is subject to the penalties outlined in this Ordinance.

### **3.36 UNDERGROUND HOMES**

- A. Underground homes are allowed as single-family dwellings in appropriate residential zoning districts providing the following conditions are met:
  - 1. The structure is in complete compliance with the building code and all local ordinances, and is certified by a licensed engineer to meet all building codes, ordinances, zoning requirements, and accepted engineering principles.
  - 2. The structure meets all the requirements for a single-family dwelling within the particular zoning district.
  - 3. There is no evidence of detrimental effect to adjoining properties.

### **3.37 WALLS AND FENCES**

- A. Walls and fences shall be allowed, subject to the following conditions:
  - 1. All districts: All fences shall be erected with fenceposts and supports on the interior side except to fence farm animals and livestock, in which case posts and supports may be on the exterior side but within the property line.
  - 2. Under no circumstances shall a fence be constructed of used or unconventional fencing materials including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.
  - 3. Fences may be located on the property line, but may not extend into any right-of-way or onto adjacent property.
  - 4. Fence heights shall be measured from the surface of the ground immediately below the location of the fence.
  - 5. Fences for swimming pools shall be allowed as required in this Ordinance.
  - 6. Fences shall not be located within 30 feet of the ordinary high-water mark of a lake or stream.
  - 7. All fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads or the vision of pedestrians or motorists leaving the premises.
  - 8. Retaining walls are exempt from these fence provisions except as regulated by Section 3.37 D. (Ord. No. 09-02, eff. Aug. 5, 2009)
- B. Agricultural Districts:
  - 1. Fences on lots having a lot area greater than 4 acres and not included in the boundaries of a recorded plat or a site condominium subdivision shall only be

required to meet the provisions in Paragraph A above, provided that any fences located within 30 feet of a road right-of-way shall meet the following conditions:

- a. Fences not more than 4 feet in height are allowed if they are not more than 25% solid.
  - b. Fences not more than 3 feet in height are allowed if they are more than 25% solid.
2. Fences on lots of 4 acres or less or that are included in the boundaries of a recorded plat or a site condominium subdivision shall meet the requirements of Paragraph C below.
- C. Residential Districts:
1. Fences not greater than 6 feet in height are allowed in side or rear yards.
  2. Fences not more than 4 feet in height are allowed in the front yard if they are not more than 25% solid.
  3. Fences not more than 3 feet in height are allowed in the front yard if they are more than 25% solid.
  4. Fences shall not contain barbed wire, razor wire, spikes, or electric current.
  5. Fences on lots having a lot area in excess of 4 acres and not included in the boundaries of a recorded plat or a site condominium subdivision shall only be required to meet the provisions in Paragraph A above, provided that any fence located within 30 feet of a road right-of-way shall meet the following conditions:
    - a. Fences not more than 4 feet in height are allowed if they are not more than 25% solid.
    - b. Fences not more than 3 feet in height are allowed if they are more than 25% solid.
- D. Commercial and Industrial Districts: (Ord. No. 09-02, eff. Aug. 5, 2009)
1. In the C-1 and C-2 Districts:
    - a. Within the front yard, fences, decorative or protective walls, or landscape screens shall not exceed three (3) feet in height if solid, and shall not exceed four (4) feet in height if open. Open type fencing shall include chain link fences, split rail fences, and other fencing types that are not more than forty percent (40%) solid. Open fences higher than four (4) feet may be permitted by the Planning Commission if an applicant demonstrates that such height is necessary for the public safety or proper screening, or if such height is necessary for the proper operation of the principal use. In no case shall a fence, wall or screen within the front yard exceed six (6) feet in height.
    - b. A fence, decorative or protective wall, or landscape screen within side and rear yards shall not exceed a height of six feet, except fences, walls or screens higher than six feet may be permitted by the Planning Commission if an

applicant demonstrates that such height is necessary for the public safety or proper screening, or if such height is necessary for the proper operation of the principal use. In no case shall a fence, wall or screen within a side or rear yard exceed ten (10) feet in height.

- c. Any fence, decorative or protective wall, or landscape screen shall be of uniform design, construction and appearance, and sturdily constructed to withstand normal weather conditions. Materials and design shall be of a kind that is compatible with the character of the uses permitted in the C-1 and C-2 District. Woven wire or chain link with plastic, metal, or wood slat inserts shall not be permitted.
  - d. All fences, decorative or protective walls, or landscape screens must be set back a minimum of one foot from the front lot line or two feet from a sidewalk, and shall be subject to any clear vision requirements including those of Section 3.05.
  - e. All fences, decorative or protective walls and landscape screens shall be constructed and maintained so as not to be a visual nuisance, or pose a safety hazard to nearby residents, passersby, or the general public.
  - f. In the case of a corner lot, fences, decorative or protective walls and landscape screens shall be constructed in accordance with the requirements for fences, decorative or protective walls and landscape screens within the front yard, for that portion of the lot which abuts a public or private road right-of-way.
2. Fences in C-1 Districts shall not contain barbed wire, razor wire, or electric current. Fences in the C-2 District shall not contain razor wire or electric current. The use of barbed wire strands in the C-2 District is permitted provided the strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six (6) feet from the average grade.
  3. In the IND-Industrial District, a chain-link fence shall be limited to a height of 10 feet. The use of barbed wire strands shall be permitted provided the strands shall be restricted to the uppermost portion of the fence and shall not extend lower than a height of six (6) feet from the average grade.
  4. Fences in the IND-Industrial District shall not contain razor wire or electric current, except that the Planning Commission may permit razor wire or electric current if an applicant demonstrates that such razor wire or electric current is necessary for the public safety, security, proper screening, or proper operation of the principal use. Razor wire shall be restricted to the uppermost portion of the fence and shall not extend lower than a height of eight (8) feet from the average grade.
  5. Existing walls and fences in the C-1, C-2, and IND Districts shall not be enlarged, altered, or reconstructed except in accordance with the regulations of section 3.37.
  6. Fences and walls parallel to one another shall not be approved unless provisions are made to specifically provide for the proper maintenance of both fences or walls, and for that area between the fences.

### **3.38 WATERFRONT LOTS**

Waterfront lots shall meet the front yard requirements for both yards fronting the right-of-way and the permanent water feature. All uses on waterfront lots, including additions or extensions to existing buildings, shall meet the following design requirements:

- A. All principal buildings shall be set back at least 65 feet from the ordinary high-water mark.
- B. No structure shall be located within 35 feet of the ordinary high-water mark, except a seasonal dock, boat lift, boat house, or pump house not to exceed 36 inches in height and 9 square feet in size. Pump houses that exceed 3 feet in height or 9 feet in total square feet in size are prohibited.
- C. Septic tanks, dry wells, and drain fields may not be constructed:
  - 1. Within the 100-year flood plain.
  - 2. Nearer than 100 feet to the ordinary high-water mark.
  - 3. Where the invert of the drain field or septic tank is below the elevation of the ordinary high-water mark.
- D. Natural drainage courses shall be protected from grading activity.
- E. Where known, groundwater flow patterns shall not be interrupted.
- F. Slopes created by the grading of the site should generally not exceed a slope ratio of 1 foot of vertical slope to 3 feet of horizontal distance.
- G. Buildings shall be clustered as much as possible to retain open space and surrounding tree cover and to minimize changes in topography.
- H. Screening along roadways shall make maximum use of berming and landscaping, but shall not interfere with site distances.
- I. Other than support structure, stairs, walkways, decks, and steps on embankments having a grade exceeding 12% must not be embedded into the ground.
- J. Within 35 feet of the ordinary high water mark, a maximum of 400 square feet of land for each 100 linear feet of water frontage shall be covered by impervious surfaces, including all structures and paving.
- K. No unsightly, offensive, or potentially polluting material, including, but not limited to, lawn clippings, leaves, garbage, trash, refuse, junk vehicles, junk, appliances, or toxic materials may be dumped or stored within 35 feet of the ordinary high water mark.
- L. Accessory structures may not be located within 5 feet of the high water mark.
- M. Vegetation shall be left undisturbed within 25 feet of the ordinary high water mark. The use of fertilizer is prohibited within 25 feet of the ordinary high water mark.
- N. There may be one boat dockage for every 25 feet of shoreline, not including wetlands.

- O. CAFOs shall not be allowed on waterfront lots within 100 feet of the ordinary high water mark.
- P. Grazing of livestock shall not be allowed on waterfront lots within 25 feet of the ordinary high-water mark. Livestock may be allowed to water in areas having suitable embankments for cattle watering, providing there is adequate surface preparation to prevent erosion.

### **3.39 OPEN SPACE PRESERVATION DEVELOPMENT REGULATIONS**

#### **A. Description and Purpose**

- 1. The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed, but will be preserved as a result of the OSD.
- 2. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

#### **B. Qualifying Conditions**

- 1. The tract of land for which an OSD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all affected properties.
- 2. The property that is the subject of an OSD application must be a minimum of 35 contiguous acres in total area and must be located within an AG, R-1, R-2, or R-3 District (provided that property in the R-3 District is eligible only where no public sewers are provided). The Planning Commission may consider a lesser development size if the proposed project substantially forwards the intent of the Open Space Development regulations.

#### **C. Review Procedures**

- 1. **Sketch Plan Approval:** To be considered as an OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Section.
  - a. Applications for sketch plan approval for OSDs shall be submitted to the Zoning Administrator at least 30 days prior to the date of first consideration by the Planning Commission.
  - b. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary.

- (1) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
  - (2) Parallel Plan used to determine base density that meets the standards of Section 3.39, D.3.a.
  - (3) Written documentation that the proposal meets the standards of Section 3.39, H.
  - (4) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
  - (5) Arrangement and area calculations for open space, including upland and wetland open space areas.
  - (6) A completed application form, supplied by the Zoning Administrator, and an application fee.
  - (7) Twelve copies of a sketch plan meeting the requirements of Section 18.03.
- c. The Planning Commission shall review the sketch plan in accordance with the requirements of this Section and deny, approve, or approve with conditions, the sketch plan. In addition, the Planning Commission may impose necessary and reasonable conditions that work to further the intent of the Open Space Development.

## **2. Final Site Plan Approval**

- a. After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one year submit a final site plan to the Planning Commission.
- b. The final site plan may be for either the entire project or for one or more phases.
- c. Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator at least 30 days prior to the date of first consideration by the Planning Commission.
- d. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary.
  - (1) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.



- (2) Written documentation that the proposal meets the standards of Section 3.39, H.
  - (3) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.
  - (4) Arrangement and area calculations for open space, including upland and wetland open space areas.
  - (5) A completed application form, supplied by the Zoning Administrator, and an application fee.
  - (6) Twelve copies of a final site plan for the phase for which approval is requested, meeting the requirements of Section 18.05.
- e. Failure to submit a final site plan for approval within the one-year period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions.
  - f. The Planning Commission shall conduct a public hearing prior to considering the proposed final site plan. Notices of the public hearing will be provided in accordance with the requirements for hearings of Section 21.04. (Ord. No. 09-03, eff. May 20, 2009)
  - g. The Planning Commission shall deny, approve, or approve with conditions, the final site plan for the OSD. As part of the approval of an OSD, the Planning Commission may impose conditions that may be necessary for the public interest.
  - h. Changes to an approved OSD shall be permitted only under the following circumstances:
    - (1) Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
      - (a) Reduction of the size of any building and/or sign.
      - (b) Movement of buildings and/or signs by no more than ten feet.
      - (c) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
      - (d) Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
    - (2) A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the final development plan.

**D. Site Development Requirements**

1. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission as part of the review process for the OSD. However, the minimum lot area shall not be reduced below 45% of the district requirements, nor shall the minimum lot width be reduced below 70 feet in any district, unless otherwise approved by the Planning Commission.

2. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 3.39, E.

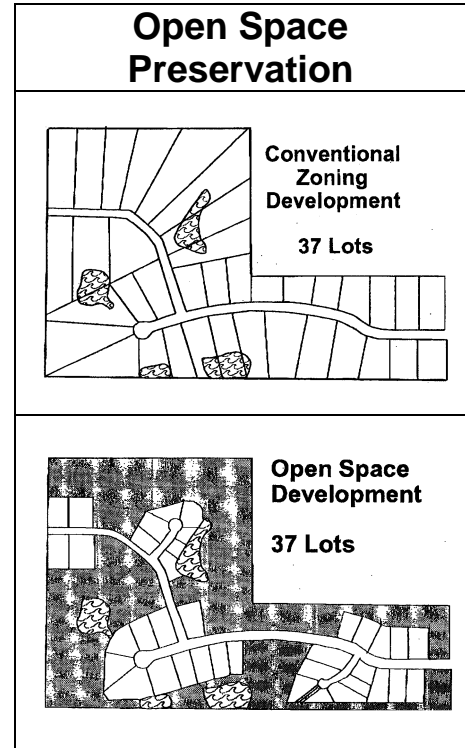
3. Development Density

a. Parallel Plan: The number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

(1) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.

(2) All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.

(3) Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.



**E. Open Space:** Any open space provided in the OSD shall meet the following considerations and requirements:

1. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.

2. Open space areas shall be available for all residents of the development, subject to reasonable rules and regulations. This open space shall also be reasonably accessible to the residents of the OSD. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.
3. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
4. The OSD shall have a minimum of 50% open space. Any area used in the calculation of required open space shall have a minimum dimension of 50 feet.
5. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
6. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units, as shown in the accompanying illustration.
7. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
8. All open space shall be in the joint ownership of the property owners or set aside through a conservation easement, plat dedication, restrictive covenant or other similar permanent easement within the OSD, under the jurisdiction and/or ownership of the Township, County and/or State, or other legal instrument that runs with the land, as approved by the Township Attorney. It shall be clearly demonstrated who will be responsible for the maintenance of the open space (if the property is to be turned over to a governing agency, acceptance of the open space area must be proven).

**F. Areas Not Counted as Open Space:** The following shall not be counted as open space:

1. The area within all public or private road rights-of-way.
2. Golf courses.
3. Any easement for overhead utility lines.
4. The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
5. Off street parking area.
6. Detention and retention ponds created to serve the project.
7. Community drain fields.

8. 50% of the area of wetlands, creeks, streams, existing ponds or lakes or other bodies of water.
9. 50% of the area of floodplains and 50% of areas of slopes, which are 20% or over.

**G. Development Setback**

1. Any building area, which for the purposes of this Section shall mean any lot on which a principal use is located, shall be located at least 200 feet from any public street right-of-way not constructed as part of the OSD.
2. No native or natural vegetation shall be removed from the 200 foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
3. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
4. The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than 100 feet. The landscape screen shall meet all of the following minimum requirements:
  - a. Occupy at least 70% of the lineal distance of the property line abutting any public street right-of-way.
  - b. Be on a strip of unoccupied land at least 50 feet in depth.
  - c. Have at least 50% opacity from the roadside view at the time of planting.
  - d. Consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
5. OSD sites abutting more than one public street shall be permitted to reduce the setback on the shortest side of the abutting streets to 100 feet without a natural screen. No native or natural vegetation shall be removed from the 100 foot setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.

**H. Design Principles:** The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Developments.

1. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.

2. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than 8-10 units per cluster for smaller developments and not more than 15-20 units per cluster for larger developments.
3. The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.
4. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.
5. The overall design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

**I. Standards for Approval:** The following standards will be used by the Planning Commission in their consideration of an OSD. Before such developments may be approved the Planning Commission shall find:

1. That the OSD meets the stated purposes of Section 3.39, A. If the OSD is a part of a PUD, then it must also meet the PUD standards as well. After or in conjunction with the approval of an OSD pursuant to this Section, the developer shall comply with the requirement and procedures for subdivisions or site condominiums as applicable.
2. The houses are arranged to respect the natural features of the site and so residents can benefit from viewing or utilizing the required open space.
3. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
4. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
5. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.

6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
7. All streets and driveways shall be developed in accordance with the Kent County Road Commission standards and when appropriate, with Section 3.24, private roads, of the Bowne Township Zoning Ordinance.
8. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Provisions shall be made to accommodate storm water, prevent erosion particularly during construction, and prevent the formation of excessive dust. The use of detention/retention ponds may be required. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
9. Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or an occupancy permit is granted.

- J. Validity of Approved Site Plans:** All approved Open Space Development projects are valid for one year from the date of the approval by the Planning Commission. If construction has not commenced and progress has not been made toward completion of the project before the end of the one year period, the approval shall be voided. Upon written application to the Township, filed prior to the termination for the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year.

### **3.40 OUTDOOR FURNACES**

(Ord. No. 09-06, eff. Jan. 13, 2010)

- A. Definition:** An outdoor furnace is defined as a furnace, stove or boiler that is not located in a building intended for habitation by humans or domestic animals and which provides heat or hot water for such building or structure.
- B. Applicability:**
1. Outdoor furnaces are not permitted in the R-4 Multifamily Residential District, the R-5 Manufactured Housing Community District, or C-1 Commercial District. Outdoor furnaces are permitted in all other zoning districts subject to the requirements of this Section 3.40 and the issuance of a building permit by the Township Building Inspector (or such other official as is designated by the Township Board). (Ord. No. 10-05, eff. Jan. 5, 2011.)
  2. Any outdoor furnace which was lawfully located on a lot and in operation prior to the date of adoption of this Section 3.40 shall be subject to subsections 3.40 A. and 3.40 C. only, and shall also be subject to the requirements of any applicable Bowne Township nuisance ordinance.

**C. Requirements for All Outdoor Furnaces:**

1. Outdoor furnaces shall be installed and operated according to the manufacturer's instructions. Outdoor furnaces shall be operated in the most efficient and clean manner possible.
2. An outdoor furnace shall only be used to burn wood without additives, wood pellets without additives or agricultural seeds in their natural state. The following materials shall not be burned in outdoor wood furnaces:
  - a. Rubbish or garbage, including but not limited to food waste, food, wraps, packaging, animal carcasses, paint, or painted materials, furniture, composite shingles, hazardous materials, construction or demolition debris or other household or business wastes.
  - b. Waste oil or other oily wastes.
  - c. Treated or painted wood.
  - d. Any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam and synthetics fabrics, plastic films and plastic containers.
  - e. Rubber (including tires) and synthetic like products.
  - f. Newspapers, corrugated cardboard, container board or office paper.
3. Outdoor furnaces shall be kept in a reasonable condition and repair at all times.
4. No outdoor furnace shall be used or operated in such a fashion as to become a nuisance to the owners or occupiers of adjoining or nearby properties or dwellings or in such a fashion that smoke emissions unreasonably interfere with the safe or reasonable enjoyment of the owners or occupants of nearby or adjoining properties.

**D. Requirements for Outdoor Furnaces in the R-3 Urban Residential District, the C-2 Commercial District, and the IND Industrial District:**

1. No outdoor furnace shall be located within 100 feet of a dwelling unit which is not on the same lot as the outdoor furnace.
2. No outdoor furnace shall be located within 50 feet of any property line. No outdoor furnace shall be located between the principal building on a lot and the public or private street. Except where this Section 3.40 requires a greater setback, outdoor furnaces shall comply with all setbacks applicable to any building.
3. Every outdoor furnace shall have a chimney that extends at least 10 feet above the ground surface. In addition, if any dwellings or other principal buildings which are intended to be occupied by humans are not on the same lot as the outdoor furnace and are located within 300 feet of an outdoor furnace, the chimney of the outdoor furnace shall be no lower than the roof peak of such dwellings or principal buildings.

The Building Inspector (or such other person as is designated by the Township Board) may approve a lesser chimney height if necessary to comply with the manufacturer's recommendations and if it can be demonstrated that smoke from the

lower chimney height will not create a nuisance for residents of nearby dwellings. Items which shall be considered by the Building Inspector in making a determination to permit a lower chimney height shall include but are not limited to topography, height of nearby dwellings, prevailing wind direction, type of furnace and proposed chimney height.

4. No outdoor furnace shall be located within 10 feet of a propane tank or similar flammable container.

### **3.41 DEVELOPMENT ALONG MINOR ARTERIALS**

(Ord. No. 10-01, eff. June 2, 2010)

(Ord. No. 14-03, eff. Dec. 30, 2014)

#### **A. Description and Purpose**

1. The purpose of these regulations is to improve the function, appearance, and safety of uses along minor arterials by addressing access, landscaping, lighting, and building appearance along minor arterials.
2. For those lands with frontage on minor arterials as defined herein, the regulations of this Section 3.41 shall apply, unless specifically waived or modified if the Planning Commission or Township Board, as the case may be, finds that waiving or modification of the requirements of this section will substantially preserve the purpose of these regulations which is to improve the function, appearance, and safety of uses along minor arterials.

#### **B. Minor Arterial Defined**

A minor arterial is any road or street in Bowne Township the function of which is primarily to carry through-traffic movements but which also may provide access to property. Minor arterials may include State routes (such as M-50) between smaller cities and villages, surface streets of medium importance, or minor arterials as defined in the Bowne Township Master Plan.

#### **C. Applicability**

If a lot or parcel has any frontage on or touches a minor arterial, and if a new (or additional or altered) use, building, structure, landscaping item, sign or similar matter is proposed for any such lot or parcel, and if the use, structure, building or item is subject to site plan review, planned unit development (PUD) review, site condominium review, or subdivision review under this Ordinance (or any Township ordinance), the requirements, procedures, specifications, and standards contained in this Section 3.41 shall apply.

#### **D. Conflicting regulations**

Any new (or additional or altered) use, building, structure, landscaping item, sign or similar matter shall meet all applicable requirements of the zoning district in which the lot or parcel is located and also the regulations of this Section 3.41, except that the regulations of this Section 3.41 shall supersede any conflicting regulation of the existing zoning districts, the Township's land division ordinance, or any other applicable Township ordinance.



## **E. Shared Driveways and Service Roads**

1. A shared driveway should be located so that the midpoint of the driveway is on the property line. Owners of the properties involved shall execute and record a permanent easement and other legal instrument to provide for joint use and maintenance, which shall be approved by the Township before recording with the Kent County Register of Deeds.
2. Every service road, if proposed, shall be located within a permanent recorded access easement and maintenance agreement (which must be approved by the Township before recording with the Kent County Register of Deeds) permitting traffic circulation between properties. This easement shall be a minimum of 40 feet wide and the service road shall be paved.
3. The service road easement shall be set back a minimum of 25 feet from the proposed or future right-of-way of the minor arterial to allow for snow storage and landscaping.
4. Where a service road intersects a minor arterial, the edge of the service road parallel to the minor arterial shall be set back a minimum of sixty (60) feet from the edge of the minor arterial pavement to allow for vehicle stacking.
5. Service roads shall have a base and pavement in accordance with Kent County Road Commission standards for public streets, except that the width of the service road shall have a minimum pavement width of 24 feet.
6. The service road is intended to be used exclusively for circulation, not as a parking or maneuvering aisle.

## **F. Landscaping**

1. Landscaping shall be as required by Section 3.27.
2. The Planning Commission or Township Board, as the case may be, may require front yard landscaping.
3. The following trees shall not be planted as part of the landscaping adjacent to a minor arterial: box elders, poplars, elms, willows, red and silver maples, Russian olive, mulberry, catalpa, honey locust (with thorns), horse chestnut (nut bearing), black locust, and tree of heaven.
4. Evergreen trees should be spaced at least 20 feet on center.
5. Shade/canopy trees should be spaced at least 25 feet on center.

## **G. Lighting**

1. Outdoor light fixtures including building mounted fixtures shall be cut-off fixtures to minimize illumination onto adjacent properties and streets.
2. Light fixtures mounted in canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy.

3. Security Lighting. All security lighting fixtures shall be shielded and aimed so that illumination is directed only to designated areas and not cast onto other areas. The use of general floodlighting fixtures shall be prohibited.
4. Parking lot lighting. Mounting heights of standard cut-off fixtures shall not exceed thirty (30) feet. Mounting heights of fixtures that are located within one hundred (100) feet of a residential district shall not exceed twenty (20) feet.
5. Externally illuminated signs shall not create glare or unduly illuminate the surrounding area.

**H. Building Facades and Design**

1. All new buildings and structures for commercial and industrial uses shall be so designed as to be compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously with site features, and promote a high quality image to those traveling along the minor arterial corridor.
2. The Planning Commission or Township Board, as the case may be, may request architectural drawings from the applicant to assist in determining whether the intent of this Section is met.

**3.42 CERTAIN PROHIBITED LAND USES; MEDICAL MARIJUANA FACILITIES**

- A. Land uses, activities, structures, buildings, items, enterprises or purposes that are contrary to or which violate federal or state laws, Kent County ordinances or regulations, this Ordinance or other Township ordinances are prohibited.
- B. No zoning approval, permit, variance, rezoning, site plan approval or zoning compliance permit shall be issued or granted by the Township for any use, activity, structure or building that is illegal under Michigan law or federal law.
- C. No medical marijuana (a/k/a marihuana) dispensary (as defined by Bowne Township Ordinance No. 1-2010), grower operation (as defined by Michigan law), provisioning center (as defined by Michigan law), secure transporter (as defined by Michigan law), safety compliance center (as defined by Michigan law), processing facility or similar facility, use or business shall occur, be established, be conducted or be present within Bowne Township. This prohibition does not include or apply to a “primary caregiver” or “caregivers” as defined by Michigan law and when operating in compliance with Michigan law. (Ord. No. 18-03, eff. April 9, 2018)

**3.43 UNCLASSIFIED USES**

Any use, use of land, activity, structure, building, item or development not expressly allowed by this Ordinance is prohibited, unless the Zoning Administrator finds that the use is identical in character to a use or item listed and allowed in this Ordinance. An individual may apply to the Planning Commission for consideration of an amendment to the Zoning Ordinance to include a proposed use in one or more of the zoning districts of this Ordinance, either as a permitted use or a special land use. At their option and discretion, the Planning Commission and Township Board may consider an appropriate amendment to the Zoning Ordinance, but are not required to do so. (Ord. No. 18-03, eff. April 9, 2018)

**3.44 CONDITIONAL REZONING**  
(Ord. No. 15-03, eff. Aug. 5, 2015)

- A. Intent: The Township recognizes that certain instances exist where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning classification for property, if certain conditions could be proposed by the property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3101, as amended) by which a landowner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions:
1. An owner of land, or land owner's representative, may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
  2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, according to the requirements of Article 21 of this Ordinance, except as modified by the requirements of this Section. The application shall be accompanied by a fee as established by resolution of the Township Board, an addition to any fees already established for an application for a rezoning.
  3. The land owner's offer of conditions may not purport to authorize uses or development not allowed in the requested new zoning district.
  4. Any use or development proposed as part of an offer of conditions for a rezoning that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted (after a conditional rezoning occurs) in accordance with the provisions of this Ordinance.
  5. Any use or development proposed as part of an offer of conditions for a rezoning that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals (after a conditional rezoning occurs) in accordance with the provisions of this Ordinance.
  6. Any use or development proposed as part of an offer of conditions for a rezoning that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted (after a conditional rezoning occurs) in accordance with the provisions of this Ordinance.

7. The offer of conditions for a rezoning may be altered during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the land owner. A land owner may withdraw all or part of its offer of conditions at any time prior to final rezoning action by the Township Board, provided that if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation by the Planning Commission.
- C. **Planning Commission Review:** The Planning Commission, after a public hearing and according to the procedures for a rezoning set forth in Article 21 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning request to the Township Board; provided, however, that any recommended changes to the offer of conditions must be acceptable to and thereafter offered in writing by the land owner.
  - D. **Township Board Review:** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Should the Township Board consider changes to the proposed conditions and if such contemplated changes to the offer of conditions are acceptable to and thereafter offered in writing by the land owner, then the Township Board shall, in accordance with the Michigan Zoning Enabling Act (MCL 125.3101, as amended), refer such changes back to the Planning Commission for a report thereon within a time specified by the Township Board and the Township Board may proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without changes.
  - E. **Approval:**
    1. If the Township Board approves the rezoning request and offer of conditions, the offered conditions shall be incorporated into a formal written Statement of Conditions and it shall conform in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the rezoning approved by the Township Board.
    2. The Statement of Conditions shall:
      - a. Be in a form recordable with the Kent County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the land owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
      - b. Contain a legal description of the land to which it pertains.
      - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

- d. Incorporate by attachment or reference any diagram, site plan or other documents submitted by the land owner (and approved by the Township) that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the original document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions (or an Affidavit or Memorandum giving notice thereof) may be recorded by the Township with the Kent County Register of Deeds.
  - f. Contain the notarized signatures of all of the owners of the land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was conditionally rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands conditionally rezoned with a Statement of Conditions.
  4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Kent County Register of Deeds.
  5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions:

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use of the land in full compliance with all of the conditions set forth in the Statement of Conditions.

Any land subject to a conditional rezoning shall comply at all times with the Statement of Conditions. Any failure to comply with a condition or conditions contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

- G. Time Period for Establishing Development or Use: Unless another time period is specified in the rezoning approval for the land involved, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and shall thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with its Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- H. Reversion of Zoning: If development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests according to the requirements of Article 21 of this Ordinance.
- I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different Statement of Conditions (or no Statement of Conditions), whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the land owner's written request, the Township Clerk shall record with the Kent County Register of Deeds a notice that the Statement of Conditions is no longer in effect or has been modified.
- J. Amendment of Conditions:
1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any time extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
  2. The Statement of Conditions may be amended thereafter in the same manner as was applicable for the original rezoning and Statement of Conditions.
- K. Township Right to Rezone: Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of any land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act (MCL 125.3101, *et seq.*)
- L. Failure to Offer Conditions: The Township shall not require a land owner to offer

conditions as a requirement for a rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

**3.45 WIDTH TO DEPTH RATIO EXCEPTION IN THE R-1 RURAL RESIDENTIAL DISTRICT, THE AG AGRICULTURAL DISTRICT, AND THE R-2 LOW DENSITY RESIDENTIAL DISTRICT**  
(Ord. No. 18-01, eff. Jan. 31, 2018)

- A. For property in the R-1 Rural Residential Zoning District, and in the AG Agricultural District, an applicant may request an exception from the required minimum width to depth ratio of one to three for lots less than 40 acres in lot area, outside platted subdivisions and site condominium developments. For properties in the R-2 Low-Density Residential District, an applicant may request an exception from the required minimum width to depth ratio of one to four for lots ten acres or less in lot area, outside platted subdivisions and site condominium developments.
- B. The application shall be made in writing according to procedures as established by Bowne Township officials. A site drawing based upon a current survey and drawn to scale shall be submitted with the application. The drawing shall provide sufficient detail to illustrate the subject property, dimensions, structures, streets, natural features such as trees, slopes equal to or greater than 33 percent, wetlands, bodies of water, flood plains, and any other factors pertinent to the request. The drawing shall show structures and uses of land on adjacent properties.
- C. A decision as to whether to permit a width to depth ratio that exceeds one to three in the R-1 District or AG Agricultural District, or one to four in the R-2 District, shall be made by the Bowne Township Planning Commission. The Planning Commission shall hold a public hearing, with notice given as required by Section 19.04 B. The Planning Commission shall make a decision at the same meeting at which a public hearing is held, or at a subsequent meeting.
- D. In no case shall the required lot width of any lot in the R-1 Rural Residential Zoning District, the AG Agricultural District, or the R-2 Low Density Residential District, for which a width to depth exception is sought, be less than the width required by the Bowne Township Zoning Ordinance.
- E. In making a decision, the Planning Commission shall find that all of the following conditions are met:
  - 1. The portion of the lot which exceeds a depth of more than three times the width of the lot in the R-1 District or the AG Agricultural District; or more than four times the width in the R-2 District, is unsuitable for agricultural production or use, or for the construction of any residential dwelling or accessory building, due one or more of the following:
    - a. Soil conditions.
    - b. Slopes that are equal to or greater than 33 percent.
    - c. Presence of wetlands, woodlands, or bodies of water.

2. The approval of a width to depth ratio that exceeds one to three in the R-1 District or the AG Agricultural District, or one to four in the R-2 District, shall not result in incompatibility with adjacent and surrounding parcels and uses of land, including conflicts with surrounding agricultural activities.
3. The granting of a width to depth ratio that exceeds one to three in the R-1 District or AG Agricultural District, or one to four in the R-2 District, shall not result in a significant loss of ability to secure public safety for the occupants or users of the lot.
4. The granting by the Planning Commission of a greater width to depth ratio than required by the Bowne Township Zoning Ordinance will not negatively affect the desired development policies of the Township, and the recommendations of the Bowne Township Master Plan.

**3.46 NO ZONING APPLICATIONS, APPROVALS OR PERMITS FOR A PROPERTY THAT IS IN VIOLATION OF THIS ORDINANCE OR A COURT ORDER OR A JUDGMENT.**

Should a parcel or lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot or parcel in violation (or anyone else with an interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected and the parcel or lot complies fully with this Ordinance (and any applicable court order or judgment). The prohibition contained in this Section shall also apply to any zoning request, application or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot or parcel involved. The prohibition contained in this Section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order or judgment) and shall be in addition to any other penalties, sanctions or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or judgment). (Ord. No. 18-03, eff. April 9, 2018)



# ARTICLE 4 · ZONING DISTRICTS

## 4.01 ZONING DISTRICTS

To carry out the purpose of this Ordinance, the Township shall be divided into the following zoning districts:

- AG Agricultural
- R-1 Rural Residential
- R-2 Low-Density Residential
- R-3 Urban Residential
- R-4 Multifamily Residential
- R-5 Manufactured Housing Community
- C-1 Commercial
- C-2 Commercial
- IND Industrial
- Planned Unit Development (PUD) District (Ord. No. 10-05, eff. Jan. 5, 2011.)

## 4.02 ERECTION, ALTERATION, AND USE OF BUILDING

Except as herein provided, no structure shall be erected or altered nor shall any building or premises be used for any purpose other than is allowed in the zoning district in which such building or premises is located.

## 4.03 PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this Ordinance, the zoning districts, as provided herein, are bound and defined as shown on a map entitled Official Zoning Map of Bowne Township. The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

## 4.04 IDENTIFICATION OF OFFICIAL ZONING MAP

The official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words:

“This is to certify that this is the official zoning map referred to in the Bowne Township Zoning Ordinance of November 2000.”

## 4.05 CHANGES TO OFFICIAL ZONING MAP

If, in accordance with the procedures of this Ordinance and of Act 110 of 2006 as amended, The Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.* as amended, a change is made in a zoning district boundary, such change shall be entered on the official zoning map by the Township Supervisor promptly after the Ordinance authorizing such change shall have been adopted and published, with an entry on the official zoning map, as follows, and

“On \_\_\_\_\_ (date), by official action of the Township Board of Bowne Township, the following change(s) were made in the official zoning map:”

\_\_\_\_\_ (brief description of change)

which entry shall be signed by the Township Supervisor and attested by the Township Clerk. No change in the official zoning map of any other nature shall be made unless authorized by the Township Board and then only by the Township Supervisor.

No change of any nature shall be made in the official zoning map or matter shown thereon except in conformity with procedures set forth herein. Any unauthorized changes of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided herein. Any changes in corporate boundaries within the Township shall be recorded on the official zoning map by the Township Supervisor, with his signature and date and attestation attached hereto. (Ord. No. 10-05, eff. Jan. 5, 2011.)

#### **4.06 AUTHORITY OF OFFICIAL ZONING MAP**

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the Township hall and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, use, building, or structure in the Township.

#### **4.07 REPLACEMENT OF OFFICIAL ZONING MAP**

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the Ordinance or the prior official zoning map. The new official zoning map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township.

Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

#### **4.08 SCHEDULE OF DISTRICT REGULATIONS**

The use of land and buildings in all zoning districts in the Township shall meet the area, depth, width, setback, and height regulations of the following table: (Amended September 19, 2005)

**SCHEDULE OF DISTRICT REGULATIONS**

	AG	R-1	R-2	R-3	R-4 <sup>(12)</sup>	R-5	C-1	C-2	IND
Lot Area	minimum: 1 acre maximum: 5 acres <sup>(11)</sup>	minimum:2.5 acres	minimum:2 acres	minimum: 30,000 (Without Sewer) 10,000 (With Sewer)	N/A	N/A	N/A	minimum: 30,000 (Without Sewer) 10,000 (With Sewer)	min.: 40,000
Minimum Lot Width <sup>(7)</sup>	250 feet <sup>(9)</sup>	250 feet <sup>(9)</sup>	200 feet <sup>(9)</sup>	120 feet (Without Sewer) 70 feet (With Sewer)	300 feet	300 feet	90 feet (Without Sewer) 60 feet (With Sewer)	115 feet	130 feet
Maximum Lot Depth	(1)	(1)	---	---	---	---	---	---	---
Front Setback <sup>(10)</sup>	40 feet <sup>(2)</sup>	45 feet	30 feet	25 feet	45 feet	45 feet	N/A	30 feet <sup>(5)</sup>	50 feet
Side Setback <sup>(8)</sup> (Each side)	25 feet	15 feet <sup>(3)</sup>	10 feet <sup>(3)</sup>	10 feet <sup>(3)</sup>	15 feet <sup>(3)</sup>	15 feet <sup>(3)</sup>	N/A <sup>(6)</sup>	10 feet <sup>(6)</sup>	20 feet
Rear Setback	70 feet	70 feet	45 feet	30 feet	65 feet	65 feet	15 feet	20 feet	40 feet
Maximum Building Height	35 feet	35 feet <sup>(4)</sup>	35 feet <sup>(4)</sup>	35 feet <sup>(4)</sup>	35 feet <sup>(4)</sup>	35 feet <sup>(4)</sup>	30 feet	30 feet	40 feet

Footnotes are an integral component of this section and shall be in conjunction with the above table.

- (1) If the lot area is less than 40 acres in size, the depth of the parcel shall not be greater than three times its width.
- (2) Repealed effective October 2, 2019.
- (3) Repealed effective October 2, 2019.
- (4) Repealed effective October 2, 2019.
- (5) Where any existing commercial structures on adjacent parcels are closer than 50 feet to the street, a front setback equal to the average front setback of all commercial buildings within 400 feet on each side of the proposed building or between adjacent side streets, whichever is lesser, will be allowed.
- (6) Side setback is required as follows:
  - a. Where the zoning district abuts residential property on the side, a side setback of at least 25 feet shall be required.
  - b. In the C-2 District, a 25-foot side setback must be maintained on the street side of a corner lot.
- (7) Refer to "Access to a Street" in General Provisions section for road access requirements.
- (8) All side lot lines abutting on a street or road shall meet the front setback requirements for the zoning district in which it is located.
- (9) Lots on cul-de-sac turnarounds shall have a minimum lot width equal to at least one-half (½) of the required lot width for the District and shall have at least fifty (50) feet of frontage along the road right-of-way line. (Amended March 17, 2003)
- (10) Front setbacks shall be 50 feet from the right-of-way for all parcels with frontage on State Highway M-50.
- (11) The maximum lot area in the AG District for non-agricultural single-family residential dwellings shall not exceed five (5) acres, as provided in Section 5.05.
- (12) For non-residential uses allowed by this zoning district, the height, area, and dimension regulations of Section 8.05 herein shall apply.

