

THE  
CHARTER TOWNSHIP OF CALEDONIA  
**ZONING ORDINANCE**

**KENT COUNTY, MICHIGAN**

“At the Growing Edge of Kent County”

(With amendments adopted through December 15, 2021)



**CHARTER TOWNSHIP OF CALEDONIA**  
**ZONING ORDINANCE**

An ordinance to establish zoning districts in the unincorporated portions of the Township of Caledonia, Kent County, Michigan, within which districts the proper use of land and natural resources may be encouraged or regulated; to adopt provisions designating the location and minimum open spaces that should be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that may hereafter be erected or altered; to establish zoning districts and zoning regulations for the Township to provide regulations governing nonconforming uses, structures and buildings; to provide for the administration, amendment and enforcement of this Ordinance; to prescribe penalties for the violation of such regulations; and to provide for conflicts with other ordinances or regulations; all in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006.

*(History: 1975 Zoning Ordinance, Eff. October 15, 1975.)*



# CHARTER TOWNSHIP OF CALEDONIA

## ZONING ORDINANCE

*With Amendments Effective as of January 1, 2022*

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### GENERAL TABLE OF CONTENTS

#### Chapter Title

I	Title, Purpose and Scope
II	Definitions
III	General Provisions
IV	Zoning Districts
V	A Agricultural District
VI	R-R Rural Residential District
VII	R-1 Low Density Single Family District
VIII	R-2 Medium Density Single Family District
IX	R-3 Medium Density Residential District ( <i>Amended 1/20/16; eff. 2/13/16</i> )
IXA	MHC Manufactured Housing Community District
IXB	R-4 High Density Residential District
X	F Flood Plain District
XI	C-1 Neighborhood Business District
XII	C-2 General Business District
XIIA	HC Highway Commercial District
XIII	I-1 Light Industrial District
XIV	I-2 Industrial District
XV	PUD Planned Unit Development District
XVA	Open Space Preservation
XVI	Special Land Uses
XVII	PMR Planned Mineral Removal District
XVIII	Site Plan Review
XIX	Signs in All Districts ( <i>Amended 6/19/19; eff. 7/6/19</i> )
XX	Off-Street Parking and Loading
XXI	Nonconforming Structures, Lands and Uses
XXII	Board of Zoning Appeals
XXIII	Administration, Enforcement and Penalties
XXIV	Amendments
XXV	Ingress and Egress Standards
XXVI	Severability, Repeal and Miscellaneous
XXVII	Broadmoor/Cherry Valley Corridor Overlay District
XXVIII	Landscaping, Screening, Greenbelts, Buffers and Fencing
XXIX	Condominiums and Site Condominiums



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**DETAILED TABLE OF CONTENTS**

		<b>Page No.</b>
<b>CHAPTER I</b>	<b>TITLE, PURPOSE AND SCOPE.....</b>	<b>1-1</b>
Section 1.1	Short Title.....	1-1
Section 1.2	Purpose.....	1-1
Section 1.3	Scope and Interpretation.....	1-1
Section 1.4	Legal Basis.....	1-2
<b>CHAPTER II</b>	<b>DEFINITIONS.....</b>	<b>2-1</b>
Section 2.1	Rules Applying to Text.....	2-1
Section 2.2	Definitions.....	2-1
(a)	Definitions Beginning with A through E.....	2-1
(b)	Definitions Beginning with F through L.....	2-6
(c)	Definitions Beginning with M through R.....	2-9
(d)	Definitions Beginning with S through Z.....	2-11
<b>CHAPTER III</b>	<b>GENERAL PROVISIONS.....</b>	<b>3-1</b>
Section 3.1	The Effect of Zoning.....	3-1
Section 3.2	Restoration of Unsafe Buildings.....	3-1
Section 3.3	Required Area or Space.....	3-1
Section 3.4	Existing Lots of Record.....	3-1
Section 3.5	Height Exceptions.....	3-1
Section 3.6	Basis for Determining Front Yard Requirement.....	3-1
Section 3.7	Essential Services.....	3-2
Section 3.8	Mobile Homes and Manufactured Homes.....	3-2
Section 3.9	Accessory Uses.....	3-2
Section 3.10	Accessory Buildings.....	3-2
Section 3.11	Residential Accessory Buildings.....	3-3
Section 3.12	Principal Building on a Lot.....	3-6
Section 3.13	Vehicle Repairs on Residential Premises.....	3-6
Section 3.14	Minimum Street Frontage.....	3-6
Section 3.15	Double Frontage Lots.....	3-6
Section 3.16	Keeping of Chickens.....	3-6
Section 3.17	Fences and Walls.....	3-7
Section 3.18	Control of Heat, Glare, Fumes, Dust, Noise and Vibration.....	3-8
Section 3.19	Governmental Improvements.....	3-8
Section 3.20	Health Department Approval.....	3-8
Section 3.21	Razing of Buildings.....	3-9
Section 3.22	Temporary Uses or Structures Requiring Zoning Inspector Authorization.....	3-9
Section 3.23	Reversion of Rezoned Areas.....	3-9
Section 3.24	Removal of Soil, Sand, Gravel, and Other Materials.....	3-9
Section 3.25	Keeping of Pets and Livestock.....	3-12
Section 3.26	Trash, Litter or Junk in Yards.....	3-12
Section 3.27	Reserved.....	3-12
Section 3.28	Basement Dwellings.....	3-12
Section 3.29	Driveways and Private Streets.....	3-12
Section 3.30	Moving of Buildings.....	3-25
Section 3.31	Yard or Garage Sales.....	3-26

Section 3.32	Dismantled, Non-Operating or Unlicensed Motor Vehicles.....	3-26
Section 3.33	Swimming Pools.....	3-26
Section 3.34	Home Occupations.....	3-27
Section 3.34A	Repealed.....	3-30
Section 3.35	Outlots.....	3-30
Section 3.36	Recreational Vehicle Parking in the R-1, R-2, R-3 and R-4 Districts.....	3-30
Section 3.37	Reserved.....	3-30
Section 3.38	Standards for Discretionary Decisions.....	3-30
Section 3.39	Single Family Dwellings.....	3-30
Section 3.40	Roadside Market Stands.....	3-32
Section 3.41	Noncommercial or Non-Public Antennas and Towers.....	3-32
Section 3.41A	Commercial or Public Antennas and Towers.....	3-33
Section 3.42	Maps, Drawings and Renderings.....	3-33
Section 3.43	Resubmission of Matters to Planning Commission.....	3-33
Section 3.44	Reserved.....	3-33
Section 3.45	Additional Setback from Watercourses on Lands Outside F District.....	3-33
Section 3.46	Reserved.....	3-34
Section 3.47	Compliance with Township Water Supply System Policy.....	3-34
Section 3.48	Maximum Lot Width to Depth Ratio.....	3-34
Section 3.49	Reserved.....	3-35
Section 3.50	Outdoor Lighting.....	3-35
Section 3.51	Hazardous Substances.....	3-50
Section 3.52	Shore Land Regulations.....	3-51
Section 3.53	Removal of Shore Coverage.....	3-52
Section 3.54	Lake Access and Frontage; Keyhole Development.....	3-52
Section 3.55	Lot Coverage.....	3-53
Section 3.56	Construction of Accessory Buildings.....	3-53
Section 3.57	Channels and Canals.....	3-53
Section 3.58	Grade Limits.....	3-54
Section 3.59	Architectural Standards.....	3-54
Section 3.60	Agri-Tourism Use.....	3-59
<b>CHAPTER IV</b>	<b>ZONING DISTRICTS.....</b>	<b>4-1</b>
Section 4.1	Zone Districts.....	4-1
Section 4.2	The Zoning Map.....	4-1
Section 4.3	Areas Not Included Within a District.....	4-1
<b>CHAPTER V</b>	<b>A AGRICULTURAL DISTRICT.....</b>	<b>5-1</b>
Section 5.1	Description and Purpose.....	5-1
Section 5.2	Permitted Uses.....	5-1
Section 5.3	Special Land Uses.....	5-1
Section 5.4	Other Land Uses.....	5-2
Section 5.5	District Regulations.....	5-2
Section 5.6	Minimum Floor Area.....	5-3
Section 5.7	Required Conditions.....	5-3
<b>CHAPTER VI</b>	<b>R-R RURAL RESIDENTIAL DISTRICT.....</b>	<b>6-1</b>
Section 6.1	Description and Purpose.....	6-1
Section 6.2	Permitted Uses.....	6-1
Section 6.3	Special Land Uses.....	6-1



Section 6.4	Other Land Uses. ....	6-2
Section 6.5	District Regulations. ....	6-2
Section 6.6	Minimum Floor Area. ....	6-3
Section 6.7	Required Conditions. ....	6-3
<b>CHAPTER VII</b>	<b>R-1 LOW DENSITY SINGLE FAMILY DISTRICT .....</b>	<b>7-1</b>
Section 7.1	Description and Purpose. ....	7-1
Section 7.2	Permitted Uses. ....	7-1
Section 7.3	Special Land Uses.....	7-1
Section 7.4	Other Land Uses. ....	7-1
Section 7.5	District Regulations. ....	7-2
Section 7.6	Minimum Floor Area. ....	7-2
Section 7.7	Required Conditions. ....	7-3
<b>CHAPTER VIII</b>	<b>R-2 MEDIUM DENSITY SINGLE FAMILY DISTRICT.....</b>	<b>8-1</b>
Section 8.1	Description and Purpose. ....	8-1
Section 8.2	Permitted Uses. ....	8-1
Section 8.3	Special Land Uses.....	8-1
Section 8.4	Other Land Uses. ....	8-1
Section 8.5	District Regulations. ....	8-2
Section 8.6	Minimum Floor Area. ....	8-2
Section 8.7	Required Conditions. ....	8-3
<b>CHAPTER IX</b>	<b>R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT .....</b>	<b>9-1</b>
Section 9.1	Description and Purpose. ....	9-1
Section 9.2	Permitted Uses. ....	9-1
Section 9.3	Special Land Uses.....	9-1
Section 9.4	Other Land Uses. ....	9-1
Section 9.5	District Regulations. ....	9-2
Section 9.6	Minimum Floor Area. ....	9-3
Section 9.7	Required Conditions. ....	9-4
<b>CHAPTER IXA</b>	<b>MHC MANUFACTURED HOUSING COMMUNITY DISTRICT .....</b>	<b>9A-1</b>
Section 9A.2	Permitted Uses. ....	9A-1
Section 9A.3	Special Land Uses.....	9A-1
Section 9A.4	Other Uses. ....	9A-1
Section 9A.5	Manufactured Housing Community Design Requirements. ....	9A-1
Section 9A.6	Manufactured Homes Within Manufactured Housing Communities; Operation of Communities.....	9A-8
Section 9A.7	Review and Approval of Preliminary Manufactured Housing Community Plans.....	9A-10
<b>CHAPTER IXB</b>	<b>R-4 HIGH DENSITY RESIDENTIAL DISTRICT .....</b>	<b>9B-1</b>
Section 9B.1	Description and Purpose. ....	9B-1
Section 9B.2	Permitted Uses. ....	9B-1
Section 9B.3	Special Land Uses.....	9B-1
Section 9B.4	Other Land Uses. ....	9B-1
Section 9B.5	District Regulations. ....	9B-2
Section 9B.6	Minimum Floor Area. ....	9B-3
Section 9B.7	Required Conditions. ....	9B-3

<b>CHAPTER X</b>	<b>F FLOOD PLAIN DISTRICT .....</b>	<b>10-1</b>
Section 10.1	Description and Purpose. ....	10-1
Section 10.2	Scope of District Provisions. ....	10-1
Section 10.3	Reserved. ....	10-1
Section 10.4	Lands Included in Zone. ....	10-1
Section 10.5	Permitted Uses. ....	10-1
Section 10.6	Special Land Uses.....	10-2
Section 10.7	Area Regulations.....	10-3
Section 10.8	Height Regulations. ....	10-4
Section 10.9	Minimum Floor Area. ....	10-4
Section 10.10	No Township Liability.....	10-4
<b>CHAPTER XI</b>	<b>C-1 NEIGHBORHOOD BUSINESS DISTRICT.....</b>	<b>11-1</b>
Section 11.1	Description and Purpose. ....	11-1
Section 11.2	Permitted Uses. ....	11-1
Section 11.3	Special Land Uses.....	11-3
Section 11.4	Other Land Uses. ....	11-3
Section 11.5	Required Conditions. ....	11-4
Section 11.6	District Regulations. ....	11-4
Section 11.7	Height Regulation.....	11-5
Section 11.8	Minimum Floor Area. ....	11-5
<b>CHAPTER XII</b>	<b>C-2 GENERAL BUSINESS DISTRICT .....</b>	<b>12-1</b>
Section 12.1	Description and Purpose. ....	12-1
Section 12.2	Permitted Uses not Located in Broadmoor/Cherry Valley Corridor Overlay District.....	12-1
Section 12.2A	Permitted Uses in the Broadmoor/Cherry Valley Corridor Overlay District. ....	12-3
Section 12.3	Special Land Uses not Located in the Broadmoor/Cherry Valley Corridor Overlay District.....	12-3
Section 12.3A	Special Land Uses Located in Broadmoor/Cherry Valley Corridor Overlay District.....	12-4
Section 12.4	Other Land Uses. ....	12-4
Section 12.5	Required Conditions. ....	12-4
Section 12.6	District Regulations. ....	12-4
Section 12.7	Height Regulation.....	12-5
Section 12.8	Minimum Floor Area. ....	12-5
<b>CHAPTER XIII A</b>	<b>HC HIGHWAY COMMERCIAL DISTRICT.....</b>	<b>12A-1</b>
Section 12A.1	Description and Purpose. ....	12A-1
Section 12A.2	Permitted Uses. ....	12A-1
Section 12A.3	Special Land Uses.....	12A-2
Section 12A.4	Additional Uses and Prohibited Uses. ....	12A-3
Section 12A.5	Development Regulations.....	12A-3
Section 12A.6	Area Regulations.....	12A-9
Section 12A.7	Height Regulation.....	12A-10
<b>CHAPTER XIII</b>	<b>I-1 LIGHT INDUSTRIAL DISTRICT .....</b>	<b>13-1</b>
Section 13.1	Description and Purpose. ....	13-1
Section 13.2	Permitted Uses. ....	13-1

Section 13.3	Special Land Uses.....	13-2
Section 13.4	Other Land Uses. ....	13-2
Section 13.5	Required Conditions. ....	13-2
Section 13.6	District Regulations. ....	13-3
Section 13.7	Height Regulation. ....	13-4
<b>CHAPTER XIV</b>	<b>I-2 INDUSTRIAL DISTRICT .....</b>	<b>14-1</b>
Section 14.1	Description and Purpose. ....	14-1
Section 14.2	Permitted Uses. ....	14-1
Section 14.3	Special Land Uses.....	14-1
Section 14.4	Other Land Uses. ....	14-2
Section 14.5	Required Conditions. ....	14-2
Section 14.6	District Regulations. ....	14-2
Section 14.7	Height Regulations. ....	14-3
<b>CHAPTER XV</b>	<b>PUD PLANNED UNIT DEVELOPMENT DISTRICT.....</b>	<b>15-1</b>
Section 15.1	Planned Unit Development.....	15-1
Section 15.2	Intent and Purpose. ....	15-1
Section 15.3	PUD District; Broadmoor/Cherry Valley Overlay District.....	15-1
Section 15.4	Eligibility Criteria.....	15-2
Section 15.5	Project Design Standards. ....	15-2
Section 15.6	Procedures and Requirements.....	15-7
Section 15.7	Application and Data Requirements. ....	15-9
Section 15.8	Standards and Requirements with Respect to Review and Approval.....	15-11
Section 15.9	Phasing and Commencement of Construction.....	15-12
Section 15.10	Revision to Approved Plans. ....	15-13
<b>CHAPTER XV A</b>	<b>OPEN SPACE PRESERVATION.....</b>	<b>15A-1</b>
Section 15A.1	Purpose. ....	15A-1
Section 15A.2	Qualifying Conditions.....	15A-1
Section 15A.3	Permitted Uses. ....	15A-1
Section 15A.4	Application and Review Procedure. ....	15A-1
Section 15A.5	Development Requirements.....	15A-4
Section 15A.6	Amendments to an Approved Site Plan.....	15A-9
Section 15A.7	Performance Guarantees. ....	15A-10
Section 15A.8	Time Limitations on Development. ....	15A-10
Section 15A.9	Definitions. ....	15A-10
<b>CHAPTER XVI</b>	<b>SPECIAL LAND USES .....</b>	<b>16-1</b>
Section 16.1	Intent and Purpose. ....	16-1
Section 16.2	Applications for Special Land Uses.....	16-1
Section 16.3	Public Hearing and Minimum Requirements. ....	16-2
Section 16.4	Standards for Considering Special Land Uses.....	16-2
Section 16.5	Terms and Conditions of Approval.....	16-3
Section 16.6	Expiration. ....	16-4
Section 16.7	Violation of Special Land Use Requirements.....	16-4
Section 16.8	Reapplication. ....	16-4
Section 16.9	Standards for Particular Special Land Uses.....	16-4
Section 16.10	Bed and Breakfast Establishment. ....	16-4
Section 16.11	Church and Other House of Worship.....	16-5

Section 16.11A	Campground, Publicly-Owned and Private Non-Commercial. ....	16-5
Section 16.12	Commercial Communications Antennas and Towers.....	16-8
Section 16.13	Commercial Greenhouses and Nurseries.....	16-10
Section 16.14	Commercial Outdoor Recreation Facility.....	16-10
Section 16.15	Contractor Yard.....	16-10
Section 16.16	Elderly and Retirement Housing.....	16-11
Section 16.17	Family Daycare Homes for More than Six Minor Children.....	16-11
Section 16.18	Fuel Depot and Fuel Dispensing System.....	16-11
Section 16.19	Gasoline Service Station and Motor Vehicle Repair Shop.....	16-11
Section 16.20	Golf Course and Country Club; Commercial Riding Stable; Private Recreation Area.....	16-12
Section 16.21	Home Based Business.....	16-12
Section 16.22	Hospital.....	16-16
Section 16.23	Hotel and Motel.....	16-17
Section 16.24	Intensive Livestock Operations.....	16-17
Section 16.25	Kennels.....	16-17
Section 16.26	Light Manufacturing.....	16-18
Section 16.27	Metal Buffing and Polishing.....	16-18
Section 16.28	Modular and Prefabricated Homes and Other Structure Manufacturing.....	16-18
Section 16.29	Motor Vehicle Wash Establishment.....	16-19
Section 16.30	Open Air Business.....	16-19
Section 16.31	Parcel Delivery Station.....	16-19
Section 16.32	Photographic Processing.....	16-20
Section 16.33	Public and Private Schools.....	16-20
Section 16.34	Publicly-Owned Libraries, Museums and Community Centers.....	16-20
Section 16.35	Publicly-Owned Parks, Playgrounds, Recreation Areas and Athletic Grounds.....	16-20
Section 16.36	Radio and Television Transmission Facilities.....	16-21
Section 16.37	Recycling Centers.....	16-21
Section 16.38	Removal and Processing of Sand, Gravel and Other Mineral Resources.....	16-22
Section 16.39	Restaurant with Drive-Through Facilities.....	16-22
Section 16.40	Agri-Business.....	16-22
Section 16.41	Sexually Oriented Business.....	16-24
Section 16.42	State Licensed Adult Foster Care Group Home.....	16-37
Section 16.43	Stone Yard and Monument Works.....	16-38
Section 16.44	Tavern or Bar, if State-Licensed.....	16-38
Section 16.45	Theater, Auditorium, Banquet Hall and Other Place of Assembly.....	16-39
Section 16.46	Tool and Die Manufacturing Establishment.....	16-39
Section 16.47	Trade, Vocational and Industrial Schools.....	16-40
Section 16.48	Transportation Terminal.....	16-40
Section 16.49	Truck Sales and Repair.....	16-41
Section 16.50	Utility and Public Service Buildings.....	16-41
Section 16.51	Wholesale Warehousing.....	16-42
Section 16.52	Wholesale or Storage of Fertilizers and Soil Conditioners.....	16-42

<b>CHAPTER XVII</b>	<b>PMR PLANNED MINERAL REMOVAL DISTRICT.....</b>	<b>17-1</b>
Section 17.1	Description and Purpose.....	17-1
Section 17.2	Definitions.....	17-1
Section 17.3	Planned Mineral Removal and Other Permitted Uses.....	17-1
Section 17.4	PMR Permit Applications and PMR Rezoning Petitions.....	17-4

Section 17.5	Operating Conditions on Mineral Removal Operations and Activities.....	17-7
Section 17.6	Public Hearing Procedures.....	17-9
Section 17.7	Approval and Issuance of PMR Permit. ....	17-9
Section 17.8	Transferability of Permits. ....	17-10
Section 17.9	Expiration of Permit.....	17-10
Section 17.10	Re-Application for Permit. ....	17-10
Section 17.11	Existing Permits.....	17-10
Section 17.12	Application Fee; Surveillance Fee.....	17-11
Section 17.13	Renewal of PMR Permits. ....	17-12
Section 17.14	Enforcement.....	17-14
<b>CHAPTER XVIII SITE PLAN REVIEW .....</b>		<b>18-1</b>
Section 18.1	Description and Purpose. ....	18-1
Section 18.2	Land Uses Requiring Site Plan Review. ....	18-1
Section 18.3	Land Uses Exempt From Site Plan Review.....	18-2
Section 18.4	Application for Site Plan Review. ....	18-2
Section 18.5	Procedure for Consideration and Review of Site Plans. ....	18-5
Section 18.6	Standards for Review of Site Plans.....	18-6
Section 18.7	Conditions on Approval of Site Plans.....	18-8
Section 18.8	Construction in Accordance with Approved Site Plan Required.....	18-8
Section 18.9	Performance Guarantees. ....	18-8
Section 18.10	Changes in Approved Site Plans.....	18-9
Section 18.11	Appeals of Decisions on Site Plans. ....	18-10
Section 18.12	As-Built Site Plan. ....	18-11
Section 18.13	Land Clearing. ....	18-11
Section 18.14	Site Plan for Mass Grading.....	18-11
Section 18.15	Approval Effective for One Year.....	18-12
<b>CHAPTER XIX SIGNS IN ALL DISTRICTS .....</b>		<b>19-1</b>
Section 19.1	Definitions. ....	19-1
Section 19.2	General Sign Provisions.....	19-3
Section 19.3	Computation of Sign Area. ....	19-6
Section 19.4	Permit Required For Signs.....	19-6
Section 19.5	Sign Erector Requirements. ....	19-8
Section 19.6	Certificate of Compliance.....	19-8
Section 19.7	Signs Exempt from Permit Requirements.....	19-9
Section 19.8	Signs Prohibited Throughout the Township. ....	19-10
Section 19.9	Signs In The A, R-R, R-1, R-2, R-3, R-4 and F Districts. ....	19-11
Section 19.10	Signs In The C-1, C-2 and HC Zoning Districts.....	19-12
Section 19.11	Signs In The I-1 And I-2 Zoning Districts.....	19-13
Section 19.12	Signs In The PUD Zoning District.....	19-14
Section 19.13	Signs For Special Land Uses. ....	19-14
Section 19.14	Construction and Maintenance Requirements. ....	19-15
Section 19.15	Nonconforming Signs, Including Nonconforming Billboards.....	19-15
<b>CHAPTER XX OFF-STREET PARKING AND LOADING.....</b>		<b>20-1</b>
Section 20.1	General Regulations.....	20-1
Section 20.2	Off-Street Parking Requirement. ....	20-1
Section 20.3	Minimum Number of Spaces Required. ....	20-3
Section 20.4	Barrier-Free Parking Requirements. ....	20-8

Section 20.5	Waiting Areas for Drive-Through Facilities.....	20-8
Section 20.6	Off-Street Parking Space Layout, Standards, Construction and Maintenance.....	20-9
Section 20.7	Loading Space Requirements. ....	20-10
Section 20.8	Parking Lots in Residential Districts. ....	20-11
<b>CHAPTER XXI</b>	<b>NONCONFORMING STRUCTURES, LANDS AND USES .....</b>	<b>21-1</b>
Section 21.1	Intent and Purpose. ....	21-1
Section 21.2	Lawfully Nonconforming Lots and Parcels of Land. ....	21-1
Section 21.3	Lawfully Nonconforming Buildings and Structures.....	21-2
Section 21.4	Lawfully Nonconforming Uses of Buildings and Structures.....	21-3
Section 21.5	Other Requirements. ....	21-4
<b>CHAPTER XXII</b>	<b>BOARD OF ZONING APPEALS .....</b>	<b>22-1</b>
Section 22.1	Creation of Zoning Board of Appeals.....	22-1
Section 22.2	Membership. ....	22-1
Section 22.3	Terms of Office.....	22-1
Section 22.4	Jurisdiction.....	22-1
Section 22.5	Types of Available Relief. ....	22-2
Section 22.6	Dimensional Variances. ....	22-2
Section 22.7	Time Limitations on Variances.....	22-3
Section 22.8	Appeals and Other Applications for Relief.....	22-3
Section 22.9	Decisions of the Board of Appeals. ....	22-3
Section 22.10	Officers. ....	22-4
Section 22.11	Meetings and Procedures. ....	22-4
Section 22.12	Alternate Members. ....	22-5
Section 22.13	Removal of Members; Conflicts of Interest.....	22-5
Section 22.14	Appeals from Decisions of the Board of Appeals.....	22-6
<b>CHAPTER XXIII</b>	<b>ADMINISTRATION, ENFORCEMENT AND PENALTIES.....</b>	<b>23-1</b>
Section 23.1	Zoning Administration.....	23-1
Section 23.2	Building and Zoning Permits.....	23-1
Section 23.3	Certificate of Occupancy. ....	23-1
Section 23.4	Expiration of Building and Zoning Permits.....	23-1
Section 23.5	Cancellation of Permits.....	23-2
Section 23.6	Application Fees and other Charges; Zoning Escrow Deposits and Payments.....	23-2
Section 23.7	Violations and Penalties.....	23-2
Section 23.8	Stop Work Orders. ....	23-3
Section 23.9	Other Procedures.....	23-4
Section 23.10	Publication and Delivery of Notice of Public Hearing. ....	23-4
<b>CHAPTER XXIV</b>	<b>AMENDMENTS .....</b>	<b>24-1</b>
Section 24.1	Amendments. ....	24-1
Section 24.2	Applications for Amendment by Interested Persons.....	24-1
Section 24.3	Consideration of Proposed Amendment. ....	24-1
<b>CHAPTER XXV</b>	<b>INGRESS AND EGRESS STANDARDS .....</b>	<b>25-1</b>
Section 25.1	Intent and Purpose; Applicability. ....	25-1
Section 25.2	General Provisions.....	25-1

Section 25.3	Non-Residential Ingress and Egress Provisions. ....	25-1
<b>CHAPTER XXVI SEVERABILITY, REPEAL AND MISCELLANEOUS.....</b>		<b>26-1</b>
Section 26.1	Severability. ....	26-1
Section 26.2	Repeal. ....	26-1
Section 26.3	Non-Liability of Township Officials. ....	26-1
<b>CHAPTER XXVII BROADMOOR/CHERRY VALLEY CORRIDOR OVERLAY DISTRICT .....</b>		<b>27-1</b>
Section 27.1	Purpose. ....	27-1
Section 27.2	Lands in Overlay District; Land Uses Permitted. ....	27-1
Section 27.3	Site Plan Review. ....	27-2
Section 27.4	Permitted Uses in C-1 District Lands in the Overlay District.....	27-2
Section 27.5	Special Land Uses in C-1 District Lands in the Overlay District. ....	27-2
Section 27.6	Permitted Uses in C-2 District Lands in the Overlay District.....	27-2
Section 27.7	Special Land Uses in C-2 District Lands in the Overlay District. ....	27-3
Section 27.8	Permitted Uses in Planned Unit Development District Lands in the Overlay District.....	27-4
Section 27.9	Other Land Uses Permitted in the Overlay District .....	27-4
Section 27.10	Minimum Site Development Requirements.....	27-4
Section 27.11	Specific Zoning District Regulations.....	27-9
Section 27.12	Signs. ....	27-11
Section 27.13	Outdoor Lighting. ....	27-14
Section 27.14	Sidewalks and Bicycle Paths. ....	27-14
Section 27.15	That Part of this Overlay District Located in Section 28 of the Township, North of 100th Street. ....	27-14
<b>CHAPTER XXVIII LANDSCAPING, SCREENING, GREENBELTS, BUFFERS AND FENCING .....</b>		<b>28-1</b>
Section 28.1	Intent and Purposes.....	28-1
Section 28.2	Application. ....	28-1
Section 28.3	Landscape Plan Required.....	28-1
Section 28.4	Screening Between Land Uses. ....	28-1
Section 28.5	Parking Area Landscaping.....	28-2
Section 28.6	Greenbelt Buffers.....	28-2
Section 28.7	Site Landscaping.....	28-2
Section 28.8	Minimum Size and Spacing Requirements.....	28-2
Section 28.9	Landscape Elements. ....	28-3
Section 28.10	Installation and Maintenance. ....	28-4
Section 28.11	Fencing and Screening.....	28-4
Section 28.12	Exceptions to Fencing and Screening Requirements.....	28-4
Section 28.13	Materials for Fencing and Screening. ....	28-5
Section 28.14	Barrier Fences. ....	28-5
Section 28.15	Fire Hazard. ....	28-5
Section 28.16	Overlay District.....	28-5
Table 28A	Size and Spacing Requirements.....	28A-1
Table 28B	Size and Spacing Requirements .....	28B-1
Table 28C	Size and Spacing Requirements .....	28C-1

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<b>CHAPTER XXIX</b>	<b>CONDOMINIUMS AND SITE CONDOMINIUMS.....</b>	<b>29-1</b>
Section 29.1	Purpose. ....	29-1
Section 29.2	Definitions. ....	29-1
	Part A – Site Condominiums .....	29-2
Section 29.3	Application for Site Condominium Approval.....	29-2
Section 29.4	Review of Preliminary Plans by the Planning Commission. ....	29-3
Section 29.5	Review and Approval of Final Plans by Township Board.....	29-3
Section 29.6	Standards for Approval. ....	29-4
Section 29.7	Construction in Compliance with Approved Plan. ....	29-5
Section 29.8	Completion of Improvements. ....	29-5
Section 29.9	Expandable or Convertible Condominium Projects. ....	29-5
Section 29.10	Revisions of Approved Final Site Condominium Project Plan.....	29-5
Section 29.11	Incorporation of Approved Provisions in Master Deed. ....	29-6
Section 29.12	Approval Effective for One Year.....	29-6
	Part B – Condominiums.....	29-7
Section 29.13	Application for Condominium Approval.....	29-7
Section 29.14	Review of Preliminary Plans by the Planning Commission. ....	29-7
Section 29.15	Review and Approval of Final Plans by Township Board.....	29-8
Section 29.16	Standards for Approval. ....	29-9
Section 29.17	Construction in Compliance with Approved Plan. ....	29-10
Section 29.18	Completion of Improvements. ....	29-10
Section 29.19	Expandable or Convertible Condominium Projects. ....	29-10
Section 29.20	Revisions of Approved Final Condominium Project Plan.....	29-10
Section 29.21	Incorporation of Approved Provisions in Master Deed. ....	29-11
Section 29.22	Approval Effective for One Year.....	29-11



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**CHAPTER I**  
**TITLE, PURPOSE AND SCOPE**

**Section 1.1 Short Title.** This Ordinance shall be known and may be cited as the Caledonia Charter Township zoning ordinance.

**Section 1.2 Purpose.** The purpose of this Ordinance is to promote the public health, safety and general welfare by establishing zoning districts throughout the Township, within which the use of land, buildings and structures is regulated in the public interest and in furtherance of the reasonable use of land within the Township. This Ordinance has also been adopted for the following additional purposes, among others:

- (a) To encourage the use of land in accordance with its character and adaptability and in furtherance of future land use needs.
- (b) To preserve and enhance the value of land and other property.
- (c) To conserve natural resources and energy so as to meet the needs of the public for food, natural resources, recreation and other land uses.
- (d) To ensure that uses of land shall be situated in appropriate locations and relationships, and to avoid the overcrowding of population.
- (e) To lessen congestion on the public streets and to provide adequate light and air.
- (f) To reduce hazards to life and property.
- (g) To assist in providing for transportation, safe and adequate water supply, sanitary sewage disposal, recreation and other public requirements.
- (h) To conserve expenditures for public improvements and services, so as to obtain the most advantageous uses of land, natural resources and other property interests.
- (i) To assure the compatibility of land uses, buildings and structures within each district.
- (j) To avoid or moderate problems or results that may limit or be detrimental to the sound development of land, buildings and structures.
- (k) To implement the policies and recommendations of the Township Master Plan, when to do so would advance the public interest and foster reasonable land uses.

**Section 1.3 Scope and Interpretation.**

- (a) This Ordinance affects and regulates the use, development, preservation and occupancy of all land, buildings and structures in the Township. Where this Ordinance imposes greater limitations or restrictions than those imposed or required by the provisions of other ordinances, instruments of land conveyance, private restrictions or land use covenants or other laws or instruments purporting to affect land use, the provisions of this Ordinance shall control.

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- (b) The provisions of this Ordinance shall be interpreted and applied so as to constitute the minimum requirements necessary for promoting or advancing the public health, safety, security and general welfare.

**Section 1.4 Legal Basis.** This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006. *(Section 1.4 amended 09/06/06; eff. 10/03/06.)*

*(Chapter 1 adopted 11/16/05; eff. 12/06/05.)*

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## CHAPTER II DEFINITIONS

**Section 2.1 Rules Applying to Text.** The following rules for the construing of words and phrases in this Ordinance shall be applied in its interpretation:

- (a) The particular shall control the general.
- (b) With the exception of this chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered as enlarging or restricting the terms and provisions of this Ordinance in any respect.
- (c) The word “shall” is 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, limited liability company, joint venture, corporation, trust, estate or other entity or a combination of any of them as well as a natural person.
- (g) Any word or term not defined herein shall be deemed to have its common-accepted or standard meaning.

**Section 2.2 Definitions.** The following listed terms and words are defined for the purpose of their use in this Ordinance. These definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

- (a) **Definitions Beginning with A through E.**

**Accessory Building.** A subordinate building or structure on the same lot with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building in a substantial manner or by a wall or roof, such accessory building shall be considered a part of the main building.

**Accessory Use.** A use naturally and normally incidental, ancillary, and subordinate to the principal use of the premises.

**Adult Bookstore.** An establishment having as a substantial or significant portion of its stock in trade books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” defined by this Ordinance.

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**Adult Cabaret.** A bar, lounge, club or other establishment which may sell alcoholic or non-alcoholic beverages and/or food and which features as part of the regular entertainment topless or bottomless dancers, strippers or similar entertainers, whether male or female, whose acts are characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined by this Ordinance.

**Adult Drive-In.** An open-air establishment in which a substantial or significant portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as so defined by this Ordinance, for observation by patrons therein.

**Adult Film Store.** An establishment having as a substantial or significant portion of its stock in films, video tapes, video disks, or similar items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as so defined by this Ordinance.

**Adult Motion Picture Theater.** An enclosed building in which a substantial or significant portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as so defined by this Ordinance, for observation by patrons therein.

**Adult Novelty Store.** An establishment that has a substantial or significant portion of its activity in the sale of devices that simulate human genitals or devices designed for sexual stimulation.

**Agri-Business.** A farm enterprise that has either a retail character, by virtue of customer and off-street parking characteristics, or an industrial or entertainment character, by virtue of performance characteristics.

- (1) Cider mills (alcoholic), distilleries, breweries, or wineries selling product, in a tasting room, where the 50 percent rule set forth below is observed.
- (2) Restaurants or cafes with maximum seating capacity of 100 and no drive-through service.
- (3) Agriculturally related tourist overnight accommodations (i.e., tourist work camps or dude ranch experiences).
- (4) Large event venues, open air or within an enclosed building, designed for use by over 200 persons but no more than 400 persons, provided that due to the location, buffers provided, hours of operation, access, and proposed lighting and sound amplification, there will be minimal impact upon neighboring properties.
- (5) Fifty percent rule means the rules set forth in the January, 2021 Generally Accepted Agricultural and Management Practices for Farm Markets (GAAMP) promulgated by the Michigan Commission of Agriculture and Rural Development, as may be amended, which requires at least 50 percent of the products offered by a farm market to be produced on and by the affiliated farm market measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product’s primary or namesake ingredient was produced on and by the farm, such as apples

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used in apple pie, maple sap in maple syrup and strawberries in strawberry jam. (Definition added 3/17/2021; eff. 4/3/2021.)

**Agri-Tourism Use.** A farm market operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products and which may include, but not be limited to, educational and/or outdoor recreational programs, a public accommodation use, farm tours, horseback riding, and similar activities. (Definition added 3/17/2021; eff. 4/3/2021.)

**Alteration, Structural.** Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

**Automobile Repair - Major.** General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting and upholstery; or vehicle steam cleaning and undercoating.

**Automobile Repair - Minor.** Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons capacity; excluding, however, any repair or work included in the definition of “Automobile Repair – Major.”

**Automobile or Trailer Sales Area.** An open area used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

**Basement.** That portion of a building between the floor and the ceiling which is below grade or partly above and partly below grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to ceiling.

**Bed and Breakfast Establishment.** A private residence which is the principal residence of the owner thereof and which offers sleeping accommodations to guests for rent and in which meals are served to the guests thereof. A guest of such an establishment shall be a person who rents a room therein for fewer than 30 consecutive days.

**Berm.** A raised form of earth to provide screening or to improve the contours of the land.

**Big-Box Store.** A very large retail or other store, usually with a physical layout that resembles a large square or box when viewed from above, and including more than 20,000 square feet of gross floor area. The store has a very large off-street parking area, offers a wide variety of merchandise for sale and may provide some services as well. It may offer its merchandise at discounted prices. A big-box store may also be referred to as a super store or super center. It is frequently a part of a national or regional retail merchandise company, with multiple store locations. (Definition added 12/16/15; eff. 12/26/15.)

**Buffer.** A strip of land, including plantings and/or structures, which may be required to protect or screen a type of land use from another, or to minimize or eliminate conflicts between land uses.

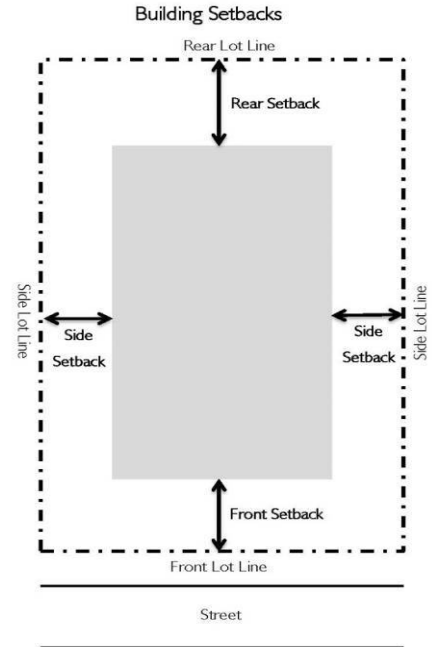
**Building.** Anything which is constructed or erected, including a mobile home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing persons or animals, for the storing of personal property or the conducting of business activities or other uses.

**Building Height.** The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck

of mansard roofs, and to the mean height level between the eaves and the ridge of gable, hip and gambrel roofs.

**Building Setback.** The minimum horizontal distance that buildings and any structure 30 inches in height or greater shall be separated from a street right-of-way, lot line, shore of a lake, edge of a stream, or river bank, to meet the minimum requirements of this ordinance. On cul-de-sac lots, the front yard setback shall follow the curve of the front lot line.

- (1) **Setback, Front.** The line marking the required setback from the road right-of-way or road easement, which establishes the required front yard setback.
- (2) **Setback, Rear.** The line marking the required setback distance from the rear lot line, which establishes the required rear yard.
- (3) **Setback, Side.** The lines marking the required setback distance from the side lot lines, which establishes the required side yards. *(Section 2.2(a) amended to revise definition on 9/19/18; eff. 10/06/18.)*



**Campground.** A parcel of land used for youth camping or overnight accommodations, with sites for cabins, and which may include accessory buildings and facilities such as recreational areas, dining halls with kitchen facilities, indoor gymnasiums and group meeting facilities. A campground shall be publicly owned and held open to the public, or be owned and operated on a private, non-commercial basis by a bona fide non-profit organization, religious or benevolent society or substantially similar organization. A campground shall not include a facility, building or land designed or used for correctional or penal purposes, in whole or in part. *(Section 2.2(a) amended to add definition on 10/18/06; eff. 10/31/06.)*

**Church.** A building wherein persons assemble for religious observance or expression and which is maintained and controlled by a religious body or organization, together with permitted accessory buildings and accessory uses.

**Commercial Outdoor Recreation Facility.** Commercial uses, areas, buildings and structures utilized for recreational activities having an out-of-doors orientation. Such uses include community swimming pools, ski areas, athletic fields, tennis and basketball camps, golf driving ranges and other outdoor recreation activities made available on a commercial basis.

**Construction Sign.** A temporary sign identifying an architect, contractor, subcontractor, materials supplier, bank or other party participating in construction on the property on which the sign is located.

**Contractor Yard.** A fenced-in area in which construction and trade equipment or construction vehicles are parked or temporarily stored. A contractor yard may also include the temporary storage of machinery and equipment used in construction work, the building trades, landscaping, snowplowing and similar activities.

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**Corner Lot.** Any lot having frontage on two intersecting streets or upon two portions of a curved street or streets where the interior angle of an intersection is less than one 145°.

**Driveway.** An undedicated, privately controlled and maintained easement, right-of-way or other interest in land extending from a public street or private street to not more than four lots, principal buildings, principal dwellings or principal structures.

**Dwelling.** Any building or portion thereof, including a mobile home or manufactured home, which is occupied in whole or in part as a home, residence or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist homes or cabins, boarding houses, lodging houses or rooming homes.

**Dwelling Unit.** One room or suite of two or more rooms designed for use or occupancy by one family for living and sleeping purposes with housekeeping facilities.

**Elderly and Retirement Housing.** A building or group of buildings containing dwellings or dwelling units where the occupancy of the dwellings or dwelling units is restricted to persons of at least an age generally regarded as retirement age. Such buildings or groups of buildings may include meeting rooms, chapels, dining halls and other accessory uses and facilities for the use and benefit of the elderly and retired persons living there and their guests and invitees.

**Emphasis.** “Emphasis” or “emphasis on” means that the type of matter specified is the apparent matter upon which the particular work or exhibition is based, or that the matter specified is a substantial or significant portion of such work or exhibition.

**Employee.** Any person who works or performs in and/or for a sexually oriented business, including the manager, regardless of whether or not said person is paid a salary, wage or other form of compensation.

**Entertainer.** Any person who performs any entertainment, exhibition or dance of any type within a sexually oriented business, whether or not such person or anyone else charges or accepts a fee for such entertainment, exhibition, or dance.

**Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, to privately perform a striptease for another person, or to otherwise display specified sexual activities or specified anatomical areas.

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

**Essential Services.** The erection, construction, alteration or maintenance by public or municipal utilities or commissions of underground or overhead gas, electrical or other utility distribution or collection system or other utility system, including poles, wires, mains, sewers, pipes, conduits, cables, traffic signals, hydrants, electric substations, gas regulator stations and other similar equipment and accessories reasonably necessary for the furnishing of utility service by public or municipal utilities, but not including utility buildings or public service buildings. *(Definition added 12/16/15; eff. 12/26/15.)*

**Establishment with Drive-Through Facilities.** A restaurant, bank or other financial institution, pharmacy, dry-cleaning service and other retail store or business which commonly includes a customer drive-through facility, usually consisting of a separate motor vehicle driving lane and a

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building-opening through which customers in stationary motor vehicles may transact business with an employee of the establishment who remains inside the building-opening.

(b) **Definitions Beginning with F through L.**

**Family.**

- (6) One or more persons related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit;
- (7) A collective number of persons living together in one dwelling, under one head, whose relationship is of a permanent and distinct domestic character and comprising a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, federation, group or organization, which is not a recognized religious order, nor shall it include a group of persons whose association is temporary or seasonal in character or nature.

**Family Daycare Home.** A private home in which minor children are given care and supervision for periods of less than 24 hours per day, generally unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage or adoption.

**Farm.** A parcel of land that is used primarily for the commercial, soil-dependent cultivation and production of crops and/or for the raising of livestock.

**Farm Market.** A Farm Market shall be as defined in the January, 2021 Generally Accepted Agricultural and Management Practices for Farm Markets (GAAMP) promulgated by the Michigan Commission of Agriculture and Rural Development, as may be amended. (*Amended 3/17/2021; eff. 4/3/2021.*)

**Fence.** Any artificially-constructed barrier of some material or combination of materials installed or erected in order to enclose, delineate or screen an area of land. A fence may serve as a marker of a boundary or as a means of protection or confinement.

**Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard, Special, Area of.** The lands shown on the Flood Insurance Rate Map as being subject to a 1 percent or greater chance of flooding in any given year.

**Flood Insurance Rate Map.** The official map of the Federal Insurance Administration, on which the areas of special flood hazard are shown.

**Flood Insurance Study.** The official report prepared and adopted by the Federal Insurance Agency, setting forth flood profiles and other matters relating to the flooding of lands within the Township.

**Flood Plain.** A relatively flat or lowland area adjoining a river, lake, stream or other watercourse which is subject to partial or complete inundation or to the unusual and rapid accumulation of surface waters from any sewers.



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**Floodway.** The designated area of the 100-year flood plain required to carry and discharge flood waters.

**Floor Area.** The gross floor area of all floors of a building or an addition to an existing building. For all office buildings and for any other building, except dwelling units where the principal use thereof shall include the basement, the basement floor area shall be included except that part thereof which contains heating and cooling equipment and other basic utilities.

**Foster Care Home.** A private residence in which six or fewer adults are given care and supervision for five or more days per week, under license by the state agency having jurisdiction.

**Freestanding Sign.** A sign supported upon the ground by poles or braces and not attached to any building.

**Garage - Public.** A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

**Garage - Private.** A detached accessory building or portion of a main building for the parking or temporary storage of not more than three automobiles, including not more than one light delivery or pickup motor vehicle used by the occupants of the premises of a rated capacity not to exceed one and one-half tons.

**Gasoline Service Station.** A building and premises where the principal use is the supplying and dispensing at retail of motor fuels, lubricants, batteries, tires and other motor vehicle accessories.

**Government Sign.** Any temporary or permanent sign erected and maintained by the local, state or federal government to assist in directions to any public service, property or facility.

**Greenbelt.** A dedicated landscaped area.

**Greenhouse or Nursery.** A greenhouse is a building designed, equipped and use for the raising of flowers, vegetables, shrubs, trees and other plans for sale or for transplanting to other locations. A nursery is land laid out, designed and use for the planting and cultivation of flowers, vegetables, shrubs, trees and other plants for sale or for transplanting to other locations.

**Hazardous Substance.** A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.

**Home Based Business.** An occupation or business of limited scope and impact that is located on a parcel of land being used for single-family residential purposes, and is operated by one or more residents of the dwelling on the property and which, by reason of its nature, intensity, scope, activities, or characteristics, does not qualify as a home occupation. A hobby or activity pursued for enjoyment and not for financial gain, provided it is conducted in a manner which complies with the provisions of this Ordinance, is not considered a home based business. *(Section 2.2(b) amended to revise definition on 9/19/18; eff. 10/06/18.)*

**Home Occupation.** An occupation conducted in a dwelling unit that is an incidental and secondary use of the dwelling and which results in little, if any, intrusion into the residential character of the surrounding neighborhood. *(Section 2.2(b) amended to revise definition on 9/19/18; eff. 10/06/18.)*

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**Hospital.** An institution specializing in providing clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in general medical practice and various medical and/or surgical specialties.

**Hotel.** A building or facility offering transient lodging accommodations at a specified rate, generally daily, to the general public and also providing additional related services such as restaurants, meeting rooms and recreational facilities.

**Intensive Livestock Operations.** Agricultural activities, facilities and lands in which livestock, fowl or other farm animals are maintained in close quarters for the purpose of raising or fattening such livestock, fowl or other farm animals for final shipment to market, where all of such operations and activities are in compliance with generally-accepted agricultural and management practices as promulgated by the Michigan Commission of Agriculture and applicable state law.

**Junk or Trash.** The terms “trash,” “litter” and “junk” are synonymous and each as used herein shall include the following: used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber, ashes, broken up or discarded cement, discarded asphalt or asphalt fragments, garbage, industrial by-products or waste, empty cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

**Junkyard.** A place where junk waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated or obsolete.

**Kennel.** Any land, building or structure where five or more cats and/or dogs are boarded, housed or bred.

**Landscape.** A combination of plant materials, topography, and other natural physical elements in relation to one another and to man-made structures.

**Licensed Day-Care Facility.** A state-licensed facility for the care of preschool and/or school-aged children.

**Lot.** Contiguous land in the same ownership which is not divided by any street or alley, including any part thereof subject to any easement for any purpose other than a street or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity for any use, building or structure. The word “lot” shall include plot or parcel.

**Lot Area.** The total horizontal area included within the lot lines. Where the front lot line is the centerline of a street, or where a portion of a lot lies within a street right-of-way, the lot area calculated to meet the requirements of this Ordinance shall not include that area inside the street right-of-way.

**Lot Coverage.** The amount of a lot stated in terms of percentage, that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lath roofs, or fully roofed, but shall not be deemed to include fences, walls or hedges used as fences for swimming pools.

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**Lot Line - Front.** In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the lot from either street, but not both streets, on which such lot is located (in the case of a corner lot, such front lot line shall also be that lot line which is faced by the front of a building or proposed building; in the case of a building which faces a corner of a corner lot, the front lot line shall be that selected by the owner of the property).

**Lot Line – Rear.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular-shaped lot, an imaginary line at least 15 feet long within the confines of the lot and parallel to the front lot line.

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

**Lot of Record.** A parcel of land, the dimensions or boundaries of which are shown on a deed or other instrument of conveyance in the office of the county Register of Deeds, which actually exists as shown or described in such deed or other instrument of conveyance.

**Lot Width.** A contiguous horizontal distance between the side lot lines measured at the two (2) points where the required setback intersects the side lot lines and continuing for a depth of at least 250'. (*Section 2.2(b) amended to revise definition on 9/19/18; eff. 10/06/18.*)

(c) **Definitions Beginning with M through R.**

**Manager.** An employee, other than the licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees or who is otherwise responsible for the operation of, or in charge of, a sexually oriented business.

**Manufactured Home.** A factory-built, single family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis or foundation and is used as a dwelling, but which is not constructed with a permanent hitch or other device allowing transport of the dwelling unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Manufactured Housing Community.** A parcel of land under single ownership that has been planned, designed, improved and maintained for the placement and use of manufactured housing for dwelling purposes and for permitted accessory uses.

**Massage.** Massage shall mean a method of treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

**Massage Parlor.** Any establishment having a fixed place of business where massages are administered solely or in combination with any other services or activity for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops, beauty salons or athletic facilities in which massages are administered only to the scalp, the face, the neck, the shoulder, the back above the waist or the legs below the thighs. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool or tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.

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**Mobile Home.** 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 contained in the structure. Mobile home does not include a recreational vehicle.

**Mobile Home Lot.** A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

**Mobile Home Pad.** That portion of a mobile home lot reserved for the placement of a mobile home, appurtenant structures or additions.

**Mobile Home Park.** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use.

**Motel.** A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, travelers. The term shall include any building or building groups designated as hotels, motor lodges, tourist homes, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

**Motor Home.** A self-propelled motor vehicle designed as self-contained living quarters and intended only for short term occupancy.

**Motor Vehicle.** Every vehicle which is self-propelled.

**Nonconforming Use.** The use of a building, structure or land, which was lawfully existing at the time this Ordinance became effective, but which does not comply with the present regulations of the district in which it is located.

**Nursing Home or Convalescent Home.** A building or buildings with rooms or suites where persons are housed or lodged and are furnished with meals, nursing and medical care and other care appropriate to their age and physical and medical condition.

**Open Air Business.** A business which involves activities for the display and sale of goods, products and objects outside of a building, including motor vehicle and boat sales, lawn and garden centers, flea markets, plant nursery sales and similar uses.

**Operator.** All persons who own, operate, direct, oversee, conduct, maintain, or effectively exert management control or authority over a sexually oriented business or its affairs, without regard to whether such person(s) owns the premises in which the sexually oriented business does business. An Operator effectively exerts management control or authority when he or she actually does, or is in a position to, participate in the management, direction or oversight of a sexually oriented business or its affairs, whether or not such person's name appears on any public record filed with any government agency in connection with a sexually oriented business or any parent company or affiliate.

**Outdoor Light Fixture.** Illuminating devices, reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement.

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**Outlot.** A lot or parcel of land, no less than 66 feet in width, which is reserved for future road access into the rear or interior portion of a parcel of land.

**Owner.** A person owning, directly or beneficially, any interest or part interest, however identified, in a sexually oriented business.

**Park.** Properties and facilities owned and operated by any governmental agency, or owned and operated by any private agency, which are open to the general public for recreation purposes.

**Parking Area, Space or Lot.** An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors or employees. Parking area shall include access drives within the actual parking.

**Parcel Delivery Station.** A building or other facility designed, equipped and used as a place for the packaging of goods and objects for shipment or mailing, and for the receipt of packages and parcels, for delivery or reshipment to other locations. A parcel delivery station may also include mail boxes rented or otherwise utilized by persons for receiving personal or business mail or packages.

**Playground.** Properties and facilities owned and operated by any governmental agency, or owned and operated by any private agency, including day care centers, which are open to the general public for recreation or child care purposes.

**Political Sign.** A temporary sign used in connection with a local, state or national election or referendum.

**Principal or Main Use.** The primary or predominant use of a lot.

**Recreational Vehicle.** A vehicle used primarily for recreational purposes including, but not limited to camper trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and trailers to transport them, and similar recreational vehicles.

**Recycling Center.** A building or other facility in which used material such as newspapers, other paper products, glassware, plastic bottles, small metal cans and other materials of small size and scope are collected separated, stored, bundled or otherwise handled, substantially by hand, prior to removal for delivery or shipment to others who will use the materials for the manufacture of other products. A recycling center may include a neighborhood drop-off point for the temporary storage of recoverable resources, where no processing of such items occurs.

**Roadside Market Stand.** A temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises where the stand is located, except that other goods and products may be displayed and/or sold if approved in accordance with Section 3.40. *(Amended 3/17/2021; eff. 4/3/2021.)*

(d) **Definitions Beginning with S through Z.**

**School.** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools, but not including colleges or universities.

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**Screening.** A structure or planting that conceals from view from public ways the area behind such structure or planting. Examples of screening include a landscape buffer, solid fencing, or other materials as specified in Chapter XXVIII.

**Sexually-Oriented Business.** Those uses herein specified and defined as an adult bookstore, adult cabaret, adult drive-in, adult film store, adult motion picture theater, adult novelty store, escort agency and/or massage parlor.

**Sign.** Any device, structure, fixture or placard using graphics, symbols and/or written copy designed for the purpose of advertising or identifying and establishment, product, goods or services.

**Sign Area.** The area of a sign face measured length x width. In the case of sign text or image which is located directly on a fence or wall, the area shall be calculated by measuring the perimeter of the text and/or image and determining the area within.

**Single Ownership.** A lot of record, on or before the effective date of this Ordinance in separate and distinct ownership from adjacent lot or lots where such adjacent lot or lots were not at that date owned by the same owner or the same owner in joint tenancy or in common with any other person or persons; or where such adjacent lot or lots were not owned by the same owner or any person or persons with whom he may be engaged in a partnership or joint venture; or where such adjacent lots were not owned by any corporation in which the owner of such lot of record owned 51 percent or more of the stock issued and outstanding.

**Specified Anatomical Areas.** Includes any of the following:

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

**Specified Sexual Activities.** Includes any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

**Street.** An easement, right-of-way or other interest in land established or used for the purpose of providing access to abutting land.

- (1) A street may be a public street or a private street.
- (2) A public street is an easement, right-of-way or other interest in land which has been conveyed or dedicated to, or accepted by, the Township, county or other governmental body for the purpose of providing access to abutting land.
- (3) A private street is a non-public street that provides the means of access to more than four lots, principal buildings, principal dwellings or principal structures.

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**Structure.** Anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

**Temporary Sign.** A sign not constructed or intended for long term use. This definition shall include, but not be limited to, strings of lights, balloons, banners, searchlights, sidewalk signs and signs constructed of fabric, paper or other similar material.

**Townhouse.** A building consisting of more than two but fewer than five attached single-family dwelling units, such dwelling units sharing vertical common walls within the building, or abutting another townhouse building, from the ground floor through the highest floor thereof, with each dwelling unit having its own, outside entrance. *(Definition added 12/16/15; eff. 12/26/15.)*

**Transportation Terminal.** A building or area in which freight or other goods brought or delivered by truck are assembled, handled or stored for routing or re-shipment or a building or area in which semi-trailers, including tractor or trailer units and other trucks are parked or stored on a temporary basis, as a part of a transportation business, function or activity.

**Travel Trailer.** A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational or vacation use.

**Usable Floor Area.** The floor area of a dwelling exclusive of garages, porches, basement or utility area.

**Utility and Public Service Building.** A building designed, constructed and used by and for a public utility or municipal utility for the purpose of providing utility service to the public such as electric power, natural gas, public sewer service and other utility services or accessory uses reasonably necessary for the providing of such utility services.

**Vehicle Repair Shop.** Any building or premises which are used in whole or in part for the servicing, repair, maintenance or painting of motor vehicles or parts thereof or accessories thereto.

**Watercourse.** Any river, stream, creek, brook, lake or other natural body of water that contains water that arises naturally, either continuously or intermittently, and that has reasonably definite boundaries, such as banks, a shoreline or the like. *(Section 2.2(d) definition added on 06/16/04.)*

**Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh.

**Wholesale Warehousing.** A use consisting of the storage, wholesale and distribution of goods, supplies, products and equipment, but excluding the bulk storage of materials that are inflammable or explosive or they create hazardous or commonly recognized offensive conditions.

**Yard.** A required open space other than a court unoccupied and unobstructed by any building or structure or portion thereof from 30 inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

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**Yard - Front.** A yard extending across the full width of the lot, the depth of which is the distance between the street right-of-way line and the main wall of the building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

**Yard - Rear.** A yard unoccupied except for accessory building, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

**Yard - Side.** A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest part of the main building.

*(Chapter 2 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER III  
GENERAL PROVISIONS**

**Section 3.1 The Effect of Zoning.** Zoning affects every structure and use and extends vertically. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or part thereof, or structure or part thereof, shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in accordance with the regulations herein specified for the zone in which such building structure, or land is located. The provisions of the chapter shall apply to all zoning districts. Any building, structure or use not so provided for is prohibited. (*Section 3.1 amended 06/04/03; eff. 06/24/03.*)

**Section 3.2 Restoration of Unsafe Buildings.** Subject to the provisions herein dealing with nonconforming uses, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure, or part thereof which is unsafe.

**Section 3.3 Required Area or Space.** No lot or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make such area or space of a size less than the minimum size required under this Ordinance. If already less than the minimum size required under this Ordinance, such area or space shall not be further divided or reduced.

**Section 3.4 Existing Lots of Record.** If a lot or parcel in any zoning district which is platted or otherwise of record as of the effective date of this Ordinance, does not comply with the area and/or width requirements of its zoning district, then such lot or parcel may be used only as this Ordinance may provide for such non-complying lots or parcels.

Where two or more such non-complying lots or parcels are adjacent to each other and in common ownership, such lots or parcels shall be combined so that the lot or parcel created by such combination shall comply with the minimum lot area and lot width requirements of this Ordinance.

**Section 3.5 Height Exceptions.**

- (a) The maximum height requirements of all zones may be exceeded by parapet walls that are four feet or less in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, elevated water towers, monuments, cupolas, spires and penthouses housing necessary mechanical appurtenances.
- (b) The height of antennas and towers for communications, radio, television and other purposes shall be subject to Sections 3.41 and 3.41A.
- (c) Signs, wherever located, are not included within the height exceptions specified in this section; signs in all districts shall be subject to the terms of Chapter XIX. (*Section 3.5 amended 12/20/00.*)

**Section 3.6 Basis for Determining Front Yard Requirement.** Required front yards shall be measured as stated in this section. The line from which the minimum front yard building setback is measured shall be determined as follows:

- (a) **Platted Local Streets.** The platted front property line.
- (b) **Private Streets.** The boundary line of the private street easement.

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- (c) **Other Streets.** The platted front property line or the street right-of-way line, whichever is nearer the building.
  - (d) The required front yard shall be measured from the appropriate line as stated above to the main wall of the principal building, excluding steps, front porches and the like. (*Section 3.6 amended 06/04/03; eff. 06/24/03.*)

**Section 3.7 Essential Services.** The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam, or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, sewer lift stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities governmental boards or commissions or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- (a) Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
- (b) Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

**Section 3.8 Mobile Homes and Manufactured Homes.** Mobile homes and manufactured homes are dwelling units. Mobile homes and manufactured homes located outside of manufactured housing communities shall be mounted on a permanent foundation and shall comply with all applicable provisions of the Township Building Code pertaining to on site or prefabricated building construction. A mobile home or a manufactured home shall not be considered an accessory use or an accessory building. Mobile homes and manufactured homes located outside of manufactured housing communities shall comply with Section 3.39. (*Section 3.8 amended 06/04/03; eff. 06/24/03.*)

**Section 3.9 Accessory Uses.** In any zoning district, accessory uses shall be permitted as regulated in this Ordinance, when located on the same lot or parcel of land.

**Section 3.10 Accessory Buildings.**

- (a) In any zoning district, accessory buildings may be constructed and used in accordance with this section.
- (b) On parcels of land that are three acres or smaller in area, the architectural character of accessory buildings shall be substantially compatible with that of the principal building. Such substantial compatibility may be achieved by the inclusion of architectural features and exterior building materials that are similar in nature and appearance to those of the principal building.
- (c) No accessory building shall be constructed on any parcel on which there is no principal building.
- (d) Accessory buildings shall be located not closer than 20 feet to the rear lot line. In the case of a waterfront lot, an accessory building shall not be located between the principal building and the water's edge, except that pump houses not exceeding ten square feet in area and not

exceeding three feet in height may be located between the principal building and the water's edge.

- (e) Accessory buildings shall not occupy more than 30 percent of any required rear yard area. They shall not be closer to any side lot line than the principal building is permitted to be, nor shall they be located closer to the front lot line than the front wall of the principal building; provided, however, that the terms of this subsection shall be limited as follows:
  - (1) This subsection (e) shall not apply to agricultural accessory buildings located on bona fide farms in the A and R-R District.
  - (2) The above stated provision prohibiting an accessory building from being located closer to the front lot line than the front wall of the principal building shall not apply if both the principal building and the accessory building are located at least 200 feet back from the street right-of-way line.
  - (3) As a special exception use, the Planning Commission may approve an accessory building that is located closer to the front lot line than the front wall of the principal building in the case of an accessory building that is located within the first 200 feet back from the street right-of-way line; provided, however, that no such special exception use shall be granted for an accessory building located in the required front yard setback area. The approval of any such special exception use shall take place at a public meeting of the Planning Commission, but public hearing and special public notice shall not be required.
- (f) The distance between an accessory building and a principal building shall be at least 10 feet. Accessory buildings shall be considered as attached to a principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device that is reasonably proportional in width and bulk, to the accessory building.
- (g) No accessory building shall include residential or living quarters, nor shall it be used as a dwelling, in whole or in part. *(Section 3.10 amended 04/17/2019; eff. 05/4/2019.)*

**Section 3.11 Residential Accessory Buildings.** In addition to the applicable provisions of Section 3.10, the following regulations shall apply to accessory buildings on residential lots or parcels:

- (a) In the R-1, R-2, R-3 and R-4 Zoning Districts, the floor area and the height of an accessory building shall be as stated below in this subsection (a).

**Table 3.1.** Permitted Accessory Buildings in R-1, R-2, R-3, and R-4 Zoning Districts

Zoning District	Allowable Total Square Footage* (Sq. ft.)	Maximum Number of Accessory Buildings*	Maximum Height (Feet)
R-1	792	1	18
R-2	594	1	18
R-3	396	1	18
R-4	396	1	18

\*Accessory buildings less than 200 sq. ft. shall not count toward the maximum number of allowed accessory buildings or allowable square footage.

(1) Exceptions

- (i) In the R-1 and R-2 Districts, a greater floor area may be approved by the Planning Commission in its approval of a special land use for a home-based business, but in that case, the maximum floor area shall not be greater than provided in Section 16.21(h) of this Ordinance.
- (ii) In the R-3 and R-4 Districts, an accessory building designed and used solely as a fully enclosed garage (not a carport) for accommodating the motor vehicles of tenants and/or other occupants of multiple-family dwellings and townhouses may have a floor area not greater than 2,400 square feet, except as stated in (iii) below.
- (iii) In the R-3 and R-4 Districts, there may be up to three accessory buildings that are designed and used solely as a fully enclosed garage (not a carport) for accommodating the motor vehicles of tenants and/or other occupants of multiple-family dwellings and townhouses, that has a floor area greater than 2,400 square feet, may be approved by the Planning Commission as a special land use under Chapter XVI and subsection (c) of this section.
- (iv) In the R-1, R-2, R-3 and R-4 Districts, an accessory building shall not exceed a height of 18 feet unless a greater height is approved by the Planning Commission as a special land use under Chapter XVI and subsection (c) of this section; provided, however, that no such greater height shall be approved for an accessory building used in a home based business in the R-1 and R-2 Districts, except that a greater floor area may be approved by the Planning Commission in its approval of a special land use for a home based business, but in that case, the maximum floor area shall be not greater than provided in Section 16.21(h) of this Ordinance.

- (b) In the R-R Zoning District and on nonfarm properties in the A District, the floor area and the height of an accessory building shall be as stated below in this subsection (b).

**Table 3.2.** Permitted Accessory Buildings in the R-R Zoning District and nonfarm properties in the A District.

Lot Area (acres)	Allowable Total Square Footage* (Sq. ft.)	Maximum Number of Accessory Buildings*	Maximum Height (Feet)
Less than 1	1,200	1	25
1 – 1.99	1,400	1	25
2 – 2.99	1,900	1	25
3 – 3.99	2,100	1	25
4 – 4.99	2,500	1	25
5 – 5.99	2,900	2	25
6 – 6.99	3,300	2	25
7 – 7.99	3,700	2	25
8 – 8.99	4,100	2	25
9 – 9.99	4,500	2	25
10 +	Up to 5,000	2	25

\*Up to one accessory building less than 200 sq. ft. shall not count toward the maximum number of allowed accessory buildings or allowable square footage.

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- (1) The floor area limitations stated above in Table 3.2 may be exceeded if approved by the Planning Commission as a special land use under Chapter XVI and subsection (c) of this section; provided, however, that no such greater floor area shall be approved for an accessory building used in a home based business, nor shall such special land use approve more than the maximum number of accessory buildings permitted on a non-farm parcel of land in the A District or on a parcel of land in the R-R District as stated in Table 3.2.
  - (2) The provisions in this subsection limiting the number of accessory buildings or accessory building height shall not apply to bona fide farms in the A or R-R District.
- (c) In considering an application for special land use for an accessory building as to which such approval is provided for under the terms of this section, the Planning Commission shall consider the following matters:
- (1) The intended use of the accessory building.
  - (2) The proposed location of the accessory building, its type of construction and its general architectural character.
  - (3) The size of the accessory building in relation to the principal building and the area of the lot or parcel of land on which the buildings are or will be located.
  - (4) The type and kind of principal and accessory buildings and structures located on adjoining lands and in the immediate vicinity.
  - (5) The topography and vegetation of adjoining and nearby lands.
  - (6) Whether the proposed accessory building will adversely affect the light, air circulation and view of adjacent or nearby buildings or lands.
  - (7) The reasons and grounds for the special land use application.
  - (8) The points of access to and from the proposed accessory building and the relationship of such points of access to adjacent or nearby lands and the view from adjacent streets.
  - (9) Comments concerning the requested special land use.
- (d) No accessory building or accessory structure shall be used for the conducting of any business, trade or industry in the A, R-R, R-1, R-2, R-3 or R-4 Zoning Districts, except for permitted bona fide farm uses, and a home-based business approved as a special land use.
- (e) A shelter or other such structure or device which is designed or intended to cover vehicles, boats, equipment, materials or other items of personal property that are located out of doors shall be deemed an accessory building, and shall therefore be subject to the accessory building requirements of this section and Section 3.10 if the shelter remains in place more than 30 consecutive days; provided, however, that this subparagraph shall not apply to a maximum of two shore stations or a maximum of two comparable boat mooring devices on a parcel of land adjacent to a lake or other body of water. *(Section 3.11 amended 04/17/2019; eff. 05/4/2019.)*

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**Section 3.12 Principal Building on a Lot.** Not more than one principal building shall be placed on a lot unless such lot is used for multiple family, agricultural, commercial or industrial purposes and unless such use complies with all applicable provisions of this zoning ordinance.

**Section 3.13 Vehicle Repairs on Residential Premises.**

- (a) Mechanical work on passenger cars, owned by the occupant of a dwelling on the premises, is permitted, if the work is performed entirely within a building, and if no vehicle parts or inoperable vehicles are stored or kept outside a building.
- (b) Semi-tractor trailers, school or church buses, bulldozers, earth movers, cranes or other similar vehicles, equipment or machinery shall not be parked, stored or kept out of doors on any lot in the R-1, R-2, R-3 or R-4 District, unless only temporarily parked thereon while such vehicles, equipment or machinery are in use for construction occurring on the lot. (*Section 3.13 amended 06/04/03; eff. 06/24/03.*)

**Section 3.14 Minimum Street Frontage.** Every principal building and use shall be located on a lot having a minimum of 33 feet of frontage on a public street or private road or private driveway and having a minimum of 33 feet in width on all locations within the yard of said lot, unless the requirements for lot frontage set forth in the regulations applicable to a particular district require greater frontage.

**Section 3.15 Double Frontage Lots.** Buildings on lots having frontage on two intersecting or nonintersecting streets shall comply with front yard requirements on both such streets.