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# ARTICLE 5 · AG - AGRICULTURAL DISTRICT

## 5.01 DESCRIPTION AND PURPOSE

This zoning district is intended primarily for agricultural uses. Agricultural land is determined to be an important, irreplaceable, and irretrievable natural resource. Farming provides important jobs, economic base, and vital food and fiber resources for existing and future residents of the Township, county, state, and nation. It is important to maintain the integrity of designated agricultural areas by limiting nonagricultural uses. While it is recognized that ultimately some marginal agricultural lands in the Township may be needed for other forms of development, the area containing the designated agricultural land in the Township should be preserved. The primary goal of this zoning district is to preserve existing agricultural areas while allowing for limited residential development. This agricultural district is consistent with the agricultural land designation as described in the Township Plan.

## 5.02 USES ALLOWED BY RIGHT

The following uses are allowed by right:  
(Amended June 19th, 2006) (Ord. No. 12-01, eff. Jan. 2, 2013)

- A. Essential services.
- B. Farming, together with dwellings and accessory structures thereto.
- C. Single-family dwellings.
- D. (reserved for future use) (Ord. No. 14-02, eff. Dec. 30, 2014)
- E. State Licensed Residential Facilities.
- F. Farm Markets as regulated by Section 5.07.
- G. Community Supported Agriculture (or CSA) where a farm operation produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest, and receive their share either by coming to the farm to pick up their harvest, or by delivery of the harvest to a designated place. A CSA use shall not require site plan approval according to the requirements of Article 18 of this Ordinance, but shall require approval by the Zoning Administrator according to the requirements of Section 5.08 B. and C.
- H. U-Pick operation where a farm operation provides the opportunity for customers to harvest their own farm products directly from the plant at the farm operation. A U-Pick operation shall not require site plan approval according to the requirements of Article 18 of this Ordinance, but shall require approval by the Zoning Administrator according to the requirements of Section 5.08 B. and C.
- I. Uses which utilize farmland or farm equipment for rural recreation/amusement enterprises, which take place substantially outdoors, in conjunction with an active farm operation and which are called "Rural Recreation/Amusement Enterprises." Such uses include crop mazes, hay rides, horse rides, petting farms, bicycle and foot trails, pumpkin/gourd picking, haunted trails and barns, play-scapes, fishing, bonfires, and cider mills (non-alcoholic) for on-site sales and consumption only.

Such uses are subject to the requirements of Section 5.08 B. - E., except that review and approval shall be by the Zoning Administrator. As an accessory to rural recreation/amusement enterprises, the limited sale of pre-packaged snack foods, non-alcoholic beverages, and baked goods not produced on the premises but for consumption on the premises shall be allowed.

### **5.03 ACCESSORY STRUCTURES AND USES**

The following uses are allowed when in conjunction with a single-family dwelling in which the operator is a permanent resident. (Amended June 19th, 2006)

- A. Antennae/satellite dishes.
- B. Children's play equipment.
- C. Garages.
- D. Gardens and/or greenhouses.
- E. Home occupations.
- F. Personal pet facilities, including dog runs.
- G. Storage sheds.
- H. Swimming pools.

### **5.04 SPECIAL LAND USES**

The following uses may be permitted by obtaining a Special Land Use in accordance with this Ordinance: (Amended March 17, 2003) (Ord. No. 11-01, eff. May 31, 2011) (Ord. No. 12-01, eff. Jan. 2, 2013)

- A. Adult foster care facility.
- B. Camps, campgrounds, and recreational vehicles.
- C. Compost facilities.
- D. Confined animal feeding operations.
- E. Day care facilities.
- F. Home occupations in accessory buildings.
- G. Migrant housing.
- H. Natural resource removal.
- I. Outdoor recreation facilities.
- J. Public and institutional uses.

- K. (reserved for future use) (Ord. No. 18-02, eff. Jan 31, 2018)
- L. Animal rescue facility or animal sanctuary.
- M. Kennels.
- N. Uses which utilize farmland or farm equipment for rural recreation/amusement enterprises, which take place substantially outdoors, in conjunction with an active farm operation and in accordance with Section 5.08 herein, and which are called "Rural Recreation/Amusement Enterprises." Such uses include camping, hunting preserves, riding stables, off-road vehicle trails, indoor and outdoor weddings, social events, and activities which are substantially similar to such uses and are specifically approved by the Planning Commission. As an accessory to rural recreation/amusement enterprises, the limited sale of pre-packaged snack foods, non-alcoholic beverages, and baked goods not produced on the premises but for consumption on the premises shall be allowed.
- O. Wineries and distilleries on the same premises as an active farm, which involve the sale of wine, hard cider, or other alcoholic beverages which are produced on the site from farm products grown on the premises or on land under the control of the person selling or producing such products, subject to any applicable Federal or State of Michigan law.
- P. Bakeries, cooking demonstrations, food service, and on-site food consumption when incidental to and on the same premises as an active farm operation and subject to all State of Michigan and Kent County regulations.
- Q. Processing and bottling of dairy products on the same premises as an active farm, produced from farm animals which reside on the premises or on land under the control of the person selling or producing such products; and processing of meats, fruits, and vegetables on the same premises as an active farm, from products which are produced on the site from farm products grown on the premises or on land under the control of the person selling or producing such products, subject to any applicable Federal or State of Michigan law.

**5.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district, including parcel splits pursuant to Section 5.06, shall meet all regulations in this Ordinance, the Schedule of Regulations, and the following: (Amended September 19, 2005)

Minimum Lot Area:	1 acre
Minimum Lot Width:	250 feet
Front Setback:	40 feet
Side Setback:	25 feet
Rear Setback:	70 feet
Maximum Lot Area	5 acres*

\*Maximum Lot Area applies only to non-agricultural single-family dwellings. For purposes of this Ordinance, an "agricultural single-family dwelling" is a single-family dwelling that is incidental to or subordinate to a principal farming use on the same parcel of at least 40 acres, and a "non-agricultural single-family dwelling" is any single-family dwelling other than an agricultural single-family dwelling.

## 5.06 GENERAL REQUIREMENTS

- A. Sliding scale: The following original parcel sizes will determine the number of parcel splits allowed on each parcel in the AG District:

0 to 40.00 acres	= 1 split
40.01 to 80.00 acres	= 2 split
80.01 to 120.00 acres	= 3 split
120.01 to 160.00 acres	= 4 split
160.01 to 200.00 acres	= 5 split
200.01 to 300.00 acres	= 6 split
300.01+ acres	= 7 split

- B. Parcel sizes of the original parcel shall be determined as of the effective date of this Ordinance. Parcels may be divided into the number of splits allowed until all allowable splits have been accomplished. No additional splits will be allowed once the maximum number of splits have occurred.

## 5.07 REGULATIONS FOR FARM MARKETS

(Ord. No. 12-01, eff. Jan. 2, 2013)

- A. Farm Markets as defined in this Ordinance may be conducted as a principal use or on a parcel containing a principal use in accordance with the following requirements:

1. In addition to the regulations of Section 5.07 and all other applicable sections of the Bowne Township Zoning Ordinance, a farm market is subject to the Generally Accepted Agricultural and Management Practices (GAAMPs) for Farm Markets as adopted by the Michigan Department of Agriculture.
2. **Temporary Farm Markets.** For farm markets which operate during the growing and harvesting season only and which utilize stands, tables, shelves, canopies, wagons, vehicles or similar items which are portable and used for the display and sale of farm products, the following regulations shall apply:
  - a. Such items shall not be located within the road right of way and shall be set back a minimum of 10 feet from the side and rear lot lines.
  - b. Such farm markets shall provide safe, adequate and convenient off street parking which does not require the vehicle to back into the abutting public road to exit the site.
  - c. The items used to display the farm products shall be taken down when the farm market is not operating.
3. **Farm Markets within Temporary Enclosures.** For farm markets which operate within a temporary enclosure (such as a tent or similar enclosure so that customers must enter the enclosure to purchase the products offered for sale), the following regulations shall apply:
  - a. The farm market owner or operator shall submit an accurate drawing illustrating the location of the lot lines, the size and type of enclosed structure containing the farm market, the setback of the structure, parking area, access drive, information on the type of products to be sold, and area devoted to farm



and non-farm products to be sold, and other relevant features of the proposed farm market to the Zoning Administrator who shall review the drawing and make such recommendations as are necessary and practical to ensure that the use is designed to ensure the safety of patrons on the site and entering and leaving the site.

- b. A minimum of five off street parking spaces shall be provided. Such spaces need not be paved but shall be located so vehicles shall not need to back into the public road.
- c. The temporary enclosed structure shall be set back a minimum of 30 feet from the front lot line and a minimum of 10 feet from the side and rear lot lines.

4. **Farm Markets in Permanent Buildings.** For farm markets which operate within a permanent building, the following regulations shall apply:

- a. The farm market operator shall submit a site plan to the Planning Commission to ensure that the project is designed to be compatible with adjacent land uses; to provide safe and efficient vehicle traffic flow and safety for pedestrians; to provide adequate utilities, storm water management provisions and public services and; to ensure the orderly development of land uses in accordance with the intent and purposes of this Ordinance.
- b. The site plan shall be submitted in accordance with the requirements for a Final Site Plan as contained in Section 18.05 but the Planning Commission may waive or modify the requirements for contents of Final Site Plans depending upon the size of the farm market in order to meet the objectives of the site plan review process.
- c. Landscaping shall be required according to the requirements of Section 3.27 for buildings in commercial districts where a farm market abuts a residential zoning district, and for off-street parking areas in every case.
- d. As part of the submittal requirements, the applicant shall provide the following:
  - 1) Information on the type of farm and non-farm products to be sold;
  - 2) A floor plan of the building showing the area to be devoted to the sale of the farm and non-farm products in order to verify compliance with the definition of farm market or;
  - 3) As an alternative to the floor area requirement, the applicant may provide information on the gross dollar sales of farm products in order to verify compliance with the definition of farm market.
- e. The farm market building or buildings shall comply with the setback requirements for principle buildings in the zoning district in which the farm market is located.
- f. Such farm markets shall provide safe, adequate and convenient off street parking which does not require the vehicle to back into the abutting public road to exit the site.

The applicant shall provide evidence to the Planning Commission that the parking provided is adequate to meet the parking needs of the farm market. The parking area may be vegetative, ground, pavement or other suitable material.

- g. Lighting, if provided, shall comply with the requirements of Section 18.07 B. 7 herein.
  - h. As part of an approval of a site plan for a farm market, the Planning Commission, as applicable, may impose conditions or limitations as in its judgment may be necessary to achieve the objectives of the site plan review process provided that such conditions do not significantly hinder the operation of the farm market and that the conditions are necessary to:
    - 1) Ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service facility loads caused by the land use or activity;
    - 2) Protect the natural environment and conserve natural resources and energy;
    - 3) Ensure compatibility with adjacent uses of land; and
    - 4) Promote the use of land in a socially and economically desirable manner.
5. **Sale of Non-Farm Products.** Farm markets may sell the following non-farm products: landscaping and gardening items including but not limited to plant containers, seeds, bulbs, fertilizer, pest control items, bags of mulch and soils, gardening decorations and tools, and other similar gardening accessory items, and the sale of pre-packaged snack foods, nonalcoholic beverages, and baked goods not produced on the premises, provided that the sale of all non-farm product items is clearly accessory to the principle farm market use and that the area devoted to the sale of all non-farm products does not occupy more than 20% of the total square footage used to display all the products offered for retail sale on the property and that such non-farm products do not comprise more than 20% of the total gross dollars of all products sold.

The Zoning Administrator or Planning Commission as applicable may allow other non-farm products to be sold provided they are similar to those items listed above.

- 6. **Sale of Farm Products Not Produced by the Affiliated Farm.** Farm products, as defined in this Ordinance, which are not produced on and by the affiliated farm, may also be sold provided such products do not occupy more than 50% of the total square footage devoted to retail sales on the property and provided that such products do not comprise 50% of the total gross dollars of all products sold.
- 7. The combination of non-farm products and farm products not produced on and by the affiliated farm which are sold at a farm market shall not in any case exceed 50% of the total square footage devoted to retail sales on the property or exceed 50% of the total gross dollars of all products sold.

8. **Outdoor display.** The location and size of the outdoor sales area, the items displayed and the placement and type of structures used for display shall be determined by the Zoning Administrator or Planning Commission as applicable during review of the site plan. Nonfarm products displayed outdoors shall be at least 25 feet from all lot lines.
9. **Signs.** If the farm market is operated in a permanent building, signs for farm markets shall be allowed according to the requirements in Article 17 herein for nonresidential uses in the AG-Agricultural, R-1 Rural Residential, and R-2 Low-Density Residential zoning districts.

For temporary farm markets and farm markets within temporary enclosures, the regulations of Section 17.03 F., Temporary Signs, shall apply.

## **5.08 RURAL RECREATION/AMUSEMENT ENTERPRISES**

(Ord. No. 12-01, eff. Jan. 2, 2013)

- A. Rural recreation/amusement enterprises allowed according to Section 5.04 N., 6.04 K., and 7.04 H. shall be subject to all applicable requirements of Article 14 except as otherwise regulated by this section.
- B. Sufficient off-street parking shall be provided to avoid the necessity of parking on adjacent streets. Such spaces need not be paved but shall be located so vehicles do not need to back into the public road.
- C. Such uses shall not be subject to the site plan review requirements of Article 18 of this Ordinance. However, the applicant shall submit an accurate drawing illustrating the location of the parking area, access drives, the location and layout of the proposed activity, and any other information as may be requested by the Planning Commission or the Zoning Administrator, as the case may be.
- D. The Planning Commission or the Zoning Administrator, as the case may be, may consult with public safety officials and the Township Building Official as necessary before approval of the proposed activity.
- E. Signs shall be allowed as regulated by Article 17 Signs and Billboards. (Ord. No. 13-01, eff. Jan. 1, 2014)

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# ARTICLE 6 · R-1 - RURAL RESIDENTIAL DISTRICT

## 6.01 DESCRIPTION AND PURPOSE

The R-1 District identifies areas intended for low-density, large-lot home sites in a rural setting allowing scattered homes on large parcels of land in locations that do not impact unique farmland or diminish forest and woodlands. Home sites should be placed in such a manner so as to not degrade the rural character of the area, damage natural systems, or create the need for additional Township services. Existing agricultural uses should be preserved especially for maintaining rural character, lowering residential densities, and buffering smaller-lot, single-family areas. This zoning district is consistent with the rural residential land designation, as described in the Township Plan.

## 6.02 USES ALLOWED BY RIGHT

The following uses are allowed by right:  
(Amended June 19th, 2006) (Ord. No. 12-01, eff. Jan. 2, 2013)

- A. Essential services.
- B. Farming, together with dwellings and accessory structures thereto.
- C. Single-family dwellings.
- D. State Licensed Residential Facilities.
- E. Farm Markets as regulated by 5.07.
- F. Community Supported Agriculture (or CSA) where a farm operation produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest, and receive their share either by coming to the farm to pick up their harvest, or by delivery of the harvest to a designated place. A CSA use shall not require site plan approval according to the requirements of Article 18 of this Ordinance, but shall require approval by the Zoning Administrator according to the requirements of Section 5.08 B. and C.
- G. U-Pick operation where a farm operation provides the opportunity for customers to harvest their own farm products directly from the plant at the farm operation. A U-Pick operation shall not require site plan approval according to the requirements of Article 18 of this Ordinance, but shall require approval by the Zoning Administrator according to the requirements of Section 5.08 B. and C.
- H. Uses which utilize farm land or farm equipment for rural recreation/amusement enterprises, which take place substantially outdoors, in conjunction with an active farm operation and which are called "Rural Recreation/Amusement Enterprises." Such uses include crop mazes, hay rides, horse rides, petting farms, bicycle and foot trails, pumpkin/gourd picking, haunted trails and barns, play-scapes, fishing, bonfires, and cider mills (non-alcoholic) for on-site sales and consumption only. Such uses are subject to the requirements of Section 5.08 B. - E., except that review and approval shall be by the Zoning Administrator. As an accessory to rural recreation/amusement enterprises, the limited sale of pre-packaged snack foods, non-alcoholic beverages, and baked goods not produced on the premises but for consumption on the premises shall be allowed.

### **6.03 ACCESSORY STRUCTURES AND USES**

The following uses are allowed when in conjunction with a use allowed by right.  
(Amended June 19th, 2006)

- A. Antennae/satellite dishes.
- B. Children's play equipment.
- C. Garages.
- D. Gardens and/or greenhouses.
- E. Home occupations.
- F. Personal pet facilities, including dog runs.
- G. Storage sheds.
- H. Swimming pools.

### **6.04 SPECIAL LAND USES**

(Ord. No. 11-01, eff. May 31, 2011) (Ord. No. 12-01, eff. Jan. 2, 2013)

The following uses may be permitted by obtaining a Special Land Use in accordance with this Ordinance:

- A. Adult foster care facilities for seven persons or more.
- B. Camps and campgrounds.
- C. Day care facilities.
- D. Golf courses and country clubs.
- E. Public and institutional uses.
- F. Public utility facility.
- G. (reserved for future use) (Ord. No. 18-02, eff. Jan 31, 2018)
- H. (reserved for future use) (Ord. No. 14-02, eff. Dec. 30, 2014)
- I. Natural resource removal.
- J. Nature centers.
- K. Uses which utilize farm land or farm equipment for rural recreation/amusement enterprises, which take place substantially outdoors, in conjunction with an active farm operation and in accordance with Section 5.08 herein, and which are called "Rural Recreation/Amusement Enterprises." Such uses include camping, hunting preserves, riding stables, off-road vehicle trails, indoor and outdoor weddings, social events, and activities which are substantially similar to such uses and are specifically approved by the

Planning Commission. As an accessory to rural recreation/amusement enterprises, the limited sale of pre-packaged snack foods, non-alcoholic beverages, and baked goods not produced on the premises but for consumption on the premises shall be allowed.

- L. Wineries and distilleries on the same premises as an active farm, which involve the sale of wine, hard cider, or other alcoholic beverages which are produced on the site from farm products grown on the premises or on land under the control of the person selling or producing such products, subject to any applicable Federal or State of Michigan law.
- M. Bakeries, cooking demonstrations, food service, and on-site food consumption when incidental to and on the same premises as an active farm operation and subject to all State of Michigan and Kent County regulations.
- N. Processing and bottling of dairy products on the same premises as an active farm, produced from farm animals which reside on the premises or on land under the control of the person selling or producing such products; and processing of meats, fruits, and vegetables on the same premises as an active farm, from products which are produced on the site from farm products grown on the premises or on land under the control of the person selling or producing such products, subject to any applicable Federal or State of Michigan law.

#### **6.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations in this Ordinance, the Schedule of Regulations, and the following: (Amended March 17, 2003)

Minimum Lot Area:	2.5 acres
Minimum Lot Width:	250 feet
Front Setback:	45 feet
Side Setback:	15 feet
Rear Setback:	70 feet

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# ARTICLE 7 · R-2 - LOW-DENSITY RESIDENTIAL DISTRICT

## 7.01 DESCRIPTION AND PURPOSE

This zoning district is intended primarily for low-density, single-family dwellings in a rural setting where higher density housing may be impractical and where public sewer and water are not typically available. Within any R-2 District, no structure or premises shall hereafter be used, erected, converted, or altered internally or externally in whole or in part unless herein provided. This zoning district is consistent with the low-density residential land designation, as described in the Township Plan.

## 7.02 USES ALLOWED BY RIGHT

The following uses are allowed by right:  
(Amended June 19th, 2006) (Ord. No. 12-01, eff. Jan. 2, 2013)

- A. Essential services.
- B. Single-family dwellings.
- C. State Licensed Residential Facilities.
- D. Farming, together with dwellings and accessory structures thereto.
- E. Farm Markets as regulated by 5.07.
- F. Community Supported Agriculture (or CSA) where a farm operation produces farm products for a group of farm members or subscribers who pay in advance for their share of the harvest, and receive their share either by coming to the farm to pick up their harvest, or by delivery of the harvest to a designated place. A CSA use shall not require site plan approval according to the requirements of Article 18 of this Ordinance, but shall require approval by the Zoning Administrator according to the requirements of Section 5.08 B. and C.
- G. U-Pick operation where a farm operation provides the opportunity for customers to harvest their own farm products directly from the plant at the farm operation. A U-Pick operation shall not require site plan approval according to the requirements of Article 18 of this Ordinance, but shall require approval by the Zoning Administrator according to the requirements of Section 5.08 B. and C.
- H. Uses, which utilize farm land or farm equipment for rural recreation/amusement enterprises, which take place substantially outdoors, in conjunction with an active farm operation and which are called "Rural Recreation/Amusement Enterprises." Such uses include crop mazes, hay rides, horse rides, petting farms, bicycle and foot trails, pumpkin/gourd picking, haunted trails and barns, play-scapes, fishing, bonfires, and cider mills (non-alcoholic) for on-site sales and consumption only. Such uses are subject to the requirements of Section 5.08 B. - E., except that review and approval shall be by the Zoning Administrator. As an accessory to rural recreation/amusement enterprises, the limited sale of pre-packaged snack foods, non-alcoholic beverages, and baked goods not produced on the premises but for consumption on the premises shall be allowed.

### **7.03 ACCESSORY STRUCTURES AND USES**

The following uses are allowed in conjunction with a single-family dwelling:  
(Amended June 19th, 2006)

- A. Antennae/satellite dishes.
- B. Children's play equipment.
- C. Garages.
- D. Home occupations.
- E. Personal pet facilities, including dog runs.
- F. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale.
- G. Storage sheds.
- H. Swimming pools.

### **7.04 SPECIAL LAND USES**

(Ord. No. 11-01, eff. May 31, 2011) (Ord. No. 12-01, eff. Jan. 2, 2013)

The following uses may be permitted as Special Land Uses in accordance with this Ordinance:

- A. Adult foster care facility for seven persons or more.
- B. Camps and campgrounds.
- C. Day care facilities.
- D. Golf courses and country clubs.
- E. Public and institutional uses.
- F. Public utility facility.
- G. Nature centers.
- H. Uses which utilize farm land or farm equipment for rural recreation/amusement enterprises, which take place substantially outdoors, in conjunction with an active farm operation and in accordance with Section 5.08 herein and which are called "Rural Recreation/Amusement Enterprises." Such uses include camping, hunting preserves, riding stables, off-road vehicle trails, indoor and outdoor weddings, social events, and activities which are substantially similar to such uses and are specifically approved by the Planning Commission. As an accessory to rural recreation/amusement enterprises, the limited sale of pre-packaged snack foods, non-alcoholic beverages, and baked goods not produced on the premises but for consumption on the premises shall be allowed.

- I. Wineries and distilleries on the same premises as an active farm, which involve the sale of wine, hard cider, or other alcoholic beverages which are produced on the site from farm products grown on the premises or on land under the control of the person selling or producing such products, subject to any applicable Federal or State of Michigan law.
- J. Bakeries, cooking demonstrations, food service, and on-site food consumption when incidental to and on the same premises as an active farm operation and subject to all State of Michigan and Kent County regulations.
- K. Processing and bottling of dairy products on the same premises as an active farm, produced from farm animals which reside on the premises or on land under the control of the person selling or producing such products; and processing of meats, fruits, and vegetables on the same premises as an active farm, from products which are produced on the site from farm products grown on the premises or on land under the control of the person selling or producing such products, subject to any applicable Federal or State of Michigan law.

## **7.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations in this Ordinance.

Minimum Lot Area: 2 acres  
Minimum Lot Width: 200 feet  
Front Setback: 30 feet  
Side Setback: 10 feet  
Rear Setback: 45 feet

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# **ARTICLE 8 · R-3 - URBAN RESIDENTIAL DISTRICT**

## **8.01 DESCRIPTION AND PURPOSE**

This area is intended to accommodate single-family residential land uses at the highest allowed density in the Township. Urban residential areas are for compact, single-family residential dwellings having the potential to be served by public sewers. Urban residential areas are characterized as developed neighborhoods with paved streets and sidewalks and are within walking distance of public facilities, schools, churches, and businesses. Within any R-3 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided. This zoning district is consistent with the urban residential land designation, as described in the Township Plan.

## **8.02 USES ALLOWED BY RIGHT**

The following uses are allowed by right: (Amended June 19th, 2006)

- A. Essential services.
- B. Single-family dwellings.
- B. Two-family dwellings.
- D. State Licensed Residential Facilities.

## **8.03 ACCESSORY STRUCTURES AND USES**

The following uses are allowed when in conjunction with a single-family dwelling.  
(Amended June 19th, 2006)

- A. Antennae/satellite dishes.
- B. Children's play equipment.
- C. Garages.
- D. Home occupations.
- E. Personal pet facilities, including dog runs.
- F. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale.
- G. Storage sheds.
- H. Swimming pools.

## **8.04 SPECIAL LAND USES**

The following uses may be permitted by obtaining a Special Land Use in accordance with this Ordinance:

- A. Adult foster care facilities for seven persons or more.
- B. Day care facilities.
- C. Institutional care facilities.
- D. Public and institutional uses.
- E. Public utility facility.

## **8.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations in this Ordinance.

Minimum Lot Area: 30,000 square feet (10,000 square feet with sewer)  
Minimum Lot Width: 120 feet (70 feet with sewer)  
Front Setback: 25 feet  
Side Setback: 10 feet  
Rear Setback: 30 feet

## **8.06 GENERAL REQUIREMENTS**

(Amended March 21, 2005)

Two-Family dwellings: Two-family dwellings must meet all of the following conditions:

1. Each dwelling must contain complete and separate facilities as required for a single housekeeping unit.
2. Each dwelling must have its own separate means of access.
3. Be connected to a public sanitary sewer service and water supply if available, otherwise the Zoning Administrator and County Health Department shall determine that a septic system will safely accommodate such dwellings without endangering adjacent properties.

# **ARTICLE 9 · R-4 - MULTIFAMILY RESIDENTIAL DISTRICT**

## **9.01 DESCRIPTION AND PURPOSE**

This zoning district is intended for medium- to high-density residential development. This district is intended for those areas suited for residential development and which are capable of being served by public sewers. Within any R-4 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided. This zoning district is consistent with the multifamily residential land designation, as described in the Township Plan.

## **9.02 USES ALLOWED BY RIGHT**

The following uses are allowed by right: (Amended June 19th, 2006)

- A. Essential services.
- B. Multifamily dwellings.
- C. State Licensed Residential Facilities.

## **9.03 ACCESSORY STRUCTURES AND USES**

The following uses are allowed when in conjunction with a single-family dwelling:  
(Amended June 19th, 2006)

- A. Antennae/satellite dishes.
- B. Children's play equipment.
- C. Garages.
- D. Home occupations.
- E. Parking facilities.
- F. Personal pet facilities, including dog runs.
- G. Private gardens and/or greenhouse when plants, flowers, or produce is not offered for sale.
- H. Storage sheds.
- I. Swimming pools.

## **9.04 SPECIAL LAND USES**

The following uses may be permitted by obtaining a Special Land Use in accordance with this Ordinance:

- A. Child care centers.
- B. Clinics.

- C. Day care facilities.
- D. Essential services.
- E. Institutional care facilities.
- F. Public and institutional uses.
- G. Public utility facility.

**9.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations in this Ordinance.

- Minimum Lot Area: N/A
- Minimum Lot Width: 300 feet
- Front Setback: 45 feet
- Side Setback: 15 feet
- Rear Setback: 65 feet

For non-residential uses allowed by this zoning district, the height, area, and dimension regulations of Section 8.05 herein shall apply. (Ord. No. 12-01, eff. Jan. 2, 2013)

**9.06 GENERAL REQUIREMENTS**

- A. Maximum Density: Multifamily dwellings shall not exceed 8 units per acre.
- B. Landscaping: Screening and buffering is required in accordance with the buffering and landscaping provisions of this Ordinance.
- C. No building shall contain more than 12 dwelling units.
- D. Every principal entry shall be visible from a public street. No entrance shall be located further than 150 feet of an off-street parking facilities.
- E. Where more than one building is located on a lot, the following requirements shall apply:
  - 1. No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 50 feet.
  - 2. A front yard of 35 feet shall be required.
  - 3. No building shall be located in back of another unless separated by a common yard of at least 100 feet.
  - 4. Every group building shall have a greenbelt of at least 30 feet unobstructed by any accessory structure.
  - 5. No group building shall be located closer than a distance equal to its total height to any other building.
- F. Area and Density:



1. There shall be a minimum floor area of 480 square feet per dwelling unit.
  2. There shall be at least 4,000 square feet of lot area for each dwelling unit.
- G. Each unit shall contain complete and separate facilities as required for a single housekeeping unit.
- H. The provisions of Section 3.02 shall not apply to garages, carports or other accessory buildings for multiple-family dwellings. Not more than 2 garage or carport spaces shall be permitted for each dwelling unit of a multiple-family dwelling use. Each garage and carport shall be set back a minimum of 35 feet from any property line abutting a street and shall be set back at least 30 feet from all other property lines and buildings or structures. Not more than 2 accessory buildings, other than garages or carports, shall be permitted for a multiple-family dwelling use and such accessory buildings shall not be located within any front yard and not closer than 30 feet from any property line. No garage, carport, or other accessory building shall be used for dwelling purposes.  
(Amended April 18, 2005)

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# **ARTICLE 10 · R-5 MANUFACTURED HOUSING COMMUNITY DISTRICT**

(Amended October 15, 2001)

## **10.01 DESCRIPTION AND PURPOSE**

This zoning district is intended for those areas suited for Manufactured Housing Community development and which are capable of being served by public sewers. This district is primarily intended to provide for well located and properly developed Manufactured Housing Communities. These districts should be located in areas that can accommodate higher density residential uses and should have full municipal utilities (where available) and adequately sized roadways. Residential dwellings may be singlewide, double wide or modular manufactured homes. No structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided. This zoning district is consistent with the mobile home parks land designation, as described in the Township Plan.

## **10.02 USES ALLOWED BY RIGHT**

The following uses are allowed by right: (Amended June 19th, 2006)

- A. Essential services.
- B. Manufactured Housing Communities.
- C. Modular home parks.
- D. State Licensed Residential Facilities.

## **10.03 ACCESSORY STRUCTURES AND USES**

The following uses are allowed when in conjunction with a single-family dwelling in which the operator is a permanent resident: (Amended June 19th, 2006)

- A. Clubhouses.
- B. Home occupations.
- C. Laundry.
- D. Manager's office.
- E. Parking facilities.
- F. Parks, playgrounds, and recreational open spaces.
- G. Personal pet facilities, including dog runs.
- H. Storage sheds.
- I. Swimming pools.
- J. Garages.

#### **10.04 SPECIAL LAND USES**

The following uses may be permitted by obtaining a Special Land Use:

- A. Public and institutional facilities.
- B. Public utility facility.

#### **10.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings for Manufactured Housing Communities in this zoning district shall meet all regulations as in the Mobile Home Commission Rules Handbook as amended.

#### **10.06 BASIS FOR APPROVAL**

- A. The Planning Commission will consider the following in review and approval of an application:
  - 1. Land Use and Zoning.
  - 2. Municipal water supply, sewage service, and drainage.
  - 3. Compliance with local fire ordinances.

#### **10.07 REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS**

A completed Preliminary Plan Review application must be received 21 days prior to the Planning Commission meeting at which it will be introduced. Ten copies of the preliminary plan and related information (documents) shall be submitted to the Township together with the Zoning application. Upon submission of a complete set of documents, the Planning Commission will review the plans in accordance with the conditions specified in this Ordinance including location, layout and general design.

Prior to the establishment of a new manufactured housing community, expansion of a manufactured housing community, or construction of any building within the community not previously approved, a preliminary plan shall be presented to the Planning Commission for its review and approval.

##### **A. Application**

All plans submitted to the Planning Commission for review under this section shall contain the following information:

- 1. The date, north arrow and scale. The scale shall not be less than one inch equals fifty feet for property less than three acres and at least one inch equals one hundred feet for those three acres or more.
- 2. All site and/or property lines are to be shown in dimensions.
- 3. The location and Height of all existing and proposed structures on and within the subject property and existing within 100 feet of the subject property.

4. The location, and dimensions of all existing and proposed internal drives, sidewalks curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
6. The name and address of the professional civil engineering firm, landscaping architectural firm, or architectural firm, licensed to practice in this state, responsible for the preparation of the site plan.
7. The name and address of the property owner and developer.
8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
9. Location of all fire hydrants, if applicable.
10. The number of manufactured housing sites proposed.
11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, the source of water supply, discharge points for sewage disposal and description of stormwater management facilities.
12. Utility and other easement.
13. Existing wetlands.
14. Proposed sign locations.
15. All required setbacks and separations.

**B. Fee**

Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

**C. Decision**

The Planning Commission will review the plan for compliance with the design standards for manufactured housing communities contained in this Ordinance, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it will be approved.

The plan shall be approved, approved with conditions, or denied within sixty (60) days after being received by the Township, unless the applicant consents to a longer period of review.

## **10.08 GENERAL REQUIREMENTS**

### **A. Average Site Size**

The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. This 5,500 square feet average may be reduced by twenty (20%) percent provided that each individual site will be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land will be dedicated as open space. This open space will be in addition to that otherwise required.

### **B. Mobile Home Sales**

As distinguished from street sales centers, on-site model homes for sale are important and appropriate marketing mechanisms for manufactured housing community development. Street sales centers of manufactured homes are prohibited in the R-5 Manufactured Housing Community zoning district. On-site models shall be located on licensed sites only, and not on vacant lots or land.

### **C. Layout**

The layout of a Manufactured Housing Community, including other facilities intended for resident use, will be in accordance with acceptable planning and engineering practices and will provide for the convenience, health, safety, and welfare of the residents.

### **D. Signs**

There shall be a maximum of one sign that will bear only the name of the establishment having a maximum area of 32 square feet. The sign may be lighted provided the source of light is not visible and not the flashing or intermittent type. The sign must be located from the street a distance equal to the required setback. As an alternative, there may be two signs, each of which is a maximum of 16 square feet.

### **E. Circulation**

A circulation plan including all pedestrian ways, paths, streets, and parking facilities must be included in the preliminary plan. Access to any playgrounds, recreation or athletic areas in the park shall be from internal roads and have no less than two access points. A boulevard entrance extending to the first internal street intersection or a secondary access shall be a requirement.

### **F. Resident Vehicle Parking**

1. All home sites shall be provided with two parking spaces.
2. If a vehicle parking is provided on the home site, it shall be in compliance with the following provisions:
  - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub grade in compliance with the standards of AASHTO.

- b. The parking spaces may be either in tandem or side-by-side. If spaces are in tandems, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than 19 feet and the length shall be not less than 20 feet.
- c. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.
- d. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.

**G. Visitor Parking Facilities**

- 1. A minimum of one parking space for every three home sites shall be provided for visitor parking.
- 2. Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
- 3. If parking bays are provided for visitor parking, they shall contain individual spaces having a clear parking width of 10 feet and a clear length of 20 feet.

**H. Sidewalks**

If the Manufactured Housing Community density is greater than seven (7) units per gross acre, sidewalks on both sides of each street are required. For Manufactured Housing Communities with a density between five (5) and seven (7) units per gross acre, sidewalks on one side of each street are required. For Communities with density less than five (5) units per gross acre, sidewalks are not required. Sidewalks shall be designed, constructed, and maintained for the safe and convenient movement from all home sites to principal destinations within the Manufactured Housing Community and connected to public sidewalks outside the Manufactured Housing Community.

If sidewalks are required, they shall be installed along all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. In all cases, sidewalks shall be required along that portion of a community fronting public thoroughfares. Sidewalks shall be constructed in compliance with all of the following requirements:

- 1. A sidewalk system shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act that regulates sidewalks for handicappers.
- 2. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.

## I. Utilities

Hookups to public sanitary sewer systems are required in Manufactured Housing Communities if available within 200 feet at the time of preliminary plan approval. If a public system is unavailable, the Manufactured Housing Community shall connect to a state approved sewage system.

1. All electrical, telephone, cable television, natural gas, and all other public and private utilities services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
2. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
3. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code, There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
4. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
5. All storm sewers shall be constructed according to the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

## J. Vehicular and Sidewalk Illumination

All vehicular and sidewalk systems within a Manufactured Housing Community shall be illuminated as follows:

1. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of an adjacent illuminated thoroughfare.
2. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .15 foot-candles.
3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot-candles.
4. If a Manufactured Housing Community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot-candles on any entry on the directory.



**K. Required Distances Between Homes and Other Structures**

1. Home sites shall be arranged to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
  - a. For a home not sited parallel to an internal road, 20 feet from any part of an attached structure of an adjacent home that is used for living purposes.
  - b. For a home sited parallel to an internal road, 15 feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
  - c. Ten feet from either of the following:
    - (1). A parking space on an adjacent home site.
    - (2). An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
  - d. Fifty feet from permanent Manufactured Housing Community-owned structures, such as either of the following:
    - (1). Clubhouses.
    - (2). Maintenance and storage facilities.
  - e. One hundred feet from a baseball or softball field.
  - f. Twenty-five feet from the fence of a swimming pool.

Attached or detached structures or accessories that are not used for living space shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structure.

2. Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures, shall be set back the following minimum distances:
  - a. Ten feet from the edge of an internal road
  - b. Seven feet from a parking bay off a home site
  - c. Seven feet from a common sidewalk
  - d. Twenty-five feet from a natural or man-made lake or waterway
3. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:

- a. Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the edge of the internal road or 2 feet or more from the edge of a sidewalk.
- b. Roof overhangs shall be set back 2 feet or more from the edge of the internal road.

The length of a home site may vary; however, the minimum standards pertaining to the distance between homes shall be complied with.