**Section 3.16 Keeping of Chickens.**

- (a) The keeping of chickens as part of an operation engaged in the commercial production of farm products in the A and R-R Districts in which farms and farming activities are permitted by right is a permissible use in those districts, subject to the Michigan Right to Farm Act and compliance with applicable Generally Accepted Agricultural and Management Practices adopted by the Michigan Commission of Agriculture.
- (b) As permitted in this Section 3.16, and notwithstanding Section 3.25 of this Ordinance, the keeping of chickens which are not part of an operation engaged in the commercial production of farm products in the A or R-R Districts, or in the R-1, R-2, and R-3 Districts, is permitted if it is accessory to a residential use, subject to the following requirements:
  - (1) The minimum lot size on which the keeping of chickens is permitted shall be the minimum lot area permitted in the zoning district, but not less than 7,500 square feet for nonconforming lots.
  - (2) The principal use of the lot shall be a single-family dwelling, and the chickens shall be owned and kept by an occupant of the dwelling.
  - (3) In the R-1, R-2, and R-3 Zoning Districts, chickens shall be kept only in the rear yard, secured within a coop and attached pen during non-daylight hours.
  - (4) During daylight hours, chickens may be permitted to roam outside of the coop and pen, if supervised, but only within an area completely enclosed by a fence with a minimum height of four feet.

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- (5) A coop and pen shall meet the following requirements in the R-1, R-2 and R-3 Zoning Districts:
- (i) The coop and pen for chickens permitted by virtue of this Section 3.16 shall be set back a minimum of 20 feet from all property lines of adjacent property and be located a minimum of 30 feet away from the nearest wall of any dwelling on an adjacent property.
  - (ii) The coop and pen shall be a maximum of six feet in height and shall not be constructed of tarps, paper, cardboard, scrap lumber or other non-traditional building materials.
  - (iii) The coop and pen may be moveable only if dimensional/setback restrictions contained in this section are satisfied, and the coop is securely fastened to the ground to prevent movement during heavy wind conditions.
  - (iv) Except for stricter standards provided in this section, coops shall be considered an accessory building subject to the maximum size limitations and other requirements for accessory buildings.
- (6) Roosters and guinea hens shall not be permitted in the R-1, R-2 and R-3 Zoning Districts.
- (7) The enclosed area where chickens are kept shall be kept clean and neat at all times. Chicken feed shall be kept in rodent-proof sealed containers.
- (8) The number of chickens permitted by virtue of this Section 3.16 shall be limited as follows:
- (i) On lots less than one acre in area: 6 chickens.
  - (ii) On lots greater than one acre but less than two acres in area: 12 chickens.
  - (iii) On lots greater than two acres in area: 24 chickens.
- (9) As to matters not otherwise provided in this Section 3.16, the current Generally Accepted Agricultural and Management Practices for the care of farm animals, as adopted by the Michigan Commission of Agriculture, shall be complied with.
- (10) Chickens permitted by virtue of this Section 3.16 shall be kept for personal use only; chickens, eggs, meat or fertilizer shall not be sold or advertised for sale on a commercial basis. *(Section 3.16 deleted and reserved 06/04/03; eff. 06/24/03.) (Section 3.16 added 12/07/16; eff. 12/24/16.)*

**Section 3.17 Fences and Walls.**

- (a) Fences and walls in any residential district shall not exceed six feet in height, measured from the natural grade to the uppermost portion of the fence.
- (b) Fences and walls erected within the required front yard in any residential district shall not exceed four feet in height.

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- (c) Fences and walls shall not be erected within a public right-of-way or within a private street right-of-way.
  - (d) Fences and walls shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point of intersection with the right-of-way lines. Hedges or shrubbery located within 15 feet of the front lot line, or other lot line adjoining a public or private street, which are higher than 30 inches above the ground at that location are prohibited.
  - (e) Fences shall consist only of chain link wire, woven wire, brick, wood, wrought iron or vinyl material, but customary wire fencing for agricultural purposes shall be permitted in the A District and on bona fide farms in the R-R District, and shall also be permitted where necessary for the confining of livestock on non-farm parcels of land in the R-R District where livestock are lawfully kept.
  - (f) No foreign, discarded or unsightly materials, such as cloth, canvas or the like, shall be used as a fence, wall or any part thereof. In the residential districts, if both sides of fence or wall are not identical, the finished side of the fence or wall shall face the adjoining properties.
  - (g) No barbed wire fence or electrified fence shall be located in any residential district, except a fence used for the confining of animals on lands in the R-R District; provided, however, that this subsection shall not apply to bona fide farms in the A District.
  - (h) Fences and walls shall be maintained in good and safe condition, and shall not be permitted to fall into disrepair or become unsightly. Fences and walls shall be used only for the purposes of confinement or enclosure, or for decorative purposes or, in the case of retaining walls, may be used where necessary for the retaining or embankment of earth or soil or for comparable purposes. Fences and walls shall not be used as or for billboards, nor for other purposes that are contrary to or inconsistent with their usual and customary uses. *(Section 3.17 amended 06/04/03; eff. 06/24/03.)*

**Section 3.18 Control of Heat, Glare, Fumes, Dust, Noise and Vibration.** Every use shall be so conducted and operated that it does not create a nuisance and so that it is not dangerous by reason of heat, glare, fumes, dust, noise, or vibration beyond the lot on which the use is located.

**Section 3.19 Governmental Improvements.** The provisions of this Ordinance shall be applicable to and enforceable against the Township of Caledonia itself and all other governmental agencies and units, federal, state or local.

**Section 3.20 Health Department Approval.**

- (a) No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations of the state and county health departments governing water supply and sewage disposal.
- (b) No permit shall be issued for the construction of a building with sanitary facilities, on a lot or parcel in the A, R-R, R-1, R-2, R-3 or R-4 District and not served with public sewer, unless



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there has been obtained from the county health department and submitted to the Township a permit for two separate locations for private drain field or other private sewage disposal facility on such lot or parcel.

- (c) No building or structure shall be erected, constructed or placed on any designated location for a private drain field or other private sewage disposal facility. (*Section 3.20 amended 06/04/03; eff. 06/24/03.*)

**Section 3.21 Razing of Buildings.** No building shall be razed until a permit has been obtained from the Zoning Inspector, who is authorized to require a performance bond in any amount not to exceed \$1,000 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Inspector of the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.

**Section 3.22 Temporary Uses or Structures Requiring Zoning Inspector Authorization.**

- (a) Upon completion, the Zoning Inspector may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary for construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and may be renewed by the Zoning Inspector for four additional successive periods of six calendar months or less at the same location of such building or yard is still incidental and necessary for construction at the site where located.
- (b) Upon application, the Zoning Inspector may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and may be renewed by the Zoning Inspector for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

**Section 3.23 Reversion of Rezoned Areas.** If no construction has commenced within one year from the effective date of rezoning of any A, F, or R Zoning District and to a C or I District, the Planning Commission shall initiate procedures to rezone the land to its original zoning classification. Upon written request from the land owner, developer, or authorized representative, the Planning Commission may grant one extension of one year provided evidence has been presented to the effect that construction has been stalled because of unforeseen circumstances but will then begin within the one year extension.

**Section 3.24 Removal of Soil, Sand, Gravel, and Other Materials.**

- (a) No soil, dirt, earth, sand, gravel (hereinafter sometimes referred to as minerals or mineral material), or any combination thereof, whether occurring naturally or artificially, shall be removed from any lands unless such removal is authorized under this section or under Chapter XVII of this Ordinance. For purposes of this section, mineral removal shall mean the mining, extracting, excavating for, processing, removal and transport of minerals or mineral material, or any of such activities, and other operations and activities for the purpose of removal of minerals or mineral material.

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- (b) No minerals shall be removed from any lands where 5,000 cubic yards of mineral material or less is removed unless such removal is authorized by the terms of this section, provided, however, that removal of more than 5,000 cubic yards of mineral material, but not more than 10,000 cubic yards thereof, may take place when authorized under the terms of this section if such removal is only incidental and subordinate to one or more other principal, lawful use or uses of the lands from which the minerals are removed. For purposes of this section, a removal of minerals which is only incidental and subordinate to other uses means mineral removal which occurs only for the purpose of establishing grades, contours and other features of the lands involved, or to enhance other characteristics of the lands, in order that the lands may be developed and used for some other principal and lawful use or uses.
- (c) Mineral removal operations, if otherwise authorized by the terms of this section, shall occur only in accordance with Chapter XVI of this Ordinance. In addition to the requirements set forth therein regarding the matters to be included in applications for approvals of special land uses, an application for a special land use for mineral removal under the terms of this section shall also include the following:
- (1) The legal description of the lands on which mineral removal activities will take place;
  - (2) A description of the nature and extent of the proposed mineral removal, including the type and average estimated depth of the minerals to be removed and a statement of the time during which the proposed removal activities will occur and be completed.
  - (3) A topographic map showing existing and proposed final contour lines and elevations at five-foot maximum contour line intervals.
  - (4) A description of the precautionary measures which shall be taken to insure public safety, the exclusion of unauthorized persons from the lands and the measures to be taken to assure lateral support of adjoining and surrounding lands and structures.
  - (5) A list of all permanent and temporary equipment to be used in the removal operations, whether stationary or mobile.
  - (6) A description of the proposed route or routes to be used in transporting the removed mineral material over public streets or any private lands not included within the boundaries of the proposed removal area.
- (d) In considering mineral removal as a special land use under the terms of this section, the Planning Commission and Township Board shall consider the matters set forth in Section 16.5 of this Ordinance and also the following matters:
- (1) The area of the lands from which mineral materials are to be removed.
  - (2) The quantity of mineral materials which are to be removed.
  - (3) The effects of such mineral removal on adjoining and nearby lands.
  - (4) The possibilities that such mineral removal may cause or create safety hazards, erosion of lands or alteration of the groundwater table.

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- (5) The potential for such mineral removal to cause sandblows, stagnant water pools or swampy areas.
  - (6) Potential traffic congestion and related effects which may result from the travel of trucks and other vehicles used in the transport of mineral materials to be removed.
  - (7) In the case of activities for the removal of more than 5,000 cubic yards, but not exceeding 10,000 cubic yards, of mineral material as defined and authorized by this section, the feasibility and likelihood of completion of the principal proposed uses of the lands, to which the mineral removal activities are only incidental and subordinate. In determining such feasibility and likelihood of completion, the Planning Commission and Township Board, or either of them, shall consider the nature of the proposed use in relation to existing surrounding uses and the uses contemplated by the Township General Development Plan, proposed methods of development and financing, market studies and other relevant information. In the case of such activities for removal of more than 5,000 cubic yards of mineral material, but not exceeding 10,000 cubic yards, the applicant shall submit as a part of the special use application a plan showing the ultimate proposed principal use and any other restoration or reclamation of the lands after removal of the mineral material.
- (e) In any special use permits issued pursuant to this section, the Planning Commission and Township Board may include requirements, restrictions, conditions and limitations relating to the proposed mineral removal activity and the subsequent proposed principal use, if any, and also covering such matters as maximum amount of material which may be removed, maximum duration of removal operations, quantity and type of removal equipment, proximity of the removal area to highways and adjacent and other lands, transferability of the special use permit, grades of slopes established in removal areas, erection of gates or fences, hours of operation, conversion of removal areas to the proposed principal planned use upon completion of removal operation, accumulation of stockpiles, accumulation of water in removal areas, performance bonds, inspection of removal areas and the use of public roads and highways, among other matters. The Planning Commission and Township Board may establish such other reasonable requirements as may be necessary to protect or promote the public health, safety and welfare.
  - (f) Mineral removal activities authorized by special use permit under the terms of this section shall not be authorized for a duration longer than five years, but may be authorized for five years or less, and the special use permit shall specify the duration of the permit. Such permits may be renewed for successive periods of five years, or for lesser periods, if in the judgment of the Planning Commission and Township Board all of the conditions of the original permit have been complied with, and if the amount of mineral material removed from the site has not exceeded the amount authorized under applicable provisions of this Ordinance.
  - (g) Notwithstanding the other provisions of this section, topsoil and other soil or earth may be removed from a lot or other parcel of land without regard to the provisions of this section if such removal is reasonably necessary for the purpose of erecting, constructing or remodeling a building or other structure, provided that all other applicable provisions of this Ordinance are complied with. Also notwithstanding any other provision of this section, topsoil or soil or earth may be moved from one part of a lot or other parcel of land to another part thereof

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without the approval otherwise required by the terms of this section if such action will not cause or be likely to cause sandblows, stagnant water, bogs or serious adverse environmental effects on adjoining or nearby lands.

**Section 3.25 Keeping of Pets and Livestock.** The keeping of domesticated animals on lands in the A, R-R, R-1, R-2, R-3 and R-4 Zoning Districts shall be subject to the following provisions:

- (a) Ordinary household pets such as dogs and cats and other animals or fowl customarily kept as pets shall be permitted in the A, R-R, R-1, R-2, R-3 and R-4 Zoning Districts.
- (b) Livestock such as, but not limited to, horses, cattle, goats, pigs, and sheep, are permitted in the A and R-R Zoning Districts, except that on parcels of ten acres or less, in those districts, the number of such animals shall not exceed one animal for the first two acres of land area and one additional animal for each additional acre of land area.
- (c) Livestock such as, but not limited to, horses, cattle, goats, pigs and sheep, are prohibited on any lands in the R-1, R-2, R-3 and R-4 Zoning Districts.
- (d) Any building or confined feeding area in which livestock are confined or fed (not including feeding by grazing) shall be at least 100 feet away from the nearest property line or street right-of-way line.
- (e) Livestock feedlots in the A District shall be subject to Section 5.3(1).

**Section 3.26 Trash, Litter or Junk in Yards.**

- (a) It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement or storage of trash, litter or junk on premises in the Township, except in a lawful sanitary landfill approved by the Township, or not to exceed eight days storage in watertight storage receptacles designed for the temporary accumulation of trash.
- (b) For purposes of this section, trash, litter or junk shall be defined as used or discarded waste, goods, materials or articles including but not limited to scrap metal, motor vehicles or parts thereof, machinery or parts thereof, lumber, garbage, boxes, cardboard and other paper goods, food containers and all other objects, goods and materials customarily considered waste, litter, trash, junk or debris and which are located or have accumulated outside a building. Trash, litter and junk shall also include the waste articles and materials specified in the definition of junk or trash in Section 2.2 of this Ordinance. (*Section 3.26 amended 06/04/03; eff. 06/24/03.*)

**Section 3.27 Reserved.** (*Section 3.27 deleted 06/04/03; eff. 06/24/03.*)

**Section 3.28 Basement Dwellings.** The use of any portion of a basement excluded from the total floor area computations as a dwelling or as sleeping quarters is prohibited in all zones. The use of the basement of a partially constructed or planned building as a dwelling unit is prohibited in all zones.

**Section 3.29 Driveways and Private Streets.**

- (a) **Purpose.** The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, maintenance, extension, relocation and use of private streets and driveways, so as to assure the following:

- (1) That private streets and driveways are designed with sufficient width, surface and grade to assure safe passage and maneuverability of private vehicles and of commercial, fire, police, ambulance and other safety vehicles.
- (2) That private streets and driveways are constructed of suitable materials so as to insure minimal maintenance and safe passage.
- (3) That private streets and driveways will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands and the natural environment of the Township.
- (4) That private streets and driveways shall be properly maintained in a safe and usable condition.

**(b) Summary of Categorical Requirements.\***

Category	Drive & Easement Width	Access Amenities	Approval
Private Driveway serving 2 lots	12-foot surface 33-foot easement	No further access amenities required	Zoning
Private Driveway serving up to 4 lots (if split executed prior to the effective date)	12-foot surface 33-foot easement	No further access amenities required	Zoning
Existing Private Street serving 8 or fewer lots to which structures are added	12-foot pavement 16-foot roadbed Adequate easement	40' radius cul-de-sac or adequate turnaround at end of street if limited.	Admin Planning and Engineering
Private Street serving between 3 and 8 lots	16-foot pavement 18-foot roadbed 66-foot easement	40' radius cul-de-sac.	Admin Planning and Engineering
Private Street serving between 9 and 15 lots	20-foot pavement 22-foot roadbed 66-foot easement	40' radius cul-de-sac.	Planning Commission
Private Street serving more than 15 lots	24-foot pavement 26-foot roadbed 66-foot easement	40' radius cul-de-sac.	Planning Commission

\*This Section 3.29(b) summary is provided for reference only and does not contain all of the requirements for driveways and private streets as set forth in Section 3.29 (c)–(k) below.

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\*\*Consideration of narrower roadbed shall be given for developments utilizing Open Space Preservation Ordinance. Off-street parking provision may be necessary with smaller lots.

(c) **Definitions.**

- (1) Driveway means an undedicated, privately controlled and maintained easement, right-of-way or other interest in land extending from a public street or private street to no more than two lots, principal buildings, principal dwellings or principal structures, and provides ingress and egress primarily for the occupants thereof. Driveways established before the effective date of this Section 3.29 may serve to up to four lots, principal buildings, primary dwellings or principal structures.
- (2) Private Street means a non-public street that provides the means of access to more than two lots, principal buildings, principal dwellings or principal structures.

(d) **Driveways.** Driveways shall be permitted in accordance with the terms of this section and all other applicable sections of this Ordinance.

- (1) A driveway permit for a driveway extending from a public street shall be obtained from the Kent County Road Commission.
- (2) A driveway shall have a driving surface not less than 12 feet in width at any point.
- (3) A driveway shall be constructed and maintained such that it is accessible to and usable by emergency vehicles in all weather conditions.
- (4) The driveway shall be constructed on a base of stable soil and a subbase consisting of at least four inches of sand and, on top of the sand, at least six inches of compacted road gravel.
- (5) A driveway shall have a minimum cleared width of 20 feet and overhead tree branches shall be trimmed and maintained to a height of no less than 14 feet above the ground over the traveled surface.
- (6) The surface of the driveway shall be crowned or sloped to facilitate drainage and shall be constructed over adequate culverts where necessary. Adequate measures shall be provided to maintain the surface water flow of any natural stream or drainage course, to the satisfaction of the Township Planner, Township Engineer and any other agency having jurisdiction thereof. Any culvert, bridge or other structure used for the crossing of a natural stream, drainage course or similar feature shall have a sufficient load capacity to safely support emergency vehicles.
- (7) The slope of a driveway shall not exceed 15 percent unless a steeper driveway is specifically approved by the Planning Commission.

(e) **Shared Driveways.** Shared driveways shall be permitted in accordance with the terms of this section and all other applicable sections of this Ordinance.

- (1) A shared driveway must have a 33-foot wide easement or other interest in land established for the purpose of a driveway.

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- (2) A shared driveway shall be connected to a public street. A shared driveway may connect only to a private street if approved by the Township Planner or the Planning Commission on the basis of public safety or environmental concerns.
  - (3) A driveway shared by one or more units or parcels shall not be established within a site condominium.
  - (4) A shared driveway shall be the subject of a driveway maintenance agreement, in recordable form, which shall be signed by all owners of or parties in interest in the lots to be served by the driveway. The agreement shall be recorded with the county Register of Deeds and a copy thereof promptly submitted to the Township after recording. The agreement shall include the easement or other rights necessary for the establishment and use of the driveway, or alternatively such easement or other rights shall be established by other legal instruments. The maintenance agreement shall provide for and assure that the driveway shall be regularly maintained, repaired and snowplowed to ensure that it shall be safe for travel at all times. The agreement shall also provide for the payment of expenses of such maintenance, repair and snowplowing by the parties in interest.
- (f) **Private Streets.** Private streets shall not be constructed, extended or relocated, after the effective date of this section until all of the following requirements have been satisfied:
- (1) An application for private street approval shall be fully completed and filed with the Township Clerk.
  - (2) The private street application fee, the escrow fee and all other relevant fees and charges established by the Township Board shall be paid, with the application.
  - (3) A private street maintenance agreement, signed by all parties in interest, shall be submitted to and approved by the Township in accordance with this section. The agreement shall have such provisions and be in such form as is acceptable to the Township, and it shall be recorded with the county Register of Deeds prior to the use of the private street. Proof of such recording shall be promptly submitted to the Township.
  - (4) Township approval of the private street shall be obtained in accordance with this section.
  - (5) A certificate of compliance shall be obtained from the Township.
- (g) **Application.** An application for approval of a private street shall contain all of the following information:
- (1) The name(s) and address(es) of the owner(s) and all other parties having any interest in the private street and the land across which it is to be constructed.
  - (2) A site plan drawn to scale, prepared by a registered engineer or registered land surveyor, showing all proposed lots or parcels that would have access by means of the private street, and also showing the location, grade, route, elevation, dimensions and design of the private street and any proposed extensions thereof, together with existing and proposed curb cuts and the location of and distance to any public streets

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which the private street is to intersect. The site plan shall also show adjoining parcels of land and any buildings thereon.

- (3) The location of all public utilities including, but not limited to, water, sewer, telephone, gas, electricity and television cable, to be located within the private street easement or right-of-way or within ten feet of either side thereof.
- (4) The location of any lake, stream, wetland, drain and all other significant natural features affected by or within 100 feet of the proposed private street.
- (5) The location of all existing and proposed buildings and structures to be provided access by and located within 100 feet of the proposed private street.
- (6) A proposed recordable private street maintenance agreement complying with the terms of this section.
- (7) A permit or letter issued by the Kent County Road Commission and/or, if applicable, the MDOT, approving the location of the private street intersection with the public street.
- (8) All other matters and information required by the terms of this section or other applicable provisions of this Ordinance.

(h) **Design and Construction Requirements.** A private street shall comply with the following requirements:

- (1) There shall be a survey, submitted to the Township, covering the easement or right-of-way, prepared by a registered land surveyor or professional engineer, together with surveys of each parcel of land to be served by the private street.
- (2) Accurate copies of all easements, agreements or other instruments whereby the private street, and all rights necessary thereto are conveyed or established, shall be submitted to the Township.
- (3) A private street shall have a recorded permanent right-of-way and easement, with a minimum width of 66 feet. The instrument establishing the easement and right-of-way shall expressly permit public or private utilities to be installed within the right-of-way or within ten feet on either side thereof.
- (4) A private street shall have sidewalk constructed within its right-of-way subject to the Ordinance(s) established by the Township.
- (5) Private street gates must provide a minimum opening width equal to the clearing width of the private street. The gate must be equipped with emergency access acceptable to the Caledonia Township Fire Chief.
- (6) Private streets serving up to eight lots, principal buildings, principal dwellings or principal structures must be constructed to meet the following minimum requirements:



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- (i) A private street shall be constructed approximately in the center of the private street easement. The area within which the private street is to be located shall have a minimum cleared width of 30 feet, and such cleared area shall always be maintained. Overhead tree branches shall be trimmed and maintained to a height of no less than 14 feet above the ground over the roadbed of the private street.
  - (ii) A private street shall have a roadbed not less than 18 feet wide and a minimum subbase of 12 inches of sand, and six inches of finished, compacted gravel (No. 22A or approved equal). The street shall be paved to a minimum width of 16 feet with bituminous blacktop paving. Sand subbase and compacted gravel must extend 6 inches beyond the edge of blacktop. Pavement must have a minimum depth of three inches placed in two courses. Such subbase and paving shall comply in other respects with the requirements of the county road commission for local platted streets.
- (7) Private streets serving nine to fifteen lots, principal buildings, principal dwellings or principal structures or as part of an Open Space Preservation development must be constructed to meet the following minimum requirements:
- (i) A private street shall be constructed approximately in the center of the private street easement. The area within which the private street is to be located shall have a minimum cleared width of 30 feet, and such cleared area shall always be maintained. Overhead tree branches shall be trimmed and maintained to a height of no less than 14 feet above the ground over the roadbed of the private street.
  - (ii) A private street shall have a roadbed not less than 20 feet wide and a minimum subbase of 12 inches of sand, and six inches of finished, compacted gravel (No. 22A or approved equal). The street shall be paved to a minimum width of 22 feet with bituminous blacktop paving. Sand subbase and compacted gravel must extend 6 inches beyond the edge of blacktop. Pavement must have a minimum depth of three inches placed in two courses. Such subbase and paving shall comply in other respects with the requirements of the county road commission for local platted streets.
  - (iii) The Planning Commission may require shared parking areas where front yard setbacks are inadequate to provide on-lot parking.
  - (iv) A private street shall be extended to a neighboring parcel for connectivity to existing or future development, unless waived by the Township Planning Commission or Township Planner.
- (8) Private streets serving more than fifteen lots, principal buildings, principal dwellings or principal structures must be constructed to meet the following minimum requirements:
- (i) A private street shall be constructed approximately in the center of the private street easement. The area within which the private street is to be located shall have a minimum cleared width of 30 feet, and such cleared

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area shall always be maintained. Overhead tree branches shall be trimmed and maintained to a height of no less than 14 feet above the ground over the roadbed of the private street.

- (ii) A private street shall have a roadbed not less than 24 feet wide and a minimum subbase of 12 inches of sand, and six inches of finished, compacted gravel (No. 22A or approved equal). The street shall be paved to a minimum width of 26 feet with bituminous blacktop paving. Pavement must have a minimum depth of three inches placed in two courses. Such subbase and paving shall comply in other respects with the requirements of the county road commission for local platted streets.
- (9) In heavy soils as determined by the Township Engineer, drainage must be provided to the sand subbase in the form of six-inch underdrain or daylighted to a ditch.
- (10) Where a private street intersects with a public or private street, the private street approach shall have a roadbed not less than 24 feet wide for a distance of 50 feet as measured from the edge of the intersecting street. If the proposed private street roadbed is narrower than 24 feet wide, a taper distance must be constructed for an additional 50 feet to meet the proposed private street dimensions.
- (11) The private street approach must meet the sight distance and dimensional standards of the Kent County Road Commission for intersections with public or private streets.
- (12) The specified roadbed width of a private street must be maintained to its termination point at a cul-de-sac or if looped, the specified roadbed width must be maintained through the loop.
- (13) A private street in a planned unit development shall comply with this subsection, except that the width of the easement and traveled portion of the street may be modified by the Planning Commission and Township Board in their approval of the planned unit development.
- (14) Private streets serving commercial or industrial uses shall be designed and constructed in accordance with county road commission requirements for public commercial or industrial streets, but in its discretion the Planning Commission may permit modification of such public street requirements if deemed justified in the circumstances and if safe and adequate access would nevertheless be provided.
- (15) A private street which terminates at a dead end shall have a means for vehicle turnaround, either by use of a cul-de-sac or by a continuous loop private road system, both of which must be constructed in accordance with the private street design and construction requirements of this section. In the case of a residential cul-de-sac, there shall be a minimum radius easement of 60 feet, with at least a 40-foot radius roadbed. If the cul-de-sac is constructed with an interior landscaped island, a running surface width of 24 feet wide must be maintained. In the case of a commercial or industrial cul-de-sac, there shall be a minimum radius easement of 75 feet, with at least a 50-foot radius roadbed.

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- (16) Landscaped cul-de-sac islands may be permitted if the development is served with fire hydrants. Landscaping plantings within islands shall be columnar and must be trimmed such that it remains four feet from the paved surface at all times.
  - (17) A private street or interconnected private street system shall not serve more residential lots, or dwelling units, than as permitted by the Kent County Road Commission unless a secondary means of ingress and egress is provided for the entire property served. Such secondary access shall meet the minimum standards of this section.
  - (18) A private street shall be extended to a neighboring parcel for connectivity to existing or future development, unless waived by the Township Planning Commission or Township Planner.
  - (19) The private street surface shall have a minimum cross slope of 2 percent.
  - (20) A street shoulder, composed of at least six inches of compacted gravel, shall be provided on each side of the private street surface, with a minimum width of one foot for each shoulder, and with a slope of 2.2 percent from the outside edge of the road surface downward to the toe of the slope. Bituminous or concrete gutter may be constructed beyond the required paved surface width of the private street in lieu of a street shoulder.
  - (21) The maximum longitudinal street grade shall not exceed 6 percent, provided, however, that the Township may allow up to a 10 percent grade if the applicant submits written justification thereof, satisfactory to the Planning Commission, to the effect that an increase in the street grade will not adversely affect public safety and the overall design of the street system; but provided further, that there shall be a maximum grade of 4 percent for a minimum distance of 30 feet back from the intersection of the private street with a public street right-of-way or another private street. Longitudinal grade of a cul-de-sac shall not exceed 4 percent. Vertical curves must be designed to a 25-mile-per-hour design speed.
  - (22) A private street shall be constructed so as to sufficiently control storm water runoff, such as by means of seepage basins, culverts and drainage contours and/or by such other effective methods as may be required by the Township so as to ensure adequate drainage and control of storm water runoff.
  - (23) The method and construction technique to be used in the crossing of any natural stream, wetland or drainage course, by a private street, shall satisfy the requirements of the Township Engineer and/or any governmental agency having jurisdiction. The method or construction technique used shall have a sufficient load capacity to safely support emergency vehicles.
  - (24) A private street shall be given a name subject to the approval of the Kent County Road Commission, and street signs shall be installed in accordance with the relevant standards of the Road Commission. Stop signs shall be installed at all intersections with a public street or another private street. The addresses of dwellings or other buildings on a private street shall be posted in a conspicuous place where it is visible from the private street.

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- (25) All lots or other parcels of land on a private street shall use the private street address for property address and mailing purposes, when the lot or parcel of land is occupied.
- (26) Private streets shall comply with any standards of the Kent County Road Commission related to mailbox placement.
- (i) **Private Street Maintenance Agreement.** The applicant for approval of a private street, together with any other owners or parties in interest, shall submit to the Township a recordable private street maintenance agreement, signed by all owners of the easement or right-of-way for the private street and by all other parties having any interest therein. Such agreement shall provide for and assure that the private street shall be regularly maintained, repaired and snowplowed to ensure that the street shall be safe for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.
- (1) By filing an application for private street approval, the applicant(s) agree that they will assure that any buildings or parcels of land thereafter constructed or established along or at the end of the private street shall also be subject to the private street maintenance agreement, including any corner parcels that have public street frontage, unless the same shall be exempted by the Planning Commission.
- (2) The agreement shall run with the land and shall be recorded with the Kent County Register of Deeds. The certificate of compliance specified in this section shall not be issued until the agreement has been recorded.
- (3) The agreement shall be in a form and shall have such content as is satisfactory to the Township. A copy of the agreement shall be submitted to the Township prior to recording.
- (4) The private street maintenance agreement shall be so prepared as to legally constitute a restrictive covenant, binding upon all current and future owners and other parties in interest as to the lands occupied by the private street and any right-of-way or easement therefor, and also as to all lots and other parcels of land served or to be served by the private street.
- (j) **Maintenance and Repair of Private Streets.**
- (1) Upon completion of the construction, improvement, relocation or extension of a private street, the applicant shall maintain, repair and snowplow the private street right-of-way, so as to comply at all times with the requirements of this section.
- (2) All private streets shall be continuously maintained in such a manner that they do not constitute a danger to the health, safety and welfare of the inhabitants of the Township or other persons. Private streets shall be continuously maintained so as to be readily accessible to and usable by emergency vehicles in all weather conditions.
- (3) All costs and expenses for the maintenance and repair of a private street shall be the responsibility of the owners of the lands served by the private street, and/or any property owners association comprised of owners of lands served by the private street.

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- (4) Upon completion of construction of a private street, the applicant shall properly dispose of all removed trees and shrubs, along with construction debris and any other rubbish or debris.

(k) **Procedures for Approval of a Private Street.**

- (1) An application for a private street serving up to eight lots, principal buildings, principal dwellings or principal structures may be approved by the Township Planner if all requirements listed in this section are satisfied. However, any private street application may be referred by the Township Planner to the Planning Commission for decision.
- (2) An application for a private street serving nine or more lots, principal buildings, principal dwellings or principal structures shall be subject to the approval of the Planning Commission. The Commission shall consider approval of a private street at a public meeting, but a public hearing and special public notice shall not be required.
- (3) After an application for private street has been received, the Township Planner shall initially review the application and determine whether the application and other materials submitted are in compliance with this section. The Planner may submit the application to the Township Fire Chief for review and comment.
- (4) In approving an application for a private street, the Planning Commission shall make the following findings:
  - (i) That the private street complies with all requirements of this section and other applicable provisions of this Ordinance.
  - (ii) That the private street would not create conditions which may be detrimental to the health, safety or welfare of persons or property, through their creation of hazardous or potentially hazardous situations.
- (5) In approving an application for private street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction and use of the private street, consistent with the terms of this section and other applicable provisions of this Ordinance.
- (6) Following review and approval of a proposed private street by the Planning Commission, the Township Planner shall issue a permit for the construction of the private street, consistent with this section and any terms and conditions included in the Planning Commission's approval.
- (7) **Certificate of Compliance.**
  - (i) The Township Engineer, or the Engineers designee, shall verify the completed construction complies with the approved plans and specifications for the street, the approval given therefor by the Planning Commission, and the terms of this section and other applicable provisions of this Ordinance.

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- (ii) The applicant's registered engineer, or the engineer's designee, shall inspect the private street. Inspection shall include measuring the depth and width of the subgrade bottom, sand grade, and gravel grade every 50 feet, as well as witnessing the pavement installation. Materials and density testing of sand, gravel, and asphalt shall be obtained at a frequency and quality equal to the street construction standards of the Kent County Road Commission. Inspector's daily reports, materials testing reports, and a signed certification from the professional engineer attesting to the above inspections must be provided to the Township.
  - (iii) The applicant shall provide the Township with a set of "as-built" drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this section and other provisions of this Ordinance and with the terms of approval given by the Planning Commission.

After receiving the as-built drawings and the certification by the registered engineer, the Township Engineer shall issue to the applicant a certificate of compliance if based upon the Engineer's inspection of the construction, review of drawings and other evaluation, the private street complies with this section, other applicable provisions of this Ordinance and the approval by the Planning Commission.

- (iv) If the completed private street does not satisfy the requirements of this section, other applicable provisions of this Ordinance or the approval given by the Planning Commission, the applicant shall be notified in writing of such noncompliance.

(8) **Building Permits.**

- (i) No building permits or other permits shall be issued for any dwelling, or other principal building, principal structure or principal use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this section and other applicable provisions of this Ordinance, and until a certificate of compliance have been issued, except as stated in subparagraph (ii) of this paragraph (7).
- (ii) If a private street has not yet been completed and approved in accordance with this section and other applicable provisions of this Ordinance, but if the applicant has submitted to the Township a performance bond, with acceptable surety, or a letter of credit, in an amount satisfactory to the Township, conditioned upon the timely and full completion of the private street in accordance with this section, then a building permit may nevertheless be issued for a dwelling or for other principal building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless the building inspector also determines that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of the private street shall be pursued diligently to completion.

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- (9) **Occupancy Permit.** An occupancy permit for a dwelling or other principal building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed with sufficient width, surface and grade so as to assure the safe passage and maneuverability of fire, police, ambulance and other emergency service vehicles.
- (10) **Planned Unit Developments.** If the private street is proposed as part of a planned unit development, the provisions of this section may be modified by the Planning Commission and Township Board, in the approval of the planned unit development, upon their determination that the requirements of the Planned Unit Development chapter and the requirements of this section would nevertheless be sufficiently accommodated.
- (11) **Indemnification.** The applicant for a private street and the owners of the affected lands agree that by applying for and obtaining approval of the private street, and a permit to construct the same, they shall indemnify the Township and shall hold it harmless from any and all claims for personal injury or property damage arising out of or in any way relating to the use of the private street or of the failure to properly construct, maintain, repair and replace the private street, in whole or in part. The indemnification required herein shall be included in the maintenance agreement required by this section.
- (12) **Performance Guarantee.** As a condition of approval of a private street and the issuance of a construction permit therefor, the Township may require that the applicant provide a performance bond, with an acceptable surety, or a letter of credit, in a specified amount, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission and Township Engineer.
- (13) **Effect of this Section on Existing Private Streets and Driveways.**
- (i) **Addition of Dwellings, Etc., Along the Length of an Existing Street, at the End of an Existing Street, or Along an Extension of an Existing Private Street that Does not Exceed Eight Lots, Principal Buildings, Principal Dwellings or Principal Structures.** If, after the effective date of this section, dwellings or other principal buildings or principal structures are erected on lots or parcels of land served by an existing private street not serving more than eight lots, the dwellings, principal buildings or principal structures may nevertheless be erected and access thereto may be provided by the existing private street, if the street is improved so as to be in compliance with the requirements of this section pertaining to new private streets, but with the following exceptions:
- (I) If the legal rights of third parties prevent compliance with section (f)(8), an alternate improved turn-around may be constructed adequate for use by emergency service vehicles as determined by the Township Fire Chief.
- (II) An existing private street must be in good condition, have a minimum roadbed of 16 feet wide and must be paved to width

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of 12 feet with bituminous blacktop paving depth of at least three inches. If an existing private street is constructed with a pavement and roadbed width less than specified, it must be improved to meet these requirements with addition of an overlay, gravel shoulders, or full reconstruction.

- (III) A pull off lane dimensioned 12 feet wide by 50 feet long with 20-foot tapers shall be constructed at locations determined by the Township Engineer. The maximum interval without a pull off lane shall be 500 feet.
- (IV) Where a private street intersects with a public or private street, the private street approach shall have a roadbed not less than 24 feet wide for a distance of 50 feet as measured from the edge of the intersecting street. A taper distance must be constructed for an additional 50 feet to meet the proposed private street dimensions.
- (V) The private street approach must be improved to meet the dimensional standards of the Kent County Road Commission for intersections with public or private streets.
- (VI) Review and approval of the use of the existing private street for the providing of access to the additional dwellings or other principal buildings shall be carried out by the Township Planner or, in the Planners discretion, such review and approval may be carried out by the Planning Commission. In such review and approval, the Township Planner or, if the matter is referred to the Planning Commission, then the Commission may waive those private street application requirements that are not necessary to determine compliance with this section, or otherwise needed with respect to review of the matter.
- (VII) If the legal rights of third parties prevent compliance with the minimum right-of-way width for private streets, then the minimum required right-of-way width may be reduced to the maximum width possible. Right-of-way width must be of adequate width to meet the required roadbed requirements in addition to a minimum width of 10 feet on one side for utilities. Minimum right-of-way of 66-foot wide must be provided for private streets within the sewer and water district.
- (VIII) The requirements of this section pertaining to minimum cleared width for a private street; minimum sand subbase; crowning or sloping of the street surface; maximum street grade; may be modified or waived by the Township Planner or, in the Planners discretion, the Planning Commission; provided, however, that any such modification or waiver shall not have the effect of rendering the existing street or any portion thereof to be unsafe for travel, or not reasonably passable for travel, nor shall any such modification or waiver be approved if to do so would preclude the safe travel



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and maneuverability of fire department vehicles or other emergency or rescue vehicles.

- (IX) The modification or waiver of the requirement for a private street maintenance agreement, authorized in subparagraph (ii)(V) shall be granted only with respect to those aspects or provisions of such an agreement as to which agreement cannot be obtained on the part of all or any of the owners of lands then served by the existing private street; agreement and signature as to all other aspects and provisions of the private street maintenance agreement shall be obtained.
  - (ii) Existing shared driveways constructed prior to the effective date of Section 3.29 may be improved to a private street according to the requirements in Section 3.29(12)(i) in the same way as an existing private street. All other requirements for a private street in this Section 3.29 must be observed.
  - (iii) No existing private street shall be improved, extended or reconstructed to serve additional lots or parcels of land, or dwellings or other principal buildings, nor shall an existing private street be relocated, unless an application for private street approval has been completed and submitted to the Township office, all required fees are paid and the private street is approved and a construction permit issued therefor; provided, however, that the above-stated provisions for modification or waiver of certain of the private street requirements of this section shall apply where applicable.
- (14) **Application Fee; Escrow Account.**
- (i) The application fee established by resolution of the Township Board shall be paid at the time of application for private street approval.
  - (ii) In addition to the payment of the application fee, the applicant shall deposit sufficient funds in an escrow account with the Township, so as to cover reimbursement to the Township of its costs and expenses for the review and consideration of the private street application, including costs for services rendered by the Township Engineer and other Township consultants, together with reimbursement for other Township expenses in the matter. Any amounts paid into the escrow account that are in excess of Township expenses shall be refunded to the applicant. Other aspects of the payment of funds into an escrow account, for such purposes, shall be subject to the applicable Township Board resolution pertaining to escrow funds generally.

*(Section 3.29 amended in its entirety 12/04/2019; eff. 12/14/2019.)*

**Section 3.30 Moving of Buildings.** The moving of a building to a different location shall be considered to be the erection of a new building; and all provisions, regulations and requirements of this Ordinance concerning the erection of a new building shall be equally applicable to such moving of a building to a different location. A performance bond may be required prior to such moving.

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**Section 3.31 Yard or Garage Sales.** Yard or garage sales, as defined herein, are permitted in residential zones, but only as provided in this paragraph. Such sales shall include an auction, as well as ordinary retail transactions. Any signs used to advertise such sales shall be subject to the provisions of Section 19.7(i) hereof, and all of such signs shall be removed immediately upon the conclusion of the sale. No such sale shall occur on more than three days in a period of 60 consecutive days beginning on the first day of said sale, unless authorized as special land use by the Zoning Inspector in accordance with Chapter XVI of this Ordinance. The Zoning Inspector shall authorize such use for a period not to exceed seven days provided, however, that the Zoning Inspector finds no evidence that a traffic hazard or public nuisance may be created thereby.

**Section 3.32 Dismantled, Non-Operating or Unlicensed Motor Vehicles.**

- (a) No person, firm or corporation shall store, place or permit to be stored or placed, or allow to remain on any parcel of land for a period of more than 30 days in one calendar year, a dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed public or private garage or unless authorized as a special use by the Planning Commission in accordance with Chapter XVI of this Ordinance.
- (b) No person, firm or corporation shall park or store upon premises within the Township a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is kept within a wholly enclosed public or private garage or unless authorized as a special use by the Planning Commission in accordance with Chapter XVI of this Ordinance.

**Section 3.33 Swimming Pools.**

- (a) No swimming pool (referred to as “pool” in this section) shall be constructed, erected or installed on any lands in the Township unless a building permit therefore has first been obtained from the Zoning Inspector. All of the provisions in this section are intended to be in addition to those provided in the Caledonia Township Swimming Pool Ordinance.
- (b) The outside edge of the pool wall shall not be located nearer than ten feet to any lot line.
- (c) Any pool constructed of poured concrete shall have a bottom not less than six inches thick and walls not less than eight inches thick, such walls and bottom to be reinforced with metal reinforcing rods. Linear type pools, whether above ground or below ground, may be constructed or installed if:
  - (1) The liner used is made and finished by a manufacturing concern which, as a part of its business, regularly makes swimming pool liners out of plastic, rubber, fiberglass, steel or any other such product; and
  - (2) The bottom and walls of such liner type pool are constructed in accordance with the specifications of the manufacturer of the liner.
- (d) Subject to subsection (e) of this section, each pool shall be enclosed by a fence or wall of a height of at least four feet which is constructed in such a manner that no person may enter the yard or the area where the pool is located without passing through a gate or door located on the lot on which the pool is situated. The fence may be placed on or anywhere inside the lot lines of the lot where the pool is situated; provided, however, that no fence may be erected closer to a street than a building may be erected in the zoning district in which the

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pool is located. If the pool is a permanent, above-ground type with a wall height of at least four feet above the surrounding ground surface and if the pool is of such construction as not be readily climbed by children, then the structure and the fence need be erected only around the immediate area of the ladder or other means of access to the pool.

- (e) Swimming pools which are equipped with a powered and functioning safety cover that complies with Section R326.1 of the Michigan Residential Code and the American Society for Testing and Materials Standard ASTM F 1346, shall not be required to be fenced as stated in subsection (d) of this section.
- (f) All gates and doors which permit access to the pool area shall be capable of being locked and shall be locked at all times when no person is present on the lot on which the pool is located. All gates and doors which permit access to the pool area shall be of a self-closing, latch type with the latch on the inside of the gate or door; in addition, each such gate or door shall have a lock located on the inside thereof.

*(Section 3.33 amended 12/05/18; eff. 12/29/18.)*

### **Section 3.34 Home Occupations.**

- (a) A home occupation may be permitted in the A, R-R, R-1, R-2, R-3, R-4 and MHC Districts in accordance with this section.
- (b) A home occupation shall be carried on by one or more members of a family residing on the premises. No person other than a member of the immediate family residing on the premises may be employed in the home occupation.
- (c) A maximum of 25 percent of the total floor area of any story of the home may be used in a home occupation.
- (d) No commodity, other than those customarily associated with a home occupation, may be sold on the premises.
- (e) No mechanical equipment may be installed, in connection with the home occupation, except for what is normally used for purely domestic or household purposes.
- (f) There shall be no change in the outside appearance of the dwelling, as a result of the conducting of the home occupation, nor shall there be other externally-visible evidence of the home occupation, except occasional off-street motor vehicle parking.
- (g) There shall be no outdoor storage, nor shall any accessory building be used in the operation of a home occupation.
- (h) The home occupation shall not involve the use of electrical, mechanical or other equipment that would change the fire protection rating of the dwelling, nor shall the home occupation result in an increase in the use of utilities and other public services that would exceed the customary level of such services in a residential area.
- (i) Any motor vehicle traffic generated by the home occupation shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impact shall have no serious adverse effects on adjacent or nearby lands.

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- (j) If the parking of motor vehicles will result from the home occupation, an adequate off-street parking area shall be provided on the parcel of land where the home occupation is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home occupation may be parked in a driveway that is used to provide vehicle access to the dwelling.
  - (k) No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements as to the use, handling, storage, transport and disposal of any such materials.
  - (l) There shall be no deliveries from commercial suppliers, except on an occasional basis.
  - (m) There may be one motorized vehicle used in the home occupation with a rated capacity of one ton or less parked on the premises, if the vehicle is owned or operated by a resident of the premises and if the vehicle is not a wrecker, septic tank pumper or truck that transports flammable or toxic materials.
  - (n) Home occupations may include, but are not limited to, the following:
    - (1) Home arts and crafts, including but not limited to rug weaving, quilting, pottery and ceramics, model making, lapidary work and jewelry making; sales of such arts and crafts shall take place on only an incidental, occasional basis.
    - (2) Musical instrument instruction, but no instrument shall be amplified so as to be audible beyond the parcel of land where the home occupation is occurring.
    - (3) Private business office for the reasonable convenience of persons residing in the home, for the conducting of business office work involving files, records, papers, use of computers and other business equipment, but not including the sale or rental of goods or products to customers or the rendering of services to customers on the premises, except on an incidental or occasional basis.
    - (4) Dress making, sewing and tailoring.
    - (5) Painting, sculpturing and writing.
    - (6) Telephone answering service.
    - (7) Private tutoring.
    - (8) Telephone solicitation work.
  - (o) No home occupation shall be permitted without the prior issuance of a home occupation permit, in accordance with this subsection.
    - (1) A person shall apply for a home occupation permit on a form provided by the Township and shall pay the required application fee or other charge, if any. The application shall be submitted to the Zoning Administrator.
    - (2) If requested by the Zoning Administrator, the application shall include other information showing the location of the home, buildings, driveways, parking areas and other features of the home occupation.

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- (3) A home occupation permit shall be issued for a proposed home occupation if the home occupation complies with the requirements of this section, based upon the application and the materials and other information provided. No public hearing shall be required. Once the application is complete, the Zoning Administrator shall issue, or shall decline to issue, the permit within a reasonable time. If the Administrator declines to issue the permit, the reasons therefor shall be stated in writing.
- (4) In determining whether a proposed home occupation not listed in this section nevertheless qualifies as a home occupation under this section, the Zoning Administrator shall consider the following:
- (i) The extent to which the proposed home occupation is reasonably similar to those listed in this section.
  - (ii) Whether the major features and characteristics of the proposed home occupation would comply with the requirements stated in this section.
  - (iii) Whether the home occupation is reasonably included within the definition of home occupation, as stated in this Ordinance.
- (5) In issuing a home occupation permit, the Zoning Administrator may include reasonable terms and conditions consistent with the requirements of this section.
- (6) If the Zoning Administrator declines to issue a home occupation permit, the applicant may appeal that decision to the Planning Commission by submitting a letter or other written material stating the facts of the appeal and indicating the basis for the appeal. Such appeal must be submitted to the Township office not later than 30 days after the date of the Administrator's decision to deny the requested permit (and in the case of such denial, the Administrator shall promptly mail to the applicant a statement indicating the reasons upon which the denial was based).
- The Planning Commission shall consider the appeal at its next convenient meeting, but in any event shall do so within a reasonable time. No public hearing shall be required. The Planning Commission shall decide the appeal, by adoption of an appropriate resolution, within a reasonable time. The Planning Commission may affirm the decision of the Zoning Administrator, may reverse that decision or may affirm the decision in part and reverse it in part. The decision made by the Planning Commission on the appeal shall be the final decision on the application for the home occupation permit.
- (7) A home occupation permit shall remain in effect for a period of three years, so long as the terms of the permit and of this section are complied with and so long as the permit is not revoked. The permit may be revoked by the Township for non-compliance, by the issuance of a stop work order and an order revoking the permit, issued by the Zoning Administrator or other Township representative having responsibility for enforcement of Township ordinances.
- (8) A home occupation permit may be renewed for unlimited successive periods of three years each. A permit holder need not apply for renewal, but shall cooperate with the

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Township in providing pertinent requested information sufficient for the Township to determine compliance with the permit and with this section, and otherwise to ascertain the scope, nature and impact of the home occupation at the time of renewal. The failure of a permit holder to cooperate on a timely basis with the Township in the renewal process shall be grounds for non-renewal of the permit.

- (9) Upon the cessation of a home occupation for a period of 90 days, the home occupation permit shall be of no further effect. (*Section 3.34 amended 02/05/03; eff. 02/25/03.*)

**Section 3.34A Repealed.** (*Section 3.34A repealed 09/19/18; eff. 10/06/18.*)

**Section 3.35 Outlots.** Any party conveying lands located in the Township shall, when such conveyances result in such party retaining title to other lands, which, as a result of such conveyance, would be without reasonable access to a publicly maintained road or street, reserve by language in the instrument of conveyance a lot or parcel of land not less than 66 feet in width, in such manner that such reserved lands could be used for ingress to and egress from such lands which would otherwise be without access to a publicly maintained road or street.

**Section 3.36 Recreational Vehicle Parking in the R-1, R-2, R-3 and R-4 Districts.** The parking or storage of recreational vehicles, campers, trailers, motor homes, boats, boat trailers, horse trailers, snowmobiles, snowmobile trailers, and similar recreational vehicles or equipment (collectively and individually referred to in this subsection as “such recreational vehicles”) in the R-1, R-2, R-3 and R-4 Districts, is limited as stated in this section. (*Section 3.36 opening paragraph amended 12/16/15; eff. 12/26/15.*)

- (a) Such recreational vehicles shall not be parked or stored within the required front yard, in any required side yard or in the required rear yard.
- (b) Such recreational vehicles shall not be parked or stored at any location that is between the street right-of-way line and the main front wall of the principal building, except that such recreational vehicles may be parked or stored in that part of the driveway located outside of the required front yard and outside of any required side yard. (*Section 3.36 amended 06/04/03; eff. 06/24/03.*)

**Section 3.37 Reserved.** (*Section 3.37 deleted 06/04/03; eff. 06/24/03.*)

**Section 3.38 Standards for Discretionary Decisions.** In addition to any specific standards which may be applicable, the following standards and guidelines shall serve as the basis for decisions involving special land uses, planned unit developments and other discretionary decisions set forth in this Ordinance: The proposed uses shall (a) be compatible with adjacent uses of land; (b) be consistent with, and promote the intent and purpose of, this Ordinance; (c) be compatible with the natural environment; (d) be consistent with the capacities of public services and facilities affected by the proposed use; and (e) protect the public health, safety and welfare.

**Section 3.39 Single Family Dwellings.** Any single family dwelling erected or placed on a lot or parcel of land shall satisfy all of the following minimum requirements:

- (a) It shall have a minimum width of 24 feet, extending for at least 3/4 of its length.

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- (b) It shall be placed, constructed or mounted on a permanent foundation of masonry, concrete or other approved material, having such minimum depth below grade and such maximum height above grade as are in compliance with the single family dwelling requirements of the Township Building Code.
  - (c) No single family dwelling shall be erected, placed or installed unless the yard size, lot area and height regulations of the zoning district in which the dwelling is located are fully complied with.
  - (d) The dwelling shall comply with the minimum floor area requirements for the district in which it is located.
  - (e) If the dwelling is a mobile home, as defined in this Ordinance, the dwelling shall be installed in accordance with the manufacturer's set-up instructions, and it shall be secured to the land by an anchoring system or other such device complying with the regulations of the Michigan Mobile Home Commission.
  - (f) If the dwelling is a mobile home as defined in this Ordinance, the mobile home shall be installed with the wheels removed, and there shall be no exposed towing mechanism, undercarriage or chassis.
  - (g) The dwelling shall be connected to a public sanitary sewer system and public water supply system, if available, or to such private sanitary sewer facilities and water supply system as are approved by the Kent County Health Department or by other governmental agency having jurisdiction.
  - (h) The dwelling shall be aesthetically compatible in design and appearance with other dwellings in the general vicinity with either a roof overhang of at least six inches on all sides, or alternatively with window sills or roof drainage systems that concentrate roof drainage at collection points along the sides of the dwelling. The dwelling shall have at least two exterior doors, with the second door being in either the rear or at a side of the dwelling. Further, the dwelling shall have steps that are connected to exterior door areas or to porches that are connected to such door areas, where a difference in elevation requires connecting steps.

The provision in this subsection concerning the aesthetic compatibility of a dwelling with other dwellings in the general vicinity shall not be construed to prohibit innovative dwelling designs involving such matters as solar energy, achievement of scenic view, utilizing of particular land contours or other less-common dwelling designs.

- (i) The dwelling shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as compared to the original structure, and any such additions or additional rooms shall include permanent attachment to the principal structure and construction of a foundation.
- (j) The dwelling shall comply with all applicable building codes and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the mobile home construction and safety standards as promulgated by the U. S. Department of Housing and Urban Development, being 24 CRF 3280, and as they may be amended from time to

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time. All dwellings shall comply with or exceed applicable roof snow load and strength requirements.

- (k) In the case of a single family dwelling that is a mobile home, all aspects of the construction thereof shall comply with the minimum provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended.
- (l) The foregoing standards in this section shall not apply to mobile homes located within a licensed manufactured housing community, except to the extent required by state or federal law or otherwise required by the provisions of this Ordinance pertaining to manufactured housing communities. (*Section 3.39 amended 06/04/03; eff. 06/24/03.*)

**Section 3.40 Roadside Market Stands.** Roadside market stands shall be permitted in the A and R-R Districts in accordance with this section.

- (a) Roadside market stands shall sell only produce grown on the premises, except for an incidental amount of other agricultural or food products, unless a greater amount of off premises food products is authorized by the Planning Commission as a special land use under Chapter XVI.
- (b) A roadside market stand shall be so located and shall have such sufficient off street parking area provided that no traffic hazard or other potentially-harmful condition shall arise.
- (c) Any required driveway permit shall be obtained from the county road commission. (*Section 3.40 amended 06/04/03; eff. 06/24/03.*)

**Section 3.41 Noncommercial or Non-Public Antennas and Towers.** Noncommercial or non-public antennas and towers for transmitting or receiving communications, radio or television, except antennas referred to in subsection (g) of this section, shall comply with all of the following requirements:

- (a) The antenna or tower shall be located only in the rear yard or the side yard.
- (b) An antenna or tower shall not be located closer to a property line than its height.
- (c) A ground-mounted antenna or tower shall not exceed a height of 50 feet. A roof-mounted antenna or tower shall not exceed 15 feet in height, as measured from the roof at the base of the antenna or tower.
- (d) An antenna or tower shall be permanently and safely anchored to a foundation or roof structure.
- (e) No part of an antenna or tower shall display any words, symbols or other graphic representation, whether for advertising, identification or otherwise.
- (f) Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antennas may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such



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special land use for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications. Such conditions, if any, shall be not more than the minimum practicable regulations necessary to accomplish the Township's legitimate purposes in regulating such amateur radio antennas.

- (g) The provisions of this section shall not apply to satellite dish antennas with a diameter of three feet or less. *(Section 3.40 amended 12/20/00.)*

**Section 3.41A Commercial or Public Antennas and Towers.**

- (a) Commercial or public communications antennas and towers shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 16.5(b), unless exempt under Section 3.5. Such antennas and towers may, if otherwise approved, be located on lands where there is another principal use.
- (b) Commercial or public radio or television antennas and towers shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 16.5(b), unless exempt under Section 3.5.
- (c) Ground-mounted noncommercial or non-public antennas and towers exceeding a height of 50 feet and roof-mounted noncommercial or non-public antennas and towers exceeding a height of 15 feet as measured from the roof at the base of the antenna or tower, shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 16.5(b).
- (d) Other antennas and towers, not permitted under Section 3.41 or otherwise, shall be permitted only upon approval thereof by the Planning Commission as a special land use under Section 16.5(b). *(Section 3.40 added 12/20/00.)*

**Section 3.42 Maps, Drawings and Renderings.** Whenever under the terms of this Ordinance the Planning Commission may be considering or reviewing a proposed land use or activity, the Planning Commission may require the submission of maps, drawings, renderings and such other information as will assist the Planning Commission in its consideration and review of the proposed land use or activity.

**Section 3.43 Resubmission of Matters to Planning Commission.** For a period of one year following a decision by the Planning Commission, no reconsideration of the decision shall be undertaken, nor may an application for the same matter be submitted, unless the Planning Commission in its sole discretion determines that there has been a material change in the development plans submitted or a material change in the facts and circumstances applicable to the requested rezoning, special land use, planned unit development or other relief or approval sought by an applicant. *(Section 3.43 amended 06/04/03; eff. 06/24/03.)*

**Section 3.44 Reserved.** *(Section 3.44 deleted 06/04/03; eff. 06/24/03.)*

**Section 3.45 Additional Setback from Watercourses on Lands Outside F District.** No building or structure shall be located closer than 100 feet from any lake, stream, river or other natural watercourse (in any district except the F District); provided, however, that if there is a principal building on a waterfront parcel of land on either side of a parcel that has frontage on any lake, stream, river or other watercourse, then the principal building on such frontage parcel may be located that distance back from the shore of the body of water that is equal to the average existing principal building setback of the buildings on the parcels on either side, but in no event shall a building or structure be located closer than 75 feet from any lake, stream, river or

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other watercourse; but provided further that this section shall not apply to otherwise lawful docks, boathouses, pumphouses or similar structures in their usual and customary location.

Such required setback may, however, be decreased by one foot of horizontal distance for each one foot of height by which the lot or parcel of land is located above the level of any lake, stream, river or other watercourse, except that such setback shall in no event be decreased to less than 75 feet from the edge of the lake, stream, river or other watercourse. Building setback requirements from watercourses in the F District shall be regulated by the terms of that district. (*Section 3.45 amended 06/04/03; eff. 06/24/03.*)

**Section 3.46** **Reserved.** (*Section 3.46 deleted 06/04/03; eff. 06/24/03.*)

**Section 3.47** **Compliance with Township Water Supply System Policy.**

- (a) The use and Development of lands, buildings and structures within the Township shall comply in all respects with applicable provisions of the policies of the Township concerning privately owned public water supply systems, as such policies are adopted from time to time in resolutions, ordinances or other official actions of the Township Board. Such use and development of lands, buildings and structures within the Township shall include where applicable compliance with the Michigan Safe Drinking Water Act, Suggested Practice for Waterworks, Design, Construction and Operation, as adopted by the Michigan Department of Public Health, applicable standards of the American Waterworks Association, the Fire Insurance Rating Guidelines of the Insurance Services Office and other regulations, standards and guidelines as set forth in the Township Water Supply System Policy or policies.
- (b) In addition, the use and development of lands, buildings and structures within the Township shall comply with the Charter Township of Caledonia standards for public water supply systems, as adopted by Township Board resolutions or other official Township action from time to time. Accordingly, such use and development of lands, buildings and structures shall be carried out in compliance with Township requirements concerning adequacy of water supply for fire protection purposes, required levels of flow of water for fire extinguishing purposes and design of water supply systems so as to adequately accommodate the expansion of the same, for the ultimate development of service areas covered by such water supply systems. The policy or policies of the Township concerning public water supply systems, whether privately owned or otherwise, and as adopted by the Township Board from time to time, shall be deemed to be included in this Ordinance, wherever applicable.

**Section 3.48** **Maximum Lot Width to Depth Ratio.**

- (a) In all zoning districts, except as stated below in this section, no building or structure shall be constructed on a lot or parcel the length or depth of which exceeds four times the width of such lot or parcel of land, as measured at the front building setback line.
- (b) This section shall not apply to a lot or parcel of land which is platted or otherwise of record in the office of the Register of Deeds at the effective date of this section. The Planning Commission may, however, permit the creation and use of a lot or parcel of land having a length or depth greater than that as limited above in this paragraph if the same is approved by the Planning Commission as a special land use under Chapter XVI, if such special land use approval is required because of unusual or exceptional circumstances pertaining to the land, including but not limited to extraordinary topographic or other physical conditions applying to the property in question. (*Section 3.48 amended 06/04/03; eff. 06/24/03.*)

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**Section 3.49 Reserved.**

**Section 3.50 Outdoor Lighting.**

- (a) **Purpose.** The purpose of this section is to provide regulations intended to protect the character of the night sky from light pollution originating from outdoor lighting sources. Unpolluted night skies are important in preserving the rural character of the Township. These regulations are intended to benefit the public health, safety and general welfare, and to promote the public interest, in the following manner:
- (1) Permit outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce.
  - (2) Maintain safe nighttime driver performance on public roadways by minimizing both brightly lighted surfaces and obtrusive lighting.
  - (3) Limit and reverse the degradation of the nighttime visual environment and the night sky.
  - (4) Minimize obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary.
  - (5) Conserve energy and resources to the greatest extent possible.
  - (6) Provide a consistent lighting level within each lighting zone and between individual properties within each lighting zone.
- (b) **Definitions.** As used in this section, the following words shall be defined as follows:
- (1) **ASHRAE.** American Society of Heating, Refrigerating and Air-Conditioning Engineers.
  - (2) **BUG.** A luminaire classification system that classifies Backlight (B), Uplight (U), and Glare (G) as defined by IESNA.
  - (3) **Candela.** A measure of luminous intensity in a certain direction. Useful in determining how much light is shining out of a fixture and in what direction.
  - (4) **Canopy.** A roof-like covering over an area, in or under which a lighting fixture is mounted.
  - (5) **Cut-Off Fixtures.** Cut-off fixtures control obtrusive light by directing light well below the horizon and out of the viewer's line of sight.
  - (6) **Drip Line Area.** The area on the ground enclosed by vertical planes extending downward from the outer solid edge of a canopy.
  - (7) **Façade.** The exterior wall of a building.
  - (8) **Foot Candle.** A measure of light falling on a given surface. One foot candle is equal to the amount of light generated by one candle shining on a square foot

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surface one foot away. Foot candle may be measured both horizontally and vertically by a light meter.

- (9) **Hardscape.** Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
- (10) **Illuminating Engineering Society of North America (“IESNA” or “IES”).** An association of professionals in the field of lighting and related professions.
- (11) **Landscape Lighting.** Landscape lighting refers to either luminaires mounted in or at grade (not to exceed three feet overall above grade) and used solely for landscape rather than area lighting, or fully shielded luminaires mounted in trees and used solely for landscape or façade lighting.
- (12) **Lighting Zone.** A type of area defined on the basis of ambient lighting levels, population density, and/or other community considerations. The lighting zones are determined by the Planning Commission. A description of these four lighting zones is given in Table 1 of this Ordinance.
- (13) **Lighting Plan.** A plan indicating all site improvements and the number, location, type of fixture, and the manufacturer’s data on all the proposed lighting.
- (14) **Lumen.** A measuring unit of total light output from a source equal to the amount of light emitted by a lamp.
- (15) **Luminaire.** A complete lighting unit, often referred to as a fixture.
- (16) **Luminaire Lumens.** For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70 percent. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
- (17) **Luminance.** The amount of light emitted in a given direction from a surface by the light source or by reflection from a surface. Luminance is measured by candelas per square meter.
- (18) **Mounting Height.** The vertical distance between the surface to be illuminated and the bottom of the light source.
- (19) **Obtrusive Light.** Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety and security, and impacts on the nocturnal environment.:
  - (i) **Glare.** Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

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- (ii) **Light Trespass.** Light that falls beyond the property it is intended to illuminate, in either the horizontal or vertical plane.
  - (iii) **Sky Glow.** The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.
- (20) **Ornamental or Accent Lighting.** Outdoor lighting that is installed mainly or entirely for its decorative effect or to accent an object or a feature, rather than as an aid to visibility.
  - (21) **Photometric Test Report.** A report by an independent testing laboratory, or one certified by the National Institute of Standards and Technology ("NIST"), describing the candela distribution, shielding type, luminance, and other optical characteristics of a specific luminaire.
  - (22) **Point of Service Canopy.** A canopy under which a business provides some service to a customer, such as food service, a bank transaction, or the like.
  - (23) **Shielding.**
    - (i) **Fully Shielded.** A luminaire emitting no luminous flux above the horizontal plane.
    - (ii) **Partly Shielded.** A luminaire emitting less than two percent (2%) of its lumens above the horizontal plane.
    - (iii) **Unshielded.** A luminaire emitting more than two percent (2%) of its lumens above the horizontal plane.
  - (24) **Temporary Lighting.** Lighting installed with temporary wiring and operated for less than 60 days total in any calendar year.
- (c) **Lighting Zones.**
- (1) Using Table 1 and associated Lighting Zone Map in Section 3.50 (m) as a guide, the Township shall determine and maintain lighting zones, or "LZ" within the boundaries of its jurisdiction.
  - (2) The lighting zone of a parcel or project shall determine the limitations for lighting as specified in this section.
  - (3) A decrease of one or more lighting zone numbers or an increase of one lighting zone number may be granted to a specific (individual) land parcel or project during site plan review by the Planning Commission. The Planning Commission shall consider factors such as:
    - a. Ambient light at subject site, light spillage from adjacent parcels, geographic location of the property, future land use of subject site and adjacent parcels, and proposed use(s).

**Table 1 – Lighting Zone Ratings and Characteristics**

Zone	Ambient Illumination	Representative Locations
LZ 0	Very Dark	Undeveloped areas of rural areas and other under undeveloped areas as defined by the Planning Commission and areas where residents have expressed the desire to conserve natural illumination levels.
LZ 1	Dark	Developed rural areas, areas of parks and recreation areas; and areas where residents have expressed the desire to conserve natural illumination levels.
LZ 2	Low	Areas predominantly consisting of residential zoning, neighborhood business districts, light industrial with limited nighttime use and residential mixed use areas.
LZ 3	Medium	All other areas as defined by the Planning Commission.

(d) **General Requirements.**

- (1) The provisions of this Section 3.50 shall apply to all outdoor lighting in all lighting zones, unless exempted elsewhere in this Ordinance.
- (2) For single family and two-family development, see section (l) for lighting standards.
- (3) The installation or use of “search light” style lights, except by law enforcement agencies and civil authorities, is prohibited.
- (4) Aerial Lasers are prohibited from being installed or used.
- (5) Other intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2,000,000 candelas or more is prohibited.
- (6) The lighting of signs shall be subject to applicable provisions of the sign chapter of this Ordinance, in addition to the requirements of this section.
- (7) There shall be no blinking or flashing outdoor lights, including changes in light intensity, brightness or color; provided, however, that time and temperature signs shall be permitted, if lawful under the terms of the sign chapter of this Ordinance.
- (8) No colored lights shall be used at any location or in any manner if there is a likelihood of such lights being confused with traffic control devices.
- (9) When required, all outdoor lighting controls shall meet all current ASHRAE energy standards for exterior lighting control. In addition, during any period when no

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activity has been detected for a time no longer than 15 minutes, lighting shall be automatically reduced by at least 30 percent.

- (e) **Exemptions.** The following luminaires are exempt from the provisions of this Section 3.50:
- (1) Outdoor light fixtures installed prior to the effective date of this section; provided, however,
    - (i) **New Uses or Structures or Change of Use.** With the exception of single family or two-family development, whenever there is a new use of a property (zoning or variance change) or the use on the property is changed, all outdoor lighting on the property shall be brought into compliance with this Ordinance before the new or changed use commences; or
    - (ii) **Additions, Alterations, or Vacancies.**
      - a. Single or cumulative additions of 25 percent or more in terms of additional dwelling units in multi-family development, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance, lighting for the entire property shall comply with requirements of this section.
      - b. All additions, modifications, or replacement of more than 25 percent of outdoor lighting fixtures existing as of the effective date of this Ordinance shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting.
      - c. If a commercial, industrial, or multi-family property with non-conforming lighting is un-occupied for a period of six months or more, then all outdoor lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.
  - (2) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fuels.
  - (3) Lighting necessary for road or utility construction or emergencies.
  - (4) Lighting, including exterior or visible interior lighting, necessary for the operation of farms or for the conducting of farming activities. Installed fixtures shall be fully shielded, limit obtrusive light, and shall be reduced to a minimum level when not needed.
  - (5) Temporary holiday lighting and ornamental accent lighting.
  - (6) Internally illuminated signs. However, all such signs shall have "dark" backgrounds (opaque or colored) and "light" lettering (white or lighter colored than the background) so as to minimize obtrusive light.

(7) Externally illuminated signs. However, all such signs shall be lit from above, with fully shielded fixtures.

(f) **Modification of Outdoor Lighting Requirements and Approval of Alternative Lighting Installations.**

(1) The Planning Commission may modify any of the requirements of this section in its approval of a site plan or lighting plan, if it determines that in so doing, the intent and purposes of this section would nevertheless be achieved.

(2) Proposed lighting installations not expressly permitted under this section may be approved by the Planning Commission in its approval of a site plan or lighting plan, if the Planning Commission determines that the lighting installations are consistent with the intent and purposes of this section, are designed to minimize obtrusive light, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive illumination levels. In considering approval of such an alternative lighting installation, the Planning Commission may consult standard manuals of outdoor lighting regulations, including recommendations of the IESNA and the International Dark Sky Association.

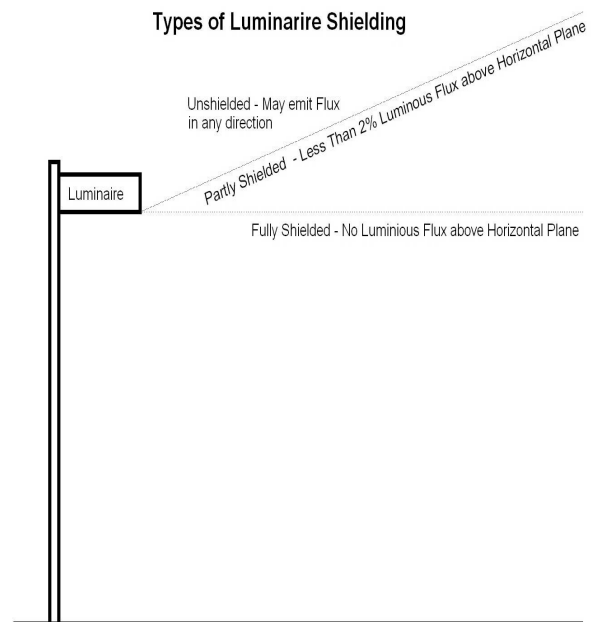
(g) **Luminaire Lamp Lumens, Shielding, And Installation Requirements.**

(1) All outdoor lighting for the entire site shall not exceed the total site lumen limits and requirements provided in Table 3 and BUG ratings in Table 4.