**L. Skirting**

All homes must be anchored in accordance with the most current HUD setup and installation standards. Home skirting shall be vented in accordance with the manufacturer's installation instructions. In the absence of instructions, louvered or similar vents shall have a minimum of 600 square inches of open space per 1,000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the home and two at each exposed side. Access panels of sufficient size to allow full access to utility hookups located beneath the home shall be installed. Skirting, if any, shall be an exterior building material. Skirting shall be installed in a manner so as to resist damage under normal weather conditions, including damage caused by freezing and frost, wind, snow, and rain. Skirting must be installed within 90 days of occupancy in accordance with Rule 125.1604 of the Manufactured Housing Commission Rules.

**M. Setbacks from property boundary lines**

Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line. Homes, permanent buildings and facilities, and other structures abutting a public right-of-way shall not be located closer than 50 feet from the boundary line. If the boundary line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line.

**N. Interior Landscaping**

All unpaved ground surfaces shall be covered with grass, trees, shrubs, flowerbeds, wood chips, stones, or other suitable ground cover capable of preventing soil erosion.

**O. Screening and buffering**

Where a Manufactured Housing Community parcel is adjacent to a vacant parcel of land, there shall be no required greenbelt-planting strip. Where the Manufactured Housing Community parcel is adjacent to a non-vacant parcel or public right-of-way, there shall be a green belt planting strip with a width of not less than 20 feet along the property lines. The Manufactured Housing Community must be screened from view as follows:

Trees and shrubs shall not be less than 3 feet in height at the time of installation and shall form an obscuring screen at maturity.

**P. Speed limits and traffic signs**

1. Speed limits on Manufactured Housing Community internal roads shall not exceed 15 miles per hour, shall be posted, and shall be enforced.
2. All internal roads shall be clearly marked with appropriate traffic signs. Manufactured Housing Community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
3. Internal roads shall be named and identified by signs located at all internal road intersections.
4. Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.

**Q. Designated open space requirements**

A Manufactured Housing Community that contains 50 or more home sites which are constructed according to a permit to construct issued under the act shall have not less than 2% of the Manufactured Housing Community's gross acreage dedicated to designated open space, but not less than 25,000 square feet. The Township and the developer shall mutually agree on the location of the open space areas.

Optional improvements such as swimming pools, tennis and basketball courts, etc., may be considered as fulfilling part or the entire total designated open space requirement.

**10.09 OTHER REQUIREMENTS**

All requirements, as regulated by the Mobile Home Commission Act 96 of 1987, as amended, shall be met. No material change or alterations in an approved preliminary plan may be made without the approval of the township.

A copy of the final construction plans shall be submitted to the Township upon approval by the State of Michigan.

**10.10 SCOPE AND APPLICABILITY**

The provisions of the Article 10 shall not apply to the extent that they are inconsistent with a preliminary plan for a manufactured housing community which has been approved by the Township prior to the effective date of the Ordinance amending Article 10.

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# **ARTICLE 11 · C-1 - COMMERCIAL DISTRICT**

(Amended June 19th, 2006)

## **11.01 DESCRIPTION AND PURPOSE**

This zoning district is intended to accommodate retail establishments, offices, and services in a traditional downtown setting within the community of Alto. A mixture of land uses is encouraged within Alto's historic business district, while providing for growth, if warranted by market demands. This zoning district is consistent with the commercial development land designation, as described in the Township Plan. In addition, it is recognized that certain unique conditions exist in downtown Alto, such as the presence of non-conforming buildings that do not lend themselves to conventional uses. Therefore, some flexibility is permitted to allow select non-traditional activities as Special Land Uses.

## **11.02 USES ALLOWED BY RIGHT**

Land and/or buildings in the C-1 District may be used for the following purposes only:

- A. Antique shops.
- B. Automated teller machines.
- C. Bakeries.
- D. Banks.
- E. Barber shops and beauty salons.
- F. Child care centers.
- G. Clothing shops.
- H. Copy shops.
- I. Drug stores.
- J. Essential services.
- K. Hardware stores.
- L. Ice cream, coffee, and sandwich shops.
- M. Jewelry stores.
- N. Laundry pickups.
- O. Liquor stores.
- P. Professional offices of doctors, lawyers, architects, dentists, engineers, chiropractors, real estate, insurance, financial services, and other similar professions.
- Q. Restaurants and cafes, excluding drive-in restaurants.
- R. Retail shops.

- S. Shoe repair.
- T. Video rental store.
- U. Minor vehicle repair established in existing buildings within the C-1 District.
- V. Upholstering and furniture repair businesses established in existing buildings within the C-1 District.
- W. Contractor storage and maintenance facilities for plumbers, electricians, HVAC, construction, landscaping, and similar trades; provided all activities shall be conducted within a completely enclosed building established in existing buildings within the C-1 District.

**11.03 ACCESSORY STRUCTURES AND USES**

- A. Parking facilities.
- B. Refuse storage facilities.

**11.04 SPECIAL LAND USES**

(Ord. No. 11-01, eff. May 31, 2011)

The following uses may be permitted by obtaining a Special Land Use in accordance with this Ordinance:

- A. Health services clinics.
- B. Institutional care facilities.
- C. Multiple uses of buildings provided each use in the building is a permitted use in the zoning district in which the multiple use is located.
- D. Public and institutional uses.
- E. Upper-floor dwellings.

**11.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

- A. The use of land and buildings in this zoning district shall meet all applicable regulations.

Minimum Lot Area: N/A  
 Minimum Lot Width: N/A  
 Front Setback: N/A  
 Side Setback: N/A  
 Rear Setback: 15 feet

- B. Front Setback: The front setback must be compatible with the established setbacks in the C-1 District. Front setbacks are intended to be zero. However, where the setback has not been established or where the average setback of existing buildings on either side of a parcel or lot has been established at a distance greater than zero, the Planning Commission may approve a front setback greater than zero.

**11.06 GENERAL REQUIREMENTS**  
(Ord. No. 19-01, eff. October 2, 2019)

- A. Site Plan Required: A site plan shall be submitted and reviewed in accordance with Article 18 of the Township Zoning Ordinance.

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## **ARTICLE 12 · C-2 - COMMERCIAL DISTRICT**

(Amended June 19th, 2006)

### **12.01 DESCRIPTION AND PURPOSE**

The C-2 District is intended to permit a wide array of commercial uses to meet the general business needs of the Township, the surrounding area, and the motoring public. This District will typically be established along major arterial roads and may be subject to access management standards. The C-2 zoning district is consistent with the commercial development land designation, as described in the Township Master Plan.

### **12.02 USES ALLOWED BY RIGHT**

(Ord. No. 14-01, eff. June 30, 2014)

The following uses are allowed by right:

- A. Convenience market.
- B. Automated teller machines.
- C. Automotive service stations.
- D. Banks, credit unions, and similar financial institutions, including drive-in facilities.
- E. Coffee kiosk.
- F. Eating and drinking places, excluding drive-in restaurants.
- G. Essential services.
- H. Motel, hotel, tourist cabins, and motor hotel.
- I. Outdoor sales and service.
- J. Printing, construction, wholesale, and storage enterprises.
- K. Unenclosed storage of agricultural products.
- L. Vehicle and boat sales, servicing and rentals.
- M. Professional offices of doctors, lawyers, architects, dentists, engineers, chiropractors, real estate, insurance, financial services and other similar professions. (Amended April 15, 2002)

### **12.03 ACCESSORY STRUCTURES AND USES**

- A. Parking facilities.
- B. Refuse storage facilities.

## **12.04 SPECIAL LAND USES**

(Ord. No. 11-01, eff. May 31, 2011) (Ord. No. 14-01, eff. June 30, 2014)

The following uses may be permitted by obtaining a Special Land Use in accordance with this Ordinance:

- A. Vehicle repair.
- B. Drive-in restaurants.
- C. Health services clinics.
- D. Kennels and veterinary clinics.
- E. Multiple uses of buildings provided each use in the building is a permitted use in the zoning district in which the multiple use is located.
- F. Indoor or outdoor recreation facilities such as miniature golf, batting cages, bowling alleys, indoor theatres, racquet clubs, fitness clubs, skating rinks, video arcades, pool and billiards halls.
- G. Adult uses (subject to the provisions of Article 3 of this Ordinance).
- H. Truck terminals and distribution centers.
- I. Contractors Yards.

## **12.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations in:

Minimum Lot Area: 30,000 square feet (10,000 square feet with sewer)  
Minimum Lot Width: 115 feet (70 feet with sewer)  
Front Setback: 30 feet  
Side Setback: 10 feet  
Rear Setback: 20 feet

## **12.06 GENERAL REQUIREMENTS**

(Ord. No. 19-01, eff. October 2, 2019)

- A. Site Plan Required: A site plan shall be submitted and reviewed in accordance with Article 18 of the Township Zoning Ordinance.

## **ARTICLE 13 · IND - INDUSTRIAL DISTRICT**

### **13.01 DESCRIPTION AND PURPOSE**

This zoning district is intended for industrial uses; however, significant industrial development could have an adverse impact on the character of the Township and on adjacent existing land uses. It is intended that industrial developments be allowed in the Township only after careful evaluation. Adequate safeguards should be required during construction and in the operation of facilities to ensure that no harm will come to neighboring land uses, Township residents, or the natural environment. This district is intended for manufacturing and not for retail sales. This zoning district is consistent with the industrial development land designation, as described in the Township Plan.

### **13.02 USES ALLOWED BY RIGHT**

(Ord. No. 14-01, eff. June 30, 2014)

The following uses are allowed by right:

- A. Equipment repair.
- B. Essential services.
- C. Experimental, film, or testing laboratories.
- D. Finishing and assemblage of parts.
- E. General industrial uses involving the manufacture, assembly, compounding, packaging, and processing of goods and materials.
- F. Greenhouses, not including retail sales.
- G. Mail order call centers.
- H. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, etc.
- I. Manufacture or assembly of electrical and communication equipment, components, and appliances, electronic instruments and devices, radios, televisions, and phonographs.
- J. Manufacture or assembly of engineering or scientific instruments, medical and optical supplies, photographic equipment, and watches and clocks.
- K. Manufacture or assembly of jewelry, musical instruments, toys, sporting goods, and office and art supplies.
- L. Manufacture or assembly of office and computer machines.
- M. Mixing of preprocessed meal and flour products.
- N. Office uses whose operation is related to other industrial operations.
- O. Printing and publishing industries.
- P. Tool, die, gauge, and machine shops.

- Q. Truck terminals and distribution centers.
- R. Contractors Yards.

**13.03 ACCESSORY STRUCTURES AND USES**

- A. Parking facilities.
- B. Refuse storage facilities.

**13.04 SPECIAL LAND USES**

(Ord. No. 11-01, eff. May 31, 2011)

- A. Junk and salvage yards.
- B. Multiple uses of buildings provided each use in the building is a permitted use in the zoning district in which the multiple use is located.

**13.05 HEIGHT, AREA, AND DIMENSION REGULATIONS**

The use of land and buildings in this zoning district shall meet all regulations of:

Minimum Lot Area:	40,000 square feet (10,000 square feet with sewer)
Minimum Lot Width:	130 feet
Front Setback:	50 feet
Side Setback:	20 feet
Rear Setback:	40 feet

**13.06 GENERAL REQUIREMENTS**

(Ord. No. 19-01, eff. October 2, 2019)

- A. Dust Control: Any unpaved areas shall be landscaped or treated with appropriate substance to avoid dust and erosion.
- B. Hazardous Materials: The use and storage of hazardous materials shall meet the requirements of all state and federal statutes.
- C. Industrial Wastewater: Industrial wastewaters having characteristics substantially different from typical residential wastewater shall not be discharged into the public wastewater treatment system. Adequate treatment of industrial wastewaters generated by the manufacturing process or industrial activity must be provided by the industry.
- D. Liquid or Solid Wastes: The storage and disposal of liquid or solid wastes shall meet the requirements of all state and federal statutes.
- E. Objectionable Conditions: Objectionable odors, fumes, smoke, dust, noise, or vibrations causing property damage, hazards to health, or interference with property rights shall not be caused as a result of the industrial activity.
- F. Screening: All outside storage areas shall be screened from view by solid fences, walls, or suitable shrubbery. All required screening shall meet the requirements of this Ordinance.

- G. Site Plan: A site plan, in accordance with this Ordinance, must be approved by the Planning Commission prior to issuance of a zoning permit.

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# **ARTICLE 13A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

(Ord. No. 10-04, eff. Oct. 6, 2010)

## **13A.01 INTENT**

The purpose of Planned Unit Development (“PUD”) regulations is to encourage and allow more creative and innovative design of land development and use than is possible under conventional zoning district regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and in designing development proposals. Ideally, this flexibility results in a development that contains more amenities through preservation of open space, rural views, and other natural and cultural resources. The result is ultimately a development that is more desirable than one produced in accordance with conventional zoning ordinance and subdivision controls.

Through proper planning and design, each Planned Unit Development should achieve the following objectives:

- A. To allow a mix of uses, structures, facilities, housing types and open space that are compatible with existing and planned uses on nearby properties.
- B. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and preserves natural resources such as wetlands, forests, flood plains, natural drainage patterns, agricultural lands, wildlife habitat and other natural site features.
- C. To provide for the regulation of lawful and reasonable land uses not otherwise authorized within this Ordinance.
- D. To provide for single or mixed use developments which respect the goals and objectives of this Ordinance and the Bowne Township Master Plan.
- E. To encourage the provision of open space and the development of recreational and other support facilities in generally central locations or within a reasonable distance of all dwellings or uses.

## **13A.02 AUTHORIZATION AND PERMITTED USES**

- A. A Planned Unit Development zoning district may be approved by the Township Board in any location within Bowne Township except within those areas recommended for Agricultural Preservation in the Bowne Township Master Plan. The approval of a Planned Unit Development application shall require a rezoning of the land involved as an amendment of the Zoning Ordinance and the Zoning Map (that constitutes a part of this Ordinance) plus the approval of an appurtenant PUD site plan. An approval granted under this Article, including all aspects of the final site plan and conditions imposed, shall constitute part of the Zoning Ordinance.
- B. Any land use allowed by the Bowne Township Zoning Ordinance may be approved by the Township Board within a PUD as a principal or accessory use subject to adequate provisions for the public health, safety, and welfare within the PUD, except Manufactured Housing Communities may only be approved within a PUD in areas recommended in the Master Plan for Medium Density Residential and zoned R-5 Manufactured Housing Community District prior to consideration as a PUD.

- C. Private roads are allowed in a Planned Unit Development subject to the requirements of Section 3.24 herein. The requirements of Section 3.24 shall not be waived or varied within a PUD. (Ord. No. 15-01, eff. Mar. 4, 2015)

### **13A.03 QUALIFYING CONDITIONS**

- A. **Minimum PUD Area Size.** In order to be eligible for a PUD, the area proposed for rezoning to PUD shall consist of a minimum of two (2) contiguous acres.
- B. **Unified Control.** The proposed development shall be under unified ownership or control, so that one person or entity has proprietary responsibility for (and control of) the full completion of the project. The applicant shall provide to the Township sufficient documentation of single ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as approved.

### **13A.04 DEVELOPMENT REQUIREMENTS FOR ALL USES**

The lot area, lot width, building height, setback, and other dimensional and yard requirements, general provisions, landscaping, signs, lighting and parking regulations and other development standards which would otherwise be applicable to the type of land use being requested for the PUD shall be determined by the Township Board following a recommendation from the Planning Commission in order to achieve the objectives of this Article. Criteria which shall be used in making these determinations shall include the following:

- A. Number, location, size, and type of dwelling units.
- B. Type, location, and amount of non-residential uses proposed.
- C. Proximity and impact of the PUD on adjacent existing and future land uses.
- D. Preservation of existing vegetation or other natural features on site.
- E. Topography of the site.
- F. Provision of public and or community water, sanitary sewer and storm sewer or approval of the Kent County Health Department for on-site well and septic systems.
- G. Access for emergency vehicles to all buildings and areas.
- H. Provisions for pedestrian circulation, recreational amenities, and open space.
- I. Traffic circulation and safety.

### **13A.05 DEVELOPMENT REQUIREMENTS FOR PUDS WITH RESIDENTIAL USES**

For Planned Unit Developments which will devote all or a portion of the site to residential use, the following requirements shall apply (in addition to the requirements of Section 13A.04):

- A. **Number of Dwellings Allowed**



1. An area which is requested for rezoning to PUD shall only be developed in accordance with the density recommended by the Township Master Plan or the Average Density as determined by the minimum lot size required by the current zoning district for the area. The Planning Commission shall have the discretion to recommend to the Township Board density based upon either the Master Plan category or the existing zoning district for the area. The allowed number of dwellings for the proposed PUD shall be based on the density recommendations as set forth in the following Density Tables.

The Township Board, following a recommendation from the Planning Commission, may choose to allow fewer dwellings than allowed by the Density Table if, in the opinion of the Township Board, a reduction in the number of dwellings proposed would better achieve the intent and objectives of the PUD district.

<b><u>Density Table Based upon Master Plan Category</u></b>	
<b><u>Master Plan Category</u></b>	<b><u>Recommended Density</u></b>
Rural Reserve	(see table in Master Plan)
Country Residential	1 unit per 2.5 acres
Low Density Residential	1 unit per 2.0 acres
Neighborhood Residential	1.4 units per acre wo/sewer 3.5 units per acre w/sewer
Medium Density Residential	8 units per acre w/sewer
High Density Residential	10.89 dwelling units per acre (attached)

<b><u>Density Table Based upon Zoning District</u></b>	
<b><u>Zoning District</u></b>	<b><u>Average Density</u></b>
AG	(See Master Plan category)
R-1	1 unit per 2.5 acres
R-2	1 unit per 2.0 acres
R-3	1.45 units per acre wo/sewer 4.35 units per acre w/sewer
R-5	1 unit per 4,400-5,500 sq. ft.
R-4	10.89 dwelling units per acre (attached)

**2. Formula to Determine Number of Dwellings**

The number of dwellings which may be constructed within a PUD shall be determined as follows:

- a. Determine gross site area. The gross site area may include road right of way only if the legal description for the land includes the road right of way.

- b. Subtract all of the areas identified as Primary Conservation Areas in Section 13A.05E.1.

The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Natural Resources and Environment (DNRE) or by an analysis performed by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.

- c. Subtract one-half of acreage proposed to be devoted to a golf course.
- d. Subtract acreage proposed to be devoted to non-residential uses, except those areas proposed for parks, playgrounds or open space shall not be subtracted.
- e. Multiply this acreage by the Recommended Density or the Average Density from the Density Table to determine the number of dwellings permitted. The Planning Commission may request that the applicant calculate density with both methods in order to compare the two and to assist in determining density recommended for the site.

### 3. **Additional dwellings**

Additional dwellings above that authorized by Section 13A.05A.1. and 2. may be allowed at the discretion of the Township Board following a recommendation by the Planning Commission if the development provides additional amenities or preserves additional open space beyond that required by Section 13A.05B., which would result in a significant recognizable benefit to the Township and residents of the PUD. Items which could be added to a PUD so that it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

- a. Recreational facilities such as playground areas with play equipment, ball fields, bike paths, constructed lake, community building or similar recreation facilities with the exception of golf courses.
- b. Additional landscaping to preserve or enhance the rural view along the roadway.
- c. Enhancement of existing wetlands, or creation of lakes or ponds which are not designed solely to function as retention or detention facilities, but are designed primarily as recreational or visual amenities, subject to applicable regulations.
- d. Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents and residents of the PUD.
- e. Provision of a public or private community water and/or sanitary sewer system.

4. If additional dwelling units are to be allowed, the maximum number of dwelling units shall be determined by multiplying the Recommended Density or Average Density permitted in the Density Table by the gross acreage of the site. In no case shall the number of dwelling units exceed that allowed by this subsection.

5. **Mixed Use**

In the case of mixed use developments, where commercial, industrial, residential, or other combinations of types of uses are proposed for one PUD, density of the residential portion of the site shall be calculated based upon only that portion of the site where residential uses are proposed.

**B. Dedicated Open Space Requirements**

A PUD with residential uses shall provide and maintain the following minimum amount of Dedicated Open Space in accordance with the standards of this Article. The Planning Commission shall have the discretion to recommend to the Township Board the amount of Dedicated Open Space based upon either the Master Plan category or the existing zoning district, according to the following:

1. For land master planned for Rural Reserve or Country Residential, or for land zoned AG Agricultural or R-1 Rural Residential, a minimum of 40 percent of the gross site area devoted to residential use shall be permanently preserved as Dedicated Open Space.
2. For land master planned for Low Density Residential, or for land zoned R-2 Low Density Residential, a minimum of 20 percent of the gross site area shall be permanently preserved as Dedicated Open Space.
3. For land master planned Neighborhood Residential and without sewer, or for land zoned R-3 Urban Residential and without sewer, a minimum of 20 percent of the gross site area shall permanently be preserved as Dedicated Open Space. For land master planned Neighborhood Residential and with sewer, or for land zoned R-3 Urban Residential and with sewer, a minimum of 15 percent of the gross site area shall be permanently preserved as Dedicated Open Space.
4. For land master planned Medium Density Residential or High Density Residential, or for land zoned R-5 Manufactured Housing Community, or R-4 Multi-Family Residential, a minimum of 15 percent of the gross site area shall be permanently preserved as Dedicated Open Space.
5. Areas Not Considered Dedicated Open Space. The following land areas shall not be classified as Dedicated Open Space for the purposes of this Section:
  - a. The area within any public or private road easement or right-of way.
  - b. Any easement for overhead utility lines unless adjacent to qualified open space.
  - c. Only fifty percent of the area of any existing floodplain, streams, wetlands, and slopes which are 20% or greater shall be counted as Dedicated Open Space.

- d. Lakes.
- e. The area within a platted lot or site condominium lot.
- f. Proposed detention and retention ponds. Stormwater management facilities such as rain gardens, bioswales, vegetated filter strips, constructed wetlands, and similar facilities may be classified as Dedicated Open Space upon recommendation of the Planning Commission and approval by the Township Board.
- g. Community drain fields if such areas are not completely underground.
- h. Any area devoted to a golf course.

**C. Standards for Dedicated Open Space**

The following standards shall apply to the Dedicated Open Space provided in the development:

1. If the site contains a lake, stream or other body of water, the Township Board (following a recommendation from the Planning Commission) may require a portion of the Dedicated Open Space to abut the body of water.
2. A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to provide a view compatible with the existing or desired character of the area.
3. Open space areas shall be linked with adjacent open spaces, public parks, bicycle paths or pedestrian paths where practicable.
4. Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practicable.
5. Dedicated Open Space may consist of ball fields, tennis courts, children's play area, swimming pools and related buildings, community buildings, and similar recreational facilities. These uses however shall not utilize more than 50 percent of the Dedicated Open Space.
6. The Dedicated Open Space shall be available and useable for all residents of the PUD, subject to reasonable rules.
7. The Dedicated Open space shall be designed to be used primarily by residents of the PUD but this shall not prohibit non-PUD residents from utilizing these accessory uses provided rules for such use are set forth in the Open Space Agreement required by Section 13A.05D. herein.

## 8. Non-contiguous open space

If requested by the applicant, the Planning Commission may recommend and the Township Board may approve Dedicated Open Space that is not contiguous with the rest of the PUD. In determining whether to approve non-contiguous open space, one or more of the following criteria shall apply:

- a. The non-contiguous open space is located such that residents of the PUD can reasonably access and use the non-contiguous open space.
- b. The non-contiguous open space will be open to use or observation by the residents of the PUD and the general public.
- c. The open space contains unique features not found on the lands contiguous to the PUD, and the non-contiguous open space will be open to use or observation by the residents of the PUD and the general public.

### D. Guarantee of Dedicated Open Space

The applicant shall provide an open space preservation and maintenance agreement to the Township stating that all Dedicated Open Space portions of the development shall always be maintained in the manner approved. Documents shall be presented to the Township that permanently bind all successors and future owners in title land and others to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the PUD plan, unless an express amendment is approved by the Township Board. The residents of the PUD by virtue of an association or other similar entity shall at all times maintain an ownership interest in the Dedicated Open Space.

The agreement must be acceptable to (and approved by) the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The agreement shall:

1. Indicate the proposed allowable use(s) of the Dedicated Open Space.
2. Require that the Dedicated Open Space be maintained by parties who have an ownership interest in the Dedicated Open Space, unless the Planning Commission recommends and the Township Board approves a maintenance agreement by parties other than those who have an ownership interest.
3. Provide for scheduled maintenance of the Dedicated Open Space including necessary pruning, mowing, replacement of dead or diseased vegetation, and harvesting of trees and new plantings.
4. Provide for scheduled maintenance of any structures or facilities located within the Dedicated Open Space.

5. Provide for maintenance to be undertaken by Bowne Township in the event that the Dedicated Open Space is inadequately maintained, or is determined by the Township to be a public nuisance. Any costs incurred by the Township shall be assessed to the owners of the properties within the PUD.

**E. Four Step Design Requirements**

A site plan for a residential PUD, or that portion of a PUD proposed for residential use, shall be prepared according to the following process. Approval of a PUD site plan shall be based on how closely the site plan conforms to this design process as well as conformance to the standards for approval of a PUD contained in Section 13A.07I. of this Ordinance and also Section 18.07 of this Ordinance.

The applicant shall prepare two plans: a Natural Features & Development Area Map and a Preliminary Site Plan using the design process required by this section.

<b>STEP 1</b>	<b>Prepare a Natural Features &amp; Development Areas Map</b>
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1. The Natural Features & Development Area Map shall illustrate the Primary Conservation Areas and those other areas on the site which are to be preserved as Dedicated Open Space on the site.

Primary Conservation Areas, for purposes of this Ordinance, shall be defined as existing wetlands, creeks, streams, ponds, lakes or other water bodies, floodplains and slopes over 20%. Primary Conservation Areas must be preserved as Dedicated Open Space.

The Dedicated Open Space illustrated on this map shall comply with the requirements for open space per Sections 13A.05B. and C. of this Ordinance.

Only one-half of the Primary Conservation Areas shall be counted toward the required amount of Dedicated Open Space.

2. Label other natural site features such as woods, stands of trees, specimen trees, farmlands and fields, meadows and hedgerows, farm buildings and fences.
3. The proposed Dedicated Open Space shall be clearly labeled on the map. The area outside the Dedicated Open Space shall be illustrated on the map as the Development Area (which is the only area where house sites may be located).
4. Next, determine the number of dwelling units permitted for the site by Section 13A.05A. of this Ordinance.

<b>STEP 2</b>	<b>Locate House Sites on Natural Features &amp; Development Area Map</b>
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5. On the same Natural Features and Development Area Map, illustrate the tentative location of house sites. House sites shall only be located within the Development Area identified in Step 1. A house site shall not be located within the Primary Conservation Areas or other areas illustrated as Dedicated Open Space.

The location of house sites should be done according to the following design standards:

- a. Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way. Dwellings placed directly on hilltops shall be discouraged if the placement of the dwelling detracts from the view from nearby properties and roads.
- b. Dwellings which have the appearance of three stories as viewed from nearby public streets, such as a two-story walkout, shall also be discouraged as such dwellings may detract from the view.

<b>STEP 3</b>	<b>Locate Conceptual Roads on Natural Features &amp; Development Area Map</b>
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- 6. On the Natural Features & Development Area Map, illustrate the conceptual location of streets which shall be designed to serve the house sites identified in Step 2. Trails shall also be illustrated on this plan.

The location of streets shall be designed according to the following design standards, insofar as practicable:

- a. Avoid crossing wetlands and wildlife habitat areas with streets.
- b. Street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows or playing fields.
- c. Streets with houses on only one side are encouraged to allow residents a view of open spaces within the development.
- d. Every effort should be made to connect each street with another street to minimize dead ends, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- e. Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets or adjoining neighborhoods.
- f. Streets serving new developments should be designed to connect with adjoining properties.
- g. PUD developments shall, where feasible and appropriate, have a trail system that provides pedestrian and bicycle linkage throughout the development, and that take advantage of the open space areas. Linkage to future neighborhoods and developments that may occur adjacent to the development is encouraged.

<b>STEP 4</b>	<b>Prepare Preliminary Site Plan</b>
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- 7. Next, prepare a separate plan to be known as the Preliminary Site Plan in accordance with the requirements of Section 13A.08C., herein. Draw lot lines for each house site and the road rights-of-way within the Development Area. Illustrate the boundaries of the Development Area on the Preliminary Site Plan.

The lots should be designed according to the following design standards:

- a. Lots shall be of a size and width necessary to obtain approval from the Kent County Health Department. If permitted by the Kent County Health Department, septic drain fields may be located within the Dedicated Open Space areas outside the lot lines.
  - b. As part of the Preliminary Site Plan, the applicant shall provide documentation from the Kent County Health Department that the soil types in the buildable areas are acceptable for on site well and septic systems.
8. The Natural Features Map plan prepared according to Steps 1, 2, and 3, along with the Preliminary Site Plan prepared according to Step 4, shall be submitted to the Planning Commission for preliminary development site plan review and approval according to the procedures of this Ordinance.

**F. Setbacks Abutting Agricultural Uses**

Where an area requested for a residential PUD zoning abuts an active farm, the Planning Commission may recommend and the Township Board may approve a requirement that a permanent buffer zone of at least 250 feet be provided along that portion of the PUD abutting the farm to mitigate any adverse effects of the farm operation on future residents of the PUD and to protect the farm operation from the impacts of non-farm residents. This buffer zone could include but would not be limited to greater setbacks for dwellings and yards, the provision of earthen berms or landscaping or a combination of these and other methods.

**13A.06 DEDICATED OPEN SPACE REQUIREMENTS FOR NON-RESIDENTIAL USES**

The intent of this Section is to ensure that each PUD project which proposes non-residential uses (such as commercial or industrial uses) shall provide permanent Dedicated Open Space for the commercial portion in the form of civic space such as a central green for sitting, viewing or small outdoor events, or provide objects or areas of interest such as a fountain or plaza or provide rain gardens or other bio-retention areas for the purpose of storm water detention which shall also function as a visual amenity.

Open space areas shall be arranged and designed to contribute to the attractiveness and function of the proposed development and shall, insofar as reasonably possible, be interspersed throughout the site.

At least one Dedicated Open Space area shall be a central green, plaza or square which is to function as a focal point for the non-residential portions of a PUD and shall serve as an area where social, civic or passive activities can take place. This area shall be of sufficient size and design to serve as a visual and functional civic amenity for sitting, viewing, dining, or other similar outdoor activity and which, in the opinion of the Planning Commission, satisfies the intent of this section.

**13A.07 PUBLIC AND PRIVATE STREET CONNECTIONS TO ADJACENT PROPERTY**

- A. Public or private streets may be required to be extended to an adjacent property line by the Township Board following a recommendation from the Planning Commission which shall be based on both of the following criteria:



1. The road extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between residential areas and to reduce the amount of vehicle trips which would otherwise need to utilize the street system to access adjoining residential areas. In making this determination, the Planning Commission shall consider the likelihood of the adjacent property being developed, whether the natural site features on the adjacent property preclude or present difficulty in extending the public or private road, and if the adjacent site is already developed so as to prevent the extension of the public or private road.
  2. The road extension would not result in future traffic from off-site creating unsafe situations for the residents of the project proposed by the applicant.
- B. If such a connection is required, the applicant shall construct the road to the adjacent property line at the time that the public or private road is built or the applicant shall illustrate an easement for the future road on the approved PUD site plan and record an agreement (approved by the Township) to construct the road connection within the easement when the adjacent property develops and the Planning Commission determines the necessity of the road connection.

Upon completion of the connection, the applicant shall grant a permanent access easement (acceptable to the Township) to the adjoining properties to allow for the uninterrupted movement of people and vehicles.

### 13A.08 PROCEDURES

An application for a Planned Unit a Development rezoning shall comply with all of the following procedures:

- A. **Pre-application Conference.** Before submitting an application for a PUD to the Township, an applicant may meet with the Planning Commission or Township Zoning Administrator, Township Planner, or Township Engineer to submit information regarding a proposed PUD and to confer with the Planning Commission, or staff, about the proposed application and the PUD.
- B. **Application for PUD Approval.** An application for PUD rezoning and site plan review (along with ten sets of the Preliminary Site Plan and Natural Features and Development Area map) shall be submitted to the Zoning Administrator in accordance with the submittal schedule established by the Planning Commission along with the fee or fees as set by resolution of the Township Board. The application shall at a minimum contain all of the following information:
  1. The applicant's name, address and phone number.
  2. Proof that the applicant is the owner of the property or has a sufficient legal or financial interest in the property.
  3. The name, address and phone number of the owner(s) of record if different from the applicant.
  4. The address of the property.
  5. Legal description of the property.

6. Current zoning.
  7. Project description.
  8. Size of the parcel in acres.
  9. Signature of the applicant and owner of the property.
- C. **Preliminary Development Site Plan.** The preliminary site plan shall be drawn at a scale of not more than one inch equals 100 feet and shall contain all of the following information unless specifically waived by the Planning Commission:
1. Existing adjacent streets and proposed streets, public or private, as well as development and structures within 100 feet of the site. Private roads shall be subject to the requirements of Section 3.24 of this Ordinance.
  2. Proposed access points.
  3. Significant natural features and other natural characteristics on the site and within 100 feet of the site, including but not limited to, open space, stands of trees, brooks, ponds, wetlands, floodplains, hills, and similar natural features.
  4. Existing buildings.
  5. General topographical features, including existing contours at intervals not greater than ten feet.
  6. Proposed method of providing public or private utilities, including storm water drainage.
  7. Proposed lots with lot line dimensions and the area of all lots or site condominium units.
  8. Small scale sketch of properties with parcel lines, streets, and zoned uses of land within one-half mile of the site.
  9. Information that is additionally required by Section 18.03A.-D. of this Ordinance.
- D. **Environmental Impact Assessment.** The Planning Commission may require an environmental impact assessment as part of the Preliminary or Final PUD Development Plan.
- E. **Review of Preliminary Development Plan.** The Planning Commission shall review the Preliminary Development Plan and Natural Features and Development Areas map and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications thereof.
- F. **Final Development Plan.** After receiving the recommendations of the Planning Commission on the Preliminary Development Plan, the applicant for PUD rezoning shall submit a Final Development Plan to the Township in accordance with the requirements for Site Plan Review as contained in Article 18 of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.

The Final Development Plan shall contain all of the information required for Site Plan Review (unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD) plus the following:

1. All of the drawings, narrative, studies, assessments, and other information, and materials comprising the Preliminary Development Plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the Final Development Plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.
  2. Projected time for completion of the entire PUD, proposed phasing, if any, of the PUD and the projected time for completion of each phase.
  3. Any other information reasonably required by the Planning Commission in connection with its review of the PUD and consideration of the rezoning of the lands in accordance with the PUD plan.
- G. **Planning Commission Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing on the Final Development Plan and the application for rezoning in accordance with the plan. The giving of public notice for the public hearing shall be as required by Article 21 of this Ordinance.
- H. **Consideration of Final Development Plan by Planning Commission.** After the public hearing, the Planning Commission shall make recommendations concerning the Final Development Plan (and any modifications in the Final Development Plan) and the rezoning to the Township Board.
- I. **Standards for Approval.** In making a recommendation to the Township Board to approve a PUD, the Planning Commission must find that the proposed PUD meets all of the following standards:
1. Granting the PUD rezoning and approving the Final Development Plan will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
  2. The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
  3. The PUD will be generally compatible with the Master Plan of the Township and consistent with the intent and objectives of this Article 13A and this Ordinance.
  4. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will be generally compatible with the character of the surrounding area.
  5. Protects all floodplains and wetlands from filling except as approved for essential services or recreation amenities.
  6. Preserves and maintains mature woodlands, fields, pastures, meadows and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.

7. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way, insofar as practicable.
8. Protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that fronts directly on to existing roadways.
9. Pedestrian walkways may be provided so that pedestrians can walk safely and easily throughout the site.
10. The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of natural and environmental site features.
11. The project will be adequately served by public utilities and services such as police and fire protection or public or on-site community water or sanitary sewer.
12. The proposed PUD shall be in compliance with all applicable federal, state, county, and Township laws, ordinances, and regulations.
13. If a project is to be completed in phases, the project shall be designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all of the features necessary to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area. The Planning Commission may recommend (and the Township Board may require) that neighborhood amenities such as recreational facilities, walkways, and similar facilities be completed upon occupancy of a determined number of dwelling units or non-residential uses.

- J. **Final Consideration of the PUD by Township Board.** The Township Board shall review the Final Development Plan and the recommendations submitted by the Planning Commission. The Township Board shall also conduct a public hearing and provide notice in the manner set forth in Article 21 of this Ordinance.

Following the public hearing, the Township Board shall determine whether the final development plan complies with the standards of Section 13A.08I., conditions and requirements of this Ordinance and, in addition, shall also determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township.

Upon a determination that a proposed project meets all such standards, conditions, and requirements, the Township Board may approve the Final Development Plan and grant the PUD rezoning request.

- K. **Conditions of Approval.** The Township Board may impose reasonable conditions upon any PUD approval. Such conditions may include those reasonably necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and

economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed project under consideration; residents, and landowners immediately adjacent to the proposed project; and the community as a whole.
2. They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
3. They shall be reasonably necessary to meet the intent and purpose of this Ordinance, be related to the standards established in this Ordinance for the proposed PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual written consent of the Township Board and the property owner. The Township Board shall maintain a record of all conditions which are imposed.

- L. **Rezoning.** If the Township Board approves the Final Development Plan and the PUD rezoning, it shall rezone the property to the PUD designation in accordance with the Michigan Zoning Enabling Act, as amended. The Zoning Ordinance amendment shall be forwarded to the Township Clerk for inclusion in the Township Ordinance Book.

Publication of the rezoning ordinance (or publication of a summary of the provisions thereof) shall be accomplished in the manner provided by law. Following approval of the PUD rezoning, the Official Zoning Map of Bowne Township shall be changed to reflect the PUD zoning for the parcel.

### **13A.09 AMENDMENTS TO APPROVED PUD**

- A. An approved Final PUD Development Plan (and any conditions imposed upon Final PUD approval) and the PUD rezoning shall not be changed except upon the mutual written consent of the Township Board and the applicant as required by this section.
- B. **Minor Amendments.** A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and shall indicate that such change does not substantially change the basic design or alter the conditions required for the plan.