(2) Only luminaires that are allowed to be unshielded in Table 3 may employ flexible or adjustable mounting systems. All other luminaires shall be permanently installed so as to maintain the shielding requirements of Table 3.

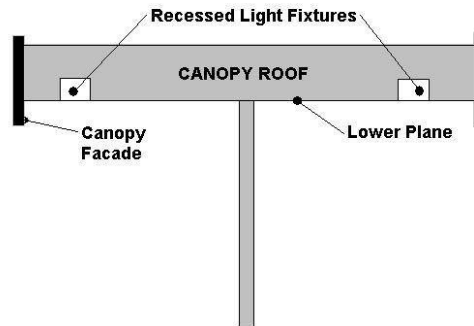
(3) The Planning Commission may accept a photometric test report, demonstration or sample, or other satisfactory confirmation that the luminaire meets the requirements of the shielding classification.

**Diagram 1.**





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- (4) Such shielded fixtures must be constructed and installed in such a manner that all light emitted by the fixture meets or exceeds the specification given. This includes all the light emitted by the fixture, either directly from the lamp or by a diffusing element, or indirectly by reflection or refraction from any part of the fixture. Any structural part of the fixture providing this shielding must be permanently affixed. See Diagram 1.
  - (5) All canopy lighting must be fully shielded per Diagram 2. However, indirect up light is permitted under an opaque canopy provided that no lamp or vertical element of a lens or diffuser is visible from beyond the canopy and such that no direct up light is emitted beyond the opaque canopy.



**Diagram 2.**

- (6) No portion of any fixtures under canopies (including the glass housing), such as over gasoline station pump islands, shall extend below the lower plane of the canopy roof, exclusive of any façade or ornamental trim which may extend below the canopy roof. They shall be recessed so the lamp does not extend below the lower plane of the canopy surface.
- (7) Any proposed neon lighting must be shown and found to be complementary to the overall design of the building and approved as part of the site plan approval (if applicable). Neon lights proposed to be used as an architectural detail shall be indicated on the building elevation and must be specifically found to be compatible with surrounding properties by the Planning Commission.
- (8) All lighting shall have a color temperature not exceeding 4,000 Kelvin with a Color Rendering Index (CRI) greater than or equal to 70.
- (9) Prior to final inspection for certificate of occupancy, an independent third party registered engineer, shall certify to the Authority Having Jurisdiction (AHJ) that only approved luminaires and lighting controls have been installed and functionally tested per ASHRAE 90.1 standards and requirements of this Ordinance. In addition, as-built field measurements shall be recorded and supplied to AHJ with the same requirements of Section 3.50(i)(5)(iv).
- (10) No lighting on any site shall cause or create obtrusive light.

(h) **Height Limits.**

(1) **Pole Mounted Lighting.** Subject to the following exceptions, lighting mounted onto poles or any structures intended primarily for mounting of lighting shall not exceed a mounting height according to Table 2 and BUG Ratings of Table 4.

(i) **Exception 1:** At the location where the road providing access to a site meets the driveway, lights specifically for driveways may be mounted at any distance relative to the property line, but may not exceed the mounting height listed in Table 2.

(ii) **Exception 2:** Landscape lighting installed in a tree may be used. (See the Definitions section.)

**Table 2 — Maximum Lighting Mounting Height**

<b>Lighting</b>	<b>Maximum Height</b>
<b>LZ 0</b>	20 feet
<b>LZ 1</b>	20 feet
<b>LZ 2</b>	25 feet
<b>LZ 3</b>	30 feet

(2) **Lights Mounted to Buildings or Structures.** Subject to the exceptions below, lighting mounted onto buildings or other structures shall not exceed a mounting height greater than the tallest part of the building or structure at the place where the lighting is installed.

(i) **Exception:** Lighting for façades may be mounted at any height equal to or less than the total height of the structure being illuminated regardless of horizontal distance to property line.

(i) **Total Site Lumen Limits.**

(1) This Section 3.50 (i) applies to all outdoor lighting for commercial, industrial and multi-family development, whether attached to building, poles, structure, or self-supporting, including but not limited to: hardscape areas (which include parking lots, lighting for building entrances, sales and non-sales canopies), lighting for all outdoor sales areas, landscape lighting, and lighting for building façades.

(2) The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using Table 3. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens is calculated as the sum of the initial luminaire lumens for all luminaires.

(3) The maximum allowed installed lighting shall be determined as follows:

(i) Following the rules in subsection (3) below, multiply the hardscape area (square footage) by the allowable lumens per square foot for the appropriate lighting zone in Table 3.

- (ii) Add up the total of all proposed initial luminaire lumens per luminaire.
- (iii) Compare allowable lumens vs. proposed.
- (iv) Example:

SITE ALLOWED TOTAL INITIAL LUMENS	
<i>Site Description</i>	Light Commercial
<i>Lighting Zone</i>	LZ-2
<i>Hardscape Area (SF)</i>	100,000
<i>Allowed Lumens per SF of Hardscape</i>	2.5
<i>Site Allowed Total Initial Lumens (lumens per SF X hardscape area)</i>	250,000

<i>Lamp Descriptions</i>	<i>QTY</i>	<i>Initial Luminaire Lumens</i>	<i>Total</i>
70 W Metal Halide	8	3,920	31,360
150 W Metal Halide	20	9,600	192,000
18 W LED	24	1,020	24,480
<b>TOTAL INITIAL LUMINAIRE LUMENS</b>			<b>247,840</b>
<b>SITE ALLOWED TOTAL INITIAL LUMENS</b>			<b>250,000</b>
<b>PROJECT IS COMPLIANT?</b>			<b>YES</b>

- (4) **Rules.** The following rules govern the use of Table 3.
- (i) Except for those uses listed in Section 3.50 (e), additional lumens are not allowed for any lighting application types not listed herein.
  - (ii) Lighting levels provided in Table 3 may exceed adjacent lighting installations. In all cases, lighting designs shall be complimentary to existing adjacent lighting installations as determined by the Planning Commission.
  - (iii) Areas that are not designed to be illuminated may not be counted toward the total site limit.

**TABLE 3 - MAXIMUM LUMENS PER SITE AND THE REQUIRED SHIELDING**

<b>Lighting Zone</b>	<b>Fully Shielded (per SF of Hardscape)</b>	<b>Partly Shielded</b>	<b>Unshielded <i>Shielding is highly encouraged however</i></b>
<b>LZ 0</b>	0.5 Lumens	None permitted	None permitted.
<b>LZ 1</b>	1.25 Lumens	None permitted	None permitted.

<b>LZ 2</b>	2 Lumens	None permitted	<ul style="list-style-type: none"> <li>• 400 Lumens or less for landscape lighting applications</li> <li>• 150 Lumens or less for non-landscape lighting applications.</li> </ul>
<b>LZ 3</b>	3 Lumens	None permitted	450 Lumens or less

**Table 4 – Maximum Allowable Backlight, Uplight, and Glare (BUG) Ratings**

<b>Backlight Rating</b>	<b>LZ 0</b>	<b>LZ 1</b>	<b>LZ 2</b>	<b>LZ 3</b>
Greater than 2 mounting heights from property line 1 to less than 2 mounting heights from property line and ideally oriented	B1	B3	B4	B5
Greater than 2 mounting heights from property line 1 to less than 2 mounting heights from property line and ideally oriented*	B1	B2	B3	B4
0.5 to 1 mounting heights from property line and ideally oriented*	B0	B1	B2	B3
Less than 0.5 mounting height to *property line and properly oriented	B0	B0	BO	B1

\*To be considered 'ideally oriented', the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and towards the property line of concern.

<b>Uplight Rating</b>	<b>LZ 0</b>	<b>LZ 1</b>	<b>LZ 2</b>	<b>LZ 3</b>
Allowed Rating	U0	U1	U2	U3
Allowed % of light emission above 90° for Street or Area lighting	0%	0%	0%	0%

<b>Glare Rating</b>	<b>LZ 0</b>	<b>LZ 1</b>	<b>LZ 2</b>	<b>LZ 3</b>
Allowed Rating	G0	G1	G2	G3
Any luminaire not ideally oriented with 1 to less than 2 mounting heights to any property line of concern**	G0	G0	G1	G1
Any luminaire not ideally oriented with 0.5 to 1 mounting heights to any property line of concern**	G0	G0	G0	G1
Any luminaire not ideally oriented with less than 0.5 mounting heights to any property line of concern**	G0	G0	G0	G0

\*\*Any luminaire that cannot be mounted with its backlight perpendicular to any property line within 2X the mounting heights of the luminaire location.

- (5) **Lighting Plan.** When the installation of outdoor lighting is part of a development proposal for which site plan approval is required, the site plan shall include a lighting plan for review and approval by the Planning Commission as part of its site

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plan approval process. In addition, any application for a building, electrical or sign permit for a commercial or industrial use which includes the installation of one or more outdoor lighting fixtures, except those exempted under Section 3.50 (e), shall submit a lighting plan as evidence that the proposed outdoor lighting fixtures and the design of the system comply with this section. Lighting plans shall include the following:

- (i) An overall site plan drawn to a scale of one inch equaling no more than 30 feet showing the buildings, landscaping, parking and service areas, and the location and type of all proposed outdoor lighting, the hours of operation, and controls to meet the ASHRAE Energy Code and this Ordinance thereof.
  - (ii) Total Site Lumen Calculation per 3.50(i).
  - (iii) Individual specification for each luminaire clearly identifying full manufacture part number to include, but not limited to: series, number of lamps/LEDs, ballast/driver current, color temperature, distribution, color, total lamp lumens, and BUG Rating.
  - (iv) An overall site plan drawn and sealed by a registered professional engineer to a scale of one-inch equaling no more than 30 feet indicating illumination levels at ground level based on no greater than five-foot on center grid extending from the property line to 20 feet beyond the property line and vertical calculations at the property line 30' higher than tallest luminaire. Calculations shall be provided with lumen ambient temperature, lumen maintenance factor, or any other adjustments at 1.0. obtrusive light shall have a maximum vertical illuminance at any point in the plane of the property line of less than 0.08 foot candles for LZ 3 and shall be less than 0.03 foot candles for LZ 0, 1, and 2.
  - (v) The Planning Commission may request additional calculations at their discretion, such as, but not limited to vertical illumination levels at the property line to verify the lighting is complementary to adjacent lighting and for obtrusive light.
- (j) **Recommended Lighting for Externally Illuminated Signs.**
- (1) Subject to the exception below in (j) (2), externally lighted signs should be lighted from the top of the sign downward and be fully shielded.
  - (2) Signs not taller than six feet above grade may be illuminated by landscape lighting complying with Table 3.
- (k) **Special Consideration.**
- (1) As part of site plan review by the Planning Commission, lighting systems not complying with the technical requirements of this section, but consistent with its intent, may be installed for the following applications:
    - (i) Sport fields and stadiums.

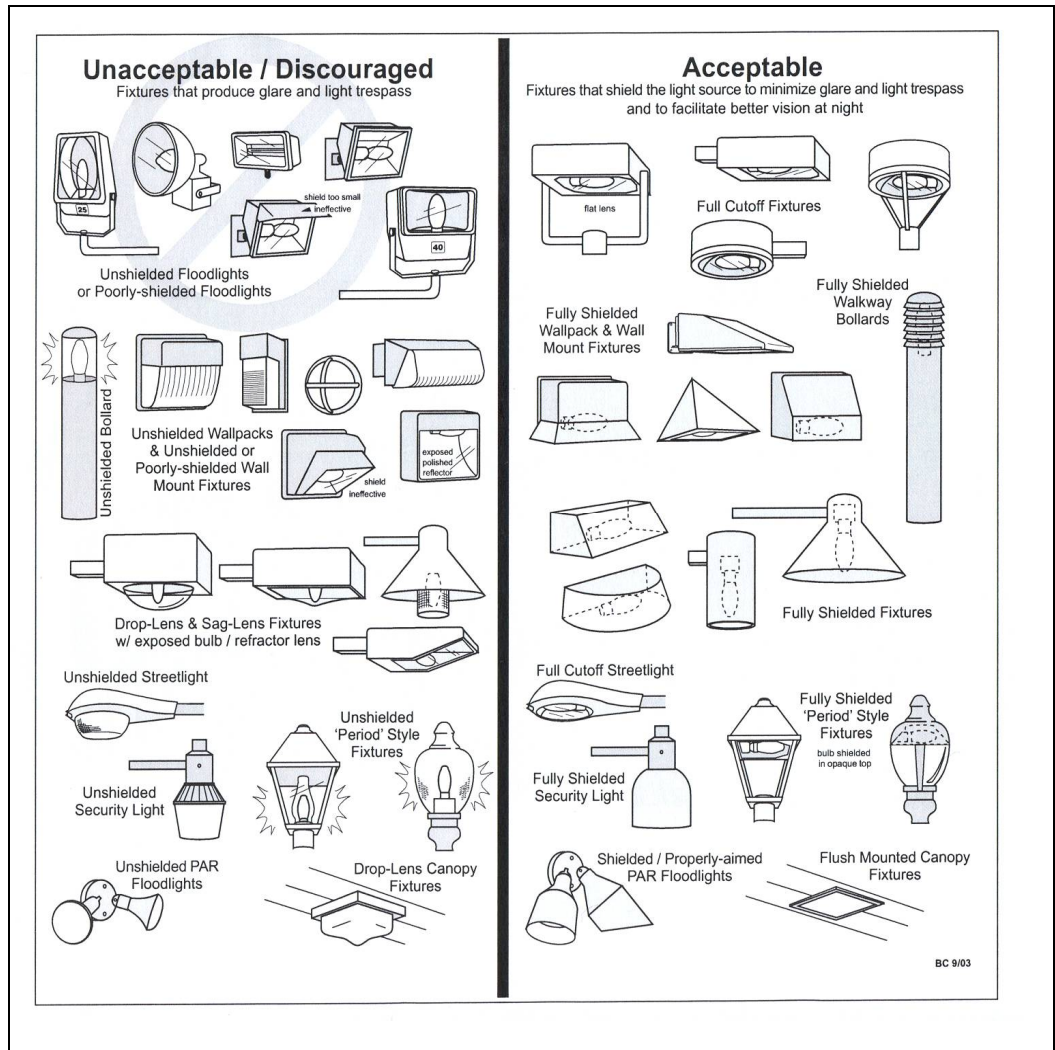
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- (ii) Industrial lighting for hazardous areas where the heat of the lighting fixture may cause a dangerous situation.
  - (iii) Bridges.
  - (iv) National and state flag lighting with spotlights greater than 1,000 lumens in LZ 3, and greater than 600 Lumens in LZ 0, LZ 1 and LZ 2
  - (v) Specialized theme park lighting.
  - (vi) Public monuments, public buildings and houses of worship.
  - (vii) Industrial areas where higher pole heights are required to avoid interference of vehicle with the pole assembly.
  - (viii) Any other lighting application not listed in Table 4.
- (2) To obtain approval, applicants shall demonstrate that the proposed lighting installation meets the following:
- (i) Except for necessary construction lighting, that the property at issue is not within LZ 0 or LZ 1, if such lighting zone exists.
  - (ii) For the applications listed in subsections 3.50 (k) (1) (i) – (iv) above, that the applications utilize fully shielded luminaires and, if required, side shielded and internally shielded luminaires that are installed in a fashion that maintains the shielding characteristics unless certified in writing by a registered engineer or by a lighting certified professional that such shielding is impractical. Where fully shielded fixtures cannot be utilized, acceptable luminaires shall include only those which are installed with minimum aiming angles of 25 degrees downward from the horizontal. Said aiming angle shall be measured from the axis of the luminaire’s maximum beam candlepower as certified by independent testing agency.
  - (iii) That every reasonable effort has been taken to mitigate obtrusive light, supported by a signed statement from a registered engineer describing the mitigation measures.
- (3) The Planning Commission shall review each such application. Approval may be granted if, upon review, the Planning Commission believes that the proposed lighting will not create unwarranted obtrusive light.
- (1) **Residential Lighting for Single Family and Two-Family Development.**
- (1) All outdoor luminaires shall be fully shielded, shall not be aimed onto adjacent properties, and shall not exceed 1260 lumens, except:
    - (i) Open flame gas lamps.
    - (ii) Two partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output of 600 lumens.

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- (iii) Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output of 525 lumens per fixture.
  - (iv) Shielded directional flood lighting aimed so that obtrusive light is not visible from adjacent properties and not exceeding the allowed lumen output of 1,260 lumens.
  - (v) Lighting installed with a motion sensor, where the sensor:
    - a. Extinguishes the lights no more than five minutes after the area is vacated.
    - b. Sensitivity should be set such that triggering occurs only upon sensing large objects such as animals and people.
- (2) Lighting for residential sports courts and pools are allowed up to a height of, and not exceeding, 15 feet above court or pool deck surface.

- (m) **Luminaire Illustrations.** Except as regulated elsewhere, the following luminaire illustrations in Diagram 3 shall be used as a guideline to help determine appropriate and inappropriate lighting fixtures, which offer different levels of shielding in both residential and non-residential areas. Please note that these graphics do not represent a complete inventory of permitted and prohibited fixtures.

**Prohibited Fixtures**

**Permitted Fixtures**  
**(except as allowed in Table 3)**



**Diagram 3.**



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(n) **Lighting Zone Map.**

*[Insert the **Lighting Zone Map** behind this page]*

*(Section 3.50 amended 06/04/03; eff. 06/24/03; amended 04/22/10; eff. 05/29/10; amended 8/4/2021, eff. 8/14/2021.)*

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**Section 3.51 Hazardous Substances.** All businesses and facilities that use, store, or generate hazardous substances in any quantity shall comply with the following requirements:

(a) **Groundwater Protection Standards.**

- (1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and street slopes.
- (2) Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential of pollution of surface or groundwater, on-site or off-site.
- (3) General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county and township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality.
- (4) Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges of polluting materials into the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- (5) State and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
- (6) In determining conformance with the standards in this Ordinance, the Township shall take into consideration such technical and professional publications as may be deemed appropriate.

(b) **Above-Ground Storage.**

- (1) Primary containment of hazardous substances shall be product-tight.
- (2) Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance.
- (3) Outdoor storage of hazardous substances is hereby prohibited except in product-tight containers that are protected from weather, leakage, accidental damage, and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation.

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- (4) Secondary containment structures such as outbuildings, storage rooms, sheds and pole barns shall not have floor drains which outlet into soils, groundwater or nearby drains or rivers.
  - (5) Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and uses, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.

At a minimum, State of Michigan and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

(c) **Underground Storage.**

- (1) Existing and new underground storage tanks shall be registered with the State of Michigan in accordance with state and federal requirements.
- (2) Installation, operation, maintenance, closure and removal of underground tanks shall be in accordance with the requirements of the Fire Chief and the State of Michigan. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
- (3) Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshall Division, the Michigan Department of Environmental Quality, and Caledonia Township.

**Section 3.52 Shore Land Regulations.**

- (a) No land use shall be permitted if the same would have a serious adverse effect on the capacity of the channels or floodways of any lake, stream, river or other watercourse.
- (b) No land use shall be permitted unless all required permits or approvals have been obtained from federal, state or local governmental agencies or authorities having jurisdiction.
- (c) No channel or floodway of any lake, stream, river or other watercourse shall be substantially altered or relocated unless such substantial alteration or relocation has been approved by any federal, state or local governmental agency having jurisdiction.
- (d) Footing drains or other subsoil drainage systems shall not empty directly into any lake, stream, river or other watercourse.
- (e) No dwelling or other principal building shall be constructed within a flood plain or wetland. The filling of any flood plain or wetland so as to raise the ground level shall not be permitted.
- (f) Drain fields and septic tanks shall be designed, installed and maintained only in full compliance with applicable regulations of the Kent County Health Department. The bottom of any disposal field shall be at least four feet above the seasonal high groundwater table.

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- (g) Any earth change activity as defined under the terms of the Soil Erosion and Sedimentation Control Act which will affect more than one acre of land or is located within 500 feet of any lake, stream, river or other watercourse shall take place only after issuance of any soil erosion and sedimentation control permit or any other required permit from the Kent County Road Commission or other governmental agency having jurisdiction.

**Section 3.53 Removal of Shore Coverage.** The reasonable regulation of the cutting of trees and other vegetation along the shores of watercourses is necessary in order to control erosion, to reduce effluent and nutrient flow from shorelands and for other purposes. The provisions of this section are intended to achieve these and other purposes.

- (a) A 30-foot-wide strip of land adjacent to all lakes, streams, rivers and other watercourses shall be maintained as follows:
  - (1) Not more than 25 percent of the width of the strip of land as measured along the edge of the watercourse shall be clear cut;
  - (2) The cutting of the permissible 25 percent clear cut area shall not create a clear cut opening within said 30-foot wide strip of land which is greater than 25 feet wide for each 100 feet of shoreline of the lot or parcel of land;
  - (3) Stumps within such 30-foot wide strip of land shall not be removed, but may be cut flush with the ground.
- (b) The provisions of this section shall not apply to the removal of dead, diseased or dying trees or other vegetation, in the discretion of the property owner, nor shall they apply to the trimming or pruning of trees, shrubs or other vegetation so as to improve view or for other reasons. Such trimming or pruning, however shall not be carried out so as to remove so much of any tree, shrub or other plant that the life of the plant is endangered.
- (c) Natural trees, shrubbery and other vegetation shall be preserved insofar as practicable. Where such vegetation is removed, it shall be replaced with other vegetation that is equally effective in retarding runoff of surface waters and preventing erosion of land.
- (d) Any paths, roadways or other passages within the 30-foot wide strip of land shall be so constructed and surfaced so as not to contribute substantially to the erosion of the land.

**Section 3.54 Lake Access and Frontage; Keyhole Development.** The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

- (a) In all zoning districts, there shall be at least 80 feet of lake or stream frontage as measured along the normal high water mark of the lake or stream for each single family home, dwelling unit, cottage, condominium unit, site condominium, or apartment unit utilizing or accessing the lake or stream frontage.
- (b) Any multiple-unit residential development in any zoning district that shares a common lake or stream front area or frontage shall not permit lake or stream use or access to more than one single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 80 feet of lake or stream frontage in such common lake or stream front area, as measured along the normal high water mark line of the lake or stream.

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- (c) Any multiple-unit residential development shall have not more than one dock for each 80 feet of lake or stream frontage, as measured along the normal high water mark of the lake or stream.
  - (d) The provisions of this section shall apply to all lots and parcels on or abutting any lake or stream in all zoning districts, regardless of whether access to the lake or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, lease or right-of-way.
  - (e) No lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial or business, use unless such commercial or business use is permitted by the terms of the zoning district in which the land is located.
  - (f) The lake access and use regulations contained in this section shall be fully applicable to all planned unit development and special land uses. (*Section 3.54 amended 06/04/03; eff. 06/24/03.*)

**Section 3.55 Lot Coverage.** Except as otherwise permitted in this Ordinance, no more than 50 percent (of the surface area of any lot or parcel in any zoning district shall be covered in total by buildings, structures, streets, or paved surface areas. No more than 30 percent of any parcel or lot in any zoning district shall be covered by buildings. (*Section 3.55 amended 06/04/03; eff. 06/24/03.*)

**Section 3.56 Construction of Accessory Buildings.** Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure; provided, however, that this requirement shall not apply agricultural storage or agricultural activities on bona fide farms, nor shall it apply to temporary tool sheds or similar temporary storage structures used during the construction of buildings or other structures on the land where such temporary tool sheds or other temporary storage structures are located. (*Section 3.56 amended 06/04/03; eff. 06/24/03.*)

**Section 3.57 Channels and Canals.** No channel, canal or similar waterway or device shall be dug, constructed, dredged, enlarged or created out of or that connects to any lake, river, stream or other body of water (collectively referred to in this section as “lake or river”) in the Township. The size or surface area of any lake or river shall not be increased by digging, dredging or excavation upland from the ordinary high water mark of the lake or river; provided, however, that this section shall not apply to the following:

- (a) Any lawful dredging of existing lake or river bottomlands which are lakeward of the ordinary high water mark of the lake or river;
- (b) Lawful dredging upland from the ordinary high water mark of a lake or river so as to create not more than two boat wells (that is, a mooring area for boats) so long as the water surface area dredged, excavated or otherwise created does not exceed 25 feet in width along the lake or river frontage and 20 feet of depth from the ordinary high water mark of the lake or river;
- (c) The lawful creation or enlargement of a pond which does not abut or connect into an existing lake or river;
- (d) The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements, so long as such channel or canal is not enlarged or expanded. (*Section 3.57 amended 06/04/03; eff. 06/24/03.*)

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**Section 3.58 Grade Limits.** Sand, dirt and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, construction or expansion of a building or structure if such alteration would, in the opinion of the Township Planner, do any of the following:

- (a) Unreasonably increase storm water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- (b) Increase the height of a building or structure so as to unreasonably interfere with the view of a lake, stream or other body of water from one or more adjoining or nearby properties.

Any party aggrieved by the decision of the Township Planner under this section may appeal that determination to the Zoning Board of Appeals. (*Section 3.58 amended 06/04/03; eff. 06/24/03.*)

(*Chapter 3 adopted 1975, eff. 10/15/75.*)

**Section 3.59 Architectural Standards.**

- (a) **Intent.** The form of commercial, multifamily and townhouse structures impacts our experience moving through a community, either by foot, bike or car. Openings, roof types, and wall materials can be designed at a human scale to enhance safety (more eyes on the street) and increase compatibility with the built and natural environment. Thoughtful design of building and site relationship is a significant contributor to maintaining streets as safe, attractive and comfortable for walking. Street- and sidewalk-oriented buildings contribute by creating streets that are conducive to walkability and neighborhood livability.
- (b) **Applicability.** The following shall apply to duplexes, townhouses, multi-family, mixed use, and commercial buildings within the HC, Broadmoor and Cherry Valley Overlay, and R-4 and R-3 or when such uses or buildings are within a PUD zoning district.
- (c) **Exemptions.** The following uses are exempt from architectural standards:
  - (1) Detached single-family and their accessory buildings.
  - (2) Home occupations and home-based businesses.
  - (3) State licensed residential care facilities, including child care, adult day care or adult foster care family facilities located in a residential dwelling.
  - (4) Commercial communications antennae and/or towers.
  - (5) The determination of the applicability of an exception shall be made by the Township Planner or may be referred to or appealed to the Planning Commission.
- (d) **Façade Standards by Building Type.** The following façade standards shall be required for all new construction. Façade standards may be modified by the Planning Commission upon a finding that the modification or departure is consistent with the overall goals and purposes and intent of this section. Minor modifications or departures may be approved by the Township Planner upon a finding that the modifications or departures are not material or significant in relation to the entire site or building.

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- (1) Commercial or Mixed-use building:
- (i) At least 75% of all building walls of all new commercial buildings shall be comprised of brick, wood, hardie board, native stone and tinted/textured concrete masonry units and/or glass products as approved by the Planning Commission or Township Planner. The size and scale of the brick or concrete masonry units shall be no larger than the standard 3 5/8" x 8" x 2 1/4", unless such bricks or concrete masonry units resemble decorative stone. Plain concrete masonry units shall not be permitted.
  - (ii) At least 50% of ground floor façade walls shall be comprised of transparent materials between a height of two and eight feet above the finished grade when facing the primary public or private road. The percent of transparency for second floors shall be 25%.
  - (iii) Storefront entries shall be recessed at minimum of three feet and flanked by transparent, non-reflective display windows.
  - (iv) Facade openings, including porches, windows, and colonnades, shall be of a vertical proportion (i.e. the height of the opening must be larger than the width).
  - (v) Where a flat roof is utilized, a parapet shall be used to enclose it. The parapet must be a minimum of 36 inches in height.
  - (vi) Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accents such as a string course, change in material or textures between the first and second stories.
  - (vii) Storefront elements such as pilasters, windows and architectural materials shall wrap the building sides and encompass not less than 50% of the length of wall facing any public or private road or entry drive.
  - (viii) Blank walls shall be prohibited when facing any public or private road, instead pilasters, at least 18" in width and projecting at least 3" from the building wall, shall be placed at least every 40'.
  - (ix) The location of loading, storage, and trash shall be placed to the rear of the building and screened from view.
  - (x) Drive through location shall be oriented away from the building frontage facing M-37. Drive through location shall be oriented to avoid headlights directed towards M-37, unless berming, or opaque screening is provided.
- (2) Multi-family, and attached residential including Townhomes and Duplex Buildings (without commercial use):
- (i) Multifamily and attached residential including Townhomes and duplex buildings and their accessory structures shall utilize masonry as the predominant building material covering at least 75% of all four sides of the building facades and may utilize other exterior materials, including stucco,

vinyl or fiber/cement siding, decorative rock/stone, brick, or other material deemed appropriate by the Township Planner or Planning Commission. The size and scale of the brick or concrete masonry units shall be no larger than the standard 3 5/8" x 8" x 2 1/4", unless concrete masonry units resemble decorative stone. Plain concrete masonry units shall not be permitted.

- (ii) Facade openings, including porches, windows, and colonnades, shall be of a vertical proportion (i.e. the height of the opening must be larger than the width).
- (iii) Windows shall be recessed within the wall plane, rather than flush, to break up with mass of the building wall.
- (iv) Blank walls shall be prohibited when facing any public or private road, instead pilasters, at least 18" in width and projecting at least 3" from the building wall, shall be placed at least every 40'.
- (v) The location of loading, storage, and trash shall be placed to the rear of the building and screened from view.
- (vi) Where a flat roof is utilized, a parapet shall be used to enclose it. The parapet must be a minimum of 36 inches in height.
- (vii) Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accents such as a string course, change in material or textures between the first and second stories.

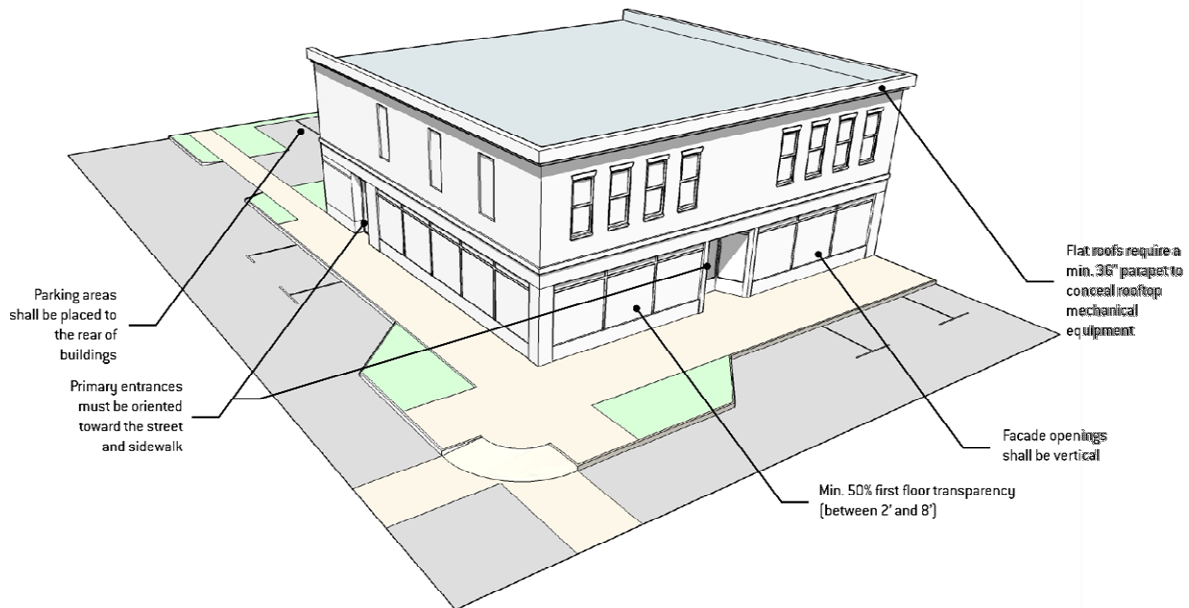


Figure 1: Building Form and Site Design Standards for Commercial or Mixed-use Buildings



(e) **Site Design Standards by Building Type.** The following site design standards shall be required for all new construction requiring site plan review by the Planning Commission. Site design standards may be modified by the Planning Commission upon a finding that the modification or departure is consistent with the overall goals and purposes and intent of this section. Minor modifications or departures may be approved by the Township Planner upon a finding that the modifications or departures are not material or significant in relation to the entire site or building.

(1) Commercial or Mixed-use building:

- (i) The primary entrance to a commercial building should be oriented toward the street and the sidewalk. Orienting the primary entrance to a parking area, courtyard or open space without addressing the street-facing facade with entrances, display windows, increased architectural elements, increased landscaping, and/or other pedestrian-oriented features is prohibited (see Figure 2) unless the Planning Commission finds otherwise in instances where buildings have multiple frontages.
- (ii) Vertical and horizontal articulation and relief reduces the perceived scale of buildings. Buildings shall include facade modulation (stepping portions of the facade), horizontal and vertical divisions (textures or materials), window patterns, offsets, recesses, projections, and other techniques to avoid large, featureless and/or panelized surfaces on commercial buildings. Large uninterrupted expanses of a building wall are prohibited.



Figure 2: Examples of commercial building primary entrances which are oriented toward the street and sidewalk.

(2) Multi-family Buildings (without commercial use) and Townhomes and Duplex Buildings:

- (i) Multifamily buildings and Townhomes and Duplex buildings adjacent to street or internal access drive shall front those streets or drives and provide a primary entrance toward the street or drive. If the side of a building faces a street or drive, an entrance should be provided on that facade. Orienting the primary entrances to a parking area, courtyard or open space without addressing the street-facing facade with entrances, windows, and increased architectural elements, increased landscaping, and/or other pedestrian-

oriented features shall be prohibited unless the Planning Commission finds otherwise in instances where buildings have multiple frontages.

- (ii) Garages and parking areas shall be placed to the rear of buildings, accessed by a service drive. If garages are placed on the front facade, they shall be staggered and set back so as to minimize their appearance from the street.
- (iii) Buildings shall include facade modulation (stepping portions of the facade), horizontal and vertical divisions (textures or materials), window patterns, offsets, recesses, projections, and other techniques to help identify individual residential units in a multifamily structure. Large uninterrupted expanses of a building wall shall be prohibited.
- (iv) Buildings shall incorporate a majority of the following architectural detailing: decorative shutters, bay windows, popouts, trellis or arbor structures, porches, decorative gables, dormer windows, exposed timbers, balconies, columns, turrets, decorative trim and moldings, detailed grilles and railings, architectural lighting, decorative masonry pattern, window grids, or decorative doors and windows. All sides of a building shall include the chosen details.
- (v) Mailbox Structures. Cluster mailboxes shall emulate the buildings in materials and color.



Figure 3: Building Form and Site Design Standards for Townhouses

(Section 3.59 added 03/17/2021; eff. 04/03/2021; amended in its entirety by Ord. No. 2021-11Z, eff. 1/1/2022.)

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**Section 3.60 Agri-Tourism Use.**

- (a) **Intent.** This section is intended to allow agri-tourism uses as part of farm operations in the Township in order to promote the following:
- (1) Preservation of agricultural uses and the agricultural sector in the Township and in the region.
  - (2) Retention of large tracts of land for land preservation and to sustain current-day and future farming opportunities.
  - (3) Allow for agriculturally-related business opportunities to make agricultural pursuits economically viable.
  - (4) Promote rural character and agri-business within the farmland and rural preservation areas of the Township.
  - (5) Provide for food security for our region.
  - (6) Conformance with all applicable laws, including but not limited to the Michigan Right to Farm Act, Act 93 of 1981 as amended, and the Michigan Agricultural Processing Act, Act 381 of 1998 as amended, and with the Generally Accepted Agricultural and Management Practices (GAAMPS) promulgated by the Michigan Commission of Agriculture and Rural Development.
- (b) **Agri-Tourism Uses Permitted by Right.** The following uses are permitted by right in association with a farm anywhere that agricultural uses are allowed under this Ordinance:
- (1) Storage, retail or wholesale marketing, or processing of agricultural products or value-added agricultural products provided that the 50 percent rule is observed.
  - (2) Cider mills (non-alcoholic) selling product, with or without a tasting room, derived from crops provided that the 50 percent rule is observed.
  - (3) Seasonal you-pick fruits and vegetable operations.
  - (4) Food sales/processing, processing of fruits or produce provided that the 50 percent rule is observed.
  - (5) Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
  - (6) Accessory uses as permitted and described in subsection (c).
- (c) **Agri-Tourism Accessory Uses Permitted by Right.** The following accessory uses are permitted by right in association with an agri-tourism use:
- (1) Farm market.
  - (2) Value-added agricultural products or activities such as education tours or processing facilities, etc.

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- (3) Bakeries selling baked goods containing produce grown in observance of the 50 percent rule.
  - (4) Food trucks so long as they operate on a daily basis and are removed each day at close of business, unless during a multi-day event or weekend and the truck is turned off and disconnected from any generator or power source.
  - (5) Petting farms, animal display, and pony rides.
  - (6) Wagon, sleigh and hayrides.
  - (7) Nature trails.
  - (8) Non-amplified music.
  - (9) Amplified music allowable until 10 pm and limited to 10 events with amplified music per calendar year.
  - (10) Fun houses, haunted houses.
  - (11) Open air or covered picnic area with restrooms.
  - (12) Educational classes, lectures, seminars.
  - (13) Historical agricultural exhibits.
  - (14) Kitchen facilities for processing items for sale.
  - (15) Retailing of non-agriculturally related products such as antiques or crafts, packaged food or beverages, gifts, or other similar products, limited to 50 percent of gross sales.
  - (16) Temporary lighting installed for evening events and removed following the event shall comply with Section 3.50.

*(Section 3.60 added 03/17/2021; eff. 04/03/2021.)*

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**CHAPTER IV  
ZONING DISTRICTS**

**Section 4.1 Zone Districts.** For the purposes of this Ordinance, the Township of Caledonia is hereby divided into the following zoning districts:

A	Agricultural District
R-R	Rural Residential District
R-1	Low Density Single Family District
R-2	Medium Density Single Family District
R-3	Medium Density Residential District ( <i>Amended 1/20/16; eff. 2/13/16.</i> )
MHC	Manufactured Housing Community District
R-4	High Density Residential District ( <i>Added 12/16/15; eff. 12/26/15</i> )
F	Flood Plain District
C-1	Neighborhood Business District
C-2	General Business District
HC	Highway Commercial District
I-1	Light Industrial District
I-2	Industrial District

**Section 4.2 The Zoning Map.** The locations and boundaries of the zoning districts are hereby established as shown on a map entitled “Official Zoning Map of the Township of Caledonia, Kent County, Michigan” which accompanies and is made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following township or village boundaries shall be construed as following township or village boundaries.
- (d) Boundaries indicated as following the shoreline of lakes or rivers shall be construed as following such shore line, and in the event of a change in the shoreline of a lake or river, said boundary shall be construed as changing with said shoreline.
- (e) Lines parallel to streets or roads without the depth from the street line being indicated shall be construed as having a depth of 200 feet from the center of the street or road.
- (f) Boundaries indicated as approximately following property lines or section lines or other lines of the government survey shall be construed as following such property lines as of the effective date of this Ordinance or applicable amendment.

**Section 4.3 Areas Not Included Within a District.** In every case where property has not been specifically included within a zoning district, including all cases of property becoming a part of this Township subsequent to the date of enactment of this Ordinance, such property shall be zoned in the A Agricultural Zoning District.

*(Chapter 4 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER V**  
**A AGRICULTURAL DISTRICT**

**Section 5.1 Description and Purpose.** The A Agricultural District is intended for farm and residential uses, including the growing of crops, animal husbandry, dairying and other agricultural activities.

**Section 5.2 Permitted Uses.** Land, buildings and structures in the A District may be used for the following purposes only:

- (a) Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.
- (b) Single family dwellings.
- (c) Orchards, vineyards and apiaries.
- (d) Group daycare homes for not more than six minor children.
- (e) State-licensed adult foster care family homes for not more than six adults.
- (f) Agri-tourism use. *(Added 3/17/21; eff. 4/3/21.)*

**Section 5.3 Special Land Uses.** The following land uses may be permitted when authorized as a special land use under Chapter XVI:

- (a) Churches and other houses of worship; public and private schools.
- (b) Publicly-owned libraries, museums and community center.
- (c) Publicly-owned parks, playgrounds, recreation areas and athletic grounds.
- (d) Golf courses and country clubs; commercial riding stables; private recreation areas.
- (e) Bed and breakfast establishments.
- (f) Roadside market stands and farm markets.
- (g) Commercial greenhouses and nurseries.
- (h) Kennels, but special land use approval by the Township Board, after recommendation by the Planning Commission, shall be required.
- (i) Group daycare homes for more than six minor children.
- (j) State licensed adult foster care family homes for more than six adults.
- (k) Removal and processing of sand, gravel and other mineral resources in a quantity of 5,000 cubic yards or less, under Section 3.24 of this Ordinance.

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- (l) Intensive livestock operations complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, but special land use approval by the Township Board, after recommendation by the Planning Commission, shall be required.
  - (m) Utility and public service buildings.
  - (n) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof mounted, exceeding a height of 15 feet above the roof.
  - (o) Home based businesses.
  - (p) Agri-business. *(Added 3/17/21; eff. 4/3/21.)*

**Section 5.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance:

- (a) Accessory uses as regulated under Sections 3.9 and 3.10.
- (b) Temporary uses as regulated under Section 3.22.
- (c) Signs as regulated under Chapter XIX.
- (d) Home occupations as regulated by Section 3.34 of this Ordinance. *(Section 5.4(d) added 9/19/18; eff. 10/06/18.)*

**Section 5.5 District Regulations.** Land, buildings and structures in the A District, shall comply with the following requirements unless otherwise provided in this Ordinance:

- (a) **Minimum Lot Area and Width.** Two acres and 200 feet; provided, however:
  - (i) that a lot or parcel of land which is platted or otherwise recorded in the records of the Kent County register of deeds as of June 24, 2008, may be used for one single-family detached dwelling if it has a minimum area of 15,000 square feet and a minimum width of 100 feet; or
  - (ii) that a lot or parcel of land that, according to the Township tax assessment records or approved land division records, has been officially assigned a separate permanent parcel number, or in the absence of such Township records, then in the records of the Kent County Department of Description and Mapping (whether or not such lot or parcel has been described in a recorded instrument of conveyance) as of June 24, 2008, may be used for one single-family detached dwelling if it has a minimum area of 15,000 square feet and a minimum width of 100 feet. *(Section 5.5(a) amended 9/17/14; eff. 10/4/14.)*
- (b) **Minimum Required Building Setbacks.**
  - (1) **Front Yard.** There shall be a minimum front yard building setback of 50 feet.



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- (2) **Side Yard.** There shall be total minimum side yard building setback of 50 feet, provided that no side yard building setback shall be less than 20 feet.
  - (3) **Rear Yard.** There shall be a minimum rear yard building setback of 50 feet.
  - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers; provided, however, that this provision shall not apply to barns and other bona fide farm buildings, and farm structures.

**Section 5.6 Minimum Floor Area.** Each dwelling shall have a minimum usable floor area as follows:

- (a) **One Story Dwelling.** 1,080 square feet.
- (b) **Two Story Dwelling.** 1,500 square feet, with a minimum of 800 square feet on the first story.
- (c) **Any Other Type of Dwelling.** 1,100 square feet of horizontal expanse as viewed from above, with a minimum of 1,500 square feet of usable floor area.

**Section 5.7 Required Conditions.** Lands in the A District that are located in the Broadmoor/Cherry Valley Overlay District shall comply with the terms of that Overlay District.

*(Chapter 5 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER VI**  
**R-R RURAL RESIDENTIAL DISTRICT**

**Section 6.1 Description and Purpose.** The R-R Rural Residential District is intended for single family dwellings, large rural residential estates, and agricultural uses.

**Section 6.2 Permitted Uses.** Land, buildings and structures in the R-R District may be used for the following purposes only:

- (a) Farms and farming activities conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.
- (b) Single family dwellings.
- (c) Orchards, vineyards and apiaries.
- (d) Group daycare homes for not more than six minor children.
- (e) State-licensed adult foster care family homes for not more than six adults.
- (f) Agri-tourism use. *(Added 3/17/21; eff. 4/3/21.)*

**Section 6.3 Special Land Uses.** The following land uses may be permitted when authorized as special land use under Chapter XVI:

- (a) Churches, and other houses of worship; public and private schools.
- (b) Publicly-owned libraries, museums and community centers.
- (c) Publicly-owned parks, playgrounds, recreation areas and athletic grounds.
- (d) Golf courses and country clubs.
- (e) Bed and breakfast establishments.
- (f) Roadside market stands.
- (g) Kennels and commercial stables, but special land use approval by the Township Board, after recommendation by the Planning Commission, shall be required.
- (h) Group daycare homes for more than six minor children.
- (i) State licensed adult foster care family homes for more than six adults.
- (j) Removal and processing of sand, gravel and other mineral resources in a quantity of 5,000 cubic yards or less, under Section 3.24 of this Ordinance.
- (k) Intensive livestock operations complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, but special

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land use approval by the Township Board, after recommendation by the Planning Commission, shall be required.

- (l) Utility and public service buildings.
- (m) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof mounted, exceeding a height of 15 feet above the roof.
- (n) Home based businesses.
- (o) Publicly owned campground; private non-commercial campground. *(Section 6.3(o) added 10/18/06; eff. 10/31/06.)*
- (p) Agri-business. *(Added 3/17/21; eff. 4/3/21.)*

**Section 6.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance:

- (a) Accessory uses as regulated under Sections 3.9 and 3.10.
- (b) Temporary uses as regulated under Section 3.22.
- (c) Signs as regulated under Chapter XIX.
- (d) Home occupations as regulated by Section 3.34 of this Ordinance. *(Section 6.4(d) added 9/19/18; eff. 10/06/18.)*

**Section 6.5 District Regulations.** Land, buildings and structures in the R-R District shall comply with the following requirements unless otherwise provided in this Ordinance:

- (a) **Minimum Lot Area and Width.** Two acres and 200 feet; provided, however:
  - (i) that a lot or parcel of land which is platted or otherwise recorded in the records of the Kent County register of deeds as of June 24, 2008, may be used for one single-family detached dwelling if it has a minimum area of 15,000 square feet and a minimum width of 100 feet; or
  - (ii) that a lot or parcel of land that, according to the Township tax assessment records or approved land division records, has been officially assigned a separate permanent parcel number, or in the absence of such Township records, then in the records of the Kent County Department of Description and Mapping (whether or not such lot or parcel has been described in a recorded instrument of conveyance) as of June 24, 2008, may be used for one single-family detached dwelling if it has a minimum area of 15,000 square feet and a minimum width of 100 feet. *(Section 6.5(a) amended 9/17/14; eff. 10/4/14.)*
- (b) **Minimum Required Building Setbacks.**
  - (1) **Front Yard.** There shall be a minimum front yard building setback of 50 feet.

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- (2) **Side Yard.** There shall be total minimum side yard building setbacks of 50 feet, provided that no side yard building setback shall be less than 20 feet.
  - (3) **Rear Yard.** There shall be a minimum rear yard building setback of 50 feet.
  - (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers; provided however, that this provision shall not apply to barns and other bona fide farm buildings and farm structures.

**Section 6.6 Minimum Floor Area.** Each dwelling shall have a minimum usable floor area as follows:

- (a) **One Story Dwelling.** 1,080 square feet.
- (b) **Two Story Dwelling.** 1,500 square feet, with a minimum of 800 square feet on the first story.
- (c) **Any Other Type of Dwelling.** 1,100 square feet of horizontal expanse as viewed from above, with a minimum of 1,500 square feet of usable floor area.

**Section 6.7 Required Conditions.** Lands in the R-R District that are located in the Broadmoor/Cherry Valley Overlay District shall comply with the terms of that Overlay District.

*(Chapter 6 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER VII**  
**R-1 LOW DENSITY SINGLE FAMILY DISTRICT**

**Section 7.1 Description and Purpose.** The R-1 Low Density Single Family District is intended for low density single family residential uses.

**Section 7.2 Permitted Uses.** Land, buildings and structures in the R-1 District may be used for the following purposes only:

- (a) Single family dwellings.
- (b) Group daycare homes for not more than six minor children.
- (c) State-licensed adult foster care family homes for not more than six adults.

**Section 7.3 Special Land Uses.** The following land uses may be permitted when authorized as special land use under Chapter XVI:

- (a) Churches and other houses of worship; public and private schools.
- (b) Publicly-owned libraries, museums and community centers.
- (c) Publicly-owned parks, playgrounds, recreation areas and athletic grounds.
- (d) Bed and breakfast establishments.
- (e) Group daycare homes for more than six minor children.
- (f) State licensed adult foster care family homes for more than six adults.
- (g) Utility and public service buildings.
- (h) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof-mounted, exceeding a height of 15 feet above the roof.
- (i) Home based businesses.

**Section 7.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance:

- (a) Accessory uses as regulated under Sections 3.9 and 3.10.
- (b) Temporary uses as regulated under Section 3.22.
- (c) Signs as regulated under Chapter XIX.
- (d) Home occupations as regulated by Section 3.34 of this Ordinance. *(Section 7.4(d) added 9/19/18; eff. 10/06/18.)*

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**Section 7.5 District Regulations.** Land, buildings and structures in the R-1 District shall comply with the following requirements unless otherwise provided in this Ordinance:

(a) **Minimum Lot Area and Width.**

- (1) Without public or community sanitary sewer - two acres and 200 feet, respectively.
- (2) With public or community sanitary sewer - one acre and 150 feet, respectively.

Provided, however, that any lot or parcel which is platted or otherwise of record, as of the effective date of this subsection may be used for one single family detached dwelling if it has a minimum area of 15,000 square feet and a minimum width of 100 feet. *(Section 7.5(a) amended 11/05/03.)*

(b) **Minimum Required Building Setbacks.**

(1) **Front Yard.**

- (i) For a lot or parcel without public or community sanitary sewer – 50 feet;
- (ii) For a lot or parcel with public or community sanitary sewer – 30 feet.

(2) **Side Yard.**

- (i) For a lot or parcel without public or community sanitary sewer – there shall be two minimum side yard building setbacks totaling 50 feet, with each side yard building setback being at least 20 feet.
- (ii) For a lot or parcel with public or community sanitary sewer – there shall be two minimum side yard building setbacks totaling 20 feet, with each side yard building setback being at least ten feet.

(3) **Rear Yard.**

- (i) For a lot or parcel without public or community sanitary sewer – 50 feet.
- (ii) For a lot or parcel with public or community sanitary sewer – 25 feet; provided, however, that in the case of a lakefront lot, the rear yard shall be not less than 50 feet.

- (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.

**Section 7.6 Minimum Floor Area.** Each dwelling shall have a minimum usable floor area as follows:

- (a) **One Story Dwelling.** 1,080 square feet.
- (b) **Two Story Dwelling.** 1,500 square feet, with a minimum of 800 square feet on the first story.
- (c) **Any Other Type of Dwelling.** 1,100 square feet of horizontal expanse as viewed from above, with a minimum of 1,500 square feet of usable floor area.



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**Section 7.7 Required Conditions.** Lands in the R-1 District that are located in the Broadmoor/Cherry Valley Overlay District shall comply with the terms of that Overlay District.

*(Chapter 7 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER VIII**  
**R-2 MEDIUM DENSITY SINGLE FAMILY DISTRICT**

**Section 8.1 Description and Purpose.** The R-2 Medium Density Single Family District is intended for medium density single family residential uses.

**Section 8.2 Permitted Uses.** Land, buildings and structures in the R-2 District may be used for the following purposes only:

- (a) Single family dwellings.
- (b) Group daycare homes for not more than six minor children.
- (c) State licensed adult foster care family homes for not more than six adults.

**Section 8.3 Special Land Uses.** The following land uses may be permitted when authorized as a special land use under Chapter XVI:

- (a) Churches and other houses of worship; and public and private schools
- (b) Publicly-owned libraries, museums and community centers.
- (c) Publicly-owned parks, playgrounds, recreation areas and athletic grounds.
- (d) Bed and breakfast establishments.
- (e) Group daycare homes for more than six minor children.
- (f) State-licensed adult foster care family homes for more than six adults.
- (g) Utility and public service buildings.
- (h) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof-mounted, exceeding a height of 15 feet above the roof.
- (i) Home based businesses.

**Section 8.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance:

- (a) Accessory uses as regulated under Sections 3.9 and 3.10.
- (b) Temporary uses as regulated under Section 3.22.
- (c) Signs as regulated under Chapter XIX.
- (d) Home occupations as regulated by Section 3.34 of this Ordinance. *(Section 8.4(d) added 9/19/18; eff. 10/06/18.)*

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**Section 8.5 District Regulations.** Land, buildings and structures in the R-2 District shall comply with the following requirements unless otherwise provided in this Ordinance:

(a) **Minimum Lot Area and Width.**

- (1) Without public or community sanitary sewer – one acre and 150 feet, respectively; provided, however, that any lot or parcel which is platted or otherwise of record as of the effective date of this subsection may be used for one single family detached dwelling if it has a minimum area of 7,500 square feet and a minimum width of 75 feet.
- (2) With public or community sanitary sewer – one-half acre and 100 feet, respectively; provided, however, that any lot or parcel which is platted or otherwise of record as of the effective date of this subsection may be used for one single family detached dwelling if it has a minimum area of 7,500 square feet and a minimum width of 75 feet. *(Section 8.5(a) amended 11/05/03.)*

(b) **Minimum Required Building Setbacks.**

(1) **Front Yard.**

- (i) For a lot or parcel without public or community sanitary sewer – 50 feet.
- (ii) For a lot or parcel with public or community sanitary sewer – 30 feet.

(2) **Side Yard.**

- (i) For a lot or parcel without public or community sanitary sewer – there shall be two minimum side yard building setbacks totaling 20 feet, with each side yard building setback being at least ten feet.
- (ii) For a lot or parcel with public or community sanitary sewer – there shall be two minimum side yard building setbacks totaling 20 feet, with each side yard building setback being at least seven feet.

- (3) **Rear Yard.** There shall be a minimum rear yard building setback of 25 feet; provided that in the case of lakefront lots the rear yard building setback shall be not less than 50 feet.

- (4) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.

**Section 8.6 Minimum Floor Area.** Each dwelling shall have a minimum usable floor area as follows:

- (a) **One Story Dwelling.** 1,080 square feet.
- (b) **Two Story Dwelling.** 1,500 square feet, with a minimum of 800 square feet on the first story.
- (c) **Any Other Type of Dwelling.** 1,100 square feet of horizontal expanse as viewed from above, with a minimum of 1,500 square feet of usable floor area.

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**Section 8.7 Required Conditions.** Lands in the R-2 District that are located in the Broadmoor/Cherry Valley Overlay District shall comply with the terms of that Overlay District.

*(Chapter 8 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER IX**  
**R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT**

**Section 9.1 Description and Purpose.** The R-3 Medium Density Residential District is intended for single family dwellings and two family dwellings. Attached single family dwellings in the form of townhouses would be permitted if public or community sanitary sewer service is available. The district may include neighborhood amenities such as sidewalks, bicycle paths, playgrounds and walking trails. *(Amended 1/20/16; eff. 2/13/16)*

**Section 9.2 Permitted Uses.** Land, buildings and structures in the R-3 District may be used for the following purposes only:

- (a) Single family dwellings.
- (b) Two family dwellings.
- (c) Multiple-family dwellings in existence at the effective date of this subsection (c); townhouses. *(Section 9.2(c) amended 10/05/16; eff. 10/22/16)*
- (d) Family child care homes for not more than six minor children, if state-licensed.
- (e) Adult foster care family homes for not more than six adults, if state-licensed. *(Section 9.2(c)-(e) amended 1/20/16; eff. 2/13/16)*

**Section 9.3 Special Land Uses.** The following land uses may be permitted when authorized as a special land use under Chapter XVI:

- (a) Churches and other houses of worship; public and private schools.
- (b) Publicly-owned libraries, museums and community centers.
- (c) Bed and breakfast establishments.
- (d) Group child care homes for not more than 12 minor children, if state-licensed.
- (e) Adult foster care small group homes for more than six adults, but not more than 12 adults, if state-licensed. *(Section 9.3(d) and (e) amended 1/20/16; eff. 2/13/16)*
- (f) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof-mounted, exceeding a height of 15 feet above the roof.
- (g) Home based businesses. *(Section 9.3(g) added 9/19/18; eff. 10/06/18.)*

**Section 9.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance: *(Section 9.4 amended 9/19/18; eff. 10/06/18.)*

- (a) Accessory uses as regulated under Sections 3.9 and 3.10.
- (b) Temporary uses as regulated under Section 3.22.

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- (c) Signs as regulated under Chapter XIX.
  - (d) Accessory buildings as regulated under Sections 3.10, 3.11 and 3.56.
  - (e) Single family dwellings as regulated by Section 3.39.
  - (f) Private streets as regulated by Section 3.29.
  - (g) Outdoor lighting as regulated by Section 3.50.
  - (h) Off-street parking as regulated by Chapter XX.
  - (i) Home occupations as regulated by Section 3.34.
  - (j) Landscaping as regulated by Chapter XXVIII.
  - (k) Recreational vehicle parking as regulated by Section 3.36. *(Section 9.4(d)-(l) added 1/20/16; eff. 2/13/16)*

**Section 9.5 District Regulations.** Land, buildings and structures in the R-3 District shall comply with the following requirements unless otherwise provided in this Ordinance:

(a) **Minimum Lot Area and Width.**

(1) **Single Family Dwelling.**

- (i) Without public or community sanitary sewer service – 20,000 square feet and 100 feet, respectively; provided, however, that any lot or parcel which is platted or otherwise of record as of the effective date of this subparagraph may be used for one single family detached dwelling if it has a minimum area of 7,500 square feet and a minimum width of 75 feet.
- (ii) With public or community sanitary sewer service – 10,000 square feet and 75 feet, respectively; provided, however, that any lot or parcel which is platted or otherwise of record as of the effective date of this subparagraph may be used for one single family detached dwelling if it has a minimum area of 7,500 square feet and a minimum width of 75 feet.

(2) **Two Family Dwelling.**

- (i) Without public or community sanitary sewer service – 30,000 square feet and 150 feet, respectively; provided, however, that any lot or parcel which is platted or otherwise of record as of the effective date of this subparagraph may be used for one single family detached dwelling if it has a minimum area of 7,500 square feet and a minimum width of 75 feet.
- (ii) With public or community sanitary sewer service – 15,000 square feet and 100 feet, respectively; provided, however, that any lot or parcel which is platted or otherwise of record as of the effective date of this subparagraph may be used for one single family detached dwelling if it has a minimum area of 7,500 square feet and a minimum width of 75 feet.



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- (3) **Townhouses.** A townhouse shall be permitted only if served by a public or community sanitary sewer system; the minimum lot area shall be 7,000 square feet for each dwelling unit but the lot or parcel shall have not less than 21,000 square feet; the minimum lot width shall be 100 feet. *(Section 9.5(c)(3) amended 1/20/16; eff. 2/13/16)*
  - (4) **Other Permitted Land Uses.**
    - (i) Without public or community sanitary sewer service – 30,000 square feet and 100 feet, respectively.
    - (ii) With public or community sanitary sewer service – 20,000 square feet and 100 feet, respectively. *(Section 9.5(a) amended 11/05/03.)*
- (b) **Minimum Required Building Setbacks.**
- (1) **Front Yard.** There shall be a minimum front yard building setback of 30 feet.
  - (2) **Side Yard.**
    - (i) For single and two family dwellings, there shall be two minimum side yard building setbacks totaling 20 feet, with each side yard building setback being at least seven feet.
    - (ii) For townhouses and all other permitted uses, each minimum side yard building setback shall be 20 feet. *(Section 9.5(b)(2)(ii) amended 1/20/16; eff. 2/13/16)*
  - (3) **Rear Yard.** There shall be a minimum rear yard building setback of 25 feet, provided that in the case of lakefront lots, the rear yard building setback shall be not less than 50 feet.
- (c) **Maximum Height.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.

**Section 9.6 Minimum Floor Area.**

- (a) **Single Family Dwelling.**
  - (1) **One Story Dwelling.** 1,080 square feet.
  - (2) **Two Story Dwelling.** 1,500 square feet, with a minimum of 800 square feet on the first story.
- (b) **Two Family Dwelling.** 960 square feet for each dwelling unit.
- (c) **Townhouse.** *(Section 9.6(c) amended 1/20/16; eff. 2/13/16)*
  - (1) **One-Bedroom Dwelling Unit.** 720 square feet;
  - (2) **Two-Bedroom Dwelling Unit.** 820 square feet;

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- (3) **Three-Bedroom Dwelling Unit.** 900 square feet, and for each additional bedroom, an additional 100 square feet.
  - (d) **Any Other Type of Dwelling.** 1,100 square feet of horizontal expanse as viewed from above, with a minimum of 1,500 square feet of usable floor area.

**Section 9.7 Required Conditions.** Lands in the R-3 District that are located in the Broadmoor/Cherry Valley Overlay District shall comply with the terms of that Overlay District.

*(Chapter 9 adopted 06/04/03; eff. 06/24/03.)*

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**CHAPTER IXA**  
**MHC MANUFACTURED HOUSING COMMUNITY DISTRICT**

**Section 9A.1 Description and Purpose.** The MHC Manufactured Housing Community District is intended primarily for manufactured housing communities, and also for medium density single family, two-family, and multiple-family uses, accessory uses and certain other permitted uses.

**Section 9A.2 Permitted Uses.** Land, buildings and structures in the MHC District may be used for the following purposes only, unless otherwise provided in this Ordinance:

- (a) State-licensed manufactured housing communities as regulated by Sections 9A.5 through 9A.7 of this Ordinance.
- (b) Single family dwellings, two-family dwellings and multiple-family dwellings, as regulated in the R-3 Medium Density Residential District. *(R-3 District amended 1/20/16; eff. 2/13/16.)*
- (c) Retirement homes, nursing homes and similar group housing.

**Section 9A.3 Special Land Uses.** The following uses may be permitted when authorized by the Planning Commission and Township Board as special land uses under Chapter XVI of this Ordinance: *(Section 9A.3 amended 9/19/18; eff. 10/06/18.)*

- (a) Churches, public and private schools, libraries, museums, parks and playgrounds, community centers and governmental buildings.
- (b) Offices for medical doctors, dentists, architects, engineers, attorneys and other professional persons.
- (c) Bed and breakfast establishments.

**Section 9A.4 Other Uses.** Except in state-licensed manufactured housing communities, the following other uses may be permitted as provided in this Ordinance:

- (a) Accessory uses as regulated under Sections 3.9 and 3.10 of this Ordinance.
- (b) Temporary uses as regulated under Section 3.22 of this Ordinance.
- (c) Signs as regulated under Chapter XIX of this Ordinance.
- (d) Home occupations as regulated by Section 3.34 of this Ordinance. *(Section 9A.4(d) added 9/19/18; eff. 10/06/18.)*

Accessory uses, temporary uses and signs are permitted in a state-licensed manufactured housing community only if permitted by and as regulated by Sections 9A.5 through 9A.7 of this Ordinance.

**Section 9A.5 Manufactured Housing Community Design Requirements.** All manufactured housing communities shall comply with the following design requirements:

- (a) **Access and Roads.**
  - (1) The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.

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- (2) Two access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
  - (3) All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AAASHTO”).
  - (4) An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
  - (5) Safe-sight distance shall be provided at intersections.
  - (6) An offset at an intersection or an intersection of more than two internal roads is prohibited.
  - (7) The following types of internal roads shall have driving surfaces that are not less than the following widths:
    - (i) One-way, no parking ..... 16 feet
    - (ii) Two-way, no parking ..... 21 feet
    - (iii) One-way, parallel parking, one side ..... 23 feet
    - (iv) One-way, parallel parking, two sides ..... 33 feet
    - (v) Two-way, parallel parking, one side ..... 31 feet
    - (vi) Two-way, parallel parking, two sides ..... 41 feet
  - (8) All entrances to communities that have 300 or more home sites shall be a minimum of 30 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community’s internal road, and shall be constructed as follows:
    - (i) All turning lanes shall be a minimum of ten feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
    - (ii) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
    - (iii) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of 15 feet. The intersection of the public road and ingress and egress road shall not have squared corners.
  - (9) An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each

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space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.

- (10) Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

(b) **Driveways.**

- (1) Hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
- (2) The minimum width of driveways shall be ten feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

(c) **Resident Vehicle Parking.**

- (1) Home sites shall be provided with two parking spaces.
- (2) If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
  - (i) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
  - (ii) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten 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.
- (3) 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 ten feet and a clear length of 20 feet.
- (4) If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(d) **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.

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- (3) If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten feet and a clear length of 20 feet.

(e) **Sidewalks.**

- (1) Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of 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. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.
- (2) All sidewalks shall be constructed in compliance with all of the following requirements:
  - (i) Sidewalks shall have a minimum width of four feet and 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 which regulates sidewalks for handicappers.
  - (ii) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
- (3) An individual sidewalk with a minimum width of three feet shall be constructed between at least one entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

(f) **Lighting.**

- (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 the adjacent illuminated thoroughfare.
- (2) At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.
- (3) Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.
- (4) If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot-candles on any entry on the directory.

(g) **Utilities.**

- (1) All electrical, telephone, cable television, natural gas, and other utility 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.

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- (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 Parts 2-4 of 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 in accordance Parts 2-4 of 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.

(h) **Site Size, Spacing and Setback Requirements.**

- (1) **Home Site Area.** 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 20 percent provided that each individual site shall 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 shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code, and Section 9A.5(j) of this Ordinance.
- (2) **Required Distances Between Homes and Other Structures.**
  - (i) Home sites shall be arranged to allow for, and manufactured homes shall be located 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:
    - (I) 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.
    - (II) 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.

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- (III) Ten feet from either of the following:
    - (aa) The parking space on an adjacent home site.
    - (bb) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
  - (IV) Fifty feet from permanent community-owned structures, such as either of the following:
    - (aa) Club houses.
    - (bb) Maintenance and storage facilities.
  - (V) One hundred feet from a baseball or softball field.
  - (VI) Twenty-five feet from the fence of a swimming pool.
  - (ii) Attached or detached structures or accessories that are not used for living space shall be a minimum of ten feet from an adjacent home or its adjacent attached or detached structures.
  - (iii) 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:
    - (I) Ten feet from the edge of an internal road.
    - (II) Seven feet from a parking bay off a home site.
    - (III) Seven feet from a common sidewalk.
    - (IV) Twenty-five feet from a natural or man-made lake or waterway.
  - (iv) 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:
    - (I) Support pillars that are installed adjacent to the edge of an internal road shall be set back four feet or more from the edge of the internal road or two feet or more from the edge of a sidewalk.
    - (II) Roof overhangs shall be set back two feet or more from the edge of the internal road.
  - (v) Steps and their attachments shall not encroach into parking areas more than three and one-half feet.



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(3) **Setbacks From Property Boundary Lines.**

- (i) Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
- (ii) If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they 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.

(i) **Screening/Landscaping.** Manufactured housing communities shall be landscaped as follows:

- (1) If a manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the boundary abutting the residential development.
- (2) If the community abuts a non-residential development, it need not provide screening.
- (3) In all cases, however, a community shall provide screening along the boundary abutting a public right-of-way.
- (4) The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
- (5) Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

(j) **Open Space Requirements.**

- (1) A community that contains 50 or more sites shall have not less than 2 percent of the community's gross acreage dedicated to designated open space, but in no case less than 25,000 square feet. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
- (2) Required setbacks may not be used in the calculation of open space area.

(k) **Site Constructed Buildings and Dwellings.**

- (1) Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.

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- (2) The maximum height of any community or similar building shall not exceed 35 feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
  - (3) Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single family residential purposes.
  - (4) Site-built single family dwellings may be located in a community as follows:
    - (i) One single family dwelling may be permitted for the exclusive use of the community owner or manager in a community of 30 acres or less.
    - (ii) Two single family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of 30 acres.
    - (iii) Any such single family dwellings permitted under this section shall comply in all respects with the requirements of single family dwellings in the R-3 Medium Density Residential District. (*R-3 District amended 1/20/16; eff. 2/13/16.*)
- (l) **Signs.** There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community. For multiple entrances, a 16-square-foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.
  - (m) **RV Storage.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.
  - (n) **Compliance with Regulations.** The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.

**Section 9A.6 Manufactured Homes Within Manufactured Housing Communities; Operation of Communities.**

- (a) **Home Size.** A manufactured home within a community shall not contain less than 760 square feet of area, as measured by its outside dimensions, nor have an outside width of less than 13 feet.

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- (b) **Installation.** The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- (c) **Skirting.** Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
- (1) Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed 90 days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
  - (2) Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.
- (d) **Storage of Personal Property.**
- (1) Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any mobile home, or within carports which are open on any side.
  - (2) Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
  - (3) Storage sheds with a maximum area of 144 square feet may be placed upon any individual mobile home site for the storage of personal property.
- (e) Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
- (f) A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.
- (g) No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.

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- (h) New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.
  - (i) The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
  - (j) Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
  - (k) Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
  - (l) Each home site shall be provided with approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.
  - (m) Every community shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

**Section 9A.7 Review and Approval of Preliminary Manufactured Housing Community Plans.**

- (a) **Review.** Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.
- (b) **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 50 feet for property under three acres and at least one inch equals one 100 feet for those three acres or more.
  - (2) All site and/or property lines are to be shown in dimension.
  - (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.

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- (5) The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
  - (6) The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms 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, source of water supply, discharge points for sewage disposal, and description of storm water management facilities.
  - (12) Utility and other easements.
  - (13) Reserved.
  - (14) Existing wetlands.
  - (15) Proposed sign locations.
  - (16) All required setbacks and separations.

Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

- (c) **Fee.** Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.
- (d) **Decision.**
  - (1) The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, 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 shall be approved.
  - (2) The plan shall be approved, approved with conditions, or denied within 60 days after received by the Township, unless the applicant consents to allow a longer period of review.