The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings and/or signs by no more than 10 feet.
3. Plantings approved in the landscape site plan may be replaced by similar types of landscaping.
4. Changes in floor plans which do not alter the character of the use.

5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  6. Changes required or requested by the Township for safety reasons.
  7. Changes which will preserve the natural features of the site without changing the basic site layout.
  8. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- C. The Zoning Administrator may refer any decision regarding any proposed change to an approved PUD to the Planning Commission for review and approval regardless of whether the change may qualify as a minor change. In making a determination whether a proposed change is a minor change, or whether to refer a proposed change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
1. Should the Zoning Administrator determine that the requested modification to the approved PUD is not minor, resubmission to the Planning Commission for a formal amendment shall be required and shall be conducted in the same manner as an original application.

### **13A.10 PERFORMANCE GUARANTEES**

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory to the Township Board in the circumstances and authorized by law. The amount and form of the performance guarantee shall be determined by the Township Board based upon a recommendation from the Planning Commission.

### **13A.11 TIME LIMITATIONS ON DEVELOPMENT**

Each PUD shall be under substantial construction within one (1) year after the date of approval of the Final Development Plan and adoption of a PUD ordinance amendment by the Township Board. If this requirement is not met following a review and recommendation of the Planning Commission, the Township Board may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the Township showing that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD.

If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD (or any part thereof) shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

### **13A.12 APPEAL/ VARIANCE**

The Zoning Board of Appeals shall not have jurisdiction to accept appeals or to grant variances with respect to an approved Planned Unit Development.

## **ARTICLE 14 · SPECIAL LAND USES**

### **14.01 DESCRIPTION AND PURPOSE**

(Ord. No. 11-01, eff. May 31, 2011)

Special Land Uses are those uses of land that are not essentially incompatible with the uses allowed in a zoning district, but possess characteristics or locational qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this article is to establish equitable procedures and criteria that shall be met for all Special Land Uses.

The following uses shall only be allowed if the zoning district in which they are located specifically lists such use as a Special Land Use. The following design standards shall be required in addition to the requirements of the zoning district in which they are located:

- A. Adult foster care facilities for seven persons or more.
- B. Automobile repair facilities.
- C. Camps and campgrounds.
- D. Change of nonconforming uses.
- E. Child care centers.
- F. Compost facilities.
- G. Confined animal feeding operations.
- H. Day care facilities.
- I. Golf courses and country clubs.
- J. Health services clinics.
- K. Home occupations in agricultural districts.
- L. Institutional Care Facilities
- M. Junk and salvage yards.
- N. Kennels and veterinary clinics.
- O. Migrant housing.
- P. Multiple uses of buildings.
- Q. Natural resource removal.
- R. Outdoor recreation facilities that are golf courses, nature centers, or riding stables.
- S. (reserved for future use) (Ord. No. 18-03, eff. April 9, 2018)

- T. Public and institutional uses.
- U. Public utility facilities.
- V. (reserved for future use) (Ord. No. 18-02, eff. Jan. 31, 2018)
- W. (reserved for future use) (Ord. No. 14-02, eff. Dec. 30, 2014)
- X. Upper-floor dwellings.
- Y. Outdoor recreation facilities that are public or private zoos, wildlife parks, animal rescue facilities or animal sanctuaries, or animal preserves including game and hunting preserves that utilize wildlife.

**14.02 APPLICATION PROCEDURES**  
(Amended June 19th, 2006)

An application for a Special Land Use shall be submitted and acted upon in accordance with the following procedures:

- A. Applications for a Special Land Use shall be submitted through the Township Clerk to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.
- B. An application for a Special Land Use shall be accompanied by the following documents and information:
  - 1. A Special Land Use application form submitted to the Township that has been completed in full by the applicant.
  - 2. A site plan as required in this Ordinance.
- C. Notices.
  - 1. Upon receipt of an application for a Special Land Use, the Planning Commission shall publish notice of a public hearing for a Special Land Use in a newspaper that circulates in the Township, and according to the requirements of Section 21.04.
  - 2. Said notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered and 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 within 300 feet regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given according to the requirements of Section 21.04. (Ord. No. 09-03, eff. May 20, 2009).
  - 3. The notice shall be given not less than 15 days before the date the application will be considered for approval.
  - 4. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
  - 5. The notice shall:



- a. Describe the nature of the Special Land Use request.
- b. Indicate the property that is subject to the Special Land Use considered. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- c. State when and where the request will be considered.
- d. Indicate when and where written comments will be received concerning the request.

### **14.03 BASIS FOR DETERMINATION**

Prior to the approval of a Special Land Use application, the Planning Commission shall ensure that the standards specified in this Section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

- A. The Planning Commission shall review the particular circumstances of the Special Land Use request under consideration in terms of the following general standards, and shall approve a Special Land Use only upon finding compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
  1. The Special Land Use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.
  2. The Special Land Use shall not impair the essential character of the surrounding area.
  3. The Special Land Use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, and welfare of persons.
  4. The Special Land Use shall not place demands on public services and facilities in excess of current capacities.
  5. The Special Land Use is in general agreement with the Township's Land Use Plan.
- B. The Planning Commission may impose conditions, with the approval of a Special Land Use, which are necessary to ensure compliance with the standards for approval stated in this section or any other applicable standards contained in this Ordinance. Such conditions shall be considered an intricate part of the Special Land Use and shall be enforced by the Zoning Administrator.

### **14.04 SURETY**

The Planning Commission may require, as a condition of approval for a Special Land Use, a financial guarantee (surety) acceptable to the Township in the form of a cash deposit, certified check, or irrevocable bank letter of credit to guarantee the construction of improvements required as a condition of approval.

## 14.05 DESIGN STANDARDS

All Special Land Uses shall meet the requirements of the zoning district in which they are located, plus the following design standards: (Amended March 17, 2003)

### A. Adult Foster Care Facilities for Seven Persons or More

Adult foster care facilities having more than six residents shall have 150 square feet of lawn area and one parking space for each resident.

### B. Automobile Repair Facilities

All structures shall be set back 50 feet from any right-of-way or property line. Not more than one curb cut is allowed for every 75 feet of road frontage. No curb opening shall be within 75 feet of another curb opening. A raised curb shall be constructed along the perimeter of all parking facilities or landscaped islands. All equipment, tanks, spare parts, must be enclosed within a building. Outside storage may not exceed a size of 200 square feet. Outside storage of vehicles is limited to four vehicles.

### C. Camps and Campgrounds

Camps, campgrounds, and recreational vehicle park uses shall be permitted subject to the following procedures and conditions:

1. Camps and campgrounds must be a minimum total area of at least 10 acres.
2. No structures may be located closer than 100 feet to any property line. No campsites or any structure shall be located in the setback area.
3. There shall be a greenbelt planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such greenbelt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 8 feet apart and which grow to an ultimate height of 12 feet.
4. There shall be recreational areas at a ratio of at least 20% of the gross area of the campground. These recreational areas may be located within the 50-foot required yard, but not within the 20-foot greenbelt.
5. Vehicular circulation system shall consist of improved drives or roads with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street.
6. No structure shall exceed 15 feet in height.
7. The grounds shall be sloped to drain properly and to satisfactorily meet the approval of local engineering standards.
8. Each site shall be arranged to satisfactorily and safely accommodate a travel trailer, camper, or other similar camping apparatus.

9. There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of 12 square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required yard, but not within the greenbelt.
10. There shall be permitted a facility for the retail sale of groceries, sundries, and other similar commodities provided this facility is centrally located and has hours of operation coincidental with hours of operation of the campground.
11. There shall be no sales or display of camping vehicles.
12. There shall be located, within the campground, approved sanitary dumping facilities.
13. All requirements, as regulated by Act 368 of 1978, as amended, shall be complied with.
14. The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the Township and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that property may be developed in a reasonable manner, but in so doing, complying with other applicable provisions of this Ordinance.

**D. Change of Nonconforming Uses**

A nonconforming use may be changed to another nonconforming use as a Special Land Use if the Planning Commission finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. Whenever a nonconforming use is changed to a more restricted or conforming use, such use shall not thereafter revert to the prior nonconforming use.

**E. Child Care Centers**

Special Land Uses will be issued to properly licensed child care centers if the proposed facility meets the following specific guidelines:

1. Is located not closer than 1,500 feet to any of the following:
  - a. Another child care center.
  - b. An adult foster care small-group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.
  - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, Act 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
  - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Has appropriate fencing for the safety of children (see walls and fencing).

3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period. The operation of a facility between the hours of 10 p.m. and 6 a.m. must be limited to 2 individuals receiving care and be registered with the Township for that purpose.
5. Meets regulations, if any, governing signs used by the facility to identify themselves.
6. Meets regulations, if any, requiring off-street parking accommodations for employees.
7. The child care center shall be registered and licensed as required for child care facility under the Child Care Organizations Act, Act 116 of 1973, as amended.
8. All structures, facilities, design elements, and operational requirements of the facility shall be provided or complied with, as determined necessary by the Planning Commission.
9. Based on the established capacity of the facility, a minimum of 100 square feet of outdoor open space per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained on the lot. For purposes of this section, "open space area" means the area located within the side or rear yard of the facility, exclusive of any area occupied by other structures, swimming pool, or required parking facilities. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be completely enclosed by a chain-link or solid fence of at least 4 feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least 5 feet.

#### **F. Compost Facilities**

A commercial compost operation is prohibited within the Township, except as a Special Land Use within agricultural districts, under the terms and conditions set forth within this section. Compost facilities may be permitted, provided the Planning Commission finds that the following conditions are met:

1. The site must be a minimum of 40 acres in size.
2. All active resource recovery processing operations shall be visually screened from all adjacent parcels. The screen shall consist of berming and/or vegetation buffer located within a 500-foot setback.
3. Structures shall be permanent and for the storage of equipment only. Furthermore, all equipment associated with this use shall be stored within these structures when not in use.
4. Access roads to the site shall be sufficiently engineered to accommodate heavy truck loading and unloading during peak operation periods. This shall include the grading application of base material and graveling or blacktopping of the road. The access road shall be of sufficient length and width to prevent any trucks from backing up or turning around within the public road right-of-way.

5. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
6. In addition to the requirement set forth herein, applications for such Special Land Use authorization shall include a site plan showing the following:
  - a. The area to be actively used for the preprocessing, mixing, shredding, grinding, watering, and dewatering of the compost material; and, if the same shall be in phases, a design for such phases shall be shown.
  - b. The area for any loading and unloading, mechanical processing facilities, and settling ponds.
  - c. An area for treatment facilities and resource storage and stockpiles.
  - d. An area for overburdened storage.
  - e. An area for production facilities for resource recovery related activities.
  - f. Areas for and the types of permanent buildings and/or other improvements.
7. An opinion based on a qualified engineering report as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigative measures shall be submitted.
8. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
  - a. The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.
  - b. The amount and source of water to be utilized in processing and the means, location, treatment, and disposal of such water.
  - c. Hazardous substances as defined by the U.S. Environmental Protection Agency are prohibited. A detailed description of all materials to be processed must be submitted.
  - d. A detailed description showing the volumes, timing, and methods of processing the material.
9. All structures, materials, and equipment shall be removed within 6 months after the termination of the use.
10. The facilities comply with the Kent County Solid Waste Management Plan adopted pursuant to Act 141 of 1978, as amended, and with all other applicable federal and state laws, rules, and regulations.

**G. Confined Animal Feeding Operation (CAFO)**

1. The parcel must be a minimum of 40 acres in size.

2. All lighting used to illuminate the property and operation shall be directed away from all surrounding property.
3. The site plan shall include the following:
  - a. The area to be actively used for the feeding operation.
  - b. The area for any loading and unloading, processing facilities, and settling ponds.
  - c. All areas for storage and stockpiles.
  - d. Areas for waste storage.
  - e. Permanent buildings and/or other improvements.
4. An opinion as to the effect on the water table and wells within the area and reasons for such opinions and/or mitigative measures shall be submitted.
5. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
  - a. The proposed vehicular access to the operation, circulation, and access routes within the site that include provisions for emergency vehicles to all portions of the site.
  - b. The amount and source of water to be utilized and the means, location, treatment, and disposal of such water.
  - c. A detailed description showing the volumes, timing, and methods of processing.
6. The facilities comply with all other applicable federal and state laws, rules, and regulations.

#### H. **Day Care Facilities**

Special Land Uses will be issued to properly licensed day care facilities if the proposed facility meets the following specific guidelines:

1. Is located not closer than 1,500 feet to any of the following:
  - a. Another licensed day care facility.
  - b. An adult foster care small-group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
  - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under article 6 of the public health code, Act 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.

- d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- 2. Has appropriate fencing for the safety of children (see walls and fencing).
- 3. Maintains the property consistent with the visible characteristics of the neighborhood.
- 4. Does not exceed 16 hours of operation during a 24-hour period. The operation of a day care facility between the hours of 10 p.m. and 6 a.m. must be limited to two individuals receiving care and be registered with the Township for that purpose.
- 5. Meets regulations, if any, governing signs used by the day care facility to identify themselves.
- 6. Meets regulations, if any, requiring a day care operator to provide off-street parking accommodations for his or her employees.
- 7. The day care facility shall be registered and licensed as required for day care facility under the Child Care Organizations Act, Act No. 116 of 1973, as amended).

**I. Golf Courses and Country Clubs**

Golf courses must be a minimum of 40 acres. No structures may be located closer than 100 feet to any property line. Buildings are limited to 10,000 square feet. Retail sales of food, beverages, clothing, equipment, or other associated items shall not occupy more than 50% of all building area.

**J. Health Services Clinics**

- 1. No structures may be located closer than 25 feet to any property line. No structure shall be located in the setback area.
- 2. Where a clinic is adjacent to a residential property or zoning district, there shall be a greenbelt planting strip with a width of not less than 20 feet along the property lines and may be within the required setback. Such greenbelt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than 40 feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than 8 feet apart and which grow to an ultimate height of 12 feet.
- 3. Vehicular circulation system shall consist of improved drives with a right-of-way of at least 33 feet wide and shall have unrestricted access to or from a public street.

**K. Home Occupations in Accessory Buildings**

Home occupations in agricultural zoning districts may use accessory buildings provided the following conditions are met:

- 1. Accessory buildings containing home occupations must be set back 100 feet from all property lines and may not occur within 300 feet of another dwelling.

2. The GFA of home occupations in accessory buildings may not exceed the GFA of the principal dwelling.
3. Vehicles, machinery, and equipment may not be stored or parked outdoors. The use of accessory buildings is limited to storage only. Historical structures may be used; however, antique shops and arts and craft sales may be located in buildings determined by the Planning Commission as having historical significance to the Township.

**L. Institutional Care Facilities**

Institutional care facilities shall be permitted subject to the following procedures and conditions:

1. An off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. All access points and vehicular and pedestrian circulation must be designed to accommodate elderly and disabled persons. All structures, facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.
2. Based on the established capacity of the institutional care facility, a minimum of 150 square feet of open space area per person, with not less than 5,000 square feet of open space area per facility, shall be provided and maintained. For purposes of this section, "open space area" means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be designed in a park-like setting completely screened from any abutting use by vegetation.
3. All structures must be set back 75 feet from all property lines.
4. The institutional care facility shall be registered and licensed as required under the Public Health Code, Act 368 of 1978, as amended).

**M. Junk and Salvage Yards**

Junkyards may be permitted by the Planning Commission in the industrial district if it finds that such use is not less than 1,000 feet from any residential use. The Planning Commission may impose any reasonable restrictions in the interests of the public health, safety, and general welfare.

**N. Kennels and Veterinary Clinics**

Structures must be set back 150 feet from all property lines and 600 feet from the nearest dwelling or residential zoning district. All activities shall be conducted within enclosed structures.

**O. Migrant Housing**

1. The housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted by the Planning Commission in AG Districts as an accessory use.



No structure may be used for such purposes in the Township, unless the Planning Commission finds all of the following conditions and requirements are met:

- a. Migrant housing shall be located on the same parcel of land as the principal structure to which they are accessory, and said parcel shall be at least 10 acres in size.
  - b. Migrant housing may be occupied only between the period of May 15 through November 15 and shall be locked so as to prevent entry by any person but the owner during the remaining part of the year.
  - c. Migrant housing may not be used for persons not directly employed by the owner of the dwelling.
  - d. The rules, regulations, and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply where any dwelling is used to house one or more migrant workers.
  - e. Migrant housing shall be located at least 200 feet from any public street, at least 200 feet from any other property line, and 400 feet from any dwelling of an adjacent property owner.
  - f. No migrant housing shall have more than one story nor accommodate more than one family. No migrant housing shall be closer than 30 feet to another structure.
  - g. No migrant housing shall be located between the front entry wall of any other migrant housing and a driveway or private roadway serving said other dwelling, and no migrant housing shall be closer than 30 feet to any such drive or roadway.
  - h. All construction shall conform to the building codes adopted by the Township and other Ordinances where such regulations impose greater standards than state and federal regulations.
  - i. Any other special conditions may be imposed by the Planning Commission to ensure a desirable living environment for the migrant workers, to protect the values and desirability of adjacent properties, and to ensure proper supervision of such workers.
2. The applicant shall submit a site plan pursuant to this Ordinance and approved by the Planning Commission that shall signify the applicant's agreement to comply with said plans and all the above conditions and requirements at all times and shall further agree to the following:
- a. The premises and all migrant housing shall be available for the inspection of the Zoning Administrator.
  - b. All premises and structures shall be regularly maintained.
  - c. Any deficiencies arising from time to time shall be corrected by the owner within 15 days notification by any township, county, state, or federal agent or official.

- d. Any migrant housing that is not occupied by migrant workers during 5 consecutive seasons shall be removed by the owner within 6 months.
3. If the Planning Commission approves the application for migrant housing, the Township shall issue a zoning permit. The Township shall also issue a temporary occupancy permit for the seasonal period described above. The temporary occupancy permit shall state any special conditions of use imposed by the Planning Commission.
4. If a violation of any of the above conditions, regulations, or special conditions is found to exist, the Zoning Administrator shall notify the owner of migrant housing and the Planning Commission that such violation exists and that the temporary occupancy permit will be revoked within 15 days of such notification if the violation is not corrected. If said violation is not corrected within said 15 days, the Zoning Administrator shall revoke said permit. All migrant housing shall be vacated within 15 days of the date of revocation.

**P. Multiple Uses of Buildings**

Multiple uses of buildings may be permitted in commercial and industrial zoning districts provided the Planning Commission finds that all of the following conditions are met:

1. All of the uses must be allowed in the zoning district in which the multiple uses are proposed.
2. No building shall contain more than four identifiably distinct uses.
3. The building shall be connected to the public sanitary sewer system.
4. Every principal entry shall be visible from a public street. No entrance shall be located further than 150 feet of an off-street parking facilities.
5. Where more than one building is located on a lot, the following requirements apply:
  - a. No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 50 feet.
  - b. A front yard of 35 feet shall be required.
  - c. No building shall be located in back of another unless separated by common yard of at least 100 feet.
  - d. Each building shall have a greenbelt of at least 30 feet unobstructed by any accessory structure.
  - e. No building shall be located closer than a distance equal to its total height to any other building.
6. Each building shall contain complete and separate sanitary facilities as required by the county health department.

**Q. Natural Resource Removal**

1. It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for natural resource removal operations.
2. No residential structures of a permanent or temporary nature shall be allowed.
3. Part or all of the operation must be screened with a fence or other appropriate screening as determined by the Planning Commission.
4. All truck operations shall be directed away from residential streets, whenever practical.
5. All parcels proposed for natural resource removal shall have access to a major county thoroughfare as designated by being improved to the standards of the KCRC. Such access shall not create unreasonable interference with future or existing adjacent land uses.
6. The Planning Commission shall find, in its discretion, that the proposed operation shall not result in serious consequences in relation to interests the Township is authorized to protect. The Planning Commission shall render a report on the application before a public hearing is held.
  - a. The Planning Commission shall examine the proposed plans and shall note the effect of the proposed use upon the area involved and the relationships between proposed uses and future streets, lots, grades, and waterways.
  - b. The Planning Commission may approve or disapprove of the proposed use. It may require that special conditions, such as fencing, screening, landscaping, yards, parking, location of structures, and time limitations, be imposed.
7. The Planning Commission shall consider the following in making its determination, and shall determine the proper disposition of the application following the public hearing.
  - a. The proposed use will be reclaimed for an alternate use within a reasonable period of time.
  - b. The proposed use will not adversely affect existing or future adjacent land uses substantially.
  - c. The effect of the proposed use on drainage, surface water, water table, groundwater, etc.
  - d. The proposed use shall not adversely affect the public health, safety, and general welfare.
8. The Planning Commission may impose such special conditions as it deems necessary to carry out the intent of this section prior to granting approval of any application. The Planning Commission may impose a reasonable corporate surety bond to ensure compliance with this section.

9. If approved as a Special Land Use, all requirements of Bowne Township Natural Resource Removal Ordinance No. 2001-7 (June 18, 2001), as amended, an ordinance to license and regulate natural resource removal, shall be met prior to commencement of any mining activities.

**R. Outdoor Recreation Facilities** (Ord. No. 11-01, eff. May 31, 2011)

Outdoor Recreation Facilities that are golf courses, nature centers, or riding stables, if the Planning Commission finds:

1. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to existing and projected future uses in the area.
2. That the proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
3. That the proposed use is in accordance with the development policies of the Township.
4. That the general special land use standards are also met.

**S. Public and Institutional Uses**

Public and institutional uses may be permitted in any zoning district if the Planning Commission finds that the following conditions are met:

1. That the proposed use will be harmonious with, and not harmful, injurious, or objectionable to, existing and projected future uses in the area.
2. That the proposed use is adequately served by necessary improvements, including but not limited to water, sewer, electricity, roads, drainage, and parking.
3. That the proposed use is in accordance with the development policies of Bowne Township.

**T. Public Utility Facilities**

Must comply with the setback provisions of the zoning district in which they are located plus 50%. Buildings shall be constructed of materials compatible with structures in the surrounding neighborhood. Other than vehicles, there shall be no outside storage of materials or equipment. The facility must be screened from view from adjacent residential properties.

U. (reserved for future use) (Ord. No. 18-02, eff. Jan 31, 2018)

V. (reserved for future use) (Ord. No. 14-02, eff. Dec. 30, 2014)

**W. Upper-Floor Dwellings**

Upper floors of commercial buildings may be used for residential dwelling purposes. Where the upper floor of a commercial building is used for residential purposes and the remainder thereof is used for any nonresidential purposes, the part occupied as a dwelling shall conform to all requirements of the building code. Each upper floor dwelling shall be

provided with an exterior entrance separate from the business and have no less than two onsite parking spaces.

**X. Outdoor Recreation Facilities**

Outdoor recreation facilities that are public or private zoos, wildlife parks, animal rescue facilities or animal sanctuaries, or animal preserves including game and hunting preserves that utilize wildlife. (Ord. No. 11-01, eff. May 31, 2011)

Outdoor recreation facilities that are public or private zoos, wildlife parks, animal rescue facilities or animal sanctuaries, or animal preserves may be allowed in the AG-Agricultural District subject to the following procedures and conditions:

1. The minimum lot size and lot width of any facility regulated by Section 14.05 X. shall be only approved by the Planning Commission as a condition of approval.
2. Hours and days of operation shall be established as a condition of approval.
3. The heights and setbacks of all buildings and structures involving the use shall be required for uses of land and buildings in the AG-Agricultural District, except the Planning Commission, as a condition of approval, may require a greater setback, or may approve a greater height.
4. Fences shall be required to meet the regulations for fences in The AG-Agricultural District as required by Section 3.37 of the Bowne Township Zoning Ordinance. As a condition of approval, the Planning Commission may require greater setbacks and greater heights than required by the AG-Agricultural District, and may require construction of fences that serves to protect the health, safety, and welfare of the inhabitants of Bowne Township. In addition, any fence or animal barrier shall be located and constructed according to any requirements of the State of Michigan, Kent County, or the Federal government.
5. Parking and loading shall be as required by Article 16 Off-Street Parking and Loading for Commercial Recreational Facilities. In addition to the parking required for UFA (Useable Floor Area), three (3) parking spaces shall be required for each animal exhibit that includes an area for public viewing. In addition, one parking space shall be provided for each three seats in an amphitheater or stage area.
6. Parking facility screening shall be as required by Section 3.27 Screening Required and Article 16 Off-Street Parking and Loading.
7. A greenbelt shall be required in accordance with Section 3.27 along any property line where a dwelling unit is located within 100 feet of a public or private zoo, wildlife park, animal rescue facility, animal sanctuary, or animal preserve.
8. Lighting for parking areas and other locations on the premises shall be provided in accordance with the regulations of Article 18 Site Plan Review and as otherwise approved by the Planning Commission.
9. Signs are subject to the provisions of Article 17 Signs and Billboards. However, for a public or private zoo, wildlife park, animal sanctuary, animal rescue facility, or animal preserve, only ground signs are permitted. The total area of a ground sign shall not exceed 32 square feet.

10. No public or private zoo, wildlife park, animal rescue facility or animal sanctuary, or animal preserve shall be located within 2,640 feet (one-half mile) of another public or private zoo, wildlife park, animal rescue facility or animal sanctuary, or animal preserve.
11. A copy of a manure management plan must be submitted with a site plan and be approved by the Planning Commission. The manure management plan shall generally follow the Generally Accepted Agricultural and Management Practices (GAAMPs) for Manure Management and Utilization as currently adopted by the State of Michigan Department of Agriculture.
12. A stormwater management plan prepared in accordance with the requirements of the Bowne Township Stormwater Ordinance must be submitted with a site plan and be approved by the Planning Commission.
13. A Copy of the applicable USDA permit or permits: Class A (breeder), Class B (broker) or Class C (exhibitor) license and proof of inspections shall be provided to the Township on an annual basis.
14. The Planning Commission may request information from the applicant regarding animal care standards that are required to comply with the Federal Animal Welfare Act (AWA) including but not limited to those that affect humane handling, housing, space, feeding and watering, sanitation, ventilation, shelter from extremes of weather, adequate veterinary care, separation of incompatible animals, transportation, and handling in transit. While cold-blooded animals are exempt from the AWA, the Planning Commission may request information regarding animal care standards for cold-blooded animals.
15. The applicant shall provide the Planning Commission with a written narrative that explains how the licensed exhibitor will be in direct physical control of the animals at all times during all exhibitions.
16. The applicant must provide the Planning Commission with a written narrative that explains the limits as to public contact with exotic and domestic animals.
17. All animals shall be housed in a secure enclosure capable of containing the animals. The Planning Commission may require a secondary barrier for animal exhibits or containment areas.
18. Petting zoos may be allowed within public or private zoos and wildlife parks.
19. The applicant must provide the Planning Commission with a written narrative that explains how first aid equipment will be provided on site and written protocol for emergency or routine first aid treatment.
20. The applicant shall file with the Township any federal approval of the type and number of animals kept on site. (Ord. No. 18-04, eff. Oct. 3, 2018)
21. The Planning Commission may prohibit any animal species within a public or private zoo, wildlife park, animal sanctuary, animal rescue facility, or animal preserve which is determined to be a hazard to the community.

22. The applicant shall annually provide in writing to the Bowne Township Zoning Administrator proof of all permits from the State of Michigan showing compliance with any applicable requirements regulating the keeping of native species. The applicant shall also provide written proof to the Township of any permit to keep private game hunting facilities and dog training facilities that utilize wildlife.
23.
  - a. Species of animals other than those approved by the Planning Commission shall not be permitted on the facility. Any proposed additional structures for animal enclosure and feeding shall require the applicant to present to the Zoning Administrator for approval an amended site plan showing the types of species proposed, plans for containment of the species, any required changes to the manure management plan, and written proof of USDA licensing and State of Michigan permits. The Zoning Administrator shall provide Bowne Township with a written record, including an amended site plan, of any approvals for additions or changes to the Outdoor Recreation Facility regarding animal species, animal containment, and feeding stations.
  - b. The addition or alteration of the following minor structures may be approved administratively in writing by the Zoning Administrator, without the need for an approved amendment to the special land use or site plan, and according to the Standards of Section 14.05 X. 23. B. vii:
    - i. Outdoor drinking fountains.
    - ii. Outdoor tables and bench areas that do not constitute an outdoor pavilion or educational space.
    - iii. Temporary enclosures for the birthing or hatching of animals. The Zoning Administrator shall determine the size of enclosure permitted and the length of time the enclosure shall be permitted.
    - iv. Informational kiosks.
    - v. Informational and directional signs not visible from any roadway.
    - vi. Portable food and beverage dispensers.
    - vii. Trash and refuse receptacles and areas.
    - viii. Similar minor structures, including minor permanent structures, as determined by the Zoning Administrator according to the following standards:
      - (a) The proposed minor structure is accessory to the principle use of Outdoor Recreation Facility, and does not result in a significant increase in intensity or impact of the use.
      - (b) The proposed minor structure will not have a significant negative impact on adjoining properties.

- (c) The proposed minor structure is consistent with the intent and purpose of the approved special land use and site plan.
- (d) The proposed minor structure will not constitute a negative precedent.

The Zoning Administrator shall provide Bowne Township with a written record of any minor structures approved for the Outdoor Recreation Facility.

- c. All other structures and changes shall be subject to the regulations of Article 18 Site Plan Review and Article 14 Special Land Uses. (Ord. No. 18-04, eff. Oct. 3, 2018)
- 24. Any species banned from the State of Michigan shall not be permitted in Bowne Township.
- 25. The applicant shall provide to the Planning Commission a written statement showing that qualified veterinary care will be provided for each species that is approved for the facility.
- 26. The Planning Commission may request a written statement from the applicant showing how the proposed use will comply with Bowne Township Ordinance No. 2000-4 Noise Control Ordinance, and any other applicable Township ordinance.
- 27. The applicant shall provide to the Planning Commission a written statement from the Bowne Township Fire Chief stating that the proposed facility, including any portions of the facility that existed prior to special land use application, meets all requirements for fire safety for both humans and animals, and that in the event of a fire, the health safety and welfare of the inhabitants of Bowne Township shall be preserved.
- 28. The applicant shall provide written proof of liability insurance to Bowne Township.
- 29. The applicant shall provide a written statement as to a plan for the humane relocation of all animals proposed for the facility, in the event that the facility may discontinue to function as a public or private zoo, wildlife park, animal rescue facility or animal sanctuary.
- 30. Gift shops may be allowed as part of public or private zoos, wildlife parks, animal rescue facilities and animal sanctuaries. Sealed snacks or drinks may be sold at a gift shop, subject to any Kent County or State of Michigan health regulations. Gift shop hours of operation shall only coincide with hours of operation of the public or private zoo, wildlife park, animal rescue facility or animal sanctuary.
- 31. Rides on vehicles (such as wagons pulled by tractors) by visitors or patrons shall only be allowed as approved by the Planning Commission as a condition of approval of the special land use for public or private zoos and wildlife parks only. Rides on or behind vehicles by visitors or patrons that are not approved by the Planning Commission shall not be permitted.
- 32. Permanent and temporary restrooms are allowed for public or private zoos, wildlife parks, animal rescue facilities and animal sanctuaries subject to any Kent County or State of Michigan regulations.



33. Open pavilions may be allowed at public or private zoos and wildlife parks. Food in the form of sack or boxed meals provided by a touring group or individual may be consumed on the premises, but in no case shall events such as weddings, parties, banquets, corporate events, or similar events or catered food or drink be allowed unless expressly allowed by the Planning Commission as a condition of approval.

Alcoholic beverages (including but not limited to beer, wine and spirits and liquor) are allowed at special events on the property if a bartender or caterer at the event has the appropriate license from the Michigan Liquor Control Commission; if all required permits, licenses and certifications are obtained; and if the bartender or caterer has adequate liability insurance. (Ord. No. 18-04, eff. Oct. 3, 2018)

34. Outdoor amphitheatres and stages with seating may be allowed for the purposes of educational presentations. Seating capacity of an amphitheater or stage shall be only as approved by the Planning Commission.
35. One dwelling unit and accessory structures and uses as permitted by Section 5.03 and as regulated by Section 3.02 may be allowed on the same premises as a public or private zoo, wildlife park, animal sanctuary, animal rescue facility, or animal preserve, provided that the dwelling unit is inhabited by the owner or caretaker of the public or private zoo, wildlife park, animal sanctuary, animal rescue facility, or animal preserve, along with the owner or caretaker's family. Accessory structures and uses allowed shall be only as approved by the Planning Commission.
36. The Planning Commission may request from the applicant any additional information in order to reach a decision regarding the request for Special Land Use approval.

#### **14.06 EXPIRATION OF PERMIT**

A Special Land Use shall be valid upon approval by the Planning Commission. The Special Land Use shall however expire two (2) years from the date of Planning Commission approval if actual construction of a substantial portion of the improvements included in the approved Special Land use and site plan have not commenced and proceeded meaningfully toward completion during that period. (Ord. No. 18-04, eff. Oct. 3, 2018)

#### **14.07 AMENDMENT TO AN APPROVED SPECIAL LAND USE**

Any person owning or operating land for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment or change to the approved Special Land Use, and any conditions attached to the approval of the Special Land Use and site plan. Any proposed change to the conditions that were attached to the approval of the Special Land Use or any proposed change to the Special Land Use itself shall be reviewed by the Planning Commission, which shall determine if the proposed changes constitute a major or minor change.

A major change is defined as a change in the conditions of approval of the Special Land Use which would substantially alter the intensity of the use of the property so as to call into question compliance with the Special Land Use approval standards of Section 14.03 herein.

Examples of a major change may include but not limited to a substantial increase in the hours of operation, a substantial expansion of the land area devoted to outdoor activity, a substantial increase in the number of items displayed or stored outdoors, an increase in the intensity of the use

which would substantially increase traffic or parking, or a change in the conditions of approval which may result in a substantial adverse impact on nearby residents or property.

In addition, a major change would also include expanding the land area that was approved for the existing Special Land Use and expanding the building containing the use if such expansion would increase the intensity of the use.

Any major change shall be considered in the same manner as set forth in Section 14.02 of this Ordinance which would require a public hearing. A minor change requested for a Special Land use may be approved by the Planning Commission without a public hearing. A minor change is any change which does not constitute a major change.

If the requested changes apply only to a component of an approved site plan which is part of an approved Special Use, the requirements of Section 18.18 herein shall apply. (Ord. No. 18-04, eff. Oct. 3, 2018)

#### **14.08 VALIDITY OF PERMIT**

Planning Commission approval of a Special Land Use permit shall be valid regardless of a change of ownership of the parcel(s) receiving the Special Land Use permit, provided that all standards and conditions are complied with by any subsequent land owner.

If a use authorized by a Special Land Use permit ceases for a period of three (3) years or longer, the Special Land Use permit shall be considered to be voided and the use shall not be re-established except in accordance with the procedures in Section 14.02 herein. The cessation of the Special Land Use activity shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to: the establishment of a different use on the property; removal of any signs pertaining to the Special Land Use; removal, replacement or demolition of the building containing the Special Land Use; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the Special Land Use. (Ord. No. 18-04, eff. Oct. 3, 2018)

# **ARTICLE 15 · NONCONFORMING USES, STRUCTURES, AND LOTS**

## **15.01 DESCRIPTION AND PURPOSE**

The purpose of this section is to allow any lawful use existing at the time of the adoption or amendment of this Ordinance. Lawful existing uses may be continued notwithstanding the fact that such use becomes nonconforming under the Ordinance as adopted or amended.

## **15.02 CHANGE OF NONCONFORMING USES**

A nonconforming use may be changed to another nonconforming use as a Special Land Use if the Planning Commission finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses.

Whenever a nonconforming use is changed to a more restricted or conforming use, such use shall not thereafter revert to the prior nonconforming use.

## **15.03 TERMINATION OF NONCONFORMING USES**

If a nonconforming use is discontinued for a period of 1 year, it may not thereafter be continued. No nonconforming use, if changed to a use allowed in the zoning district in which it is located, shall be resumed or changed back to a nonconforming use.

## **15.04 EXPANSION OF NONCONFORMING USES**

- A. A lawful nonconforming use may be expanded or extended throughout the structure in which it is conducted, but the structure shall not be expanded beyond the scope or physical extent which existed when the use became lawfully nonconforming. Lawful nonconforming uses that are not located within a building or structure may not be expanded and shall not be expanded to include land not actually in use at the time that the use became lawfully nonconforming. Lawful nonconforming uses having multiple buildings or structures shall not be expanded by construction or use of an additional building or structure. No lawfully nonconforming structure or structure devoted to a lawful nonconforming use shall be enlarged, extended, reconstructed, moved or structurally altered. Lawfully nonconforming uses may not be expanded in area, size, density, intensity or character.
- B. A nonconforming use located in a conforming building or structure shall not be re-established if the building or structure is damaged by fire, wind, act of God or other calamity to the extent that the replacement cost of the building or structure exceeds 75% of the fair market value of the building or structure prior to such damage or destruction. The fair market value shall be as determined by the Bowne Township Assessor or their agent. (Ord. No. 18-03, eff. April 9, 2018)

## **15.05 NONCONFORMING STRUCTURES AND USES**

Any structure or use which, when constructed, complied with the height, area, dimension, and any other size regulations of the Ordinance in effect at the time of its construction may continue notwithstanding the fact that such structure or use becomes nonconforming as to height, area, dimension, or other regulations of this Ordinance as adopted or amended.

**15.06 BUILDINGS AND USES UNDER CONSTRUCTION**

Any structure or use lawfully in the process of completion at the time of the adoption of this Ordinance or any amendment thereto may be completed. Such structure may be used for the use specified in the zoning permit notwithstanding the fact that such use or the structure itself does not comply with the Ordinance as adopted or amended. The term “process of completion” includes the completed construction of footings and the pouring of concrete therefore. The preparation of architectural plans and drawings, purchase of land, leases, or materials, or the moving of earth are excluded from such term. The Board of Appeals shall determine which buildings and structures are in the process of completion according to the procedures specified in this Ordinance

**15.07 RESTORATION AND REPAIR OF DAMAGED BUILDINGS**

- A. Only repairs and maintenance work required to keep a nonconforming structure in sound condition may be made.
- B. A nonconforming building or structure damaged by wear and tear, neglect, deterioration, and depreciation to such an extent that the cost of repair and rehabilitation exceeds 50% of its current market value at the time when the repairs or rehabilitation are proposed shall be repaired or rehabilitated according to the current requirements of this Ordinance and the building code relative to new construction.
- C. A nonconforming building or structure damaged by the elements, fire, collapse, public enemy, act of God, or other casualty may be rebuilt or restored and its use resumed if the cost of such repair does not exceed 75% of the current market value of the building or structure which was damaged. A building damaged to such an extent that the cost of repair exceeds 75% of its current market value shall be repaired or reconstructed according to the current requirements of this Ordinance and the building code relative to new construction.
- D. Current market value will be determined by 1) the mean of two independent appraisals, or 2) by calculating 200% of parcel State Equalized Value, whichever is less. Cost of repairs will be determined by the mean estimate of three independent contractors with experience in the type of work required.
- E. A zoning permit must be secured before reconstruction of a building. The Zoning Administrator shall determine the extent of such destruction, deterioration, or depreciation before issuing a zoning permit.