*(Chapter 9A adopted 01/17/01; eff. 01/30/01.)*



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**CHAPTER IXB**  
**R-4 HIGH DENSITY RESIDENTIAL DISTRICT**

**Section 9B.1 Description and Purpose.** The R-4 High Density Residential District is intended primarily for multiple family dwellings and townhouses.

**Section 9B.2 Permitted Uses.** Land, buildings and structures in the R-4 District may be used for the following purposes only:

- (a) Multiple family dwellings.
- (b) Townhouses.
- (c) Single-family detached dwellings constructed and/or having a Township building permit issued not later than December 26, 2015.
- (d) Adult foster care family homes for not more than six adults, if state-licensed.

**Section 9B.3 Special Land Uses.** The following land uses may be permitted when authorized as a special land use under Chapter XVI:

- (a) Churches and other houses of worship; public and private schools.
- (b) Group child care homes for not more than 12 minor children, if state-licensed.
- (c) Adult foster care small group homes for more than six adults, but not more than 12 adults, if state-licensed.
- (d) Adult foster care large group homes for more than 12 adults, but not more than 20 adults, if state-licensed.
- (e) Family child care homes for not more than six minor children, if state-licensed.
- (f) Hotel or motel.

**Section 9B.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance:

- (a) Accessory uses as regulated under Section 3.9.
- (b) Accessory buildings as regulated under Sections 3.10, 3.11 and 3.56.
- (c) Temporary uses as regulated under Section 3.22.
- (d) Signs as regulated under Chapter XIX.
- (e) Single family dwellings as regulated by Section 3.39, if in compliance with Section 9B.2(c).
- (f) Private streets as regulated by Section 3.29.
- (g) Outdoor lighting as regulated by Section 3.50.

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- (h) Off-street parking as regulated by Chapter XX.
  - (i) Landscaping as regulated by Chapter XXVIII.
  - (j) Recreational vehicle parking as regulated by Section 3.36.
  - (k) Home occupations as regulated by Section 3.34. *(Section 9B.4(k) added 9/19/18; eff. 10/06/18.)*

**Section 9B.5 District Regulations.** Land, buildings and structures in the R-4 District shall comply with the following requirements unless otherwise provided in this Ordinance:

(a) **Minimum Lot Area and Width.**

- (1) **Multiple Family Dwelling or Townhouse.** A multiple family dwelling or townhouse shall be permitted only if served by a public or community sanitary sewer system; the minimum lot area shall be 6,000 square feet for each dwelling unit, but the lot or parcel shall have not less than 21,000 square feet; the minimum lot width shall be 100 feet.
- (2) **Other Permitted Land Uses.**
  - (i) Without public or community sanitary sewer service – 30,000 square feet and 100 feet, respectively.
  - (ii) With public or community sanitary sewer service – 20,000 square feet and 100 feet, respectively.

(b) **Minimum Required Building Setbacks.**

- (1) **Front Yard.** There shall be a minimum front yard building setback of 30 feet.
- (2) **Side Yard.**
  - (i) For single family dwellings, there shall be two minimum side yard building setbacks totaling 20 feet, with each side yard building setback being at least seven feet.
  - (ii) For multiple family dwellings, townhouses, and all other permitted uses, each minimum side yard building setback shall be 20 feet.
- (3) **Rear Yard.** There shall be a minimum rear yard building setback of 25 feet.

(c) **Maximum Building Height.** No building or structure shall exceed 35 feet in height.

(d) **Maximum Dwelling Units per Acre.** There shall be no more than eight dwelling units per acre.



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**Section 9B.6 Minimum Floor Area.**

(a) **Multiple Family Dwelling or Townhouse.**

- (1) **One-Bedroom Dwelling Unit.** 720 square feet;
- (2) **Two-Bedroom Dwelling Unit.** 820 square feet;
- (3) **Three-Bedroom Dwelling Unit.** 900 square feet, and for each additional bedroom, an additional 100 square feet.

(b) **Any Other Type of Dwelling.** 1,100 square feet of horizontal expanse as viewed from above, with a minimum of 1,500 square feet of usable floor area.

**Section 9B.7 Required Conditions.** Lands in the R-4 District that are located in the Broadmoor/Cherry Valley Overlay District shall comply with the terms of that Overlay District.

*(Chapter 9B adopted 2015, eff. 12/26/15.)*



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**CHAPTER X**  
**F FLOOD PLAIN DISTRICT**

**Section 10.1 Description and Purpose.** The F Flood Plain District is a zoning district intended to regulate uses of land, buildings and structures in areas subject to periodic inundation. The provisions of the district are deemed necessary in order to protect the public health, safety and general welfare and in order to help reduce public and private expenditures resulting from loss or damage from periodic flooding of lands within the Township.

In addition, the provisions of the F District are necessary in order to support the National Flood Insurance Program by regulating land uses which may cause unacceptable increases in flood heights, velocities and frequencies; by restricting or prohibiting certain uses from being located in areas subject to flooding; and by requiring that land uses that do take place in flood prone areas shall be protected against flooding and flood damage. *(Section 10.1 amended Ord. No. 92-4Z, eff. 06/24/92.)*

**Section 10.2 Scope of District Provisions.** The F Flood Plain District shall include all areas of special flood hazard within the Township as identified by the Federal Insurance Administration in its report entitled "The Flood Insurance Study for the Township of Caledonia" dated July, 1981, with accompanying flood insurance rate map.

The provisions of the F Flood Plain District shall apply in addition to, and where applicable, in the place of, the provisions of the underlying zoning districts shown on the zoning map of this Ordinance. Uses of lands, buildings and structures otherwise applicable in such underlying zoning districts shall not be permitted unless they are also permitted in the regulations of the F District. *(Section 10.2 amended Ord. No. 92-4Z, eff. 06/24/92.)*

**Section 10.3 Reserved.** *(Section 10.3 amended Ord. No. 92-4Z, eff. 06/24/92; deleted 06/04/03; eff. 06/24/03.)*

**Section 10.4 Lands Included in Zone.** The lands included in the F District shall be those designated on the Flood Insurance Rate Map as Zone A (including Zone A1, Zone A6 and Zone A8). *(Section 10.4 amended Ord. No. 92-4Z, eff. June 24, 1992.)*

**Section 10.5 Permitted Uses.** Land, buildings and structures in the F District may be used for the following purposes only.

- (a) Farms for both general and specialized farming as permitted and regulated in the A Agricultural District, but not including dwellings or other buildings.
- (b) Boat landings, docks, boat houses (housing not more than three boats) and pump houses or similar structures, but none of such uses shall be for commercial purposes.
- (c) Parks, playgrounds and unenclosed shelters used for recreational purposes.
- (d) Other water-related uses including dams, bridges and culverts, but subject, where required by law, to approval by the Michigan Water Resources Commission and the Michigan Department of Natural Resources.
- (e) Lawns, gardens and patios. *(Section 10.5 amended 1986, eff. 09/30/86; amended Ord. No. 92-4Z, eff. 06/24/92.)*

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**Section 10.6 Special Land Uses.** The following uses may be permitted when authorized as special land uses:

- (a) Single family dwellings; farm dwellings; farm buildings and other structures for agricultural purposes, when authorized by the Planning Commission as special land uses under Chapter XVI. In considering any such special land uses, the Planning Commission shall consider the following:
  - (1) Any possible danger to life or damage to property due to the construction and use of such buildings or other structures.
  - (2) The relative susceptibility of such uses to flood damage.
  - (3) The need for the proposed use to be constructed and used within an area subject to flooding.
  - (4) The availability of alternative locations for the proposed use, which are not subject to flooding.
  - (5) The compatibility of the proposed use with existing or anticipated uses.
  - (6) The relationship of the proposed use to the flood plain management program for the area and the extent to which the proposed use may comply with the Township Flood Damage Prevention Ordinance and the Township General Development Plan.
  - (7) The relative safety of access to the property in times of flood, for ordinary and emergency vehicles.
  - (8) The effect of any flood control or flood inhibiting devices or arrangements to be included in the proposed use.
  - (9) Such other factors which, in the opinion of the Planning Commission, are relevant to a determination whether the proposed special land use should be approved.

The above-stated land uses may be approved as special land uses by the Township Planner, or in the discretion of the Planner or the Planning Commission, by the Site Plan Review Committee of the Township Planning Commission, if such uses would be located above the 100-year flood plain elevation, as shown by a recent, accurate and recorded land survey, prepared by a registered land surveyor and submitted to the Township Planner or Site Plan Review Committee with an application for such approval. Among other matters, the survey shall show the property description, a drawing of the lot or parcel of land, an outline of the proposed dwelling or other building or structure, the 100-year flood plain elevation as located on or near the lands, together with other information showing setback from an adjacent waterway, yard sizes and other pertinent features. The Township Planner shall determine in his or her reasonable discretion the timeliness of the survey and whether it is accurate and complete. If the registered survey is deemed acceptable and if it shows that the proposed dwelling or other building or structure would be located above the 100-year flood plain elevation, the Township Planner or Site Plan Review Committee shall issue special land use approval for the dwelling, building or other structure, if all other pertinent provisions of this chapter are satisfied. In such a case, no public

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hearing nor action on the part of the Planning Commission shall be required. Alternatively, such application for special land use approval may nevertheless be submitted to the Planning Commission, with payment of the required fee, and the same may be the subject of public hearing by the Commission and decision thereafter.

- (b) In approving any such special land uses, the Planning Commission may authorize less restrictive minimum yard sizes, minimum lot area and minimum lot width requirements than are provided for in Section 10.7. In determining whether to authorize any such less restrictive provisions, the Planning Commission shall consider the following:
  - (1) The area of the existing lot or parcel and the areas of adjacent and nearby lots or parcels.
  - (2) The relative susceptibility of the lot or parcel to flooding.
  - (3) Whether any such less restrictive requirements as to yard size, lot area and lot width would have a serious adverse effect on flood control, public safety and the general welfare. *(Section 10.6 amended Ord. No. 92-4Z, eff. 06/24/92; Section 10.6 amended 02/05/03; eff. 02/25/03.)*

**Section 10.7 Area Regulations.** No building or structure shall be erected nor shall any building or structure be enlarged unless the following yards, lot areas and lot widths are provided and maintained in connection with such building, structure or enlargement.

- (a) **Front Yard.** There shall be a front yard of not less than 50 feet.
- (b) **Side Yard.** For residential buildings and structures, there shall be total side yards of not less than 50 feet; provided, however, that no side yard shall be less than 20 feet. For all other buildings, there shall be two side yards of not less than 50 feet each.
- (c) **Rear Yard.** There shall be a rear yard of not less than 50 feet.
- (d) **Lot Area and Width.** The minimum lot area and lot width for non-farm uses shall be two acres and 200 feet.
- (e) **Setback from Watercourses.** No building or structure (whether a permitted use or a special land use) shall be located closer than 100 feet from any lake, stream, river or other watercourse, but this provision shall not apply to docks, boat houses (housing not more than three boats), boat landings, pump houses or similar structures in their usual and customary location; but provided, however, that such setback may be decreased by one foot of horizontal distance for each one foot of height by which the lot or parcel of land is located above the level of the lake, stream, river or other watercourse, except that such setback shall in no event be decreased to less than 75 feet from the edge of the lake, stream, river or other watercourse (but any such reduction in such setback shall not apply if the lot or parcel of land is adjacent to the cutting edge of a watercourse along a substantial portion of its watercourse frontage). For this purpose, the cutting edge of a watercourse shall be defined as the outer boundary of a lake, stream, river or other watercourse along which the velocity of the flowing water has increased, by reason of stream configuration, water level or otherwise, so that the effect of the water flow in such location is such that it may cause unusual or substantial soil or shoreland erosion.

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- (f) **Reserved.** *(Section 10.7 amended 1986, eff. 09/30/86; amended Ord. No. 92-4Z, eff. 06/24/92; amended 02/05/03; eff. 02/25/03.)*

**Section 10.8 Height Regulations.** No residential building or structure shall exceed 35 feet in height or two and one-half stories, whichever is the lesser height. All other buildings and structures shall not exceed their usual and customary heights. *(Section 10.8 amended Ord. No. 92-4Z, eff. 06/24/92.)*

**Section 10.9 Minimum Floor Area.** Minimum floor area requirements shall be the same as required in the A Agricultural District. *(Section 10.9 amended Ord. No. 92-4Z, eff. 06/24/92.)*

**Section 10.10 No Township Liability.** The granting of any building permit or the approving of any plat or development plan in any flood plain or flood prone area shall not constitute any representation, guaranty or warranty of any kind by the Township or by any official or agency thereof as to the practicability or safety of the proposed use or activity, nor shall it create any liability on the part of the Township or any official or agency thereof. *(Section 10.10 amended Ord. No. 92-4Z, eff. 06/24/92.)*

*(Chapter 10 adopted 1975, eff. 10/15/75.)*

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**CHAPTER XI**  
**C-1 NEIGHBORHOOD BUSINESS DISTRICT**

**Section 11.1 Description and Purpose.** The C-1 Neighborhood Business District is intended for neighborhood convenience shopping and for office purposes, with retail businesses and service establishments supplying goods and services to meet the daily needs of the area. It is intended that the permitted uses and special land uses in the district will be reasonably compatible with surrounding land uses and that they will have only minimal impact on surrounding residential uses.

**Section 11.2 Permitted Uses.** Land, buildings and structures in the C-1 District may be used for the following purposes only, unless otherwise provided in this Ordinance.

- (a) Bakery.
- (b) Bank and other financial institution, but not including drive-through facilities. *(Section 11.2(b) amended 12/16/15; eff. 12/26/15.)*
- (c) Barbershop and beauty shop.
- (d) Bookstore and stationery store.
- (e) Candy store, soda fountain, ice cream store and yogurt shop.
- (f) Church or other house of worship.
- (g) Clothing store.
- (h) Delicatessen, coffee shop.
- (i) Drug store.
- (j) Florist and gift shop.
- (k) Foster care home.
- (l) Funeral home.
- (m) Grocery store and meat market.
- (n) Hardware store.
- (o) Health and physical fitness establishment.
- (p) Household appliance store.
- (q) Coin-operated laundromat, but not including on-site commercial laundries or dry cleaning processes. *(Section 11.2(q) amended 12/16/15; eff. 12/26/15.)*
- (r) Liquor store.
- (s) Medical outpatient clinic, emergency center, dental clinic.

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- (t) Nursery school, preschool or day care nursery.
  - (u) Nursing homes and convalescent homes.
  - (v) Parking lot, if not located in the Broadmoor/Cherry Valley Corridor Overlay District. *(Section 11.2(v) amended 12/16/15; eff. 12/26/15.)*
  - (w) Photographic studio.
  - (x) Radio and television sales and repair.
  - (y) Restaurant without drive-through facilities.
  - (z) Shoe repair shop.
  - (aa) Tailor and dressmaker.
  - (bb) Video tape rental and sale.
  - (bb-1) Offices, including professional, administrative and governmental offices. *(Section 11.2 (bb-1) added 12/16/15; eff. 12/26/15.)*
  - (cc) Other similar retail business or service establishments not located in the Broadmoor/Cherry Valley Corridor Overlay District which supply convenience commodities or perform services primarily for residents of the surrounding area which are determined by the Planning Commission to be similar to the permitted uses listed in this section, based upon the following factors:
    - (1) The use is consistent with the description and purpose of this zoning district.
    - (2) The use is customarily of the same general nature and character as a use which is expressly permitted in this zoning district.
    - (3) The use is harmonious with the surrounding properties to the same extent as are the permitted uses listed in this section. *(Section 11.2(cc) amended 12/16/15; eff. 12/26/15.)*
  - (dd) Other similar retail business or service establishments located in the Broadmoor/Cherry Valley Corridor Overlay District which supply commodities or perform services primarily for residents of the surrounding area which are determined by the Planning Commission to be similar to the permitted uses listed in this section, based upon the following factors:
    - (1) The use is consistent with the description and purpose of the Broadmoor/Cherry Valley Corridor Overlay District.
    - (2) The use is customarily of the same general nature and character as a use which is expressly permitted for C-1 District lands in the Broadmoor/Cherry Valley Corridor Overlay District.
    - (3) The use is harmonious with the surrounding properties in the Broadmoor/Cherry Valley Corridor Overlay District, to the same extent as are the C-1 District uses



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which are expressly permitted in the Overlay District. (*Section 11.2(dd) added 12/16/15; eff. 12/26/15.*)

**Section 11.3 Special Land Uses.** The following land uses may be permitted when authorized as a special land use under Chapter XVI:

- (a) Tavern or bar, if state-licensed.
- (b) Elderly and retirement housing.
- (c) Gasoline service station and motor vehicle repair shop.
- (d) Utility and public service buildings.
- (e) Hospital.
- (f) Neighborhood variety store.
- (g) Establishment with drive-through facilities. (*Section 11.3(g) amended 12/16/15; eff. 12/26/15.*)
- (h) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof-mounted, exceeding a height of 15 feet above the roof.

**Section 11.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance, and as stated in this section:

- (a) Accessory uses as regulated under Sections 3.9 and 3.10.
- (b) Temporary uses as regulated under Section 3.22.
- (c) Signs as regulated under Chapter XIX, except that signs located on lands in the Broadmoor/Cherry Valley Corridor Overlay District shall comply with the sign requirements of that Overlay District.
- (d) Parking and loading as regulated under Chapter XX, except that parking and loading on lands in the Broadmoor/Cherry Valley Corridor Overlay District shall comply with the parking and loading requirements of that Overlay District. (*Section 11.4 amended 12/16/15; eff. 12/26/15.*)
- (e) Private streets as regulated by Section 3.29. (*Section 11.4(e) added 12/16/15; eff. 12/26/15.*)
- (f) Outdoor lighting as regulated by Section 3.50. (*Section 11.4(f) added 12/16/15; eff. 12/26/15.*)
- (g) Landscaping as regulated by Chapter XXVIII. (*Section 11.4(g) added 12/16/15; eff. 12/26/15.*)
- (h) Vehicle ingress and egress as regulated by Chapter XXV. (*Section 11.4(h) added 12/16/15; eff. 12/26/15.*)

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- (i) Commercial or public antennas and towers as regulated by Section 3.41A.

**Section 11.5 Required Conditions.**

- (a) Site plan review is required under Chapter XVIII.
- (b) All business, service or processing shall be conducted wholly within a completely enclosed building, except for motor vehicle parking, off-street loading, approved drive-through facilities and approved gasoline service stations.
- (c) Any side yard or rear yard adjoining any lot or parcel in the R-R, R-1, R-2, R-3 or R-4 Zoning District shall be screened by a compact hedge of deciduous or evergreen trees which are at least five feet in height after one growing season or by a solid wall or board fence at least six feet in height.
- (d) No accessory building shall be located closer than five feet from the rear lot line.
- (e) Lands in the C-1 Neighborhood Business District that are located in the Broadmoor/Cherry Valley Overlay District shall also comply with the terms of that Overlay District.

**Section 11.6 District Regulations.** Land, buildings and structures in the C-1 District shall comply with the following requirements unless otherwise provided in this Ordinance:

- (a) **Minimum Lot Area and Width.** 20,000 square feet and 120 feet, respectively.
- (b) **Minimum Building Setbacks.**
  - (1) **Front Yard.**
    - (i) There shall be a minimum front yard building setback of 50 feet, except as stated in subparagraph (ii).
    - (ii) Where all the frontage on both sides of a lot or parcel, within a distance of 150 feet on either side thereof, has an established building setback, then the average depth of such established building setback shall be the depth of the required building setback on such lot or parcel.
  - (2) **Side Yard.**
    - (i) No side yard building setback shall be required for a lot or parcel that directly abuts other commercial uses or land in the C-1, C-2, HC, I-1 or I-2 Zoning Districts.
    - (ii) Where the side yard of a lot or parcel abuts the side yard of a lot or parcel in the A Agricultural District, there shall be a minimum side yard building setback of ten feet for each side yard.
    - (iii) Where the side yard of a lot or parcel abuts the side yard of a lot or parcel in the R-R, R-1, R-2, R-3 or R-4 District, there shall be a minimum side yard building setback of 25 feet for each side yard.

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- (iv) Where a side yard building setback is otherwise required, a minimum building setback of 40 feet shall be on that side of a corner lot which is adjacent to the side wall of the principal building.

(3) **Rear Yard.**

- (i) There shall be a minimum rear yard building setback of ten feet except as stated in subparagraph (ii).
- (ii) Where the rear yard of a lot or parcel abuts a lot or parcel in the R-R, R-1, R-2, R-3 or R-4 District, there shall be a minimum rear yard building setback of 25 feet.

**Section 11.7 Height Regulation.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.

**Section 11.8 Minimum Floor Area.** No minimum floor area shall be required.

*(Chapter 11 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER XII**  
**C-2 GENERAL BUSINESS DISTRICT**

**Section 12.1 Description and Purpose.** The C-2 General Business District is intended for general shopping areas, including retail businesses or service establishments which supply goods and products or perform services which meet the needs of the community, the surrounding area and the traveling public. *(Section 12.1 amended 12/16/15; eff. 12/26/15.)*

**Section 12.2 Permitted Uses not Located in Broadmoor/Cherry Valley Corridor Overlay District.** Land, buildings and structures in that part of the C-2 District not located in the Broadmoor/Cherry Valley Corridor Overlay District may be used for the following land uses only: *(Section 12.2 opening paragraph amended 12/16/15; eff. 12/26/15.)*

- (a) Any use permitted and as regulated in the C-1 District.
- (b) Antique store.
- (c) Auction house.
- (d) Automobile repair, servicing and washing, but not including automobile body shops or painting facilities.
- (e) Automobile sales, both used and new.
- (f) Bowling alley.
- (g) Business or trade school.
- (h) Catering service.
- (i) Club, lodge hall and society hall.
- (j) Computer and related technology business.
- (k) Dance studio.
- (l) Exterminator service.
- (m) Farm machinery and farm implement sales and repair.
- (n) Feed store.
- (o) Frozen food locker.
- (p) Furniture store.
- (q) Garden center.
- (r) General repair.
- (s) Jewelry store.

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- (t) Locksmith.
  - (u) Indoor sports business, including court games.
  - (v) Mobile home sales, travel trailer and camper sales.
  - (w) Reserved. *(Section 12.2(w) deleted 12/16/15; eff. 12/26/15.)*
  - (x) Office machines, including sales and service.
  - (y) Office supply store.
  - (z) Paint and wallpaper store.
  - (aa) Pet shop, including boarding of pets.
  - (bb) Photocopy and printing business.
  - (cc) Reserved. *(Section 12.2(cc) deleted 12/16/15; eff. 12/26/15.)*
  - (dd) Recreational equipment and recreational vehicles.
  - (ee) Rental equipment business.
  - (ff) Rental service, including motor vehicles and household goods.
  - (gg) Restaurant, without drive-through facilities. *(Section 12.2(gg) amended 12/16/15; eff. 12/26/15.)*
  - (hh) Retail store, not including big-box stores. *(Section 12.2(hh) amended 12/16/15; eff. 12/26/15.)*
  - (ii) Taxidermist.
  - (jj) Travel agency.
  - (kk) Reserved. *(Section 12.2(kk) deleted 12/16/15; eff. 12/26/15.)*
  - (ll) Vending machine servicing.
  - (mm) Veterinary and animal treatment.
  - (nn) Other similar retail, business or service establishments primarily for residents of the community, the surrounding area and the traveling public which are determined by the Planning Commission to be similar to the permitted uses listed in this section, based upon the following factors:
    - (1) The use is consistent with the description and purpose of this zoning district.
    - (2) The use is customarily of the same general nature and character as a use which is expressly permitted in this zoning district.

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- (3) The use is harmonious with the surrounding properties as are the uses which are expressly permitted in this zoning district.

**Section 12.2A Permitted Uses in the Broadmoor/Cherry Valley Corridor Overlay District.** Land, buildings and structures in that part of the C-2 District located within the Overlay District shall be used only for the land uses stated in Section 27.6 of this Ordinance. *(Section 12.2A added 12/16/15; eff. 12/26/15.)*

**Section 12.3 Special Land Uses not Located in the Broadmoor/Cherry Valley Corridor Overlay District.** The following land uses may be permitted in that part of the C-2 District not located in the Broadmoor/Cherry Valley Corridor Overlay District, when authorized as special land uses under Chapter XVI: *(Section 12.3 opening paragraph amended 12/16/15; eff. 12/26/15.)*

- (a) Hotel and motel.
- (b) Contractor yards.
- (c) Church or other house of worship.
- (d) Hospital, clinic, out-patient care facility. *(Section 12.3(d) amended 12/16/15; eff. 12/26/15.)*
- (e) Radio and television transmission facilities.
- (f) Theater, auditorium, banquet hall and other place of assembly.
- (g) Public and private schools.
- (h) Truck sales and repair.
- (i) Wholesale warehousing.
- (j) Sexually oriented business.
- (k) Utility and public service building.
- (l) Motor vehicle wash establishment.
- (m) Transportation terminal.
- (n) Commercial outdoor recreation facility.
- (o) Open air business.
- (p) Parcel delivery station.
- (q) Photographic processing.
- (r) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof-mounted, exceeding a height of 15 feet above the roof.
- (s) Establishment with drive-through facilities. *(Section 12.3(s) added 12/16/15; eff. 12/26/15.)*

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**Section 12.3A Special Land Uses Located in Broadmoor/Cherry Valley Corridor Overlay District.** Special land uses in that part of the C-2 District located in the Broadmoor/Cherry Valley Corridor Overlay District shall be only those stated in Section 27.7 of this Ordinance. *(Section 12.3A added 12/16/15; eff. 12/26/15.)*

**Section 12.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance, and as stated in this section:

- (a) Accessory uses as regulated under Sections 3.9 and 3.10.
- (b) Accessory buildings as regulated under Sections 3.10 and 3.56.
- (c) Temporary uses as regulated under Section 3.22.
- (d) Signs as regulated under Chapter XIX, except that signs located on lands in the Broadmoor/Cherry Valley Corridor Overlay District shall comply with the sign requirements of that Overlay District.
- (e) Parking and loading as regulated under Chapter XX, except that parking and loading on lands in the Broadmoor/Cherry Valley Corridor Overlay District shall also comply with the parking and loading requirements of that Overlay District.
- (f) Private streets as regulated by Section 3.29.
- (g) Outdoor lighting as regulated by Section 3.50.
- (h) Landscaping as regulated by Chapter XXVIII, except that landscaping on lands in the Overlay District shall also comply with the landscaping requirements of that Overlay District.
- (i) Vehicle ingress and egress as regulated by Chapter XXV.
- (j) Commercial or public antennas and towers as regulated by Section 3.41A. *(Section 12.4 amended 12/16/15; eff. 12/26/15.)*

**Section 12.5 Required Conditions.**

- (a) Site plan review is required under Chapter XVIII.
- (b) Any side yard or rear yard adjoining any lot or parcel in an R-R, R-1, R-2, R-3 or R 4 District shall be screened by a compact hedge of deciduous or evergreen trees that are at least five feet in height after one growing season or by a solid wall or board fence at least six feet in height.
- (c) Lands in the C-2 General Business District that are located in the Broadmoor/Cherry Valley Overlay District shall comply with the terms of that Overlay District.

**Section 12.6 District Regulations.** Land, buildings and structures in the C-2 District shall comply with the following requirements unless otherwise provided in this Ordinance:

- (a) **Minimum lot Area and Width.** 20,000 square feet and 120 feet, respectively.



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(1) **Front Yard.**

- (i) There shall be a minimum front yard building setback of 50 feet, except as stated in subparagraph (ii).
- (ii) Where all the frontage on both sides of a lot or parcel, within a distance of 150 feet on either side thereof, has an established building setback, then the average depth of such established building setback shall be the depth of the required building setback on such lot or parcel.

(2) **Side Yard.**

- (i) No side yard building setback shall be required for a lot or parcel that directly abuts other commercial uses or land in the C-1, C-2, HC, I-1 or I-2 Zoning Districts.
- (ii) Where the side yard of a lot or parcel abuts the side yard of a lot or parcel in the A Agricultural District, there shall be a minimum side yard building setback of ten feet for each side yard.
- (iii) Where the side yard of a lot or parcel abuts the side yard of a lot or parcel in the R R, R 1, R-2, R-3 or R-4 District, there shall be a minimum side yard building setback of 25 feet for each side yard.
- (iv) Where a side yard building setback is otherwise required, a minimum building setback of 40 feet shall be required on that side of a corner lot which is adjacent to the side wall of the principal building.

(3) **Rear Yard.**

- (i) There shall be a minimum rear yard building setback of ten feet except as stated in subparagraph (ii).
- (ii) Where the rear yard of a lot or parcel abuts a lot or parcel in the R-R, R-1, R-2, R-3 or R 4 District, there shall be a minimum rear yard building setback of 25 feet.

**Section 12.7 Height Regulation.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers.

**Section 12.8 Minimum Floor Area.** No minimum floor area is required.

*(Chapter 12 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER XIII  
HC HIGHWAY COMMERCIAL DISTRICT**

**Section 12A.1 Description and Purpose.**

- (a) The intent of the HC Highway Commercial District is to provide specific standards for commercial development serving the M-37/M-6 interchange and roadways leading to the interchange, to preserve its traffic carrying capacity and maintain the character of the Township while accommodating a reasonable amount of growth and to provide necessary services to the traveling public and area residents.
- (b) Among the purposes of the HC District are:
  - (1) To promote safe and efficient flow of traffic by minimizing conflicts from turning movements.
  - (2) Make land use and site plan review decisions with recognition of the resulting impacts on the transportation system, with the goal of sustaining the capacity of the road by limiting and controlling the number and location of driveways and by requiring alternate means of access through shared driveways, service drives, and access from cross streets.
  - (3) Sustain the traffic carrying capacity of the roadway in order to delay or avoid premature widening which would detract from the character of the Township.
  - (4) Ensure that distractions to motorists are minimized by avoiding blight and clutter, promoting aesthetics, and providing property owners and businesses with appropriate design flexibility and visibility.
  - (5) Encourage the rural and small town character as expressed in the Master Plan by requiring buildings and parking to be set back an adequate distance from streets.
  - (6) Ensure that landscaping on sites along streets is developed to preserve the rural and small town character of the area and complement existing natural features within the Township.

**Section 12A.2 Permitted Uses.** Land, buildings and structures in the HC District may be used for the following purposes only, unless otherwise provided in this Ordinance, subject to Planning Commission approval of a site plan in accordance with the requirements of Chapter XVIII:

- (a) Office buildings for any of the following occupations:
  - (1) Executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
  - (2) Medical and dental offices and clinics.
  - (3) Computer or internet businesses.
- (b) Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.

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- (c) Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.
  - (d) Hotels and motels.
  - (e) Retail businesses conducting business entirely within an enclosed building with a gross floor area of less than 100,000 square feet.
  - (f) Drug stores and pharmacies.
  - (g) Restaurants, excluding drive-through facilities.
  - (h) Laundry establishments performing cleaning operations on the premises, including retail/service operations.
  - (i) Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

**Section 12A.3 Special Land Uses.** The following uses may be permitted in the HC District when authorized by the Planning Commission and Township Board as special land uses under Chapter XVI of this Ordinance:

- (a) Retail businesses conducting business entirely within an enclosed building with a gross floor area of less than 100,000 square feet, and having limited outdoor display of merchandise.
- (b) Retail businesses conducting business entirely within an enclosed building with a gross floor area equal to or greater than 100,000 square feet, including such businesses having limited outdoor display of merchandise.
- (c) Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- (d) Restaurants with drive-through facilities.
- (e) Vehicle service stations, excluding body shops. Such establishments may include a convenience store and/or a counter-service restaurant that is located in the same building as the service station.
- (f) Vehicle wash establishments, either self-serve or automatic.
- (g) Colleges or universities, including satellite campuses.
- (h) Hospitals, including health care campuses, medical out-patient clinics, emergency centers.
- (i) Technology research centers.
- (j) Single family, two-family, or multi-family dwellings, but only in a mixed-use building that also includes other permitted uses or special land uses in the HC District.
- (k) Church or other house of worship.

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**Section 12A.4 Additional Uses and Prohibited Uses.**

- (a) The following other uses may be permitted in the HC District as provided in this Ordinance:
  - (1) Accessory uses as regulated under Sections 3.9, 3.10 and 3.11.
  - (2) Temporary uses regulated under Section 3.22.
  - (3) Signs permitted in the C-2 District and as regulated under Chapter XIX. However, billboards shall not be permitted in the HC District.
  - (4) Parking and loading as regulated under Chapter XX.
- (b) Adult and sexually-oriented businesses are prohibited in the HC District.

**Section 12A.5 Development Regulations.** No building or structure, nor the enlargement of any building or structure, shall be erected unless the following district regulations are met and maintained in connection with such building, structure, or enlargement. Should any requirement of this district conflict with any other requirement of this Ordinance, the stricter of the requirements shall prevail.

(a) **Driveways.**

(1) **Driveways.** Driveways within the HC District shall be located as follows:

- (i) Each lot may be permitted one driveway, provided the spacing requirements of this section can be achieved.
- (ii) One additional driveway may be permitted on parcels with lot widths exceeding 500 feet.
- (iii) Additional driveways may be permitted by the Planning Commission for any site, providing the spacing and alignment criteria listed below are complied with, and a traffic impact study is completed which justifies an additional driveway.
- (iv) The Planning Commission may permit two one-way driveways rather than a single dual movement driveway for particular uses where safer, more efficient circulation and function of the drives can be demonstrated.
- (v) The applicant shall submit evidence indicating that the sight distance requirements of the Michigan Department of Transportation (MDOT) or Kent County Road Commission, as appropriate, are met.

(2) **Spacing and Alignment.**

- (i) Driveways shall be spaced a minimum of 200 feet from driveways on the same side of the street, centerline to centerline.
- (ii) Driveways shall be aligned with driveways on the opposite side of the street or offset spaced a minimum of 150 feet, centerline to centerline.

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- (iii) Driveways shall be spaced at least 150 feet from an intersection of a private road or public street measured from near pavement edge of the street to near pavement edge of the driveway throat.
  - (iv) The Planning Commission may require greater spacing if traffic or pedestrian safety, traffic circulation, or site conditions warrant a greater distance between driveways.

(3) **Frontage Roads and Service Drives.**

- (i) The Planning Commission shall require development of service drives where service drives can provide access to signalized locations, where service drives may minimize the number of driveways onto the abutting roadway, or as a means to ensure that traffic is able to safely gain ingress to and egress from lots and other parcels of land.
- (ii) If the Planning Commission permits development without a front service drive, it shall, instead, require a rear service drive if a rear service drive would promote the purposes and intent of the HC District.
- (iii) Service drives shall be set back as far as reasonably possible from the intersection of the access driveway with the street.
- (iv) A minimum of 25 feet shall be maintained between the public street right-of-way and the pavement of the service drive.

(b) **Front Yard Landscaping.**

- (1) Parking is not permitted in the front yard, except as otherwise permitted by and in accordance with Section 12A.6(g). Except for driveways, frontage roads or service drives that are permitted or required pursuant to this chapter, the front yard shall be landscaped as follows:
  - (i) There shall be planted five evergreen trees, three shade trees and 12 shrubs for every 100 feet of frontage. The number of plants shall be proportional to the length of frontage, with fractions rounded up. The Planning Commission may allow a reduction in the number or a variation in the mixture of the tree types if due to topography or existing vegetation such a reduction or variation would result in effective screening and otherwise fulfill the intent of this chapter.
  - (ii) The required landscape plantings shall be located as follows:
    - (I) Plants may be clustered in groups or planted in rows.
    - (II) Evergreen trees should be spaced at least 20 feet on center.
    - (III) Shade/canopy trees should be spaced at least 25 feet on center.
    - (IV) Trees and shrubs should be clustered in locations that are most effective in screening undesirable views.