**15.08 NONCONFORMING LOTS**

- A. If a structure is to be erected or rebuilt on any lot of record where there are existing structures within 250 feet on either side of the subject lot of record, the minimum yard requirements for the proposed structure shall be the average of the respective front, side, and rear yards of the adjacent structures within 250 feet of the side lot lines. In no event shall the front or rear yards be less than 20 feet or side yards be less than 5 feet each. Off-street parking requirements shall be met. If the yard requirements established by the above formula exceed the yard requirements of the zoning district in which the lot is located, the latter shall be the minimum yard requirements.
- B. If there are no adjacent nonconforming structures, yards of lots of record may be reduced by the same percentage that the area of such lot bears to the requirements of the zoning

district. In no event shall the front or rear yards be less than 20 feet or side yards be less than 5 feet each. Off-street parking requirements shall be met.

- C. The ZBA may permit single-family dwellings on lots of record not meeting the above specified yard dimensions or other requirements of the zoning district in which they are located upon making the following determinations:
  - 1. The lots are in single ownership.
  - 2. There is no practical possibility of obtaining more land.
  - 3. The proposed use reasonably cannot be located on the lot such that the minimum requirements are met.
  - 4. The proposed use will not adversely affect adjacent properties or the character of the neighborhood.
  - 5. Side yards of at least 5 feet will be provided.
  - 6. Off-street parking requirements will be met.
- D. Residential and historic structures may be reconstructed even if damaged 100%, provided they do not exceed their previous size or location.

#### **15.09 DETERMINATION OF A LOT OF RECORD**

- A. Upon application of any person claiming to be the property owner of the legal or equitable title to a parcel of land that was the subject of a deed or land contract not recorded in the office of the register of deeds on the effective date of the Ordinance, the Board of Appeals is authorized to determine whether the property owner is entitled to have the parcel treated as a lot of record in accordance with this Ordinance
- B. The Board shall grant said variance when it finds, by a preponderance of the evidence, that the instrument under which the premises is being purchased was executed prior to the effective date of this Ordinance or amendments thereto.
- C. In making its determination, the Board is authorized to consider all matters it deems relevant including, but not limited to, the tax roll of the Township, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.
- D. Such a determination shall have only the effect of equating such a property owner with the owner of a lot of record and shall not relieve such property owner from complying with the other conditions set forth in this Ordinance in order that a zoning permit be granted.

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# ARTICLE 16 · OFF-STREET PARKING AND LOADING

## 16.01 DESCRIPTION AND PURPOSE

In all zoning districts, off-street parking facilities for the parking of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed.

## 16.02 REQUIREMENTS

- A. Adequate off-street parking facilities shall be required for the use of occupants, employees, and patrons of buildings and uses hereafter constructed, erected, altered, or extended. The following minimum off-street parking requirements shall be met:
1. The Planning Commission may vary the parking requirements of this section where it finds that due to the nature of the particular use, said requirements will not be adequate to provide sufficient parking or where the strict application of the requirements will result in an excess amount of parking related to the particular use.
  2. The Planning Commission shall determine the parking requirements for all uses not specifically mentioned in this section.
  3. UFA shall mean the total area of all the floors of the building used by the principal activity, measured from the exterior faces of the building. The areas used for storage, mechanical equipment, stairwells, or otherwise not occupied by people shall be excluded.
  4. GFA shall mean the total floor area used for the main and accessory activities and storage areas of the building served.
  5. Wherever the parking requirement is based on employees, it shall mean the maximum number of employees on duty on the premises at one time or on any 2 successive shifts, whichever is the greater.
- B. Table of parking requirements:  
(Ord. No. 14-01, eff. June 30, 2014)

Use	Required Space	Unit of Measure
Automobile Service Stations	2	Per each service stall, plus 1 per each employee
Automobile Wash	4	Per each washing stall, plus 1 per each employee
Barber and Beauty Shops	2	Per each chair
Bowling Alleys	15	Per each 2 alleys
Business, Professional, and Government Offices; Banks	1	Per each 200 square feet of UFA

Churches	1	Per each 3 seats or 6 feet of pews
Convenience Stores	3	Per each 400 square feet of UFA
Commercial Recreational Facilities	3	Per each 200 square feet of UFA
Industrial or Manufacturing	3	Per each 4 maximum shift employees
Medical and Dental Offices	3	Per each 400 square feet of UFA
Office Buildings and Banks	1	Per each 300 square feet of UFA
Personal Services and Repair	3	Per each 400 square feet of UFA
Public Buildings	1	Per each 200 square feet of UFA
Residential	2	Per dwelling
Residential Care Facilities	3	Per each 400 square feet of UFA
Restaurants	2	Per each 5 seats, plus 1 per each employee
Retail Stores	3	Per each 400 square feet of UFA
Truck terminals; distribution facilities; Contractors yard	One half	Per each 1,000 square feet of gross floor area or one per employee whichever is greater plus amount required for offices.
Warehouses and Storage	3	Per each 4 maximum shift employees
Wholesale	3	Per each 4 maximum shift employees

### 16.03 PARKING SPACE

Each parking space shall be at least 10 feet in width and 18 feet in length. Parking spaces for disabled persons must meet Americans With Disabilities Act (ADA) requirements.

### 16.04 LOCATION OF OFF-STREET PARKING

The off-street parking required by this article shall be provided in accordance with the following requirements:

- A. All off-street parking shall be on the same lot as the principal building.
- B. Except for single- and two-family dwellings, each off-street parking facilities shall be connected to a driveway at least 20 feet in width.
- C. Driveways on major streets shall not be closer than 80 feet to an intersection. No driveway shall be closer than 40 feet to any intersection or another driveway.



- D. No parking or loading space shall be accessible to a street except by an approved driveway.

**16.05 PARKING FACILITY STANDARDS**

All parking facilities shall meet the following standards:

- A. Parking facilities shall be effectively screened on any side that adjoins a residential use or zoning district by a wall, fence, or compact planting not less than 4 feet or more than 8 feet in height and shall meet the corresponding requirements of this Ordinance. No parking facilities shall be closer than 25 feet to any residential use or zoning district or closer than 10 feet to any street right-of-way.
- B. Every driveway and parking facilities shall be constructed of materials that will have a surface resistant to erosion. It shall be graded and drained so that all surface water flows to the nearest drain or drainage ditch. No lighting shall shine toward dwellings or streets. All drainage plans shall be approved by the KCRC or Kent County Drain Commission.
- C. Parking facilities may have surfaces constructed of concrete, asphalt, crushed stone or aggregate. All parking facilities shall have a minimum 10-inch gravel subbase and an approved drainage plan.
- D. A site plan of the parking facilities, driveways, signs, lighting, and landscaping shall be approved by the Planning Commission as provided in this Ordinance for all parking facilities.
- E. At least 5% of all parking facilities shall be landscaped. A part thereof shall be located at the intersections of all internal driveways.
- F. All parking facilities must meet ADA requirements.

**16.06 OFF-STREET LOADING REQUIREMENTS**

On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, material, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with street or parking facilities.

- A. Such loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of 10 by 50 feet, with a 14-foot height clearance, and shall be provided according to the following schedule:

GFA in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of GFA
0 to 2,000	None
2,000 to 20,000	1 Space
20,000 to 100,000	1 space, plus 1 space for each 20,000 square feet in excess of 20,000 square feet

100,000 to 500,000	5 spaces, plus 1 space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	15 spaces, plus 1 space for each 80,000 square feet in excess of 500,000 square feet

- B. Off-street loading space area shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

**16.07 PERMITS**

The following permits are required for all parking facilities:

- A. A zoning permit shall be obtained before a parking facilities may be constructed or enlarged. A site plan approved by the Planning Commission in accordance with the provisions of this Ordinance shall be submitted to the Zoning Administrator before issuance of a zoning permit.
- B. An occupancy permit shall be obtained before any parking facilities is used. The Zoning Administrator shall issue the occupancy permit if the parking facilities conforms with the approved site plan. The Zoning Administrator may revoke an occupancy permit whenever the conditions of this Ordinance are violated. Such use shall cease within 60 days following such revocation unless another occupancy permit is obtained.
- C. The Zoning Administrator may issue a temporary occupancy permit when the full development of parking facilities would not be warranted due to adverse weather, settling ground, or for other reasonable grounds.

# ARTICLE 17 · SIGNS AND BILLBOARDS

## 17.01 DESCRIPTION AND PURPOSE

The purpose of this section is to permit such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision, or impede traffic safety. Further, it is the purpose of this section to regulate such allowed signs in such a way as to prevent them from causing annoyance or disturbance to the citizens and residents of the Township or to adversely impair property values. All signs shall conform to all codes and ordinances of the Township and, excepting “Exempted Signs” shall require approval and a permit issued by the Township for all signs erected or structurally altered.

## 17.02 REGULATIONS FOR ALL SIGNS

(Ord. No. 1-08, eff. Dec. 3, 2008)

- A. Each parcel used for permitted nonresidential uses or special uses is allowed one freestanding or ground sign. In addition, one wall sign is allowed on each parcel used for permitted nonresidential uses or special uses.
- B. Signs within the clear vision corner of any intersection must be ground signs less than 30 inches in height or freestanding signs with a minimum of 8 feet to the bottom of the sign. Sign supports within clear vision corners must be 6 inches in diameter or less.
- C. Signs may not be located within public or private road rights-of-way. Setbacks from rights-of-way and property lines shall be as required by this section.
- D. In commercial and industrial zoning districts, directional signs up to 3 square feet, designating exits, entrances, parking and loading areas, shipping docks, or similar traffic control signs may be located 5 feet from the front property line.
- E. No sign shall extend above or exceed the highest roof line of the principal structure nor be more than 20 feet above the average grade level at the base of the sign. No sign shall exceed the height limitation of the zoning district in which it is located.

## 17.03 DESIGN, LOCATION, AND CONSTRUCTION STANDARDS

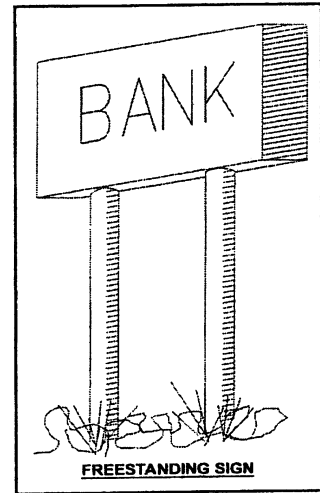
(Ord. No. 1-08, eff. Dec. 3, 2008)

- A. Billboards shall not be situated within 1,320 feet of another billboard or on the same parcel as another sign. Billboards shall be at least 75 feet from the road right-of-way and shall not exceed 300 square feet in area. Parcels containing billboards must have frontage on M-50. Subject to these requirements, billboards are allowed in any zoning district.
- B. Off-Premises Freestanding Signs:
  - 1. Off-premises freestanding signs must maintain a 10-foot setback from any right-of-way and property line.
  - 2. Off-premises freestanding signs are allowed in all zoning districts except residential zoning districts.
  - 3. There may be only one off-premises sign per parcel.

4. Off-premises signs shall be limited to 24 square feet.

C. Freestanding Signs Other Than Off-Premises Signs:

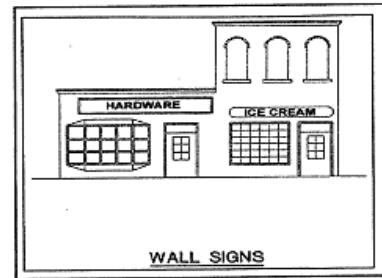
1. Freestanding signs other than off-premise signs shall maintain a 10-foot setback from any right-of-way and property line.
2. The total area of such a freestanding sign shall not exceed 75 square feet on each of 2 sides. Freestanding signs having more than two sides shall not exceed 150 square feet for all sides combined.
3. The highest portion of a freestanding sign shall not exceed the highest roof line of the principal structure or the height limitation of the zoning district in which it is located, whichever is less.



4. Freestanding signs are permitted in all zoning districts. In residential zoning districts, freestanding signs are permitted only for permitted nonresidential uses or special uses subject to the requirements of this section.

D. Wall Signs:

1. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls which face a public street, not higher than 20 feet from sidewalk grade. Where a principal structure has a marquee or canopy which is an integral part of the structure, the front line of said marquee or canopy shall be at least 8 feet above the walk surface in front of the structure.



2. Wall signs must be attached to the building lying flat against the wall of the building therewith.
3. Wall signs are permitted in all zoning districts for permitted non-residential uses.
4. The maximum size for wall signs is 1 square foot of sign area for each 1 linear foot of building width, except in residential districts where the maximum size is 6 square feet.
5. Wall signs may not extend above the height of the first floor.

E. Ground Signs:

1. The total area of the allowed ground sign shall not exceed 100 square feet.
2. The highest point of a ground sign shall not exceed 6 feet.
3. In residential zoning districts, ground signs are permitted only for permitted nonresidential uses or special uses subject to the requirements of this section.

However, a ground sign which identifies the name of a residential development is permitted at the entrance to a residential subdivision, site condominium, multi-family, or other residential development.

4. Ground signs shall maintain a 10-foot setback from any side property line.
- F. Temporary Signs: The signs and devices listed in this section shall be allowed on a temporary basis and shall not require a permit.
1. Temporary signs such as "For Rent," "For Sale," "Election," or other noncommercial signs are allowed in all zoning districts. Real estate signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed up to a total area of 6 square feet are allowed in all zoning districts. Such signs shall be removed within 14 days after the sale, rental, or lease.
  2. One "For Rent" or "For Sale" sign is allowed for each parcel.
  3. Temporary signs shall not be displayed for more than 6 months.
  4. Temporary signs may not exceed an area of 6 square feet.
  5. Only one sign to advertise a new plat may be erected except where two or more drives provide ingress or egress to or from the plat on to a public highway, in which case a sign may be placed at each entrance. Signs advertising new plats shall not exceed 32 square feet in area and shall be removed when 75% of the platted lots are sold.
  6. Construction signs that identify the name of the building; the property owner, architect, engineer, contractor, and other individuals involved with the construction, but not including any advertisement of any product or service during the period of construction, are allowed in all zoning districts. Signs shall have a maximum surface area of 16 square feet, shall be confined to the site of construction, and shall be removed within 14 days following occupancy for the intended use of the project.
  7. Election campaign signs, announcing a candidate or issue to be voted on, up to a total area of 6 square feet for each premises, are allowed but shall be confined to private property.
  8. Community or special event signs advertising public entertainment or an event, if specially approved by the Township Board and only for locations designated by the Township Board, are allowed during and for 14 days before and 14 days after the event.



#### **17.04 SIGN ILLUMINATION**

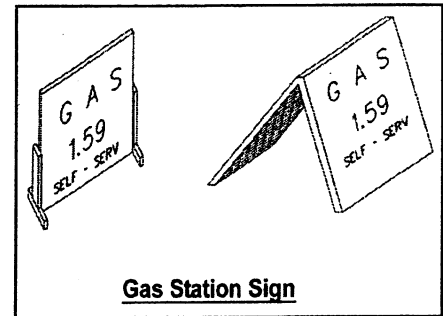
- A. Illumination, shall be by a "white light" only and shall be so oriented to the sign that it does not produce glare.

- B. The source of light must not be visible from adjacent properties or to adjacent rights-of-way.
- C. Sign lighting must not cast light away from the sign and must be shielded from vehicular traffic.
- D. No lighting or sign shall be so placed or designed as to be confused with or appear similar to a safety device.

**17.05 GASOLINE SERVICE STATIONS AND AUTOMOBILE SALES AREAS**

Gasoline service stations and outdoor sales areas such as agricultural equipment, automobile, boat and motorcycle sales, may display, in addition to the foregoing signs, the following signs that are customary and necessary to their respective business:

- A. Two temporary signs advertising special seasonal servicing, provided that each sign does not exceed 9 square feet in area.
- B. Directional signs or lettering displayed over individual entrance doors or bays.
- C. Customary lettering, insignias that are a structural part of the gasoline pump, and non-illuminated credit cards.



**17.06 MEASURING SIZE OF SIGNS**

- A. Wall signs (or any sign where the letters are affixed to a large background such as a wall or fence without a defined border) are measured by establishing an artificial rectangle around the perimeter of the sign message.
- B. Supports extending around the sign are included in the measurement of the sign.
- C. Round, oval, or odd-shaped signs are measured as though they were rectangular. Size shall be determined as the product of the height and width as measured at the widest and tallest points.

**17.07 EXEMPTED SIGNS**

The signs and devices listed in this section are exempted from the restrictions and requirements of this Ordinance and may be used without permit or approval when not in violation of any law or safety standard or any other portion of this Ordinance.

- A. Signs erected by an official governmental body or agency and deemed necessary for the protection of the public health, safety, welfare, and morals.
- B. Signs not visible from any public way or from any point off the lot on which they are located.

- C. Official flags of governments when displayed in a manner approved by the government represented.
- D. Holiday decorations and greetings in season.
- E. Signs required by law to be displayed.
- F. Signs not exceeding 1 square foot in area and having thereon no letter or symbol exceeding 2 inches in any dimension.
- G. Street numbers and family names on mailboxes and mail box supports.

## **17.08 PROHIBITED SIGNS**

The signs and devices listed in this section shall not be allowed, erected, or maintained in any zoning district.

- A. Flashing and intermittently illuminated signs and signs which incorporate in any manner any flashing or moving lights.
- B. String lights used in connection with commercial premises for commercial purposes.
- C. Any sign which has any visible moving part, visible revolving parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations or by action of natural wind currents.
- D. Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment; or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.
- E. Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads.
- F. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.
- G. Signs which make use of words such as "STOP," "LOOK," "DANGER," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- H. Any sign or other advertising structure containing any obscene matter.
- I. Any sign unlawfully installed, erected, or maintained.

## **17.09 APPLICATION REQUIREMENTS PERTAINING TO ALL BILLBOARDS AND SIGNS**

- A. Sign and billboard erection permits:

No person shall erect or relocate or cause to be erected or relocated any sign or billboard greater than 12 square feet in size without first obtaining a sign erection permit. No person shall repair, alter, or cause to be repaired or altered any sign or billboard greater than 12 square feet in size without obtaining a sign erection permit if two-thirds of the replacement value of the sign or billboard will be exceeded.

B. Procedure to obtain a permit:

1. Application for a sign erection permit shall be submitted on forms provided by the Zoning Administrator and shall contain at least the following:
  - a. Name, address, and telephone number of the applicant and that of the owner of the premises upon which the sign or billboard is to be erected.
  - b. Location of the building, structure, or lot to which or upon which the sign or billboard is to be attached or erected.
  - c. Position of the sign or billboard in relation to nearby buildings, structures, signs, or billboards. A scale drawing containing such information shall be submitted.
  - d. Two blueprints or ink drawings of the plans and specifications and the method of construction and attachment to a structure or ground.
  - e. A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot.
  - f. Name of the person, firm, corporation erecting the sign, or billboard.
  - g. The written consent of the owner of the structure or land upon which the sign or billboard is to be erected.
  - h. Any required electrical permit.
  - i. Payment of the appropriate fee.
2. Prior to submission of the application to the Zoning Administrator, the application for a sign erection permit shall be submitted to the electrical inspector if the sign is to be illuminated. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine whether the same complies with the Township building code and the customary safe practices followed by the electrical profession. The inspector shall approve said permit if the plans and specifications comply with any such code and practices.
3. The Zoning Administrator shall, upon the filing of an application for a sign erection permit, examine the plans, specifications, other data, and the premises upon which it is proposed to erect such sign or billboard. If the proposed structure complies with the requirements of this Ordinance, the provisions of any Township building code and state law, he shall then issue a sign erection permit. Such permit shall be void if the work authorized under a sign erection permit has not been completed within 6 months from the date of issuance.



4. Each applicant shall pay permit fees established by the Township Board.
5. Every sign or billboard hereafter erected shall have painted in a conspicuous place thereon in letters not less than 1 inch in height the date of erection, the permit number, and the voltage of any electrical apparatus used in connection therewith.

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## **ARTICLE 18 · SITE PLAN REVIEW**

### **18.01 DESCRIPTION AND PURPOSE**

- A. This article establishes standards and requirements for the review and approval, by the Planning Commission, of site plans. It is the purpose of this article to require site plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this article to achieve, through Site Plan Review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this article to delegate certain aspects of Site Plan Review authority to the Planning Commission, within the standards and requirements set forth in this article.
- B. As used in this article, "site plan" includes the documents and drawings, as specified by this article, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable local ordinances and state statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.
- C. The standards and requirements provided by this article shall be in addition to those required elsewhere in this Ordinance that are applicable to the use or activity under consideration.
- D. The intent of this article is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish their objectives in the utilization of his/her land within the regulations of this Ordinance and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

### **18.02 USES REQUIRING SITE PLAN APPROVAL**

(Ord. No. 10-02, eff. June 2, 2010)

The following buildings, structures, and uses require site plan approval by the Planning Commission:

- A. All Special Land Uses.
- B. All business, commercial, or industrial uses, except that a home occupation shall not require a site plan unless the home occupation is a special land use.
- C. Condominiums (including conventional and site condominium projects).
- D. Earthmoving if greater than two (2) acres.
- E. Parking facilities containing 10 or more parking spaces.
- F. Parks and recreational areas.
- G. Private roads.
- H. Any multi-family or nonresidential development.

- I. Any use, structure, building, or item where site plan review is otherwise required by this Ordinance.

### **18.03 PRELIMINARY PLAN REVIEW**

Preliminary plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Township to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans shall include the following:

- A. Legal description of the property.
- B. Small-scale sketch of properties, streets, and use of land within one-half mile of the area.
- C. A generalized map showing any existing or proposed arrangement of:
  1. Streets.
  2. Lots.
  3. Access points.
  4. Other transportation arrangement.
  5. Buffer strips screening.
  6. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets.
  7. Signs; location and lighting.
  8. Buildings.
- D. A narrative describing:
  1. The overall objectives of the proposed development.
  2. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
  3. Dwelling densities by type.
  4. Proposed method of providing sewer and water service, as well as other public and private utilities.
  5. Proposed method of providing storm drainage.
  6. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition.

- E. In addition to the above, said applicant shall submit the Site Plan Review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

#### **18.04 REVIEW OF PRELIMINARY SITE PLAN**

If the applicant chooses to submit a preliminary site plan, it will be reviewed by the Township Site Plan Review Committee. The Site Plan Review Committee will consist of the chairperson of the Planning Commission, one Township Board representative, and the Township Engineer/Planning Consultant. Upon review of the site plan, the Committee will submit their recommendations to the Planning Commission. The Site Plan Review Committee may request review comments from other Township officials such as the fire chief, attorney, and assessor, and base their recommendations on those review comments, as well as the purposes, objectives, and requirements in this Ordinance, and specifically, the following considerations when applicable:

- A. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency.
- B. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- C. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
- D. Screening and buffering with reference to type, dimensions, and character.
- E. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- F. Required setbacks.
- G. General compatibility with adjacent properties.
- H. The general purposes and spirit of this Ordinance and the general development plan of the Township's Master Plan.

#### **18.05 FINAL SITE PLAN REVIEW**

Final Site Plan Review is mandatory. An application for final Site Plan Review along with the final site plan, shall be submitted 21 days prior to the next scheduled Planning Commission meeting. The Township will review the application and plans for completeness, then transmit the application and plans to the Planning Commission. Incomplete applications will not be forwarded for consideration. Final site plans shall contain the following information:

- A. The Date, North Arrow, and Scale: The scale shall be sized to appropriately fit on a 24- by 36-inch sized sheet. The dates of all revisions shall be noted on the plan.
- B. The name and firm address of the individual responsible for the preparation of the site plan.
- C. The name and address of the property owner or applicant.

- D. A locational sketch drawn to scale showing the relationship of the proposed use to the area within 2,000 feet.
- E. All lot and/or property lines including required setbacks are to be shown and dimensioned.
- F. The location and height of all existing and proposed structures on and within 100 feet of the subject property's boundary.
- G. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking facilities (show dimensions of a typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use and purpose.
- H. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
- I. Property lines and respective zoning abutting the subject property.
- J. Proposed zoning changes for the subject property or abutting properties.
- K. The location of all landscaping and the location, height, and types of fences and walls.
- L. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- M. The location and size of all existing and proposed surface water drainage facilities.
- N. Adequate information concerning soils, groundwater, watertable, and the impact of the proposed activities on each.
- O. For multiple-family, mobile home park developments, and parking facilities with 10 or more spaces, contour intervals shall be shown (2-foot intervals for average slopes of 10% and under, 5-foot intervals for slopes over 10%). Topography, however, may be required on all site plans at the discretion of the Planning Commission. Summary schedules and views should be affixed as applicable in residential developments, which give the following data:
  - 1. The number of dwellings proposed (by type) including typical floor plans for each type of dwelling.
  - 2. The number and location (by code if necessary) of 1-bedroom units, 2- bedroom units, etc.
  - 3. The residential area of the site in acres and in square feet, including breakdowns of both measures for any subareas or staging areas (excluding all existing rights-of-way), and also indicate total square footage of rights-of-way for each subarea or staging area.
  - 4. Typical elevation views of the front and side of each type of building.

- P. Such additional information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety, and the general welfare.
- Q. The applicant shall ensure and be able to demonstrate, to the satisfaction of the Township, that all necessary reviews and approvals of other local, county, state, and federal agencies and associated regulations are satisfactorily met, complied with, and completed.

## **18.06 REVIEW PROCEDURE**

The site plan shall be submitted in 12 copies. Upon approval of a site plan, at least two copies of the site plan as finally approved shall be signed and dated by the chairperson of the Planning Commission. One copy of the signed site plan shall be filed in the Township's records and the other returned to the applicant. The procedure for final site plan approval is as follows:

- A. The applicant shall submit a letter stating the nature of the request accompanied by a sketch of the proposed use or structure.
- B. The Township will provide the applicant with the proper documents and instructions for completing a site plan application.
- C. The Planning Commission encourages preliminary, informal review of proposed site plans with the applicant. The preliminary review shall not, however, affect the applicability of the standards and requirements for formal approval of site plans as required by this article.
- D. A single diskette copy of the site plan shall be provided to the Township in generic digital format.

## **18.07 STANDARDS FOR FINAL SITE PLAN REVIEW**

- A. The Planning Commission shall review the site plan based on the purposes, objectives, and requirements of this Ordinance and on the standards provided by this article. As a part of its review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties.
- B. In reviewing a site plan, the Planning Commission shall determine whether the applicant has established that the site plan is consistent with this Ordinance and in accord with the adopted plan of the Township and more specifically, in reviewing the site plan, the Planning Commission shall specifically consider the following standards, as applicable:
  - 1. Vehicular access and parking: The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.
  - 2. External effects (general): Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not adversely affect adjacent and neighboring properties or uses. The site plan is harmonious with, and not injurious or objectionable to, existing and future uses in the immediate area.

The site plan shall be adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community.

3. Public services and utilities: The location, availability, and compatibility of necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.
4. Dimensional requirements: The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this Ordinance.
5. Building arrangement: The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.
6. Drainage of surface water: Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
7. Exterior lighting: All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
8. Signs: The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to avoid creating distraction or clutter.
9. Special features: Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.



10. Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking facilities.
11. Compliance with all applicable laws: The Planning Commission shall not approve a site plan that violates or that is inconsistent with local, state, or federal laws or regulations.

## **18.08 REGULATIONS**

The following regulations shall apply to all land uses requiring site plan approval:

- A. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development that requires a site plan approval until an approved site plan has been signed by the chairman of the Planning Commission.
- B. A zoning permit for any use requiring site plan approval will not be issued until an approved site plan has been signed by the chairman of the Planning Commission.
- C. An occupancy permit for any use requiring a site plan approval will not be issued unless the use as constructed conforms with the approved site plan.
- D. The chairman of the Planning Commission shall not sign the approved site plan until the applicant has submitted three copies of all permits that may be required by the county or the state for the construction of the use such as, but not limited to, permits for onsite wastewater disposal, and permits required under the Soil Erosion and Sedimentation Act, Act 347 of 1972, and the Inland Lakes and Streams Act, Act 346 of 1972.
- E. The construction of improvements shall not commence for any development that requires a site plan approval until an approved site plan has been signed by the secretary of the Planning Commission.
- F. A zoning permit shall not be issued for any use requiring site plan approval until an approved site plan has been signed by the secretary of the Planning Commission.
- G. The building inspector shall not issue a building permit for any use requiring site plan approval until an approved site plan has been signed by the secretary of the Planning Commission.

## **18.09 CONDITIONS OF APPROVAL**

The Planning Commission shall make a decision to approve the request based on the following conditions:

- A. The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the Township and shall have the authority to make any changes or alterations in submitted plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner but in so doing, complying with other applicable provisions of this Ordinance.

- B. The Planning Commission may impose reasonable conditions upon the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
1. The proposed use or structure appears to be in accordance with the intent of the zoning district in which it is located and is architecturally compatible with other conforming uses and structures in the zoning district.
  2. Be designed to protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; or the community as a whole.
  3. Be related to the valid exercise of the police power.
  4. Be necessary to meet the intent and purpose of the zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
  5. Adequate off-street parking and loading spaces in accordance with this Ordinance shall be provided within 300 feet of the proposed use or structure.

## **18.10 SURETY**

- A. The Planning Commission may require, as a condition of final approval for a site plan, a financial guarantee (surety) acceptable to guarantee the construction of required improvements. Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility, and other improvements. The nature and duration of the guarantees are structured to achieve this goal without adding unnecessary costs to the applicant.
- B. Construction or installation of improvements may not begin until the final site plan is approved. However, no further action may be taken by the property owner until all improvements are completed, inspected, and approved to ensure that streets are properly constructed, drainage facilities properly provided, and all other utilities and improvements properly installed. Only when all improvements are completed, inspected, and approved will occupancy permits or buildings permits be issued or property sold.

However, where the applicant has satisfied the surety requirements herein, to ensure that the required improvements will be completed, the above restrictions may be modified.

- C. In large projects the security may be released in stages. The applicant may be allowed to assign a portion of the total to each development stage as part of a complete phasing plan of the overall improvement. Surety for each subsequent phase depends on completion of the required improvements for the preceding phase. Where partial approval is granted, the surety may be released except that portion of improvements not yet approved, but continued adequate financial security is required before approval of the final phase.

- D. Similarly, the surety may be refunded based on completion of improvements. The amount of the performance guarantee may be reduced by the governing body when portions of the required improvements have been installed. When the required surety has been received by the Township, it may be released upon request by the property owner. The Township Engineer will inspect the project to determine the percent completion of improvements. The Township will release up to 80% of a pro rata portion of the surety based on the percent complete as verified by the Township Engineer. Fifteen percent of the performance guarantee will be held as a construction warranty by the Township for a period of two years after all improvements are completed.
- E. Besides securing the completion of improvements, the financial security may also be exercised to correct defects in workmanship that appear after the improvements have been inspected, approved, and accepted. This construction warranty will be an amount equal to 15% of the entire surety covering all improvements.

### **18.11 PERFORMANCE GUARANTEES**

- A. The Township will grant final approval only if the applicant posts some form of security. The applicant will submit a detailed accounting of all improvements to be completed. This detailed accounting will include the exact amount of work to be done on each specific improvement. The Township Engineer will approve the scope of improvements to be completed and estimate the cost of completing each improvement. The Township will determine the amount of the required surety and submit the estimated cost of completing all improvements to the applicant. The performance and maintenance guarantee will be in an amount not less than 115% of the cost of installation of improvements. The performance guarantee will be written so that each individual improvement and all conditions and agreements are covered.
- B. The performance guarantee must be approved by the Township as to form, sufficiency, and execution. The performance guarantee will run for a fixed term of not less than 1 year. However, the Township may extend the term of such performance guarantees for an additional period.

### **18.12 SURETY TYPES**

The following types of surety guarantees may be provided:

- A. Letter of credit: The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- B. Property: The applicant may provide land or other property as a guarantee.
- C. Escrow cash account: The applicant may deposit cash, or other instruments readily convertible into cash at face value, either with the municipality, or in an escrow account held in trust by the Township or by a financial institution.
- D. Escrow noncash account: The applicant may escrow personal property (stocks, bonds, equipment) or mortgage or give a deed of trust on real property to the Township.
- E. Subdivision improvement guarantee: An applicant may provide as a guarantee a 3-party subdivision improvement agreement between the applicant, lender, and the Township.

### **18.13 PROCEDURES FOR INSPECTING, APPROVING, AND ACCEPTING IMPROVEMENTS**

- A. Upon completion or substantial completion of all required improvements, the applicant must notify the Township in writing by certified mail, and shall send a copy to the Township Engineer. The Township Engineer will inspect all improvements of which such notice has been given and will file a detailed written report concerning such improvements with a statement of reasons for any rejection. Inspection fees will be charged for each site visit to prevent the engineer's time from being wasted. The cost of any rejected improvements will be set forth.
- B. The engineering report should be the basis for whether the improvement is approved, partially approved, or rejected. The Township will notify the applicant in writing, by certified mail, of the contents of the report and the Township's action, within 120 days after receipt of the applicant's notice that improvements are complete.

### **18.14 CONSTRUCTION WARRANTY**

- A. After the applicant has completed all of the required improvements and upon acceptance of all streets, facilities and other improvements, the construction warranty shall go into effect. The property owner must maintain all improvements for a period of 2 years. A construction warranty will be retained by the Township to ensure the quality of the work of the applicant and to provide a warranty against defects in improvements. Such construction warranty shall amount to the 15% remaining from the performance guarantee. Failure to repair or maintain improvements, due to faulty construction, shall constitute cause to exercise the construction warranty.
- B. The construction warranty will remain in effect until released by the Township. The applicant shall be responsible for notifying the Township for the release of the construction warranty before the specified time. Such security, is to warranty the maintenance, repair, or reconstruction of the improvements for a period of 2 years and not to be confused with a maintenance guarantee.

### **18.15 RELEASE OR EXERCISE OF SURETY**

- A. In case of default of performance, the Township, upon 10-days notice, may undertake the completion of the required improvements, assigning the cost against the amount of the guarantee to be paid by the surety. Notice to the property owner shall be directed to the address given by the owner upon the initial application of the subdivision.
- B. Whatever the type of surety used, the guarantee will not be released until the Township Engineer has certified that the required improvements have been completed according to specifications. A default will be declared upon expiration of the time allowed for completion of all improvements. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township beyond the completion deadline for good cause and upon extension of the financial security. In case of exercise of the security, the proceeds from the guarantee will reflect:
  - 1. The cost of inflation of the labor and materials needed to complete the improvements.
  - 2. The special administrative costs associated with declaring a default, bidding or programming the project, and completing the project.

3. The unforeseen costs of remedying the damage, deterioration, or faulty workmanship associated with the work already undertaken.

### **18.16 VIOLATIONS AND PENALTIES**

Completion of the required improvements within the time limited by the performance guarantee is a mandatory requirement of this Ordinance. Violation of mandatory performance requirements shall subject the property owner to the penalties prescribed in this Ordinance, beyond which the Township may impose, on 10-days prior notice, by regular mail delivered to the address as shown on the initial application unless such address has been changed by subsequent notice in writing to the secretary of the Planning Commission, one or more of the following penalties until the improvements are completed:

- A. Stop construction work on all homes in the subdivision.
- B. Refuse to issue building permits in the subdivision.
- C. Refuse to issue any certificates of occupancy in the subdivision.
- D. Refuse to issue any building permits within the Township to the applicant or the applicant's principals or an entity of which the applicant or applicant's principals are a part.
- E. Exercise a surety.

### **18.17 EXCEPTIONS**

When other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, will be required by the Township for such utilities or improvements.

### **18.18 CHANGES TO AN APPROVED SITE PLAN**

- A. Changes to a site plan, following approval by the Planning Commission, in connection with a use or activity, are prohibited. Subsequent actions altering, amending, or changing the approved use or activity in any way will require approval in accordance with the procedures described in Article 18 herein, with the exception of the following:
- B. Minor Changes. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment or change to the approved site plan.

A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change. A minor change does not substantially change the basic design or alter the conditions required for the plan by the Commission. The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
2. Movement of buildings or structures by no more than 10 feet provided the movement complies with all other regulations of the Zoning Ordinance.

3. Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
  4. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  5. Changes required or requested by the Township for safety reasons.
  6. Changes which will preserve the natural features of the site without changing the basic site layout.
  7. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- C. The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval, regardless of whether the change may qualify as a minor change. In making a determination about whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
- D. If the Zoning Administrator determines that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application. (Ord. No. 18-04, eff. Oct. 3, 2018)

## **18.19 ENFORCEMENT**

A site plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of the Ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the Township to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the Township. In addition, a violation of any approved site plan or failure to comply with any requirements of this article, including conditions of approval, shall be considered a violation of this Ordinance.

## **18.20 EXPIRATION OF AN APPROVED SITE PLAN; VALIDITY**

A Site Plan shall be valid upon approval by the Planning Commission. The site plan approval however shall expire two (2) years from the date of Planning Commission approval if actual construction of a substantial portion of the improvements included in the approved site plan have not commenced and proceeded meaningfully toward completion during that period.

Planning Commission approval of a site plan shall be valid regardless of a change of ownership of the parcel(s) receiving the site plan approval, provided that all standards and conditions are complied with by any subsequent land owner.

If a use authorized by a site plan approval ceases for a period of three (3) years or longer, the site plan approval shall be considered to be voided and the use shall not be re-established except in

accordance with the procedures set forth in this Article 18. The cessation of the site plan use shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to: the establishment of a different use on the property; removal of any signs pertaining to the site plan approved use; removal, replacement or demolition of any building with site plan approval; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the use authorized by the approved site plan. (Ord. No. 18-04, eff. Oct. 3, 2018)

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## ARTICLE 19 · ZONING BOARD OF APPEALS (ZBA)

### 19.01 MEMBERSHIP

(Amended June 19th, 2006)

- A. The ZBA shall consist of five members to be selected and appointed by the Township Board. The first member of the ZBA shall be a member of the Planning Commission. The remaining members of the ZBA shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. The chairman of the ZBA shall be elected by ZBA. An elected officer of the Township shall not serve as chairman of the ZBA. An employee or contractor of the Township Board may not serve as a member of the ZBA.
- B. The term of each member of the ZBA shall be for 3 years except that, of the members first appointed, two shall serve for 2 years and the remaining member for 3 years. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Planning Commission and Township Board representatives, who shall not be the same member, shall only serve on the ZBA while holding office on those respective bodies.
- C. The ZBA shall not conduct business unless a majority of the members of the ZBA are present.
- D. The total amount allowed the ZBA in any 1 year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which shall be provided in advance by the Township Board.
- E. Members of the ZBA shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- F. The Township Board may appoint up to two (2) alternate members with the same qualifications as regular members for the same terms as the regular members. A member of the legislative body may serve as an alternate member of the Zoning Board of Appeals. (Ord. No. 9-03, eff. May 20, 2009)
  1. An alternate may be called to serve as a regular member:
    - a. In the absence of a regular member if the regular member is unable to attend one (1) or more meetings.
    - b. For the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
  2. The alternate member shall serve in the case until a final decision is made, and shall have the same voting rights as a regular member.

## **19.02 POWERS OF THE ZBA**

(Amended June 19th, 2006)

- A. The ZBA shall act upon all questions as they may arise in the administration of the Ordinance, including interpretation of the zoning map. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance. The ZBA shall not hear appeals of Special Land Use decisions.
- B. The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a nonuse variance. The concurring vote of 2/3 of the members of the ZBA is necessary to approve a use variance.

## **19.03 MEETINGS AND ATTENDANCE**

Meetings of the ZBA shall be held at the call of the chairman and at such other times as the ZBA may specify. The chairman may administer oaths and compel the attendance of witnesses. All meetings of the ZBA shall be open to the public. The secretary shall maintain a public record of the proceedings of the ZBA, which shall be filed in the office of the Township Clerk.

## **19.04 APPLICATION AND HEARING PROCEDURES**

(Amended June 19th, 2006) (Ord. No. 09-03, eff. May 20, 2009)

- A. Appeals may be taken to the ZBA by a person aggrieved, or by an officer, department, board, or bureau of the state or Township. The ZBA shall state the grounds of any determination it makes.
  - 1. A notice of appeal specifying the grounds thereof shall be filed with the secretary of the ZBA within 10 days after the date of the action appealed from. A copy of the notice shall promptly be served by such secretary upon the officer from whom the appeal is taken. Such officer shall promptly transmit all records of the action appealed to the ZBA.
  - 2. An appeal shall stay all proceedings, decisions, or orders unless said officer certifies to the ZBA that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the ZBA or the circuit court.
- B. Variance requests shall be submitted at least thirty (30) days prior to the meeting at which the request shall be heard.
  - 1. The ZBA shall publish notice of a public hearing for a variance request in a newspaper that circulates in the Township. The notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction, and according to the requirements of Section 21.04.

2. The notice shall be given not less than 15 days before the date the application will be considered for approval.
  3. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
  4. The notice shall:
    - a. Describe the nature of the request.
    - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - c. State when and where the request will be considered.
    - d. Indicate when and where written comments will be received concerning the request.
- C. Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper that circulates in the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request a the time, date, and place of the public hearing or the interpretation request shall be sent by first-class mail or personal delivery 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 within 300 feet of the boundary of the property in question, and according to the requirements of Section 21.04.
- D. At the hearing, a party may appear in person or by agent and attorney. The ZBA may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. The member may consider and vote on the other unrelated matters involving the same property.
- E. On the date for hearing of any application or appeal, the ZBA may adjourn the hearing to a specified time and date in order to allow the obtaining of additional information or to cause further notices to be served. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the ZBA decides otherwise.
- F. Decisions:
1. The secretary shall record the grounds for each decision. The board shall render its decision upon any matter within 60 days after the matter is heard.

2. A copy of each decision shall be sent to the Zoning Administrator, Planning Commission, and the applicant. No zoning permit shall be issued by the Zoning Administrator until such decision is received.

## **19.05 VARIANCES**

(Amended June 19th, 2006)

The ZBA, after public hearing, shall have the power to decide applications for variances from the provisions or requirements of this Ordinance providing it finds from reasonable evidence that all of the following facts and conditions exist as follows:

- A. Where the literal enforcement of this Ordinance would involve practical difficulties or would cause undue hardship by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property or by reason of exceptional topographical conditions or other extraordinary situation of the premises or of the use of the premises immediately adjoining the premises in question.
- B. Where there is practical difficulty or unnecessary hardship in meeting the strict letter of the Ordinance so that the spirit of the Ordinance may be observed, public safety secured, and substantial justice done.
- C. Where the condition or situation of the property or the intended use of the property is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of the Ordinance.
- D. Where there is reasonable evidence that such variance will not be detrimental to adjacent property and will not impair the intent and purposes of the Ordinance or the public health, safety, and general welfare.
- E. Where there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the zoning district affected.
- F. Where such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zoning district. Financial gain alone shall not be deemed sufficient to warrant the granting of a variance.
- G. With respect to use variances, in addition to the above, that the property for which a variance is sought cannot reasonably be used in a manner consistent with existing zoning.

## **19.06 APPEALS OF THE ZBA**

(Amended June 19th, 2006)

- A. The decisions of the ZBA shall be final. A party aggrieved by the decision may appeal to the circuit court.
- B. An appeal under this section shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of its decision. (Ord. No. 09-03, eff. May 20, 2009)

## **19.07 FEES**

The Township Board may establish by resolution a schedule of fees to be charged for hearings by the ZBA. The fee shall be paid to the Township Clerk before any action shall be taken on the petition for the hearing.

## **19.08 TIME LIMIT; VALIDITY**

An approved variance shall be valid upon approval by the Zoning Board of Appeals. The variance approval however shall expire two (2) years from the date of Zoning Board of Appeals approval if actual construction of a substantial portion of the improvements or uses included in the approved variance have not commenced and proceeded meaningfully toward completion during that period.

A variance shall be valid regardless of a change of ownership of the parcel(s) receiving the variance, provided that all standards and conditions are complied with by any subsequent land owner.

If a use authorized by a variance ceases for a period of three (3) years or longer, the variance shall be considered to be voided and the use shall not be re-established except in accordance with the procedures set forth in this Article 19. The cessation of the variance use shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to: the establishment of a different use on the property; removal of any signs pertaining to the variance approved use; removal, replacement or demolition of any building involving the variance; personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the use authorized by the variance. (Ord. No. 18-04, eff. Oct. 3, 2018)

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## **ARTICLE 20 · ADMINISTRATION AND ENFORCEMENT**

### **20.01 ZONING PERMIT REQUIRED**

- A. No person shall commence construction of any building or structure or make structural changes in any existing structure without first obtaining a zoning permit from the Zoning Administrator.
- B. The Zoning Administrator shall not issue a zoning permit for the construction, alteration, or remodeling of any structure until an application has been submitted showing that the proposed construction complies with all of the provisions of this Ordinance.

### **20.02 ADMINISTRATIVE OFFICIALS**

Except as otherwise provided, the Zoning Administrator shall administer and enforce this Ordinance.

### **20.03 PERMIT APPLICATION**

- A. Every application for a building/occupancy or use permit shall first obtain a zoning permit designating the existing or intended use of the structure. The application shall be attached to two permanent scale drawings showing the actual lines, angles, and dimensions of the lot to be used and the size and location upon the lot of all existing and proposed structures. The application shall contain such other information with respect to the proposed structure, the lot, and adjoining property as may be required by the Zoning Administrator or by other provisions of this Ordinance.
- B. One copy of plans and specifications shall be retained by the Zoning Administrator. The other copy shall be delivered to the applicant upon issuance of a zoning permit.
- C. The Zoning Administrator may, upon approval of the Planning Commission, waive portions of the foregoing requirements which are not necessary under the particular circumstances for compliance with the Ordinance.
- D. The Zoning Administrator shall provide a copy of the zoning permit to the Township Clerk, the Township building inspector, and the secretary of the Planning Commission.

### **20.04 BUILDING PERMIT**

The building inspector shall not issue a building permit unless a zoning permit has been granted in conformance with this Ordinance.

### **20.05 CERTIFICATE OF OCCUPANCY**

No land, structure, or altered structure shall be used or occupied until a certificate of occupancy is obtained from the building inspector. The building inspector shall not issue a certificate of occupancy unless the proposed use is in compliance with the approved plans and specifications and is in accord with any other relevant information submitted by the applicant to obtain required building and zoning permits. A record of all such certificates shall be kept by the building inspector and a copy of all such certificates provided to the Township Clerk.

## **20.06 FEES**

The Township Board shall establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted on public display in the Township office and the office of the Zoning Administrator and may be changed only by the Township Board. No permit or certificate shall be issued unless such fees have been paid in full.

## **20.07 VIOLATIONS, NUISANCE PER SE, MUNICIPAL CIVIL INFRACTIONS**

- A. Any person, corporation, firm, or other entity who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any condition or requirement of a zoning permit, occupancy permit, site plan, Special Land Use, decision of the ZBA or a variance or other approval granted under this Ordinance, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50, plus costs and other sanctions, for each violation, as authorized by Bowne Township Civil Infractions Ordinance No. 2000-2 (as may be amended from time to time) and other applicable laws. Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- B. Increased civil fines may be imposed for repeat offenses. For purposes of this Ordinance, "repeat offenses" means a second (or subsequent) municipal civil infraction violation of the same requirement or provision 1) committed by a person within any 12-month period, and 2) for which the person admits responsibility or is determined to be responsible. The increased civil fine shall be as follows:
  - 1. The fine for any offense that is a first repeat offense shall be not less than \$250, plus costs.
  - 2. The fine for any offense that is a second repeat offense or a subsequent repeat offense shall be not less than \$500, plus costs.
- C. The Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations of this Ordinance as authorized by Bowne Township Civil Infractions Ordinance No. 2000-2 (as may be amended from time to time).
- D. Any building erected, moved, altered, razed or converted, or any use of land which is begun or changed subsequent to the effective date of this Ordinance, or its amendment, that is in violation of any provision of this Ordinance or the requirements hereof or any condition or requirement of a zoning permit, occupancy permit, site plan, Special Land Use, decision of the ZBA, or a variance or other approval granted under this Ordinance, is hereby declared to be a nuisance per se, and shall be abated by any court of competent jurisdiction.
- E. The remedies provided by this Ordinance are cumulative. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this Ordinance. Further, the imposition of any fine or sanction shall not exempt an offender from compliance with the provision of this Ordinance.



## **ARTICLE 21 · AMENDMENT AND ADOPTION**

### **21.01 PROCEDURE**

The Planning Commission, either on its own initiative, or upon petition by any interested person or public body, may schedule a public hearing for amendments of this Ordinance, according to the requirements of Section 21.04. (Ord. No. 09-03, eff. May 20, 2009)

### **21.02 FEES**

The Township Board shall established, by resolution, fees for zoning amendment petitions. Such fee shall be paid in full at the time of application.

### **21.03 INFORMATION REQUIRED**

The petition must contain the signatures of the petitioners and the title holders and any other person having a legal interest in the land and shall contain the following information if a change in the zoning district boundaries is sought:

- A. A precise legal description of the boundaries of the property requested to be zoned.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The change desired.
- D. The reasons therefor.
- E. The petitioner's interest in the property and if the petitioner is not the property owner, the name and address of the property owner(s).
- F. A description of the proposed development and use of the property if the petition is granted.

### **21.04 PUBLIC HEARING AND NOTIFICATION**

(Amended June 19th, 2006)

The Planning Commission shall set a time and place for at least one public hearing, notice of which shall be given as follows:

- A. Notice of the public hearing for a text amendment or a map amendment (rezoning) shall be published in a newspaper circulating in the Township.
- B. In the case of rezonings, the notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
- C. The notice shall be given not less than 15 days before the date the application will be considered for approval.

- D. If the name of the occupant is not known, the term, "occupant" may be used in making notification under this subsection. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing. (Ord. No. 09-03, eff. May 20, 2009)
- E. The notice shall:
  - 1. Describe the nature of the request.
  - 2. Indicate the property that is the subject of a rezoning request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - 3. State when and where the request will be considered.
  - 4. Indicate when and where written comments will be received concerning the request.
- F. If 11 or more adjacent properties are proposed for rezoning, it is not required that the notice be provided to the recipients listed in 21.04, B., and further, the notice need not contain the individual addresses of properties required to be listed under section 21.04, E.2.
- G. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

## **21.05 DECISION**

(Amended June 19th, 2006)

- A. In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:
  - 1. Whether the rezoning would be consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
  - 2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
  - 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning;

4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land; and
  5. Whether the rezoning would be reasonable. (Ord. No. 15-03, eff. Aug. 5, 2015)
- B. The Planning Commission shall forward its decision and the proposed amendment to the Township Board with its recommendation for approval or denial within 30 days of the date of the hearing.
- C. Determination:
1. The Township Board shall set a date for the consideration of the proposed amendment upon receipt of the recommendation from the Planning Commission or upon the expiration of 30 days from the date the amendment was forwarded to such body.
  2. If the Township Board shall deem any amendments advisable as to the proposed text, it may refer the same back to the Planning Commission for a report thereon within the time specified by the Township Board. (Ord. No. 9-03, eff. May 20, 2009)

## **21.06 ADOPTION**

(Amended June 19th, 2006)

- A. The Township Board may adopt the amendment at any regular meeting or at any special meeting called for such purpose with or without amendments that have been previously considered by the Planning Commission or at a public hearing.
- B. The Township Board may hold a public hearing if it considers it necessary or as may otherwise be required. The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of the hearing shall be given in the same manner as required under section 21.04 for any other text amendment or rezoning.
- C. After the public hearing, if held as allowed under this section, the Township Board shall consider and vote upon the adoption of the Ordinance, with or without amendments. A majority vote of the members of the Township Board shall be required to adopt any Ordinance or amendment.
- C. Amendments shall be effective 7 days after publication as required by this section, or at such later date after publication as may be specified by the Township Board.
- E. A notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption, and shall be mailed to the airport manager of an airport entitled to notice under section 21.04, E. Said notice shall include the following:
  1. In the case of a newly adopted zoning Ordinance, the following statement: "A zoning Ordinance regulating the development and use of land has been adopted by the Bowne Township Board."
  2. In the case of an amendment to an existing zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

3. The effective date of the Ordinance.
4. The place and time where a copy of the Ordinance may be purchased or inspected.

## **ARTICLE 22 · MISCELLANEOUS**

### **22.01 SEVERABILITY**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby, and shall remain in full force and effect. (Effective March 4, 2015)

### **22.02 EFFECTIVE DATE**

This Ordinance shall take effect upon the expiration of seven (7) days after the date of publication of the Ordinance or a summary of its provisions in a local newspaper of general circulation in accordance with the law. (Effective March 4, 2015)

### **22.03 REPEAL OF PRIOR ORDINANCE**

Except as provided above, the Bowne Township Zoning Ordinance adopted November 20, 2000, as amended, is hereby repealed, effective coincident with the effective date of this Ordinance. Notwithstanding the foregoing, any action for violation of the Bowne Township Zoning Ordinance adopted on November 20, 2000, as amended, which is pending on the date of its repeal pursuant to this Section shall proceed and be completed as if such Ordinance had not been repealed.

**THE TOWNSHIP BOARD, BOWNE TOWNSHIP  
KENT COUNTY, MICHIGAN**

By:

Sandra L. Kowalczyk  
Bowne Township Clerk

Authenticated:

By:

Christian Wenger  
Bowne Township Supervisor

Date Adopted: December 20, 2010  
Date Published: December 29, 2010

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**BOWNE TOWNSHIP  
KENT COUNTY, MICHIGAN  
(Ordinance No. 09-04)**

THE TOWNSHIP OF BOWNE (the "Township") ORDAINS:

**Section 1. Purpose.**

The purpose of this Ordinance is to confirm the establishment and existence of a planning commission for Bowne Township as authorized by Public Act No. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (MCL 125.3801 et. seq.) and to organize and enumerate the powers and duties of the Bowne Township Planning Commission (the "Planning Commission") as provided by law. The powers and duties of the Planning Commission shall include actions regarding the regulation and subdivision of land, and coordination of development with other constituted authorities and of incorporated and unincorporated areas where Bowne Township exists.

**Section 2. Establishment.**

The Bowne Township Board hereby confirms the establishment and existence under the Michigan Planning Enabling Act, Public Act No. 33 of 2008, MCL 325.3801 et seq., of the Bowne Township Planning Commission formerly established under the Township Planning Act, Public Act No. 168 of 1959, MCL 125.321 et seq. Members of the Bowne Township Planning Commission as of the effective date of this Ordinance shall, except for the member whose remaining term on the Planning Commission shall be limited to his or her term on the Bowne Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act No. 33 of 2008, MCL 325.3801 et seq.

**Section 3. Members.**

- a) The Planning Commission shall consist of nine (9) members as appointed by the Bowne Township Board. To be qualified to be a member and remain a member of the Planning Commission, each individual shall meet the following qualifications:
- (i) The member shall be a qualified elector of Bowne Township, except that one member may be a non-qualified elector who may live outside the boundaries of the Township.
  - (ii) One member shall also be a member of the Bowne Township Board, whose term of office shall coincide with his or her elected term of office on the Township Board. This member shall not serve as the chairperson of the Planning Commission.
  - (iii) Except as provided in 0 hereof, an employee or elected officer of Bowne Township shall not serve as a member of the Planning Commission.
  - (iv) The membership shall be representative of the important aspects of the community, such as the economic, governmental, educational, and social segments of Bowne Township, in accordance with the major interests as they exist in the township as follows:

- (A) Agriculture;
  - (B) Natural resources;
  - (C) Recreation;
  - (D) Education;
  - (E) Public health;
  - (F) Government;
  - (G) Transportation;
  - (H) Industry; and
  - (I) Commerce.
- (v) The membership shall also be representative of the entire geography of Bowne Township to the extent practicable.
- b) Members shall be appointed for three-year terms. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one-third (1/3) of all Planning Commission members continue to expire each year.

**Section 4. Membership - Appointment and Terms.**

- a) In January of each year, the Bowne Township Clerk shall determine which members' terms of office are about to expire, and shall place an advertisement in a newspaper of general circulation seeking applications and nominations for Planning Commission members.
- b) On or before May 1 of each year, the Bowne Township Supervisor, with the approval of the Township Board by a majority vote of its members elected and serving, shall appoint all Planning Commission members for expiring terms.
- c) Removal from office. The Bowne Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a known potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance in office.
- d) Absences. The Secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Bowne Township Board.
- e) Vacancies. The Bowne Township Board shall fill any vacancy in the membership of the Planning Commission for the unexpired terms in the same manner as the initial appointment.
- f) Membership compensation. All members of the Planning Commission shall receive such compensation as established by the Bowne Township Board.



**Section 5. Meetings.**

- (a) The Planning Commission shall meet at least four (4) times per year and a majority of members of the Planning Commission shall constitute a quorum for the transaction of business. All questions which shall arise at Planning Commission meetings shall be determined by a vote of the majority of the members of the Planning Commission which are present, so long as a quorum is present.
- (b) The affirmative vote of the majority of the nine (9) members of the Planning Commission (regardless of whether vacancies or absences exist) shall be necessary for the adoption, or recommendation for adoption, of any Master Plan or amendment to a Master Plan.

**Section 6. Powers and Duties.**

- (a) The Planning Commission shall have such powers and duties as are set forth in Public Act No. 33 of 2008, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*; and Public Act No. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (MCL 125.3101 *et seq.*). In addition, the Planning Commission's duties shall include the following:
  - (i) Prepare the Master Plan for the physical development of the Township, review the Master Plan every five years, and recommend changes and revisions to the Master Plan.
  - (ii) Take appropriate action on petitions, staff proposals and Township Board requests for amendments to the Bowne Township Zoning Ordinance ("Zoning Ordinance").
  - (iii) Take appropriate action on petitions, staff proposals and Township Board requests for amendments to the Master Plan. A plat that is properly reviewed and approved under the Land Division Act, Public Act No. 591 of 1996 as amended, is an amendment to the Master Plan and no separate Master Plan amendment hearing is required.
  - (iv) Prepare and adopt bylaws for the transaction of business, and keep a public record of its resolutions, transactions, findings and determinations.
  - (v) Prepare an annual report to the Township Board concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development. The bylaws may specify the minimum elements of the annual report required by the Township Board.
  - (vi) Review proposals for public streets, ways, spaces, buildings, or structures as provided in Section 61 of Public Act No. 33 of 2008, as amended, for compliance with the Master Plan.
  - (vii) Take such actions as are required by the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, as amended.
  - (viii) Review subdivision and condominium proposals and recommend appropriate actions to the Township Board (where applicable).
  - (ix) Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.

- (x) Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of Planning Commission member and for which appropriations of funds have been approved by the Township Board, as needed.
- (xi) Annual Capital Improvements Program. The Planning Commission shall prepare an annual Capital Improvements Program (“CIP”) as part of the Township budget process. The CIP shall show those public structures and improvements in their general order of priority that in the judgment of the Commission will be needed or desirable and can be undertaken within the ensuing six-year period. The CIP shall be forwarded as a recommendation to the Township Board. The Planning Commission may be exempted from this requirement upon resolution by the Township Board. If the Planning Commission is exempted, the Township Board shall prepare and adopt a Capital Improvements Program.
- (xii) Perform such other duties and responsibilities or respond as requested by the Township Board.

**Section 7. Staff.**

- (a) The Planning Commission may recommend to the Township Board a Planning Director, Planning Consultant or other planning staff within the budget provided for this purpose.
- (b) The appointment of the planning director, planning consultant, and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of Bowne Township.

**Section 8. Approval, Ratification, and Reconfirmation.**

The Bowne Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards, zoning commissions, or planning commissions by the former Township Zoning Act, Public Act No. 184 of 1943, MCL 125.271 *et seq.*; the Michigan Zoning Enabling Act, Public Act No. 110 of 2008, MCL 125.3101 *et seq.*; or other applicable zoning statutes to the Bowne Township Planning Commission formerly established under the Township Planning Act, Public Act No. 168 of 1959, MCL 125.321 *et seq.* All official actions taken by all Bowne Township Planning Commissions preceding the effective date of this Ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Planning Commission created by this Ordinance, subject to the requirements of this Ordinance, and shall be to be deemed a continuation of any previous Bowne Township Planning Commission.

**Section 9. Conflict of Interest.**

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a known potential conflict of interest as required by this Ordinance constitutes malfeasance in office.

For the purposes of this section, conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

- (a) An immediate family member is involved in any request for which the Planning Commission is asked to make a decision.

- (b) The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association.
- (c) The Planning Commission member owns or has a financial interest in neighboring property.
- (d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

**Section 10. Severability.**

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

**Section 11.**

This Ordinance shall become effective seven (7) days after its publication or seven days (7) after the publication of a summary of this Ordinance's provisions in a local newspaper of general circulation.

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**BOWNE TOWNSHIP  
LAND DIVISION ORDINANCE  
ORDINANCE NO. 97-1**

**FOR  
LAND DIVISIONS,  
SUBDIVISIONS,  
AND SITE CONDOMINIUMS**

**February 1999**

**Amended:**

**August 17, 2009**

**Ord. No. 09-05**

**September 30, 2015**

**Ord. No. 15-04**

**TABLE OF CONTENTS**

ARTICLE 1 - GENERAL PROVISIONS ..... 1-1

    1.01 PREAMBLE ..... 1-1

    1.02 SHORT TITLE ..... 1-1

    1.03 PURPOSE ..... 1-1

    1.04 LEGAL BASIS ..... 1-2

    1.05 OVERVIEW ..... 1-2

    1.06 REVIEW STANDARDS ..... 1-3

    1.07 SINGLE-FAMILY DWELLINGS ..... 1-3

    1.08 RELATIONSHIP TO ZONING ORDINANCE ..... 1-3

    1.09 SCOPE ..... 1-3

    1.10 SCHEDULE OF FEES ..... 1-3

ARTICLE 2 - DEFINITIONS ..... 2-1

ARTICLE 3 - LAND DIVISIONS (LAND DIVISION ACT COMPLIANCE) ..... 3-1

    3.01 INTENT AND PURPOSE ..... 3-1

    3.02 REQUIRED APPROVAL ..... 3-1

    3.03 SKETCH PLAN ..... 3-1

    3.04 APPROVAL PROCEDURE ..... 3-3

    3.05 PLANNING COMMISSION REVIEW ..... 3-4

    3.06 PROPERTY LINE ADJUSTMENTS ..... 3-5

    3.07 COMPUTER RECORD ..... 3-5

ARTICLE 4 - SUBDIVISIONS ..... 4-1

    4.01 PRELIMINARY PLANS ..... 4-1

    4.02 PRELIMINARY PLATS ..... 4-1

    4.03 FINAL PLANS ..... 4-5

    4.04 COMPUTER RECORD ..... 4-7

ARTICLE 5 - SITE CONDOMINIUMS (CONDOMINIUM ACT COMPLIANCE) ..... 5-1

    5.01 CONDOMINIUM SUBDIVISIONS ..... 5-1

    5.02 DEFINITIONS ..... 5-1

    5.03 INITIAL INFORMATION ..... 5-1

    5.04 INFORMATION TO BE KEPT CURRENT ..... 5-2

    5.05 CONDOMINIUM SUBDIVISION PLAN - REQUIRED CONTENT ..... 5-2

    5.06 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAW ..... 5-2

    5.07 TEMPORARY OCCUPANCY ..... 5-2

    5.08 SINGLE-FAMILY DETACHED CONDOMINIUMS ..... 5-2

    5.09 EASEMENTS FOR UTILITIES ..... 5-4

    5.10 ENCROACHMENT PROHIBITED ..... 5-4

    5.11 RELOCATION OF BOUNDARIES ..... 5-4

    5.12 MOBILE HOME CONDOMINIUM PROJECT ..... 5-4

    5.13 COMPUTER RECORD ..... 5-4

TABLE OF CONTENTS (Continued)

5.14	MASTER DEED .....	5-4
5.15	PRELIMINARY APPROVAL .....	5-5
5.16	FINAL APPROVAL .....	5-5
5.17	EXPANDABLE OR CONVERTIBLE PROJECTS .....	5-5
ARTICLE 6 - REQUIRED IMPROVEMENTS .....		6-1
6.01	INTENT AND PURPOSE .....	6-1
6.02	RESPONSIBILITY FOR PLANS .....	6-1
6.03	REQUIRED PUBLIC IMPROVEMENTS .....	6-1
6.04	TRAFFIC WAYS - STREETS AND ROADS .....	6-3
6.05	BLOCKS .....	6-4
6.06	LOTS .....	6-4
6.07	BUFFER STRIPS, RESERVE STRIPS, AND PUBLIC USES .....	6-6
6.08	NATURAL FEATURES .....	6-6
6.09	SOIL REMOVAL AND STORM WATER DRAINAGE .....	6-7
6.10	INSTALLATION OF PUBLIC UTILITIES .....	6-7
6.11	FINANCIAL GUARANTEE OF COMPLETION OF REQUIRED IMPROVEMENTS .....	6-9
ARTICLE 7 - PUBLIC IMPROVEMENT DESIGN STANDARDS .....		7-1
7.01	TRAFFICWAYS - STREETS AND ROADS .....	7-1
7.02	INTERSECTIONS .....	7-4
7.03	BLOCKS .....	7-5
7.04	LOTS .....	7-5
7.05	BUFFER STRIPS, RESERVE STRIPS, AND PUBLIC USES .....	7-7
7.06	NATURAL FEATURES .....	7-7
7.07	SOIL REMOVAL AND STORM WATER DRAINAGE .....	7-8
7.08	MISCELLANEOUS .....	7-9
ARTICLE 8 - EXCEPTIONS .....		8-1
8.01	GENERAL .....	8-1
8.02	TOPOGRAPHICAL-PHYSICAL LIMITATION EXCEPTION .....	8-1
ARTICLE 9 - ENFORCEMENT, PENALTIES, AND AMENDMENTS .....		9-1
9.01	ENFORCEMENT .....	9-1
9.02	PENALTIES .....	9-1
9.03	AMENDMENTS .....	9-1
ARTICLE 10 - MISCELLANEOUS PROVISIONS .....		10-1
10.01	VALIDITY .....	10-1
10.02	EFFECTIVE DATE .....	10-1

---

**LIST OF FIGURES**

FIGURE 1 - TYPICAL SITE CONDOMINIUM LAYOUT ..... 5-3  
FIGURE 2 - STREET TYPES ..... 6-5  
FIGURE 3 - SELECTED DESIGN STANDARDS ..... 7-6

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**BOWNE TOWNSHIP  
LAND DIVISION ORDINANCE  
ORDINANCE NO. 97-1**

**ARTICLE 1**

**GENERAL PROVISIONS**

**1.01 PREAMBLE**

An ordinance regulating the division of land in Bowne Township requiring and regulating the preparation and presentation of division plans for such purposes; establishing minimum standards; providing for minimum improvements to be made, or guaranteed to be made, by the developer; setting forth the procedures to be followed by the Township Board and Planning Commission in applying these rules, regulations, and standards; and prescribing penalties for the violation of its provisions;

*Bowne Township ordains:*

**1.02 SHORT TITLE**

This ordinance will be known and may be cited as the "Bowne Township Land Division Ordinance."

**1.03 PURPOSE**

The purpose of the ordinance is to regulate and control the division and development of land for residential purposes within Bowne Township to promote the safety, public health, and general welfare of the community. These regulations are specifically designed to:

- Provide for orderly growth and harmonious development of the community, consistent with orderly growth policies.
- Secure safe and convenient traffic circulation through coordinated street systems, with proper relation to major thoroughfares, adjoining neighborhoods, and public facilities.
- Achieve individual property lots with maximum utility and livability.
- Ensure adequate provisions for water, drainage, and sanitary sewer facilities, and other health requirements.
- Plan for the provision of adequate recreational areas, school sites, and other public facilities.
- Ensure that land division improvements are properly installed and completed according to the regulations contained in the Land Division Act of 1967, and the Condominium Act of 1978, as amended.

## 1.04 LEGAL BASIS

This ordinance is enacted pursuant to the statutory authority granted by the Condominium Act, Act 59 of the Public Acts of 1978; the Land Division Act, Act 288 of the Public Acts of 1967; and the Planning Enabling Act, PA 33 of 2008 as amended.

## 1.05 OVERVIEW

These regulations are intended to provide a guide to land development according to the municipality's comprehensive plan. Based on the protection and promotion of the public interest, it offers protection and stability to both the public and private sectors.

The single most important justification for development regulations is the welfare of the community. Many of the most perplexing community problems today are the result of haphazard and unplanned growth, such as substandard developments, excessive subdividing, and partial developments. If properly utilized, development regulations will produce more orderly and efficient land development. It will prevent building in areas unsuited for residential development and will require development to be based on topography for better utilization of the land. It will end toleration of premature and excessive expansion, and require consistent physical improvements for all development.

Typically, development regulations establish:

- The administrative review and evaluation procedure for processing development plans.
- The form of presentation and detail of documentation of each development.
- General design principles and specific design standards for lots, blocks, streets, public places, and utilities.
- Required improvements, including streets, drainage, and water and sewer facilities.
- Financing and maintenance responsibilities.

We have set forth the design standards and the required improvements, including appropriate definitions and graphics. The requirements, procedures, standards, and limitations contained herein are considered the minimum necessary for satisfactory development in this Township.

Generally, all portions of this ordinance apply to all residential development projects (land divisions, subdivisions, or condominiums), with the following exceptions:

- Article 3 pertains only to **land divisions** exempted from subdividing by Act No. 288 of the Public Acts of 1967, as amended, the Land Division Act.
- Article 4 pertains only to **subdivisions** regulated by Act No. 288 of the Public Acts of 1967, as amended, The Land Division Act, and the Planning Enabling Act, PA 33 of 2008 as amended.
- Article 5 pertains only to **condominium subdivisions** regulated by Act No. 59 of the Public Acts of 1978, as amended, the Condominium Act.

## **1.06 REVIEW STANDARDS**

Developments proposed following this ordinance will be considered only if the following conditions are met:

- The development and the proposed lots to be served by the development are poorly suited for agricultural production due to existing soil conditions, slope, or the presence of natural vegetation, such as woodlot, brush land, and wetlands. The Planning Commission, in making its determination, may consider factors such as, but not limited to, past and present uses of the parcel, past productivity, and difficulty in making the parcel suitable for farming.
- There will be a minimal likelihood of conflicts arising between the residential use and surrounding activities.
- The precedent set by allowing the residential use in the circumstances under consideration will not adversely affect the long-term plans and development policies of Bowne Township.
- The documentation containing information on the conditions described above must be made available to the Planning Commission in making this determination.
- The proposed development must be consistent with the Township's plan for the provision of public utilities.

## **1.07 SINGLE-FAMILY DWELLINGS**

All uses proposed under this ordinance must be for providing single-family residential dwelling units.

## **1.08 RELATIONSHIP TO ZONING ORDINANCE**

The development must conform to all provisions of the Bowne Township Zoning Ordinance regarding lot width, depth, area, and all other requirements.

## **1.09 SCOPE**

This ordinance will apply to any parcel, lot or lots created by the division of land. It is not intended by this ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, or with private restrictions placed upon property by deed, covenant, or regulations, or with restrictive covenants running with the land to which the Township is a party. Where this ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Township, the provisions of this ordinance will control.

## **1.10 SCHEDULE OF FEES**

Fees will be required for the review and inspection of development plans according to the most currently established schedule of fees as adopted by the Bowne Township Board.

## ARTICLE 2

### DEFINITIONS

The following definitions will apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated. The words "will" and "must" are always mandatory.

**Act 288:** Public Act 288 of 1968, the Land Division Act.

**Administrator:** The Township Planning Commission will be the designated administrator of this ordinance.

**Alley:** A public or private right-of-way shown on a plat that provides secondary access to a lot, block, or parcel of land.

**Applicant:** The applicant is the property owner or other person, persons, corporation, or trust, etc. having an interest in property. The applicant will be considered the primary contact person for filing an application and is the person to whom all correspondence and communication are to be directed. All applications and documents requiring signatures must be signed by the applicant.

**As-Built-Plans:** Revised construction plans according to all approved field changes.

**Block:** An area of lands within a development that is entirely bound by streets, highways, or ways except alleys and exterior boundaries of the development.

**Building Envelope:** The individual area within the building site upon which the principal and accessory structures are to be located typically within the required setbacks and conveyed as individual condominium units via the master deed.

**Building Site:** The area upon which a structure is to be located, including the driveway, condominium unit, and limited commons areas (see lot).

**Comprehensive Plan (Land Use Plan):** A unified document of text, charts, graphics, or maps, or any combination designed to portray general, long-range proposals for the arrangement of land uses intended primarily to guide government policy toward achieving orderly and coordinated development of the entire community, including any unit, part, or amendment to such Plan.

**Condominium Subdivision:** A development project as permitted by Act 59 of 1978 for which a subdivision plan must be prepared pursuant to the act.

**Condominium Subdivision Plan:** The survey, site, and utility plans as prepared by a professional architect land surveyor, or engineer at a scale of at least 1 inch equals 100 feet on a standard 24- x 30-inch sheet(s). Floor plans and building sections showing structures and improvements, the size location area, vertical boundaries, and volume for each condominium unit must be shown. Each condominium unit must be identified individually by number. The nature, location, and size of all limited common elements and general common elements, with other items deemed appropriate by the Planning Commission, must be shown.

**Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

**County Drain Commissioner:** The Kent County Drain Commissioner.

**County Health Department:** The Kent County Health Department.

**County Road Commission:** The Kent County Road Commission.

**Crosswalks (Pedestrian Walkway):** Provision for disabled access, signage, paint stripping, curb cuts, flaring and scope, etc., required for pedestrians to cross the street at intersections or other designed places.

**Dedication:** The intentional appropriation of land by the developer to public use.

**Developer:** A natural person, firm, association, partnership, corporation, or any combination thereof that may hold any recorded or unrecorded ownership interest in land. The developer is also commonly referred to as the owner, proprietor, applicant or subdivider.

**Development:** The process of altering land to be used for residential purposes, including all appurtenant activities.

**Division:** The process of splitting a parcel of land for sale or lease for more than one year, or of a building site development site that results in one or more parcels of land less than 40 acres in size. Divisions of land must satisfy the requirements of P.A. 288 of 1967.

**Engineering Plans:** Documents, drawings, and reports prepared by a registered engineer addressing all pertinent aspects of development.

**Exempt Split:** The division of land that does not result in one or more parcels 40 acres or less in size.

**Floodplain:** The area of land adjoining the channel of a river, stream, watercourse, lake, or other similar body of water that will be inundated by a flood that can reasonably be expected for that region.

**Improvements:** Any structure incident to servicing or furnishing facilities for a development, such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals, and other appropriate times with appurtenant construction.

**Land Division Act:** Act 288, P.A. 1967, State of Michigan.

**Lot:** A measured portion of a parcel or tract of land described and fixed in a recorded plat or condominium subdivision building sites. The terms "lot," "parcel," "split," and "building sites" are synonymous.

- **Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

- **Lot Width:** The horizontal distance between the side of the lot lines measured at the setback line and at right angles to the lot depth.

**Outlot:** When included within the boundary of a recorded plat, “outlot” means a lot set aside for purposes other than a building site, park, or other land dedicated to public use or reserved to private use.

**Parent parcel or parent tracts:** A parcel/tract of land in the same ownership legally in existence on March 31, 1997.

**Parcel or Tract:** A continuous area or acreage of land that can be described as provided for in the Land Division Act.

**Planned Unit Development:** A land area that has both individual building sites and common property, such as a park, and designated land developed under one developer or organized group as a separate neighborhood or community unit.

**Planning Commission:** The Planning Commission of Bowne Township as established under the Planning Enabling Act, PA 33 of 2008 as amended.

**Plat:** A map or drawing of a subdivision of land (See “subdivision plans”).

- **Pre-Preliminary Plat:** An informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.
- **Preliminary Plat:** A map showing the salient features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.
- **Final Plat:** A map of a subdivision of land made up in final form, ready for approval and recording.

**Private Road:** A private road that complies with the conditions of the Township Zoning Ordinance and Township design specifications for public improvements.

**Project:** A development project.

**Public Open Space:** Land dedicated or reserved for use by the public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets, highways, and public parking spaces.

**Public Utility:** All persons, firms, corporations, co-partnerships, or municipal, or other public authority providing gas, electricity, water, steam, telephone, telegraph, storm sewers, sanitary sewers, transportation, or other service of a similar nature.

**Required Setback:** A line parallel to a street right-of-way line, shore of a lake, or edge of a stream, or a river bank established on a parcel of land or on a lot to prohibit construction of a structure between such line and a right-of-way, other public area, the shore of a lake, or the edge of a stream or river bank.

**Right-of-Way:** Land reserved, used, or to be used for a street, alley, walkway, or other public purpose.

**Same Ownership:** Same ownership means ownership by the same person, by members of the same immediate family or ownership by different legal entities if a 30% or greater interest in each of those legal entities is owned by the same individual or by a member or members of the same immediate family. Where two or more parcels share a common property line, ownership of at least one, but less than all of the parcels by a particular individual, and ownership of the remaining parcel or parcels by a private legal entity, in which the individual or a member, or members, of his or her immediate family own a 30% or greater interest will constitute same ownership.

**Sidewalk:** Concrete paving parallel to and removed from road surfaces to facilitate pedestrian travel.

**Sight Distance:** The unobstructed vision on a horizontal plane along a street centerline from a driver's eye height of 3.75 feet and an object height of 6 inches.

**Site Condominium:** That type of condominium in which the condominium unit consists of the building space rather than a structure.

**Site Plan:** A scaled drawing that shows the locations and dimensions of improvements of a development such as, but not limited to, buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.

**Sketch Plan:** A drawing showing the following information:

- The date, north arrow, and scale. The scale will be not less than 1 inch = 20 feet for property less than 3 acres and at least 1 inch = 100 feet for those 3 acres or more.
- All lot and/or property lines are to be shown and dimensioned, including building setback lines.
- The location, height, and type of all existing and proposed structures on and within 100 feet of the subject property's boundary.
- The name and address of the individual responsible for the preparation of the sketch plan.
- The name and address of the property owner or developer.

**Street:** A public or private right-of-way that provides for vehicular and pedestrian access to abutting properties.

- **Major Arterial:** Those streets that have greater continuity and are intended to serve a large volume of traffic for both the community and region.
- **Minor Arterial:** Those streets of considerable continuity used primarily to carry traffic from collector streets to major arterials.
- **Collector Street:** Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.
- **Minor or Local Street:** A street intended primarily for access to abutting properties.

- **Marginal Access Street:** A minor street that is parallel and adjacent to arterial streets and that provides access to abutting properties and protection from through traffic and not carrying through traffic.
- **Cul-de-sac:** A minor street of short length having one end terminated by a vehicular turnaround.

**Subdivision:** The partitioning or dividing of a parcel or tract of land by the developer thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for sale or lease where the act of development creates multiple parcels of land or building sites for residential purposes.

**Subdivision Plan:** The survey, site, and utility plans, as prepared by a professional architect, land surveyor, or engineer, at a scale of at least 1 inch equals 100 feet on a standard 24- by 30-inch sheet(s) (see "condominium subdivision plan" and "plat").

**Surveyor:** Either a land surveyor who is registered in this state as a registered land surveyor or a civil engineer who is registered in this state as a registered professional engineer.

**Topographic Map:** A map showing existing physical characteristic with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

**Township Board:** The Bowne Township Board.

**Tract:** Two or more parcels that share a common property line and are under the same ownership.



## ARTICLE 3

### LAND DIVISIONS (LAND DIVISION ACT COMPLIANCE)

#### 3.01 INTENT AND PURPOSE

Before any extensive work is done on any land division (split), it is recommended that the applicant meet in person with the township Assessor or other township official designated for this purpose. In so doing, the applicant will receive assistance concerning requirements and further procedures. The benefits of this assistance will be to determine whether the proposed division is consistent with the requirements of this or other ordinances of the Township. It will also help determine whether the proposed division provides for the orderly development of land compatible with adjacent land uses and the intended development policies of the area.

An application for land division must be complete so that an accurate analysis can be made by the Township assessor. The assessor or his representative will advise and aid the applicant in obtaining the best possible layout for all proposed land divisions(splits). After an appropriate solution has been worked out, the applicant may continue with his or her plans. All land divisions must conform to the requirements and standards of the Bowne Township Zoning Ordinance. The application will not be considered complete unless it contains all required information.

#### 3.02 REQUIRED APPROVAL

Any division of land, including any partitioning or splitting of land, within the Township that requires the approval of the Township to qualify as a land division under Act No. 288 of the Public Acts of 1967, as amended, must satisfy the requirements of this section and the other applicable sections of this ordinance and other Township ordinances, including the Township Zoning Ordinance.

An applicant proposing a land division will file the following information with the township:

- A. A completed land division application;
- B. A sketch plan;
- C. Other information that may be required by the township.

Building permits, occupancy permits or any other approvals will not be authorized by the township or its designated representatives without signed and certified approval of the land division application.

#### 3.03 SKETCH PLAN

A sketch plan must be made available containing enough information to make an accurate analysis of the proposed land division. It is important that the assessor have adequate information to review the land division application thoroughly and consistently. Accurate sketch plans make the Assessor's job much less complicated in conducting the reviews. Applicants should provide a sketch of the property with accompanying information prior to hiring a surveyor. The Assessor will not approve the sketch

plan if it is not complete. Occasionally, the assessor may request the planning commission or its representative review the land division application.

#### A. Required Information

The sketch plan must be prepared at a scale not less than 1 inch = 20 feet for divisions less than 3 acres, and at least 1 inch = 100 feet or greater for those divisions which are 3 acres or more.

The following must be shown on the sketch plan:

1. Names, addresses, and telephone numbers of the applicant, and the engineers, architects, or registered land surveyors preparing the sketch plan.
2. The permanent parcel number of the parent parcel/tract and the total square feet and acres of the parent parcel/tract.
3. All proposed new divisions including lot lines, dimensions and the total square feet and acres of each.
4. The date, north arrow, and scale.

The following information must be shown on the sketch plan or submitted with it:

1. Names, addresses, and telephone numbers of the applicant, property owners; all engineers, attorneys, architects, or registered land surveyors associated with the project; and all persons, firms, or corporation with an ownership interest in the land, with a description of the nature of each entity's interest, (i.e., fee owner, optionee, or land contract vendee).
2. The legal description of the parent parcel/tract.
3. Proof of ownership of the parent parcel/tract of the land proposed for division. Proof may consist of a deed or an abstract of title certified to the date of the property owner's certificate or a policy of title insurance currently in force, which reflects all rights-of-way and easements, including their location, purpose, type, condition and width.
4. A statement on intended use of the proposed land divisions, such as residential single-family, two-family, multi-family dwellings; commercial; industrial; recreational; agricultural; shopping centers; churches; industry; parks; playgrounds; schools; or other public or nonpublic uses.

B. Additional Information

The following may be included with the sketch plan to assist the Assessor or may be requested at his discretion:

1. Location, character, and extent of environmental conditions present on the site including, but not limited to, wetlands, steep slopes, Floodplain, soils, and existing vegetation.
2. Location, character, and extent of existing and proposed improvements including, but not limited to, buildings, public utilities, drainage, sanitary sewers, water mains, and their respective profiles.
3. Existing or proposed protective covenants and deed restrictions; or state, in writing, that none exist or are proposed.
4. The assessor may require a survey prepared by a registered surveyor or civil engineer as provided for in Act No. 132, Public Acts of 1972, as amended.
5. When a parcel is proposed to be built on,
  - a. An evaluation or water well permits prepared by the Kent County Health Department for each proposed parcel not serviced by a public water system.
  - b. A soil evaluation or septic system permit prepared by the Kent County Health Department for each proposed parcel not serviced by a public sewer system.
  - c. An indication of approval from the Michigan Department of Transportation or the Kent County Road Commission for any proposed driveway.

3.04 APPROVAL PROCEDURE

- A. The applicant must submit a completed land division application together with the fee as established by the Township Board. An application is not complete until all of the application requirements have been met. The assessor will be responsible for:
1. Providing appropriate comments and suggestions concerning the proposed land division.
  2. Reviewing the proposed land division informally with the applicant, with other Township staff persons, engineers, and consultants as necessary, and informing the applicant, either verbally or in writing, of the results of a preliminary review.
  3. The Assessor will review the sketch plan and all related information and, if it does not meet all requirements, will notify the applicant, by letter, stating the deficiencies of the application and additional information required.

4. The Assessor will approve, deny, or approve with modifications, not more than 45 days after submission of a completed land division application meeting all requirements of this ordinance.
5. The 45-day period may be extended if the applicant consents. If no action is taken within 45 days, the land division application will be deemed to have been approved.
6. Approval will be valid for one year and may be extended only by approval of the Planning Commission.
7. If the Assessor recommends disapproval of the land division application, the response to the applicant will state the reasons.

### 3.05 PLANNING COMMISSION REVIEW

- A. The Assessor will forward his comments to the Planning Commission (when either he determines it appropriate or the application includes a new street or road). The Planning Commission will consider the application following the submission of all required documentation. The applicant must submit ten copies of the information required by the planning commission to the township at least 20 days before a meeting of the Planning Commission.

The following Information is required by the planning commission:

1. The information required by the Assessor in the sketch plan section above. The sketch plan must include streets, water, sewers, sidewalks, and other public improvements and any other information required by the planning commission to enable the Planning Commission to make a preliminary determination as to conformance of the proposed land division to applicable Township regulations and standards.
2. A water evaluation report or water well permit prepared by the Kent County Health Department for each proposed parcel.
3. A soil evaluation report or septic system permit prepared by the Kent County Health Department for each proposed parcel.
4. An indication of approval from the Kent County Road Commission (and if on M-50, the Michigan Department of Transportation), for any proposed right-of-way or new easement for ingress and egress.
5. For waterfront property, or where surface water or wetlands are within the limits of the parent parcel, both existing and proposed contours and elevations must be shown. Groundwater levels must be investigated and specified. A statement as to how and when the groundwater level was established must be included.
6. For projects of 20 acres or more, drainage characteristics and supporting flow calculations for the entire drainage area must be provided.

7. The location, character, and extent of environmental conditions present on the site including, but not limited to, wetlands, steep slopes, floodplain, soils, and existing vegetation.
8. The location, character, and extent of existing and proposed improvements including, but not limited to, buildings, public utilities, drainage, sanitary sewers, water mains, and their respective profiles.
9. Existing or proposed protective covenants and deed restrictions; or state, in writing, that none exist or are proposed.
10. A survey prepared by a registered surveyor or civil engineer as provided for in Act No. 132, Public Acts of 1972, as amended.

### 3.06 PROPERTY LINE ADJUSTMENTS

Property line adjustments which transfer property from one parcel to another require formal application and approval by the Assessor or planning commission as described above. An application for a property line adjustment must be submitted to the assessor in the same manner as an application for a land division.

In addition to the requirements of Ordinance No. 97-1 as amended, Article 3 herein, the application for a property line adjustment, the application shall include:

1. A legal description and survey for both the existing parcel and the proposed parcels, with parcel line dimensions and lot area shown.
2. An illustration showing existing structures and setbacks from all proposed lot lines, showing that existing structures will meet the requirements of the Bowne Township Zoning Ordinance.

The land transfer may be approved once it is determined that the proposed land transfer meets all the requirements of the zoning ordinance.

A property line adjustment does not constitute a land division as defined by the Land Division Act, PA 288 of 1967 as amended.

### 3.07 COMPUTER RECORD

If available, the applicant is requested to submit a computer version of the engineering plans on a diskette for the Township records.

## ARTICLE 4

### SUBDIVISIONS (LAND DIVISION ACT COMPLIANCE)

#### 4.01 PRELIMINARY PLANS

##### A. Purpose

It is recommended that, before any extensive work is done on any subdivision, the developer, or his or her representative, discuss his or her plans in person with the Planning Commission or a committee of the Planning Commission designated for this purpose. The purpose of this meeting will be to provide assistance concerning requirements and further procedures and whether the proposed subdivision is compatible with the intended development of the area.

##### B. Requirements

A sketch plan containing enough information so that an accurate analysis can be made must be made available before the meeting. The Planning Commission or its representative will advise and aid the developer in obtaining the best possible layout of all concerned. After an appropriate solution has been worked out, the developer may proceed with his or her pre-preliminary plans.

##### C. Procedures

1. The Planning Commission or committee may review the subdivision plans informally with the applicant, with other Township staff persons, engineers, and consultants as necessary.
2. The Planning Commission will inform the applicant of the Township's development policies and will make appropriate comments and suggestions concerning the proposed development scheme.
3. The Planning Commission will inform the Township Board, either in writing or at regular Township Board meeting, of the results of the review of the pre-preliminary plans.

#### 4.02 PRELIMINARY PLATS

##### A. Purpose

It is required that a developer obtain formal approval of a preliminary plat. The preliminary plat process consists of "tentative preliminary" and "final preliminary" approval. Tentative preliminary approval is given by the Planning Commission following review of all required information and a public hearing. Final preliminary approval is granted by the Township

Board following the certified approval of all approving authorities and a written report by the Planning Commission.

## B. Requirements

A preliminary plat containing all the information as required must be submitted to the Planning Commission for processing. The drawing must be prepared by a registered surveyor or civil engineer.

1. **Submittal:** The developer must submit five copies of the preliminary plat on a topographic map to the Township Clerk at least 20 days before a meeting of the Planning Commission. The preliminary engineering plans must include streets, water, sewers, sidewalks, and other required public improvements. The engineering plans must contain enough information and detail to enable the Planning Commission to make preliminary determination as to conformance of the proposed improvements to applicable Township regulations and standard.
2. **Size and Scale:** The preliminary plat may be on paper and must be not less than 24-by 36-inches, at a scale of at least 1 inch to 100 feet showing the date and north arrow.
3. **Information Required:** The following must be shown on the preliminary plat or submitted with it.
  - a. The name of the proposed development.
  - b. The names, addresses, and telephone numbers of the developer; all engineers, attorneys, architects, or registered land surveyors associated with the project; and all persons, firms, or corporation with an ownership interest in the land on which the project will be located, together with a description of the nature of each entity's interest, (i.e., fee owner, optionee, or land contract vendee).
  - c. The location of the proposed development, giving the numbers of section, Township, and range.
  - d. The legal description of the land on which the project will be developed, along with the appropriate tax identification numbers and the total number of acres of the development.
  - e. A statement on intended use of the proposed development, such as residential single-family, two-family, and multi-family housing; commercial; industrial; recreational; or agricultural. Also, proposed sites, if any, for multi-family dwellings, shopping centers, churches, industry, and other non-public uses exclusive of single-family dwellings. Also, any proposed sites or parks, playgrounds, schools, or other public uses.
  - f. A map of the entire area scheduled for development, if the proposed development is part of a larger holding intended for subsequent development.

- g. A location map showing the relationship of the proposed development to the surrounding area.
- h. Streets, street names, rights-of-way and roadway widths.
- i. Lot lines and total number of lots by block.
- j. A site report as described in the rules of the Site Department of Public Health. The requirement for a site report is applicable only if the proposed development is not to be served by the public sewer and water systems.
- k. Proposed and existing storm and sanitary sewers, water mains, and their respective profiles; or indicate alternative methods.
- l. Proposed protective covenants and deed restrictions; or state, in writing, that none are proposed.
- m. Proposed protective covenants and deed restrictions; or state, in writing, that none are proposed.
- n. Right-of-way easements showing location, width, and purpose.
- o. A map showing the land use and existing zoning of the proposed development and adjacent parcels.
- p. Existing and proposed contours must be shown at 5-foot intervals where the slope is greater than 10 percent and at 2-foot intervals where the slope is 10 percent or less.
- q. A statement as to whether the high groundwater is less than or greater than 6 feet from either the existing or proposed finished ground surfaces. In those cases where the groundwater is less than 6 feet, the groundwater level must be specified. A statement as to how and when the high groundwater level was established must be included.
- r. For waterfront property or where the high groundwater elevation is within 6 feet of existing or proposed finished ground surface, show existing and proposed 2-foot contours intervals. The Planning Commission may require 2-foot contour intervals when the building sites exceed 1 acre. When extensive cutting or filling of land is anticipated that will affect building sites or sewage and disposal facilities, the areas involved must be indicated. The source, if known, and the type of fill material to be used when filling must be specified.
- s. Location of Floodplain areas, rivers, streams, creeks, lakes, county drains, lagoons, slips, waterways, bays, canals, and artificial impoundments, either existing or proposed within or adjacent to the area to be platted.
- t. Location and results of all soil borings performed on the site when the subdivision will not be served by a public sewer system. Soil borings should



be provided on the basis of at least one per acre or one per lot if lots exceed 1 acre in size. The county health department may modify this requirement based on local conditions.

- u. A statement of the availability of water of good quality for domestic use on the land proposed to be developed, if public water service will not be provided to the development. If questionable, the county health department may require an estimate as to the availability of quality water based upon a study by a registered civil engineer or hydrologist competent in the field of water supply.
- v. A report of soil limitations based on site inspection carried out by a soil specialist qualified in the area of soil classification and mapping, including soils information as may be obtained from a modern soil map that meets the standards of the National Cooperative Soil Survey. The source of information must be specified. As an example, a soil survey may be prepared by a competent soil scientist, with an indication of categories of soils determined to exist in the proposed plat area.

### **C. Procedures**

1. **Validation:** In addition to the five copies of the preliminary plat submitted to the Township Clerk 20 days before the next meeting of the Planning Commission, the developer must also submit a written application for approval and the fee established by the Township Board for review of plans. All subdivision plans must conform to the requirements and standards of the Township Zoning Ordinance (Article 18, Site Plan Review).
2. **Planning Commission:**
  - a. The Planning commission shall review the preliminary plat and, if it meets all requirements, shall provide for an adequate public hearing, giving due notice to all parties in interest according to the provisions of PA 33 of 2008, The Planning Enabling Act as amended, under which the Planning Commission has been established, and in accordance with the requirements of Section 21.04 of the Bowne Township Zoning Ordinance.
  - b. If the preliminary plat does not meet all requirements, the Planning Commission will notify the developer, by letter, giving the earliest date for re-submission of the plat and additional information required.
  - c. The Planning Commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the Planning Commission. If applicable standards under the State of Michigan Land Division Act, 1967 PA 288, MCL 560.101 to 560.293, and the requirements of the Bowne Township Land Division Ordinance and all other applicable ordinances are met, the Planning Commission shall recommend approval of the plat. The grounds for any recommendation of disapproval of a plat shall be stated in the records of the Planning Commission.

The Township Board will not review, approve, or reject a preliminary plat until it has received from the Planning Commission its report and recommendations.

- d. The 63-day period may be extended if the developer consents. If no action is taken with 63 days, the preliminary plat will be deemed to have been approved by the Planning Commission.
- e. Tentative Preliminary Approval: The Planning Commission may tentatively approve or reject the preliminary plat. Tentative approval will be valid for one year and extended only by approval of the Planning Commission.
- f. Final Preliminary Approval – Lists of Authorities – Filing: The developer must file, with the Township Clerk, a list of all authorities to whom validated copies of the preliminary plat have been distributed.
- g. Letters of Conditional Approval or Rejection: When the developer has secured the approvals of the various approving authorities, he or she must deliver all copies to the Township Clerk, who will promptly transmit them to the Township Board.
- h. A plat approved by the Bowne Township Board of Trustees and recorded under Section 172 of the Land Division Act, PA 288 of 1967 as amended, shall be considered to be an amendment to the Master Plan of Bowne Township.

3. Township Board:

- a. The Township Board will consider the preliminary plat at its next regular meeting, providing all information has been received from the Planning Commission.
- b. The Township Board will, within 30 days, either reject the preliminary plat and give its reasons or set forth, in writing, the conditions for granting approval.
- c. Final approval of preliminary subdivision plans will be valid for two years and extended upon approval of the Township Board.

**4.03 FINAL PLANS**

**A. Purpose**

Upon completion of conditions set forth in the preliminary approval, the Township Board, following review, inspection, and recommendation of the Planning Commission, should issue final subdivision plat approval.

**B. Requirements**

1. General:

- a. Final plans must be prepared and submitted as provided for in the Land Division Act.
- b. A written application for approval and the recording fee must accompany all final plans.

- c. The developer must submit proof of ownership of the land included in the final plat as an abstract of title certified to the date of the developer's certificate or a policy of title insurance currently in force.
  - d. The developer must submit a computer version of the engineering plans as a diskette for the Township records.
  - e. The Township may require other information as it deems necessary to establish whether the proper parties have signed the plan.
2. Time of Submittal: Final plats must be submitted to the Township Clerk at least 20 days before a meeting of the Planning Commission.

### C. Procedures

1. Submittal to Approving Authorities: The developer must submit the final plat and as-built engineering plans for approval to all agencies as required by the Land Division Act and to the Township Clerk for review and recommendation by the Planning Commission and approval or rejection by the Township Board.
2. Planning Commission:
  - a. The Planning Commission will examine the plat at its next regular meeting or within 30 days of receipt thereof for conformance to:
    - The provisions of the Land Division Act.
    - The provision of this ordinance.
    - The preliminary plat, as approved.
  - b. The time for review and recommendations by the Planning Commission may be extended by agreement with the developer.
  - c. If the Planning Commission recommends disapproval of the plat, it will state its reasons in its official minutes and forward their recommendation to the Township Board. The Planning Commission's recommendation to the Township Board will be to disapprove the final plat until objections causing disapproval have been changed to meet with the approval of the Planning Commission.
  - d. Recommendations for approval of the plat by the Township Board will be accompanied by a report.

3. Township Board:

- a. The Township Board will review the final plat and the report from the Planning Commission at its next regular meeting, if all required information has been received from the Planning Commission.
- b. The Township Board will approve the plat or will disapprove it. If disapproved, the Township Board will give the developer its reasons in writing.
- c. The Township Board will instruct the clerk to sign the municipal certificate on the approved plat for the Township Board. A written record of all proceedings will be reflected in the minutes of the meeting and will be open for public inspection.

**4.04 COMPUTER RECORD**

The developer must submit a computer version of the engineering plans as a diskette for the Township records.

## ARTICLE 5

### SITE CONDOMINIUMS (CONDOMINIUM ACT COMPLIANCE)

#### 5.01 CONDOMINIUM SUBDIVISIONS

Pursuant to the authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Planning Commission. In determining whether to approve a condominium subdivision plan, the Planning Commission will consult with the zoning administrator, Township attorney, Township engineer, and Township planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act and this ordinance.

#### 5.02 DEFINITIONS

Terms defined in the Condominium Act are intended to make comparison possible between that Act and this ordinance.

#### 5.03 INITIAL INFORMATION

Before providing the notice required to the Township pursuant to the Condominium Act, as amended, (M.C.L. 559.171), a person, firm, or corporation intending to develop a condominium project must provide information with respect to the project as described below.

##### A. Purpose

It is recommended that before any extensive work is done on any development the owner, subdivider, developer, or his or her representative discuss his or her plans in person with the Planning Commission or a committee of the Planning Commission designated for this purpose. The purpose of this discussion is to determine whether the proposed development is compatible with the intended character of the area and to give assistance concerning requirements and further procedures.

##### B. Requirements

A sketch plan containing enough information so that an accurate analysis can be made must be made available before the meeting. The Planning Commission or its representative will advise and aid the developer in obtaining the best possible layout for all concerned. After an appropriate solution has been worked out, they may proceed with preliminary plans.

##### C. Procedures

The Planning Commission or committee may review the subdivision plans informally with the developer or his or her agent, with other Township staff persons, engineers, and consultants, as necessary.

The Planning Commission will inform the developer of the Township's development policies and will make appropriate comments and suggestions concerning the proposed development scheme.

The Planning Commission will inform the Township Board, either in writing or at a regular Township Board meeting, of the results of the review of the preliminary plans.

#### **5.04 INFORMATION TO BE KEPT CURRENT**

The information will be furnished to the Township Clerk and will be kept updated until a Certificate of Occupancy has been issued pursuant to the Township Zoning Ordinance.

#### **5.05 CONDOMINIUM SUBDIVISION PLAN - REQUIRED CONTENT**

All condominium subdivision plans must include the information required by Section 66 of the Condominium Act and the following:

- A site plan showing the location, size, shape, area, and width of all condominium units.
- A utility plan showing all sanitary sewer, water, and storm sewer lines, and easements granted to the Township for installation, repair, and maintenance of all utilities.
- A street construction, paving, and maintenance plan for all private streets within the proposed condominium subdivision.
- A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities.
- A site plan showing all building sites, building envelopes, limited common area, and general commons areas according to Figure 1 and the standards set forth in this ordinance.

#### **5.06 COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAW**

All condominium projects must comply with federal land state statutes and local ordinances.

#### **5.07 TEMPORARY OCCUPANCY**

The building inspector may allow occupancy of the condominium project before all improvements required by this ordinance are installed, if a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit, without expense to the Township.

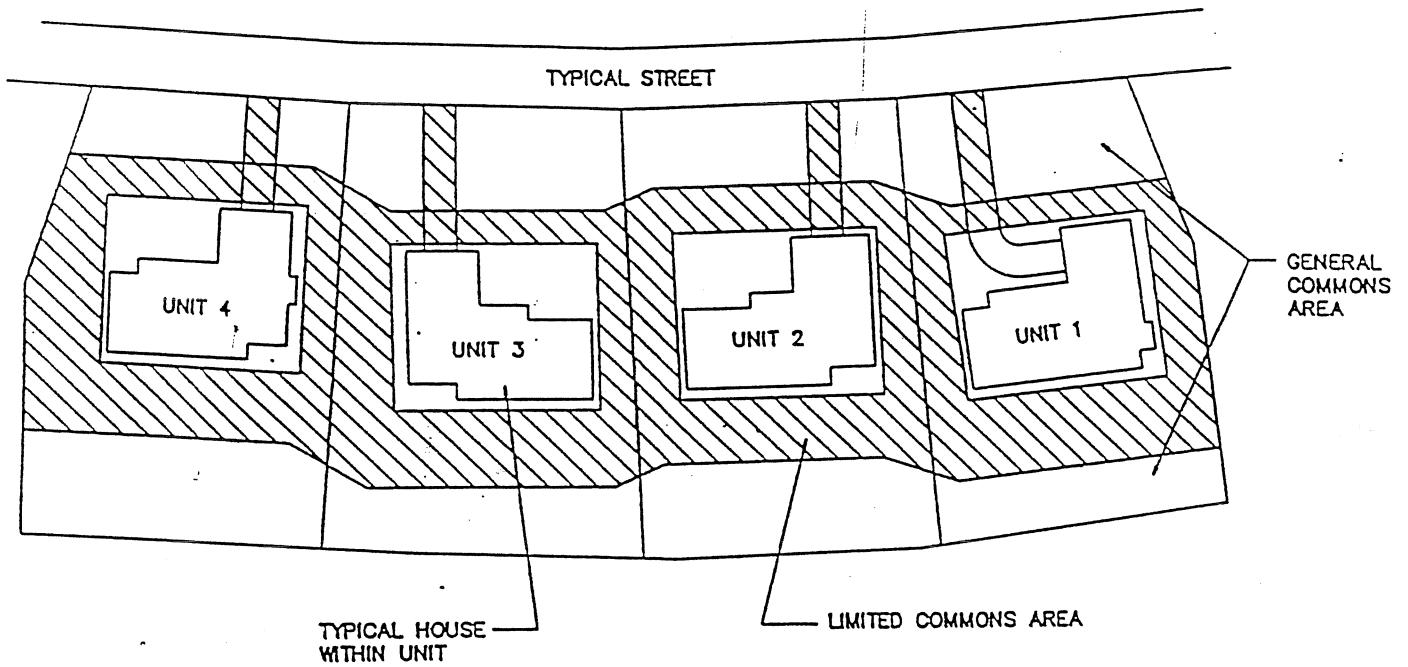
#### **5.08 SINGLE-FAMILY DETACHED CONDOMINIUMS**

All single-family detached site condominium projects (see Figure 1) will be subject to all requirements and standards of the applicable zoning districts in which they are allowed, including minimum floor area requirements, minimum lot size, and setback.





FIGURE 1

TYPICAL SITE CONDOMINIUM LAYOUT

TYPICAL SITE CONDOMINIUM LAYOUT  
NO SCALE



LEGEND

	GENERAL COMMONS AREA		BUILDING ENVELOPE
	LIMITED COMMONS AREA		BUILDING SITE

## 5.09 EASEMENTS FOR UTILITIES

The condominium subdivision plan must include all necessary easements granted for constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character to provide public utilities. Public utilities include the conveyance of sewage, water, telephone, gas, electric, and storm water runoff across, through, and under the property. Improvements will be subject to said easement, and excavating and refilling ditches, and trenches necessary for the location of said structures. The location of utilities within street and road rights-of-way must conform to county road commission recommendations.

## 5.10 ENCROACHMENT PROHIBITED

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, will be prohibited by the condominium bylaws and recorded as part of the master deed.

## 5.11 RELOCATION OF BOUNDARIES

The relocation of boundaries, as described in Section 48 of the Condominium Act, must conform to all required setbacks of the Township Zoning Ordinance for the district in which the project is located, as approved by the Planning Commission. This requirement will be made part of the bylaws and recorded as part of the master deed.

## 5.12 MOBILE HOME CONDOMINIUM PROJECT

Mobile home condominium projects must conform to all requirements; the review and approval procedures; and the design, layout, and improvement standards of the Township zoning.

## 5.13 COMPUTER RECORD

The developer must submit a computer version of the engineering plans on a diskette for the Township records.

## 5.14 MASTER DEED

The condominium project developer must furnish the Township Clerk with one copy of the recorded master deed, one copy of all restrictive covenants, and two copies of an "as-built plan." The as-built plans will be reviewed by the Township engineer for compliance with Township ordinances. Fees for this review will be established by resolution of the Township Board.

18 Before recording of the master deed, required by Section 72 of Public Act 59 of 1978, as amended, (M.C.L. 559.172), the condominium project will undergo site plan review and approval pursuant to Article 17 (Site Plan Review), of the Township Zoning Ordinance. In addition, the Township will require appropriate engineering plans and inspections before the issuance of any Certificates of Occupancy.

The master deed must ensure that the Township will not be responsible for maintenance or liability of the non-dedicated or common portions of the subdivision. The deed must also ensure that non-public roads will be properly maintained, that snow removal will be provided, and that there are adequate access and turnaround for emergency vehicles. Responsibility for the maintenance of storm water



retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance and cleanup of common areas must be clearly stated.

#### **5.15 PRELIMINARY APPROVAL**

Five copies of the preliminary condominium subdivision plan and other required documentation must be submitted to the Township Clerk at least 20 days before a meeting of the Planning Commission. The Planning Commission will study the plan and, within 60 days of its submittal (in full), will either approve or disapprove the preliminary plan. The information and drawings must be clearly marked, "preliminary condominium subdivision plans," and must include all of the information with respect to the project as described in Article 3, Section 3.02, Item B (Requirements), of this ordinance.

Any changes in the preliminary condominium subdivision plan once it has been approved, must be submitted to the Planning Commission for approval according to the approved preliminary condominium subdivision plan.

#### **5.16 FINAL APPROVAL**

Approval of a condominium subdivision will not be granted without documented proof of compliance with Section 71 of the Condominium Act and all required public improvements, including proper notice to the Kent County Road Commission, the Kent County Drain Commissioner, the Kent County Health Department, the Michigan Department of Transportation, and the Michigan Department of Natural Resources.

When construction has been completed, one complete copy of as-built plans of each required public improvement must be filed with the Township Clerk. Building permits will not be issued until the project has been reviewed and inspected to ensure that construction meets the as-built plans and the preliminary plan as submitted.

#### **5.17 EXPANDABLE OR CONVERTIBLE PROJECTS**

Before expansion or conversion of a condominium project to additional land, the new phase of the project must undergo site plan review and approval according to the provisions of this ordinance.

## ARTICLE 6

### REQUIRED IMPROVEMENTS

#### 6.01 INTENT AND PURPOSE

It is the purpose of this section to establish and define the public improvements that will be required as conditions for final approval; and to outline the procedures and responsibilities of the developer and the various public officials and agencies concerned with the administration, planning, design, construction, and financing of public facilities; and to further establish procedures for assuring compliance with these requirements.

#### 6.02 RESPONSIBILITY FOR PLANS

It will be the responsibility of the owner/developer to have a complete set of construction plans, including profiles, cross-section, specifications, and other supporting data prepared by a registered engineer, for all public streets, utilities, and other facilities. Such construction plans must be based on approved preliminary plans, and must be prepared in conjunction with the requirements of all Township regulations. Construction plans are subject to approval by the responsible public agencies shown. All construction plans must be prepared following Township standard specifications.

#### 6.03 REQUIRED PUBLIC IMPROVEMENTS

Every project must install the following public and other improvements according to the conditions and specifications as follows:

##### A. Monuments

Monuments must be set according to Section 125 of the State Land Division Act of 1967, Act No 288, as amended.

1. Curbs and Gutters: Bituminous aggregate valley gutters will be required on all streets. In U-R (Urban Residential) Zoning Districts, 24-inch concrete valley gutters will be required. Concrete valley gutters or curbs will also be required at all major intersections.
2. Street Signs: Street signs are required at all intersections within or abutting the development.
3. Street Lighting: Street lights will be required at all intersections. Projects within the U-R Zoning District must install street lighting on all streets at a spacing adequate to illuminate the road surface as approved by the Township.

##### B. Driveways

Each building site is to be serviced by a driveway.

### **C. Buffer Strips**

For the protection of residential properties, it is desirable to have Greenbelts or landscaped screen Plantings located between a residential development and adjacent non-residential uses, major arterial streets, and railroad rights-of-way. Buffer strips may be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties. Where a developer desires to protect his or her development in this respect, the site plan will show the location of said Greenbelts.

### **D. Public Open Spaces**

A suitable, centrally located area may be required for public use. One thousand (1000) square feet of public space is recommended for each proposed lot or building site.

### **E. Tree Protection**

Mature trees help to maintain the existing visual character of an area in a way new landscaping cannot duplicate. Mature trees add a permanence and sense of continuity to any development. Trees function as a visual and sound buffer to adjacent land uses, as shade sources for energy conservation, and as strategic focal points for design purposes. The developer must demonstrate how trees will be protected during construction or how to relocate trees if necessary.

### **F. Easements**

Easements must be provided along front, rear, or side yards for all anticipated utilities as required, and where necessary according to county road standards and Township approval.

1. Sidewalks: Sufficient right-of-way must be provided so that sidewalks may be installed on both sides of the street.
2. Pedestrian Mid-Block Walkway: Rights-of-way for pedestrian mid-block walkways, in the middle of long blocks (more than 1,000 feet), will be required.
3. Drainage Way: The developer must provide drainage way easements, as required by the rules of the county drain commissioner.

### **G. Soil Erosion**

A soil erosion plan must be prepared and presented to the Township Clerk for review and approval. The plan will be prepared according to the Soil and Sedimentation Control Act of 1972, as administered by the county road commission.

### **H. Sidewalks**

Sidewalks are required and will be provided on both sides of all streets within the U-R Zoning Districts. The Planning Commission may agree to sidewalks along one side only, or no sidewalks, if the project is not within a U-R Zoning District. (R-3)

## 6.04 TRAFFIC WAYS - STREETS AND ROADS

All streets must be constructed according to the "Bowne Township Public Improvement Design Standards and Specifications." The requirements set forth in this section will be the minimum for developments and land divisions as regulated by this ordinance.

### A. Local or Minor Streets

Such streets will be so arranged as to discourage their use by through traffic.

### B. Street Continuation and Extension

The arrangement of streets will provide for the continuation of existing streets from adjoining areas into new developments and will align without jogs or sharp angles unless otherwise approved by the Planning Commission and the county road commission.

### C. Stub Streets

Where adjoining areas are not subdivided and the development plan includes stub streets, the street right-of-way in developments will be extended to the boundary line of the development to prepare for the future extension of streets into adjacent areas. Stub streets are required for developments in the Urban Residential and Rural Residential Zoning Districts.

### D. Reserve Strip

A 1-foot reserve may be required to be placed at the end or "stub" of "dead-end" streets that end at development boundaries and between half streets. These reserves will be deeded in fee simple to the Township for the future street purposes.

### E. Relation to Topography

Streets will be arranged in proper relation to topography to result in usable lots, safe streets, and reasonable gradients. Streets will follow contours to minimize the effect of water drainage over the street or onto adjacent properties.

### F. Cul-de-sac Streets

Special consideration will be given to longer cul-de-sacs, under certain topographic conditions or other unusual situations.

### G. Half Streets

Half streets will generally be prohibited, except where unusual circumstances make it essential to reasonable development in conformance with these regulations, and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a development borders an existing half or a partial street, the new part of the street will be dedicated according to the requirements contained herein.

#### **H. Alleys**

Alleys will not be permitted.

#### **I. Private Streets**

If a development is proposed to have private streets, they will be developed to the minimum design, construction, inspection, approval, and maintenance requirements of the Township Zoning Ordinance (Streets - Private), with the exception that all streets will have a paved driving surface of asphalt or concrete.

#### **J. Street Signs**

The type and location of street signs will be as specified by the Township.

#### **K. Street Lights**

Street lights will adequately illuminate the street surface with the design and location approved by the Township.

#### **L. Curbs and Gutters**

Curbs and gutters will comply with the "Bowne Township Public Improvement Design Standards and Specifications."

### **6.05 BLOCKS**

A block will be so designated as to provide two tiers of lots, except where lots back onto an arterial street, natural feature, or development boundary (see Figure 2).

### **6.06 LOTS**

#### **A. Lot lines**

Side lot lines will be essentially at right angles to straight streets and radial to curved streets.

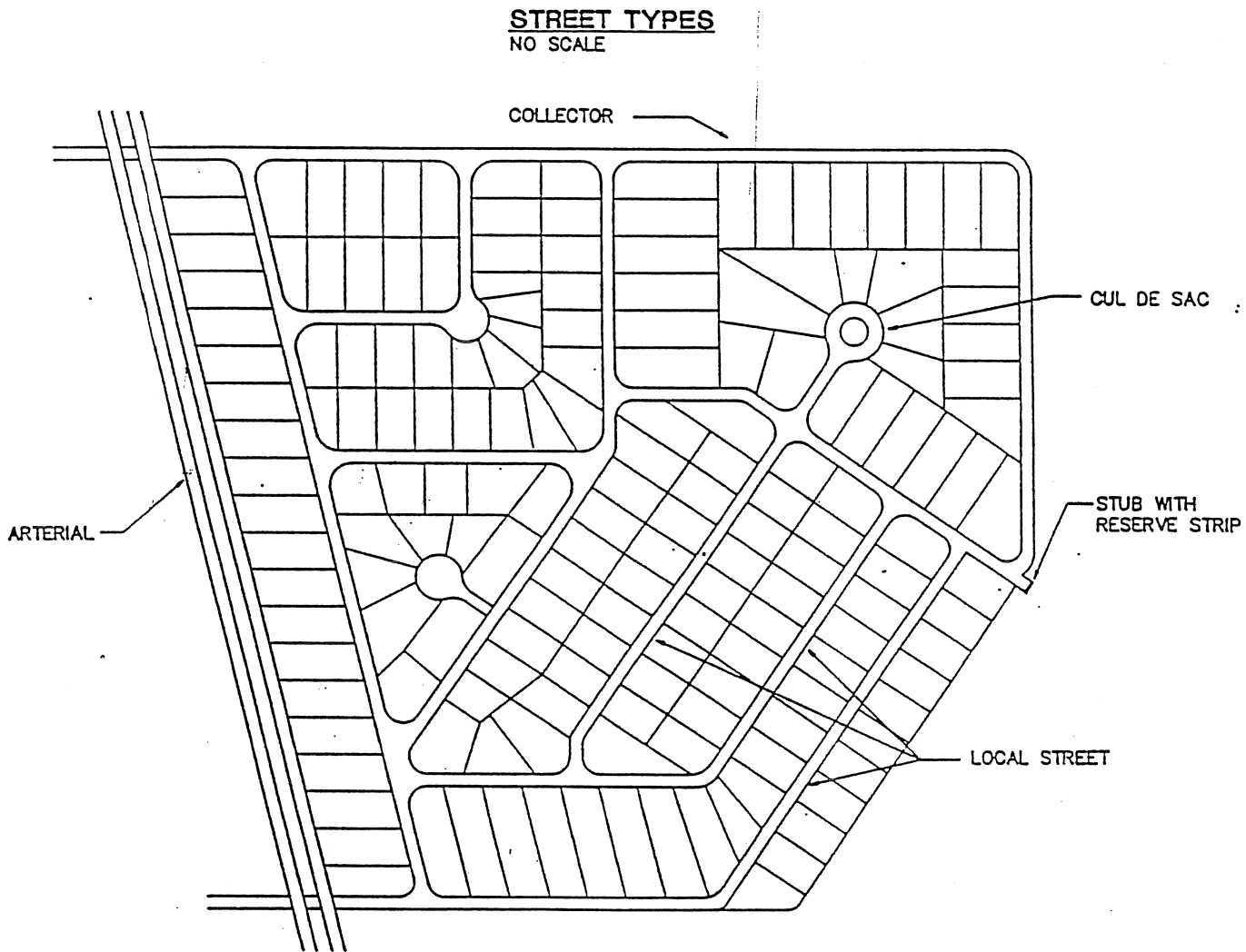
#### **B. Corner Lots**

Corner lots will have extra width to permit appropriate required setbacks from both streets or orientation to both streets. All yard areas having street frontages will be considered front yards. Adequate clear vision must be maintained.

#### **C. Lot Frontage**

All lots will front upon a public or private approved street.

FIGURE 2  
STREET TYPES



**D. Back Up Lots**

Lots will back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street or unless a secondary access is provided. Such lots will contain a landscaped easement along the rear at least 20 feet wide, besides the utility easement, to restrict access to the arterial street, to minimize noise, and to protect outdoor living areas.

**E. Double Frontage Lots**

Lots extending through a block and having frontages on two local streets will be prohibited.

**6.07 BUFFER STRIPS, RESERVE STRIPS, AND PUBLIC USES**

**A. Buffer Strips**

Buffer strips will be a minimum of 20 feet wide and will not be part of the normal roadway right-of-way or utility easement. Plantings will be to a height of 4 feet and will provide at least 50 percent reduction in visibility as approved by the Planning Commission.

**B. Reserve Strips - Private**

Privately held reserve strips controlling access to streets will be prohibited.

**C. Public Open Space**

Where a public open space is located within a development, it will be graded to a generally level surface and grass-covered.

**6.08 NATURAL FEATURES**

**A. Uninhabitable Areas**

Lands subject to intermittent flooding, or otherwise deemed by the Planning Commission to be uninhabitable, will not be platted for residential purposes or for uses that may, in the judgement of the Planning Commission, increase the danger to health, life, or property, or increase the flood hazard. Such land within a development will be set aside for other uses, such as parks or other public open space.

**B. Natural Features**

Existing natural features that add value to residential development and that enhances the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) will be preserved, insofar as possible, in the design of the development. Development must respect the topographic and terrain characteristics of the land. Excessive grading and leveling are discouraged.

### **C. Trees**

1. **Shade Trees:** Shade trees, if provided, will not be closer than 50 feet from trunk to trunk nor closer than 8 feet from the right-of-way; this is not applicable to mature existing shade trees.
2. **Street Trees:** Street trees may be planted between the street curb and sidewalk. The variety, size, and location will be approved by the Township.
3. **Existing Trees:** Unnecessary removal of mature trees will be prohibited. Mature trees that are removed will be replaced by a tree of a similar type within a minimum of a 2-inch caliper or 6-foot height.

### **D. Vegetative Buffer Strip**

A vegetative buffer strip will be maintained within 20 feet of any surface water, Floodplain, or wetland area as determined by conventional methods where plant material will not be removed.

## **6.09 SOIL REMOVAL AND STORM WATER DRAINAGE**

### **A. Topsoil**

No topsoil will be removed from the site or used as fill. Topsoil moved during construction will be redistributed over the surface at final grades and stabilized by seeding or Plantings.

### **B. Storm water Drainage**

The precise storm water drainage standards for basin size, construction, and necessity will be determined by the Township, the county drain commissioner, and the county road commission. Generally, the area is to be grass-lined with specific intake and discharge controls. Specifications for discharge are to be determined by the Township to ensure that excessive storm water is not discharged into offsite drainage ways under normal conditions. Drainage will be directed to easements dedicated for that purpose. Channelization across lots will be prohibited.

## **6.10 INSTALLATION OF PUBLIC UTILITIES**

Public utilities will be located according to the Bowne Township Public Improvement Design Standards. The underground work for utilities will be stubbed to the property line. All utilities will be installed below ground and placed within the right-of-way as provided by the Bowne Township Public Improvement Design Standards.

### **A. Storm Drainage**

An adequate storm drainage system, including necessary storm sewers, drains inlets, manholes, culverts, bridges, and other appurtenances, will be required in all developments to control the discharge of storm water runoff.



Construction of onsite retention basins may be required as determined by the specifications and procedures established by the county drain commissioner and the Township Board. All proposed storm drainage construction plans will be approved by the Township Board.

### **B. Water Supply System**

Fire hydrants, and other required water system appurtenances will be provided by the developer when a proposed development is to be serviced upon completion or within a reasonable time, as determined by the Planning Commission, by a public water supply system.

Individual wells may be permitted according to the requirements of the county health department.

### **C. Sanitary Sewer System**

Sanitary sewers, and other required appurtenances, thereto will be provided by the developer when a proposed development is to be serviced upon completion, or within a reasonable time, as determined by the Planning Commission, by a public sanitary sewage system. Sewer systems will comply with the requirements of Act 98, P .A. 1913, as amended.

Where is it determined in the judgment of the Planning Commission, with the advice of its engineer and the county health department, that a development cannot be economically connected with an existing public sewer system or that a public sewer system cannot be provided for the development itself then approved septic tanks and disposal fields that will comply within the requirements of the county health department may be approved.

However, where studies by the Planning Commission or the Township engineer indicate that construction or extension of sanitary trunk sewers to serve the development appears probable within a reasonably short time (up to three years), sanitary sewer mains and house connections will be installed and capped.

### **D. Industrial or Commercial Development**

These development design standards apply to residential developments only, but may be modified to apply to a commercial or industrial development. In all cases, adequate provision will be made for off-street parking and loading areas, as well as for traffic circulation.

## 6.11 FINANCIAL GUARANTEE OF COMPLETION OF REQUIRED IMPROVEMENTS

### A. Financial Guarantee Arrangements, Exceptions

In lieu of the actual installation of required public improvements, the Township Board, on recommendation of the Planning Commission, may permit the developer to provide a financial guarantee of performance in one, or a combination, of the following arrangements for those requirements that are over and beyond the requirements of the county road commissioner, or any other agency responsible for the administration, operation, and maintenance of the applicable public improvement. The Planning Commission may recommend and the Township Board may waive financial guarantees of performance under this ordinance for sidewalks, street lights, or street trees. If these improvements are specified, completion will be required before the issuance of occupancy permits.

1. Performance of Surety Bond:
  - a. Accrual: The bond will accrue, to the Township, covering construction, operation, and maintenance of the specific public improvement.
  - b. Amount: The bond will be in an amount equal to the total estimated costs for completing construction of the specific public improvement, including contingencies, as estimated by the Township Board.
  - c. Term Length: The term length in which the bond is in force will be for a period to be specified by the Township Board for the specific public improvement.
  - d. Bonding or Surety Company: The bond will be with a surety company authorized to do business in the State of Michigan, acceptable to the Township Board.
  - e. The escrow agreement will be drawn and furnished by the Township Board.
2. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit:
  - a. Treasurer, Escrow Agent, or Trust Company: A cash deposit, a certified check, a negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the Township Board, will accrue to the Township. These deposits will be made with the treasurer or deposited with a responsible escrow agent or trust company, subject to the approval of the Township Board.
  - b. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit will be equal to the total estimated cost of construction of the specific public improvement, including contingencies, as estimated by the Township Board.
  - c. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit will be for a period to be specified by the Township Board.

- d. Progressive Payment: With cash deposits or certified checks, an agreement between the Township and the developer may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable bank letter of credit to the extent of the cost of the completed portion of the public improvement according to a previous agreement.

#### **B. Conditions of Final Approval of Plans - Financial Guarantees**

With respect to financial guarantees, the approval of all final plans will be conditioned on the accomplishment of one of the following:

- The construction of improvements required by this ordinance will have been completed by the developer and approved by the Township Board.
- Surety acceptable to the Township will have been filed as a cash deposit, certified check, negotiable bond, an irrevocable bank letter of credit or surety bonds.

#### **C. Special Agreements**

Special Agreements will be reached between the developer and the Township Board where specific public improvements have been required by the Township Board.

#### **D. Maintenance and Snow Removal**

The developer (once parcels have been sold to third parties, the owners of the parcels) will be responsible for maintaining private streets to the standards required by these regulations and all other applicable laws. Such reasonable maintenance will include, but not be limited to, plowing snow and removing ice in the winter so that firefighting and emergency vehicles can get to all portions of the private street.

All maintenance agreements for private streets will be submitted to the Township for review before the maintenance agreement being recorded before any construction on the private street. Each maintenance agreement will also contain the following:

"This street is private and is not required to be maintained by the Kent County Road Commission or any governmental unit. The owners of the parcels will be responsible for maintaining this street to the standards required by these regulations and all other applicable laws. Such reasonable maintenance will include, but not be limited to, plowing snow and removing ice in the winter so that firefighting and emergency vehicles can get to all portions of the private street."

The developer/owner will place a copy of the preceding paragraph on each deed as a deed restriction for any parcel serviced by the private street before each parcel is sold and will insert the paragraph into the maintenance agreement. The deed restrictions will run with the land and will bind all purchasers of properties benefitted by the private street.

#### **E. Applicability**

These regulations will apply to all private streets created or constructed after the date of adoption of this resolution. Furthermore, these regulations will also apply to existing private streets when any of the following occurs:

1. The additional parcels or residential units are added to an existing private street.
2. Extensions or additions are added to an existing private street.
3. The Township determines that an existing private street is unsafe or will not permit reasonable access to firefighting and emergency vehicles year-round to all portions of the private street.

Whenever subsections 1 or 2 above, are applicable, these regulations will apply not only to the new portion of a private street, but the entire length of the private street.

#### **F. Inspection of Public Improvements Under Construction**

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the developer and Township Board will be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

#### **G. Penalties in Case of Failure to Complete the Construction of a Public Improvement**

In the event the developer fails to complete public improvements within the time required by the conditions of the guarantee, it will be the responsibility of the Township Board to have such work completed. To accomplish this, the Township Board will reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bonds that the developer may have deposited in lieu of a surety bond. The Township may take such steps as may be necessary to require performance by the bonding or surety company, as included in a written agreement between the Township Board and the developer.

## ARTICLE 7

### PUBLIC IMPROVEMENT DESIGN STANDARDS

The standards set forth in this document shall be the minimum standards for all public improvements occurring in Bowne Township.

#### 7.01 TRAFFICWAYS - STREETS AND ROADS

##### A. General

The standards set forth in this section shall be the minimum standards for streets and intersections.

##### B. Location

1. Local or Minor Streets: Such streets shall be so arranged as to discourage their use by through traffic.
2. Street Continuation and Extension: The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions and shall align without jogs or sharp angles unless otherwise approved by the Planning commission and the Kent County Road Commission.
3. Stub Streets: Where adjoining areas are not subdivided, and the subdivision plan includes stub streets, the street right-of-way in new developments shall be extended to the boundary line of the subdivision to prepare for the future extension of streets into adjacent areas. Stub streets are required for developments in the Urban Residential and Rural Residential zoning districts.
4. Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets, and reasonable gradients. Streets shall follow contours to minimize the effect of water drainage over the street or onto adjacent properties.
5. Cul-de-sac Streets: Cul-de-sac streets shall not exceed 2,000 feet in length without having a second connection to a county primary road or the equivalent. Special consideration shall be given to longer cul-de-sacs under certain topographic conditions or other unusual situations. Cul-de-sacs shall terminate with an adequate turnaround, with a minimum radius of 50 feet for right-of-way and 28 feet for pavement.
6. Half Streets: Half streets shall generally be prohibited except where unusual circumstances make it essential to reasonable development in conformance with these regulations and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a subdivision borders an existing half or partial street, the new part of the street shall be dedicated according to the requirements contained herein.

7. Alleys: Alleys shall not be permitted.
8. Private Streets: If private streets are proposed, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements as specified herein, with the exception that all streets serving five or more dwelling units shall have a paved driving surface of asphalt or concrete.

All streets shall be constructed according to the "Kent County Road Commission Requirements and Specifications for Plat Development."

- a. Curbs and Gutters: Bituminous aggregate valley gutters shall be required on all streets and shall be constructed according to the standards and specifications adopted by the Kent County Road Commission, except concrete valley gutters which shall be required at all major intersections.

**C. Design Standards for Streets:** Private streets shall meet the following design standards:

1. All private streets will have a minimum 66-foot-wide right-of-way easement granted to the adjacent property owners.
2. The layout of private streets in respect to their location, intersections, cul-de-sacs, vertical street alignment, street grades, street signs, horizontal curves, curb openings at intersecting streets, etc., will conform to the Kent County Road Commission standards for platted streets.
3. The construction of the roadway will conform to the Kent County Road Commission standards for a local street 22 feet wide with a 7-inch gravel base (MDSH, 22A), 7-foot-wide grass shoulders, and other current Kent County Road Commission requirements. Ditches will outlet into a cross culvert or drainage course. In impervious soils (clay or other unsuitable materials), a 12-inch sand subbase, graded parallel to the street surface (extending into the front ditch slope), will be constructed. Bituminous surfacing and storm sewers will be required.
4. Culverts will be placed at all natural drainage courses or other waterways. Culvert sizes and grades will be determined using the Kent County Road Commission's storm runoff calculations formula. Materials for culverts will also conform to their requirements.

**D. Specifications**

1. Street Rights-of-way Street Widths

Street and street right-of-way and roadway widths will conform to the following minimums:

<u>Street Types</u>	<u>Right-of-Way Widths</u>	<u>Pavement Widths</u>
Major Arterial	130 Feet	48 Feet
Minor Arterial	100 Feet	48 Feet
Collector Street	80 Feet	44 Feet
Minor or Local Street	66 Feet	28 Feet*

\*(22 feet with a sidewalk on at least one side of the street.)

2. Road Base, Pavement, Curvature, Gradients, Land Alignment: All streets must be constructed to the county requirements and specifications for plat development. No paved driving lane will be less than 11 feet in width.

**E. Street Names**

1. Names: Street names will not duplicate any existing street name in the Township, except where a new street is a continuation of an existing street, in which case, the extension must carry the name in existence. Street names spelled differently, but sounding the same will be avoided.

All new streets will be named as follows: Streets with predominant north-south directions will be named "avenue" or "road"; streets with predominant east-west direction will be named "street" or "highway"; meandering streets will be named "drive," "lane," "path," or "trail"; and cul-de-sacs will be named "circle," "court," "way," or "place."

2. Name Approval: All street names will be approved by the Township.
3. Street Signs: The type and location of street signs will be as specified by the Kent County Road Commission or the Township.

**F. Street Lights**

Streetlights will adequately illuminate the street surface with the design and location approved by the Township.

**G. Curbs and Gutters**

Curbs and gutters will comply with the "County Requirements and Specifications for Plat Development."

**H. Driveways**

All driveway openings in curbs will be as specified by the Kent County Road Commission or the department of state highways. Driveways will be constructed with a hard surface material and will have a minimum width of 10 feet.

**I. Sidewalks**

Sidewalks will be a minimum of 5 feet wide. The sidewalk edge away from the street will be 1 foot from the street right-of-way line.

**7.02 INTERSECTIONS**

**A. Angle of Intersection**

Streets will intersect at 90 degrees or closely thereto, and never at less than 80 degrees.

**B. Sight Triangles**

Minimum clear sight distance at all local street intersections will permit vehicles to be visible to the driver of another vehicle when each is 100 feet from the center of the intersection. Corner lots affected by the provision will have this restriction included as a permanent deed restriction.

**C. Number of Streets**

No more than two streets will cross at any one intersection.

**D. "T" Intersections**

"T" type intersections will be used where all local streets intersect another street.

**E. Centerline Offsets**

Slight jogs at intersections will be avoided. Where such jogs are unavoidable, street centerlines will be offset by a distance of 125 feet or more. All other streets must be offset a distance of 500 feet or more.

**F. Spacing**

Intersections on arterial streets will be located not less than 400 feet apart.



## 7.03 BLOCKS

### A. Arrangements

A block will be so designated as to provide two tiers of lots, except where lots back onto an arterial street, natural feature, or subdivision boundary (see Figure 3).

### B. Minimum length

Blocks will not be less than 500 feet long.

### C. Maximum Length

The maximum length allowed for residential blocks will be 1,320 feet long from the center of the street to the center of the street.

NOTE: Minimum and maximum lengths apply to block faces and not to block widths.

## 7.04 LOTS

### A. Lot lines

Side lot lines will be essentially at right angles to straight streets and radial to curved streets.

### B. Width Related to Length

Narrow, deep lots will be avoided. The depth of a lot generally will not exceed 2-1/2 times the width as measured at the building line.

### C. Corner Lots

Corner lots will have extra width to permit appropriate required setbacks from both streets or orientation to both streets. All yard areas having street frontages will be considered front yards. Adequate clear vision must be maintained.

### D. Lot Frontage

All lots will front upon a public or private approved street.

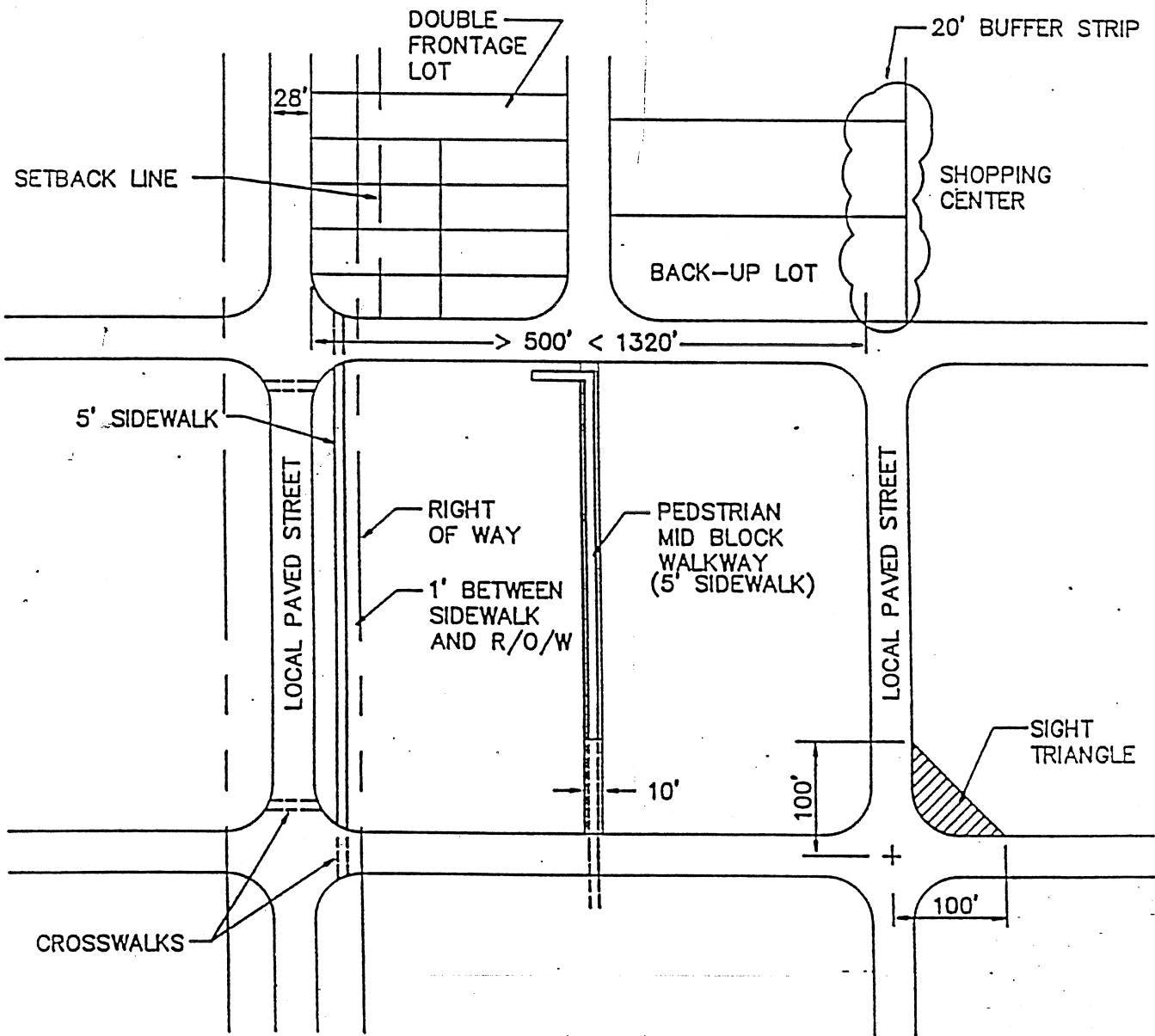
### E. Back-Up Lots

Lots will back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street or unless a secondary access is provided. Such lots will contain a landscaped easement along the rear, at least 20 feet wide in addition to the utility easement to restrict access to the arterial street to minimize noise and to protect outdoor living areas.

FIGURE 3

SELECTED DESIGN STANDARDS

**SELECTED DESIGN STANDARDS**  
NO SCALE



**F. Double Frontage Lots**

Lots extending through a block and having frontages on two local streets will be prohibited.

**7.05 BUFFER STRIPS, RESERVE STRIPS, AND PUBLIC USES**

**A. Buffer Strips**

Buffer strips shall be a minimum of 20 feet wide and shall not be part of the normal roadway right-of-way or utility easement. Plantings shall be to a height of 4 feet and shall provide at least 50 percent reduction in visibility, as approved by the Planning Commission.

**B. Reserve Strips - Private**

Privately held reserve strips controlling access to streets shall be prohibited.

**C. Public Open Space**

Where a public open space is located within a subdivision, it shall be graded to a generally level surface and grass-covered.

**7.06 NATURAL FEATURES**

**A. Uninhabitable Areas**

Lands subject to intermittent flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes or for uses that may, in the judgement of the Planning Commission, increase the danger to health, life, or property, or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other public open space.

**B. Natural Features**

Existing natural features that add value to residential development and that enhances the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision. Development must respect the topographic and terrain characteristics of the land. Excessive grading and leveling are discouraged.

**C. Trees**

1. **Shade Trees:** Shade trees, if provided, shall not be closer than 50 feet from trunk to trunk nor closer than 8 feet from the right-of-way; this is not applicable to mature existing shade trees.

2. **Street Trees:** Street trees may be planted between the street curb and sidewalk. The variety, size, and location shall be approved by the Township.
3. **Existing Trees:** Unnecessary removal of mature trees shall be prohibited. Mature trees that are removed shall be replaced by a tree of a similar type, within a minimum of a 2-inch caliper or 6-foot height.

#### **D. Tree Protection**

Mature trees improve the visual character of the subdivision in a way new landscaping cannot. Mature trees add a permanence and sense of continuity to a newly constructed subdivision. Trees function as a visual and sound buffer to adjacent land uses, as shade sources for energy conservation, and as strategic focal points for subdivision design. An inventory of all existing trees above a 12-inch caliper in size and of certain species should be undertaken in the site planning process and marked on all preliminary plans. This map of mature trees should become the basis of design lots, streets, and other public open space.

Trees are susceptible to all development in their immediate vicinity and, unless extreme measures are taken during construction to protect them, their life span will inevitably be shortened. The developer must demonstrate how trees will be protected during construction or how to relocate trees, if necessary.

For relocating trees, the root ball must be approximately 10-12 inches in diameter for every inch of the tree's diameter. Adequate drainage and backfill complete the relocation. Root protection during construction is essential in saving mature trees. Recommended techniques include using a geotextile aeration mat to allow structures to have adequate ventilation, while protecting the roots from excessive compaction and steel-reinforced concrete paving patterned with voids to be filled with gravel or grass that allow drainage, while protecting the tree from root compaction in highly trafficked areas.

#### **E. Vegetative Buffer Strip**

A vegetative buffer strip shall be maintained within 20 feet of any surface water, Floodplain, or wetland area as determined by conventional methods where plant material shall not be removed.

### **7.07 SOIL REMOVAL AND STORM WATER DRAINAGE**

#### **A. Topsoil**

No topsoil shall be removed from the site or used as fill. Topsoil moved during the course of construction shall be redistributed over the surface at final grade and stabilized by seeding or plantings.

#### **B. Storm Water Drainage**

The precise storm water drainage standards for basin size, construction, and necessity shall be determined by the Township, the county drain commissioner, and the Kent County Road

Commission. Generally, the area is to be grass-lined with specific input and discharge controls. Specifications for discharge are to be determined by the Township to ensure that excessive storm water is not discharged into offsite drainage ways under normal conditions. Drainage shall be directed to easements dedicated for that purpose. Channelization across lots shall be prohibited.

## **7.08 MISCELLANEOUS**

### **A. Planned Unit Development (PUD)**

In the case where a subdivision is large enough to be consistent with the Township's land use plan, a planned unit development (PUD) district may be requested by the developer.

1. **Rezoning:** This request will involve rezoning the parcel to a PUD classification.
2. **Characteristics:** A mixed-use development under this provision shall contain or be bound by major streets or natural physical barriers. It shall contain reserved areas of sufficient size to serve its population for playgrounds, parks, and other public facilities. Such reserves may be dedicated.

### **B. Industrial or Commercial Development**

These subdivision design standards apply to residential subdivisions only, but may be modified to apply to a commercial or industrial subdivision. In all cases, adequate provision shall be made for off-street parking and loading areas, as well as for traffic circulation.

## ARTICLE 8

### EXCEPTIONS

#### 8.01 GENERAL

The Planning Commission may recommend, to the Township Board, an exception from the provisions of this ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the ordinance or that application of such provisions or requirements are impracticable. The Planning Commission will only recommend exceptions that it deems necessary or desirable for the public interest. In making its findings, the Planning Commission will take into account the proposed and existing use of land in the vicinity, the number of persons to reside in the proposed development, and the probable effect of the proposed development upon traffic conditions in the vicinity. No exception will be recommended unless the Planning Commission finds all of the following:

- That there are such special circumstances or conditions affecting said property that the strict application of the provision of this ordinance would clearly be impracticable or unreasonable. In such cases, the developer will first state his or her reasons, in writing as to the specific provision or requirement involved and will submit them to the Planning Commission.
- That the granting of the specified exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- That such exception will not violate the provisions of the State Land Division Act or the State Condominium Act.
- That such exception will not nullify the interest and purpose of this ordinance. The Planning Commission will include its findings and specific reasons thereof in its report of recommendations. The Township Board will also record its reasons and actions in its minutes.
- The proposed project will constitute a desirable and stable community development.
- The proposed project will be in harmony either adjacent areas.

#### 8.02 TOPOGRAPHICAL-PHYSICAL LIMITATION EXCEPTION

Where, in the case of particular proposed development, it can be shown that strict compliance with the requirements of this ordinance would result in extraordinary hardship to the developer, the Planning Commission may recommend, to the Township Board, that exception, modification, or a waiver of these requirements be granted. Hardship may be because of unusual topography, physical conditions, or similar conditions that are not self created. The exception, modification, or waiver of these provisions must not inhibit the achievement of the objectives of this ordinance.

##### A. Exceptions or Design Modifications for private streets

1. The ZBA may grant exceptions or design modifications to the design requirements and standards contained above the design requirements and standards deny the property owner reasonable use of his property. Such an exception or design modification may be considered only when the developer/property owner can

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demonstrate that the affected property on which the private street is being proposed has topographic conditions or other limiting physical characteristics that are not able to be modified by accepted and recognized engineering techniques and processes. If the Township Board grants exceptions or design modifications to the design requirements and standard, the board may impose reasonable conditions onto the affected property and private street which protect the public health, safety and general welfare of all Township residents.

2. The Township Board reserves the right to place higher design requirements and standards on a development which provides access by means of a private street, providing the higher standards are in the best interests of the Township and for the protection of the health, safety and general welfare of its residents. Such additional requirements and standards will be recognized and accepted by professional associations and engineering societies including, but not limited to, the American Association of State Highway and Transportation Officials, the American Society of Civil Engineers, the Institute of Transportation Engineers, the Building Officials and Code Administrators International (BOCA), and the National Fire Protection Association.

## ARTICLE 9

### ENFORCEMENT, PENALTIES, AND AMENDMENTS

#### 9.01 ENFORCEMENT

No land division or development regulated by this ordinance will be received or recorded by the Kent County Register of Deeds or otherwise admitted to the public land records until the land division or development has received final approval by the Township. No public board, agency, commission, official, or other authority may authorize the construction of any public improvements unless such public improvements have been accepted, opened, or otherwise received legal status according to this ordinance.

#### 9.02 PENALTIES

Penalties for failure to comply with the provisions of this ordinance will be as follows: Violation of any of the provisions of this ordinance or failure to comply with any of its requirements will constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements will, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 90 days or both. Each day such violation continues will be considered a separate offense. Any landowner, tenant, developer, builder, public official, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and may suffer the penalties herein provided. Nothing herein contained will prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance, the Township Zoning Ordinance, the Land Division Act, or the Condominium Act.

#### 9.03 AMENDMENTS

The Township Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this ordinance. A proposed amendment supplement or revision may be originated by the Township Board, Planning Commission, or by petition. All proposals not originating with the Planning Commission will be referred to it for a report thereon before any action is taken on the proposal by the Township Board.



## ARTICLE 10

### MISCELLANEOUS PROVISIONS

#### 10.01 VALIDITY

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

#### 10.02 EFFECTIVE DATE

This ordinance will take effect after recommendation of the Planning Commission; adoption by the Township Board; publication within 30 days after adoption; entry in the ordinance book; and certification, by the clerk, as to the date of adoption, vote, and publication. This ordinance will become effective upon publication.

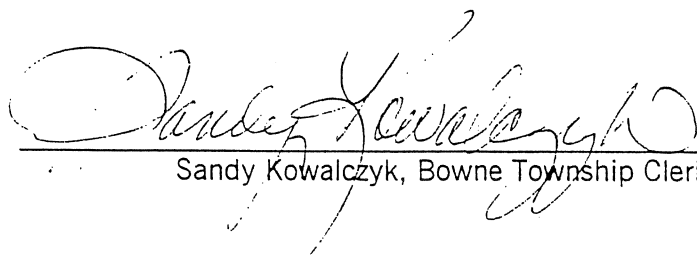
Recommended by Planning Commission: June 12, 1997

Adoption by Township Board: June 16, 1997

Publication Date: July 15, 1997

Effective Date: July 15, 1997

Amended: January 18, 1999



Sandy Kowalczyk, Bowne Township Clerk

**RESOLUTION ESTABLISHING FEE FOR REIMBURSABLE EXPENSES /  
SUBDIVISIONS / SITE CONDOMINIUMS**

This resolution was adopted at a regular meeting at the Township Board of the Township of Bowne, Kent County, Michigan, held on the 21<sup>st</sup> day of February 2000.

Present: Christian Wenger-Supervisor, Sandra L. Kowalczyk-  
Clerk and Sally C. Johnson - Treasurer.

Absent: Jon Merchant and Karen L. Hendrick - Trustees.

WHEREAS, the cost of the Township review of applications for subdivisions and site condominiums can be considerable, can differ greatly between different applications and cannot always be accurately predicted at the time application is made; and

WHEREAS, the actual cost of review should properly be borne by the applicant.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The stated fees for applications for subdivisions and site condominium approvals established by resolution of the Township Board from time to time, are to be considered basic application fees which cover only the consideration of the application at regularly scheduled Planning Commission, Zoning Board of Appeals, and/or Township Board meetings, and publication and mailing of notices of hearing, as applicable.

2. In addition to the basic application fees, applicants shall pay the costs of review of applications for subdivisions and site condominiums. Such charges shall be in addition to the basic application fee, in an amount equal to the Township's actual expenses incurred for reviewing the application, including but not limited to the cost of:

- (a) Planning Commission subcommittee meetings;
- (b) Special meetings;
- (c) Review by Township attorney (including, without limitation, preparation of appropriate resolutions or ordinances);
- (d) Review by Township Planner;
- (e) Review by Township engineer;
- (f) Additional notices of public hearings;
- (g) Similar services and expenses.

3. If the Township Clerk determines that the application is one for which such costs for review are likely to be incurred, the Clerk shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. The amount to be paid into escrow shall be established in increments of at least

\$50.00 per lot or unit in the proposed subdivisions and site condominium, as the case may be, commencing with an initial deposit of not less than \$ 500.00 per lot or unit. No application shall be processed prior to the required escrow fee having been deposited with the Clerk. If an applicant objects to the amount of the escrow funds required to be deposited, it may appeal that determination to the Township Board within 30 days after the initial decision by the Clerk.

4. If funds in the escrow account are depleted, the applicant shall make an additional deposit sufficient to cover any deficit and to re-establish a balance of at least \$ \_\_\_\_\_ per lot or unit. The amount of additional deposit sufficient to cover any deficit in the account shall be at least \$ \_\_\_\_\_ per lot or unit, or such greater amount as is determined by the Clerk to be reasonably necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application until the escrow account has been re-established to such appropriate level, as determined by the Clerk.

5. The Clerk shall maintain accurate records regarding the expenditures made on behalf of each applicant from the escrow account. Such escrow funds (from one or more applicants) shall be kept in a separate bank account or bank account category.

6. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed and the final decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the Township, the Township shall send the applicant a statement for such additional fees. Until the application pays such fees for the expenses of review, no further building permit or certificate of occupancy or other permit for the project shall be issued, and if such expenses remain unpaid for a period of 14 days, the Township ordinance enforcement officer or building official may issue appropriate stop work orders or take other action to halt work on the project. In addition, the Township may take legal action to collect unpaid fees.

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7. The application for subdivisions and site condominiums covered by this resolution shall indicate that the application agrees to pay the Township's expenses for review of the applicant and other above-stated expenses.

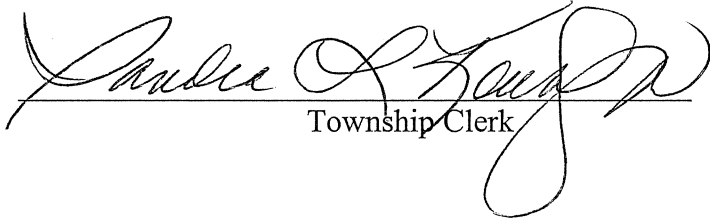
AYES: Kowalczyk, Johnson and Wenger

NAYS: None

ABSTAINED: None

Motion by: Kowalczyk Supported by: Johnson

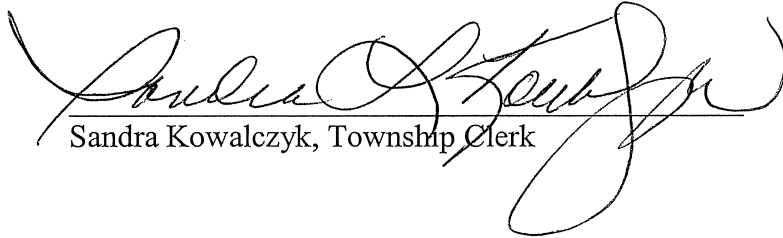
Resolution declared adopted.

  
Township Clerk

STATE OF MICHIGAN)  
  ) SS.  
COUNTY OF KENT     )

I, the undersigned, the duly qualified Township Clerk of the Township of Bowne, County of Kent, State of Michigan, certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Bowne at a regular meeting held on the 21st of February, 2000, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have set my official signature this 21 day of February, 2000.

  
Sandra Kowalczyk, Township Clerk