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- (iii) Where parking areas abut M-37 or M-6, there shall be planted five evergreen trees, three shade trees and 25 shrubs for every 100 feet of frontage. The Planning Commission may allow a reduction in the number or a variation in the mixture of the tree types if due to topography or existing vegetation such a reduction or variation would result in effective screening and otherwise fulfill the intent of this chapter.
  - (iv) Landscaping shall be located so it does not obstruct the vision of drivers entering or leaving the site.
  - (v) Within the front yard, earthen berms landscaped in accordance with this chapter shall be required if needed to provide variety in appearance and for screening of parking areas.
- (2) The Planning Commission shall consider a landscape plan submitted in conjunction with any site plan in the HC District. The landscape plan shall be drawn to minimum scale of one inch equals fifty feet and shall include, at a minimum, the following:
- (i) Location, general type and quality of existing vegetation, including specimen trees.
  - (ii) Existing vegetation to be saved.
  - (iii) Methods and details for protecting existing vegetation during construction.
  - (iv) Location, size, and labels for all proposed plants.
  - (v) Existing and proposed contours on site and 150 feet beyond edges of the site at intervals not to exceed two feet.
  - (vi) Typical straight cross section, including slope, height and width, of berms and the type of ground cover to be placed on them.
  - (vii) Location, height and type of materials of masonry walls, and footing details.
  - (viii) Plant list(s) showing the required and proposed quantities.
  - (ix) Description of landscape maintenance program, including a statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this Ordinance.
- (3) No outside storage shall be permitted in any yard adjacent to the M-37 or M-6 right-of-way. Any yard abutting the M-37 or M-6 right-of-way shall be landscaped in accordance with Sections 12A.5(b)(1)(i)-(v).
- (c) **Outdoor Lighting.** Off-street parking areas for uses in all districts shall be adequately lit to ensure security and safety. All outdoor lighting shall comply with the requirements set forth in Section 3.50 this Ordinance.

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(d) **Site Design Requirements.**

- (1) Buildings shall be sited to preserve natural features. Natural features such as natural grade, trees, vegetation, water bodies, and others shall be incorporated into the site plan to the fullest extent practicable.
- (2) Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, or other public areas. Architectural designs for buildings shall include design features to contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
- (3) Buildings shall be designed and constructed using architectural variety to moderate their visual impact.
- (4) All building walls which can be viewed from public streets shall be designed and constructed using architectural features and details, including, but not limited to archways, colonnades, cornices, or other architectural features.
- (5) All building walls over 100 feet in length shall be broken up with varying building lines, windows and architectural accents.
- (6) All buildings shall be designed and constructed with an articulated roof line. Roofs shall not be designed or constructed without pitch, unless the roof without pitch is fully obscured by a building façade or other architectural feature, or unless the roof without pitch is specifically permitted by the Planning Commission in its approval of a site plan under Chapter XVIII.
- (7) All building walls which can be viewed from public streets shall be landscaped for at least 50 percent of the wall length. Other walls shall be landscaped for at least 30 percent of the wall length.
- (8) Landscaping required pursuant to this section shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
- (9) The predominant building materials shall be those characteristic of the Township, such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels shall be used only as accents and shall not dominate the exterior of the building. Metal roofs may be allowed if compatible with the overall architectural design of the building.
- (10) Exterior colors shall be of low reflectance, and shall be of subtle, neutral or earth-tone colors. High intensity colors such as black, neon, metallic or fluorescent for the façade and/or roof of the building are prohibited except as approved for building trim.



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(e) **Parking Area Landscaping; Greenbelts.**

- (1) **Parking Area Landscaping.** All off-street parking areas shall be landscaped according to the following minimum requirements.
- (i) One canopy tree for every ten-vehicle parking spaces or fraction thereof shall be planted in the landscaped area.
  - (ii) To provide shade and to break up the visual monotony of large asphalt covered areas, parking lots shall contain individual concrete-curbed landscaped interior islands throughout the parking lot in addition to any perimeter landscaping. Landscaped interior islands must be a minimum of 360 square feet and a minimum of ten feet wide. Each island shall be planted with at least two canopy trees and six shrubs or such other equivalent as the Planning Commission may approve. Any shrubs planted within these islands shall be maintained at a maximum height of three feet. Plantings shall be at least three feet from the edge of the island.
  - (iii) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct driver's sight distance within the parking area and at driveway entrances.
- (2) **Greenbelts.** A greenbelt shall be provided when a lot in the HC District abuts a residential use or a residential zoning district. The greenbelt shall be provided along the lot line which abuts the residential use or zone according to the following requirements:
- (i) Required greenbelts for buildings shall have a minimum width of 25 feet. Greenbelts for parking lots shall have a minimum width of 15 feet.
  - (ii) For each 100 feet of length or portion thereof of greenbelt, plantings shall consist of at least two deciduous canopy trees, two ornamental trees and four evergreen trees or any combination thereof; provided, however, that the Planning Commission may increase, decrease or modify such requirements in its discretion, if such an increase, decrease or modification would promote the goal of adequately screening the HC District use from the adjacent residential use.
  - (iii) Berms, walls and fences may be permitted within a greenbelt area. The Planning Commission may in its discretion reduce the amount of required plantings if the berm, fence or wall achieves the intent of this chapter.
  - (iv) Landscape Quality and Maintenance:
- (3) The following list is of species that are permitted but will not be credited toward required landscaping because of their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, and or other undesirable characteristics. The planting of these species is not encouraged.

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**Botanical Name**

**Common Name**

Acer Negundo	Box Elder
Ailanthus Altissima	Tree of Heaven
Catalpa Speciosa	Catalpa
Elaeagnus Angustif	Russian Olive
Gingko Biloba (fem	Female Gingko
Maclura Pomifera	Osage Orange
Morus Spp.	Mulberry
Populus Spp.	Cottonwood, Poplar, Aspen
Salix Spp.	Willow
Juglans Nigra	Black Walnut
Robinia Spp.	Black Locust
Acer Saccharinum	Silver Maple
Ulmus Pumila	Siberian Elm

(4) Plantings and other landscape features shall meet the following minimum requirements:

- (i) Canopy/shade trees 2.5 inches in caliper, measured 12” above ground level
- (ii) Evergreen Trees feet in height
- (iii) Shrubs 12-24 inches in height
- (iv) Walls Masonry walls shall be of clay, brick, stone or other decorative masonry material and shall be placed on footings which meet the requirements of the local building code.

(5) All landscaping plants shall be hardy when planted and maintained in accordance with their natural growth patterns. Withered, diseased or dead plants shall be replaced within a reasonable amount of time, but no longer than one growing season.

(6) Plants must be controlled by pruning, trimming, or other suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.

(7) All planted areas must be maintained in a weed free condition.

**(f) Tree and Landscape Preservation Requirements.**

(1) Site plans should preserve all quality, existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site is also encouraged and all available measures should be taken to maintain the trees in a healthy condition.

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- (2) Existing trees may be used to fulfill landscaping requirements, if such trees are in healthy growing condition, are at least the minimum size, are the appropriate type, and are spaced according to their likely mature size.
  - (3) The area below the dripline of an existing tree to be saved should remain undisturbed. No impervious material should be placed under the dripline and a tree protection fence must be installed around the trees during construction at the limit of disturbance. Tree protection symbols, notes and details must be shown on the site plan.
  - (4) Should any tree designated for preservation, for which landscaping credit is given, die, the owner shall replace the tree with the equivalent species or with a tree which will obtain the same height, spread and growth characteristics. The replacement tree must be a minimum of 2.5 inches caliper, measured 12" above ground level.

**Section 12A.6 Area Regulations.** No building or structure shall be erected nor shall any building or structure be enlarged unless the following yard, lot area, lot width and lot coverage requirements are provided and maintained:

- (a) **Front Yard.** The following front yard setbacks apply only to buildings with front yards that do not abut the M-37 right-of-way. The positioning requirements for buildings with front yards abutting the M-37 right-of-way are specified in Section 12A.6(g).
  - (1) There shall be a front yard of not less than 50 feet for buildings without a front service drive.
  - (2) There shall be a front yard of not less than 100 feet for buildings with a front service drive.
- (b) **Side Yard.**
  - (1) There shall be a minimum side yard of 25 feet for the side of a building or structure abutting a residential district or residential use.
  - (2) There shall be a minimum side yard of 15 feet for the side of a building or structure abutting any other district or use.
  - (3) There shall be a minimum side yard equal to the front yard for the side of a building or structure on a corner lot that faces a public street; provided, however, that if a side yard abuts the M-37 right-of-way, there shall be a minimum side yard of 50 feet.
- (c) **Rear Yard.**
  - (1) There shall be a minimum rear yard of 40 feet for a building or structure abutting a residential district or residential use.
  - (2) There shall be a minimum rear yard of 25 feet for a building or structure abutting any other district or use.
- (d) **Lot Area.** The minimum lot area shall be two acres.

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- (e) **Lot Width.** The minimum lot width shall be 200 feet.
  - (f) **Lot Coverage.** No lot shall be covered with building or structures exceeding a total of 35 percent of the lot area.
  - (g) **M-37 Area Regulations.** When the front yard of a lot or parcel abuts the M-37 right-of-way, the front yard setback regulations of Section 12A.6(a) shall not apply and the following regulations regarding the positioning of buildings and parking shall apply.
    - (1) Buildings or structures and parking lots shall be positioned on the lot or parcel in accordance with the following requirements:
      - (i) **Parking Lot Positioning.** The edge of the parking lot nearest to M-37 shall be positioned a minimum of 90 feet from the outside edge of the nearest continuous through lane of M-37.
      - (ii) **Building or Structure Positioning.** The main wall of a building or structure shall be positioned a minimum of 140 feet from the outside edge of the nearest continuous through lane of M-37.
    - (2) **Landscaping.** Within the area between the front edge of the parking lot and the nearest continuous through lane of M-37, there shall be a minimum 25-foot wide landscaped area, measured from the M-37 right-of-way to the front edge of the parking lot. The landscaped area shall include an undulating earthen berm of three to four feet in height with a maximum slope of 3:1. Landscape plantings shall be in accordance with Section 12A.5(b)(1)(iii).

**Section 12A.7 Height Regulation.** No building or structure shall exceed 35 feet in height or two and one-half stories, whichever is greater. However, a taller building or structure that is otherwise permitted in the HC District may be permitted by the Planning Commission as a special land use pursuant to Chapter XVI of this Ordinance. In considering a special land use for a building or structure exceeding 35 feet in height or 22 stories, the Planning Commission may impose a greater setback calculated on the basis of one additional foot of building setback, for each two feet of building height above 35 feet; or the Planning Commission may impose a greater setback upon some other reasonable basis; or the Commission need not impose a greater building setback.

*(Chapter 12A adopted 10/17/01; eff. 10/30/01.)*

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**CHAPTER XIII**  
**I-1 LIGHT INDUSTRIAL DISTRICT**

**Section 13.1 Description and Purpose.** The I-1 Light Industrial District is intended for industrial activities which create only a minimum of off-site effects. The district does not include industrial uses which cause excessive noise, vibration, odors, visual blight, environmental pollution or which may involve potentially hazardous processes.

**Section 13.2 Permitted Uses.** Land, buildings and structures in the I-1 District may be used for the following purposes only, unless otherwise provided in this Ordinance.

- (a) Yards and shops for contractors engaged in trades, including concrete, electrical, heating and cooling, landscaping, mechanical and plumbing;
- (b) The assembly of parts manufactured off-site, but not include grinding, pressing, extruding, bending, pounding, heating, chemically treating or otherwise processing or finishing raw materials for wholesale or further assembly.
- (c) Offices for or related to permitted industrial uses; employee training facilities; product research and development facilities.
- (d) Service uses, as follows:
  - (1) Automobile repair, servicing and washing, but not including body shops or vehicle painting facilities.
  - (2) Cleaning and dyeing plant.
  - (3) Commercial motor vehicle sales, rental, repair and storage.
  - (4) Crating and packaging.
  - (5) Dry cleaners and laundry.
  - (6) Food and beverage catering.
  - (7) Kennels.
  - (8) Machining of small engines, equipment or tools.
  - (9) Motor vehicle repair.
  - (10) Printing and publishing.
  - (11) Sign painting and servicing.
  - (12) Taxidermy.
  - (13) Utilities.
  - (14) Welding.

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- (e) Warehousing of goods, products, materials and equipment; self-storage warehousing and facilities.
  - (f) Wholesaling of goods, products, materials and equipment.
  - (g) Data and information centers, for the purpose of receiving, managing, analyzing and/or processing of data or information, whether in electronic or other form and whether received via telecommunication or other means, together with accessory offices; provided, however, that communication towers, if any, shall be subject to the applicable provisions of Sections 3.41, 13.3(h) and 16.12 of this Ordinance. *(Section 13.2 amended 06/18/08; eff. 07/05/08.)*

**Section 13.3 Special Land Uses.** The following land uses may be permitted when authorized as special land uses under Chapter XVI:

- (a) Light manufacturing, including the processes of grinding, pressing, extruding, bending, heating, chemically treating or otherwise processing or finishing raw products for wholesale or assembly.
- (b) Wholesaling or storage of fertilizers and soil conditioners, but not including any toxic or hazardous substances
- (c) Trade, vocational and industrial schools.
- (d) Tool and die manufacturing establishments.
- (e) Vehicle body shops and vehicle painting facilities.
- (f) Painting operations and processes.
- (g) Utility and public service buildings.
- (h) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof-mounted, exceeding a height of 15 feet above the roof.

**Section 13.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance:

- (a) Accessory uses regulated under Sections 3.9 and 3.10.
- (b) Temporary uses as regulated under Section 3.22.
- (c) Signs as regulated under Chapter XIX.
- (d) Parking and loading as regulated under Chapter XX.

**Section 13.5 Required Conditions.**

- (a) Site plan review is required under Chapter XVIII.

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- (b) Outdoor storage shall comply with building setback requirements. All outdoor storage uses shall be completely screened from adjacent lands.
  - (c) All industrial and other activities shall be conducted in such a manner that there are no serious adverse effects on other properties by reason of noise, smoke, fumes, dust, vibration or other adverse effects.
  - (d) Outdoor lighting shall be designed, located and operated so as to avoid casting light or glare on adjacent or nearby lands; outdoor lighting shall comply with Section 3.50 of this Ordinance.
  - (e) In its consideration of site plans for permitted uses and special land uses, the Planning Commission may require measures for the screening and buffering of land uses, so as to avoid or moderate potentially adverse impacts on adjacent or nearby lands. Such screening and buffering measures may include landscaping, fencing, revised placement of buildings and other facilities or other measures.
  - (f) Lands in the I-1 Light Industrial District that are located in the Broadmoor/Cherry Valley Overlay District shall comply with the terms of that Overlay District.

**Section 13.6 District Regulations.** Land, buildings and structures in the I-1 District shall comply with the following requirements unless otherwise provided in this Ordinance:

(a) **Minimum Building Setbacks.**

(1) **Front Yard.**

- (i) There shall be a minimum front yard of 50 feet, except as stated in subparagraph (ii).
- (ii) Where all the frontage on both sides of a lot or parcel, within a distance of 150 feet on either side thereof, has an established building setback, then the average depth of such established building setback shall be the depth of the required building setback on such lot or parcel.

(2) **Side Yard.** There shall be two minimum side yard building setback totaling 100 feet, with each side yard building setback being not less than 50 feet, except that where a side yard of a lot or parcel abuts the side yard of a lot or parcel in the I-1 or I-2 District, such side yard may be not less than 25 feet.

(3) **Rear Yard.** There shall be a minimum rear yard building setback of 100 feet, except that where the rear yard of a lot or parcel abuts a lot or parcel in the I-1 or I-2 District, such rear yard may be not less than 50 feet.

(b) **Lot Coverage.** Not more than 40 percent of the area of a lot or parcel shall be occupied by buildings or other structures. Areas used for outdoor storage shall not be included in determining maximum permitted lot coverage, but such storage areas shall comply with all required minimum building setbacks.

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**Section 13.7 Height Regulation.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers; provided, however that a greater height may be permitted by the Planning Commission as a special land use under Chapter XVI.

*(Chapter 13 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER XIV**  
**I-2 INDUSTRIAL DISTRICT**

**Section 14.1 Description and Purpose.** The I-2 Industrial District is intended to provide for industrial uses which involve manufacturing, assembling and fabricating processes that are of somewhat greater intensity than those permitted in the I-1 Light Industrial District. The permitted uses include the processing of raw materials and similar industrial uses.

**Section 14.2 Permitted Uses.** Land, buildings and structures in the I-2 District may be used for the following purposes only unless otherwise provided in this Ordinance.

- (a) All uses permitted and as regulated in the I-1 Light Industrial District.
- (b) Yards and shops for contractors engaged in earth moving, road construction and utilities installation.
- (c) Manufacturing, fabricating and assembly, including the processing or finishing of raw materials into finished goods or products.
- (d) Research and development facilities, testing and experimental laboratories.
- (e) Trade, vocational and industrial school.
- (f) Tool and die manufacturing establishment.
- (g) Utility and public service building.
- (h) Wholesaling and storage of lumber, chemicals, fertilizers, soil conditioners and other goods, commodities, materials and equipment.

**Section 14.3 Special Land Uses.** The following uses may be permitted when authorized as special land uses under Chapter XVI.

- (a) Stone yards and monument works.
- (b) Metal buffing and polishing.
- (c) Recycling centers.
- (d) Transportation terminals.
- (e) Modular and prefabricated homes and other structure manufacturing.
- (f) Fuel depot and fuel dispensing system.
- (g) Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 50 feet or, if roof mounted, exceeding a height of 15 feet above the roof.

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**Section 14.4 Other Land Uses.** The following other land uses may be permitted as provided in this Ordinance:

- (a) Accessory uses regulated under Sections 3.9 and 3.10.
- (b) Temporary uses as regulated under Section 3.22.
- (c) Signs as regulated under Chapter XIX.
- (d) Parking and loading as regulated under Chapter XX.

**Section 14.5 Required Conditions.**

- (a) Site plan review is required under Chapter XVIII.
- (b) Outdoor storage shall comply with building setback requirements. All outdoor storage uses shall be completely screened from adjacent lands.
- (c) Outdoor lighting shall be designed, located and operated so as to avoid casting light or glare on adjacent or nearby lands; outdoor lighting shall comply with Section 3.50 of this Ordinance.
- (d) All industrial and other activities shall be conducted in such a manner that there are no serious adverse effects on other properties by reason of noise, smoke, fumes, dust, vibration or other adverse effects.
- (e) Lands in the I-2 Light Industrial District that are located in the Broadmoor/Cherry Valley Overlay District shall also comply with the terms of that Overlay District.
- (f) In its consideration of site plans for permitted uses and special land uses, the Planning Commission may require measures for the screening and buffering of land uses, so as to avoid or moderate potentially adverse impacts on adjacent or nearby lands. Such screening and buffering measures may include landscaping, fencing, revised placement of buildings and other facilities or other measures.

**Section 14.6 District Regulations.** Land, buildings and structures in the I-2 District shall comply with the following requirements unless otherwise provided in this Ordinance:

- (a) **Minimum Lot Area and Width.** Two acres and 200 feet, respectively.
- (b) **Minimum Building Setbacks.**
  - (1) **Front Yard.**
    - (i) There shall be a minimum front yard of 50 feet, except as stated in subparagraph (ii).
    - (ii) Where all the frontage on both sides of a lot or parcel, within a distance of 150 feet on either side thereof, has an established building setback, then the average depth of such established building setback shall be the depth of the required building setback on such lot or parcel.

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- (2) **Side Yard.** There shall be two minimum side yard building setback totaling 100 feet, with each side yard building setback being not less than 50 feet, except that where a side yard of a lot or parcel abuts the side yard of a lot or parcel in the I-1 or I-2 District, such side yard may be not less than 25 feet.
- (3) **Rear Yard.** There shall be a minimum rear yard building setback of 100 feet, except that where the rear yard of a lot or parcel abuts a lot or parcel in the I-1 or I-2 District, such rear yard may be not less than 50 feet.
- (c) **Lot Coverage.** Not more than 40 percent of the area of a lot or parcel shall be occupied by buildings or other structures. Areas used for outdoor storage shall not be included in determining maximum permitted lot coverage, but such storage areas shall comply with all minimum building setbacks.

**Section 14.7 Height Regulations.** No building or structure shall exceed 35 feet in height, except permitted communications antennas and towers, provided, however that a greater height may be permitted if authorized by the Planning Commission as a special land use under Chapter XVI.

*(Chapter 14 adopted 06/04/03; eff. 06/24/03.)*



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**CHAPTER XV**  
**PUD PLANNED UNIT DEVELOPMENT DISTRICT**

**Section 15.1 Planned Unit Development.** Planned Unit Development (PUD) includes cluster zoning, plan development, community unit plan, planned residential development, and other similar terminology. The objectives of this chapter are realized through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. It is a form of land development comprehensively planned as an entity by way of a site plan, which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such development may contain residential, nonresidential or a mixture of land uses as provided by the individual zoning district.

**Section 15.2 Intent and Purpose.** The provisions of this chapter provide requirements and standards for the submittal, review and approval of applications for planned unit developments (PUD). The PUD regulations are designed to accomplish the objectives of this chapter through a project review process based on the application of the site planning principles included in this Ordinance. It is the goal of this chapter to achieve integration of proposed land development projects with the characteristics of the project area. These PUD regulations are intended to:

- (a) Permit flexibility in the regulation of land development.
- (b) Encourage innovation in land use and variety in design, layout and type of structures constructed.
- (c) Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
- (d) Encourage provision of useful open space.
- (e) Provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the development.

Further, it is the purpose of the PUD regulations to ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The provisions of this article are not intended as a device for ignoring or circumventing this Ordinance or the planning upon which it has been based.

**Section 15.3 PUD District; Broadmoor/Cherry Valley Overlay District.**

- (a) A PUD is permitted as a separate zoning district only when determined to be in compliance with the regulations of this chapter and those of Chapter XVIII, Site Plan Review.
- (b) Lands zoned in the PUD District that are located in the Broadmoor/Cherry Valley Corridor Overlay District shall comply with the terms of that Overlay District; provided, however, that in approving a planned unit development that is located in whole or in part in the Overlay District, the Township may, with respect to lands included in the Overlay District, include provisions that are more restrictive than the otherwise applicable provisions of the district and with respect to signs in the Overlay District, may authorize certain variations, to the extent permitted in Section 27.12(g). *(Section 15.3 amended 12/16/15; eff. 12/26/15.)*

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**Section 15.4 Eligibility Criteria.** To be eligible for PUD approval, the applicant must demonstrate compliance with the following criteria:

- (a) **Recognizable and Substantial Benefit.** The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. Such benefit must otherwise be unfeasible or unlikely to be achieved taking into consideration the reasonable foreseeable detriments of the proposed development and use(s) including, without limitation:
  - (1) The long-term protection or preservation of natural resources and natural features, historical and/or architectural features of a significant quantity or quality in need of protection or preservation on a local, state or national basis.
  - (2) Reducing to a significant extent the non-conformity of a non-conforming use or structure, i.e., modification of a non-conforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.
- (b) **Minimum Area.** The minimum land area necessary to be considered for a PUD shall not be less than 20 acres.
- (c) **Availability and Capacity of Public Services.** The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities, and utilities.
- (d) **Compatibility with the General Development Plan.** The proposed PUD development shall be consistent with the provisions of the Caledonia Township General Development Plan.
- (e) **Compatibility with the Planned Unit Development Intent.** The proposed development shall be consistent with the intent and purpose of these regulations, as stated in Section 15.2.
- (f) **Economic Impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.
- (g) **Unified Control of Property.** The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given immediately to the Township Planner.

**Section 15.5 Project Design Standards.** Proposed PUDs shall comply with the following project design standards:

- (a) **Location.** A Planned Unit Development may be approved in any zoning district subject to review and approval as provided herein. However, a PUD approved in the A or R-R Zoning District shall not be permitted to contain any use other than those permitted in the underlying zoning district.
- (b) **Applicable Base Regulations.** Unless waived or modified in accordance with subsection (c), the yard and lot coverage, parking, loading, landscaping, lighting, and other standards for the underlying district(s) shall be applicable for uses proposed as a part of a PUD. Mixed

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uses shall comply with the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most dominant use shall apply. The site standards for all individual land uses and facilities as provided in this Ordinance (such as special land uses) must be observed unless waived by the Planning Commission and Township Board for any, or all, of the specific uses and facilities.

- (c) **Regulatory Flexibility.** To encourage flexibility and creativity consistent with the PUD concept, departures from the regulations in subsection (b), above, may be permitted, subject to review and approval by the Planning Commission and Township Board. For example, such departures may include but are not limited to modifications in lot dimensional standards; floor area standards; setback requirements; parking, loading, and landscaping requirements; and similar requirements. Such modifications may be permitted only if they will result in a higher quality of development than would be possible without the modifications.
- (d) **Residential Density.** Density in a residential PUD shall be determined as follows:
- (1) Overall density shall be the same as if each lot were to satisfy the minimum lot size requirements of the underlying district.
  - (2) The area within public and/or private street rights-of-way shall not be included in the overall density calculation.
  - (3) Unbuildable land, which shall include slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads, shall be identified on the site plan and shall not be included in the overall density calculation.
- (e) **Density Bonus.** A density bonus of up to 10 percent over what is allowed by Section 15.5(d) may be granted at the discretion of the Planning Commission and Township Board if the development provides additional amenities or preserves additional open space which would result in significant recognizable benefit to the Township and residents of the PUD. Items which could be added to a PUD so as to make it eligible for consideration for a density bonus shall include one or more of the following items, as well as similar items:
- (1) Provision of recreational facilities, such as playground areas with play equipment, ball fields, golf course, bike path, walking path, man-made lake, community building or similar recreation facility.
  - (2) Additional landscaping and screening to preserve or enhance the rural view along the adjacent roadway.
  - (3) Enhancement of existing wetlands, subject to applicable regulations.
  - (4) Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents.
  - (5) Provision of a public or private community water and/or sanitary sewer system.

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- (f) **Permitted Uses and Mix of Uses.** Any land use authorized in the underlying district may be included in a PUD as a principal or accessory use. Where the existing underlying zoning district is residential, non-residential uses shall be permitted as part of a PUD that also contains a residential component, provided that the applicant demonstrates that the residential uses will be predominant. The Planning Commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses:
- (1) Extent to which it serves residents in the PUD compared to others who travel to the site.
  - (2) Amount of traffic generated.
  - (3) Hours of operation or use.
  - (4) Noise, odors, and overall impact on adjoining uses.
  - (5) Land area allocated to each use.
  - (6) Building area allocated to each use. *(Section 15.5(f) amended 06/16/04.)*
- (g) **Open Space Requirements.** PUDs containing a residential component shall provide and maintain usable open space consisting of at least 20 percent of the land area proposed for development under the provisions of this chapter. The open space shall remain in a perpetually undeveloped state by means of an irrevocable conveyance, such as a deed restriction, conservation easement, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township attorney. Such conveyance shall:
- (1) Provide for the privately owned open space to be maintained by private property owners with an interest in the open space.
  - (2) Provide maintenance standards and a maintenance schedule.
  - (3) Provide for assessment of the private property owners by Caledonia Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

The following areas shall not constitute open space:

- (1) The area within all public street rights-of-way.
- (2) The area within all private street easements.
- (3) Any easement for overhead utility lines, unless adjacent to open space.
- (4) The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
- (5) Off-street parking and/or loading areas.



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- (6) Detention and retention ponds.
  - (7) Community drain fields.
  - (8) Fifty percent of the area of wetlands, creeks, streams, ponds, lakes or other bodies of water.
  - (9) Fifty percent of the area of flood plains and steep slopes (20 percent or greater).
  - (10) Buffer zones required by this chapter.
- (h) **Access.** Access and egress opening from the development onto a public or private road shall be limited to one per 200 feet. The nearest edge of any entrance or exit drive shall be located no closer than 100 feet from any street or road intersection (measured from the nearest intersection right-of-way line).
  - (i) **Utilities.** All utilities serving a PUD, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.
  - (j) **Privacy for Dwelling Units.** The design of a PUD shall provide visual and sound privacy for all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units and shall conform to the requirements of Chapter XXVIII.
  - (k) **Emergency Access.** The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access, as determined by the Caledonia Township Fire Chief.
  - (l) **Pedestrian and Vehicular Circulation.** A pedestrian circulation (sidewalk) system shall be provided, at the discretion of the Township, which is isolated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks, and bicycle pathways in the vicinity of the site.
  - (m) **Maximum Height.** Except as otherwise provided herein, maximum building height shall be 35 feet above the existing grade. However, building heights greater than 35 feet may be permitted at the discretion of the Planning Commission and Township Board if the PUD district is adjacent to a zone district which allows a greater height, when greater open spaces and/or setbacks are provided than would otherwise be required by this chapter, where topography would warrant additional height, or where additional height would be compatible with existing development patterns in the vicinity of the PUD.
  - (n) **Minimum Spacing.** Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation, or 20 feet, whichever is greater.
  - (o) **Sensitive Natural Features.** All sensitive natural features such as drainageways and streams, wetlands, lands within the 100-year floodplain, and stream or riverbanks shall remain unencumbered by any principal or accessory buildings and structures.

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- (p) **Watercourse Development.** Watercourse developments, including those located on or near lakes, ponds, rivers, creeks, streams and drainageways shall conform to the requirements of Section 3.52 and Section 3.53.
- (q) **Buffer Zone.** Planted or landscaped buffer areas of 25 feet in width are required along all exterior boundaries of the property to be developed and shall conform to the requirements of Chapter XXVIII, unless specifically waived by the Planning Commission and Township Board. Land within the buffer zone shall not be included in the open space calculation required by Section 15.5(g), above. No building, structure or parking area may be erected closer than 25 feet from any PUD district line, provided that the Planning Commission may, after public hearing, determine that a greater setback, not to exceed 100 feet, should be required.
- (r) **Parking Areas.** Parking areas shall be so designed to maximize and encourage the use of landscape breaks and/or buffers to minimize the unbroken expanse of surfaced area, and shall conform to the specific requirements of Chapter XX and Section 28.5.
- (s) **Common Property.** Common property in the PUD is a parcel or parcels of land, a privately owned road, or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property may be public or private. Arrangements must be made for the improvement, operation, and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas.
- (t) **Easements Across Common Property.** When common property exists, the owners shall grant easements over, under and through such property to the Township as are required for public purposes.
- (u) **Ground Area Occupied by Buildings and Structures.** Total ground area occupied by all buildings and structures (excluding paved areas) may not exceed 35 percent of the total ground area of the PUD, except that the total ground area occupied by all industrial structures (excluding paved areas) may not exceed the maximum building coverage percentage specified for the I-1 and I-2 Districts of this Ordinance.
- (v) **Street Lighting.** At a minimum, the developer shall provide streetlights for all street intersections within and at the perimeter of the proposed development. The Township may require additional lighting as determined to be necessary to protect the public health, safety and welfare of the individuals in the development, those immediately adjacent and the community as a whole. The outdoor lighting standards of Section 3.50 shall apply to all streetlights.
- (w) **Commercial Mixed-Use PUDs.** Commercial mixed-use PUDs shall satisfy the following requirements:
- (1) PUD shall be designed and developed with a unified architectural treatment. Creative architectural features shall be encouraged, including pitched or varied rooflines, creatively designed façades, shingled roofs, and exterior finishes emphasizing the use of wood, brick and other natural materials.

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- (2) In the case of PUDs that include both residential and commercial buildings, the exterior materials shall be reasonably compatible with those used in the residential buildings.
  - (3) The commercial portion of a mixed use PUD shall complement the overall PUD plan and the commercial buildings therein shall have an architecture and appearance that are reasonably compatible with the residential portion of the PUD.
  - (4) In mixed use PUDs, commercial uses shall be physically separated from adjacent, less intensive uses, by means of berms, roads, greenbelts or appropriate distances.
  - (5) Loading docks, refuse accumulation areas, truck maneuvering areas and other utility or service areas shall be appropriately screened from view by landscaping or other effective means.

**Section 15.6 Procedures and Requirements.** The approval of a PUD application shall require an amendment to this Ordinance to revise the zoning map and designate the subject property as “PUD.” Approval granted under this chapter, including all aspects of the final plan and conditions imposed upon it, shall constitute an inseparable part of the zoning amendment.

- (a) **Review Procedures.** PUD applications shall be submitted in accordance with the procedures and requirements of Section 18.5(a) through Section 18.5(d) of this Ordinance, which provide for detailed review of site plans by the Planning Commission, followed by review and final approval by the Township Board.
- (b) **Planning Commission Determination.** The Planning Commission shall review the application for PUD and shall then make a recommendation to the Township Board, based on the requirements and standards of this chapter. Prior to consideration by the Planning Commission, the petitioner shall secure the comments and recommendations of the Caledonia Township Building Inspector, Township Utilities Coordinator, Township Planner, Township Engineer, Township Fire Chief, the Caledonia Community Schools, the Kent County Health Department, county drain commissioner, county road commission, Michigan Department of Transportation, and Department of Environmental Quality, where applicable. The Planning Commission may waive the review of any official or agency listed above if not deemed necessary for a thorough review. The reason for taking such action shall be stated in the official record. The Commission reserves the right to seek the review and comment of any other official or agency as may be deemed necessary. The Planning Commission may recommend approval, approval with conditions, or denial a PUD application as follows:
  - (1) **Approval.** Upon determination by the Planning Commission that the final site plan for PUD is in compliance with the standards and requirements of this chapter and other applicable ordinances and laws, the Planning Commission shall recommend approval.
  - (2) **Approval with Conditions.** The Planning Commission may recommend that the Township Board impose reasonable conditions with the approval of a PUD proposal, to the extent authorized by law, for the following purposes.

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- (i) To insure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.
  - (ii) To protect the natural environment and conserve natural resources and energy.
  - (iii) To insure compatibility with adjacent uses of land.
  - (iv) To promote the use of land in a socially and economically desirable manner.
  - (v) To protect the public health, safety, and welfare of the individuals in the development, those immediately adjacent and the community as a whole.
  - (vi) To achieve the intent and purpose of this chapter.

In the event that the PUD is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided in Section 15.10.

- (3) **Denial.** Upon determination by the Planning Commission that a PUD proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.
  - (4) The Planning Commission shall transmit a report to the Township Board stating its conclusions and recommendations, the basis for its recommendations, and any recommended conditions relating to an affirmative decision.
- (c) **Submittal of Plans for Township Board Review.** After the Planning Commission makes its recommendations, the applicant shall make any required revisions and submit sufficient copies of the revised site plan and supporting materials for Township Board review. The Township Board shall indicate in writing that all requirements of this Ordinance, including those of other reviewing agencies within Caledonia Township, have been met, including any conditions that may be necessary. Following completion of its review, the Township Board shall approve, approve with conditions, or deny a PUD proposal in accordance with the guidelines described previously in Section 15.6(b).
  - (d) **Effect of Approval.** Approval of a PUD proposal shall constitute an amendment to the zoning map. All improvements and use of the site shall be in conformity with the PUD amendment and any conditions imposed. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved PUD unless an amendment pursuant to Section 15.10 is adopted by the Township Board upon request by the applicant or his/her successors.
  - (e) **Zoning Board of Appeals Authority.** Appeals shall not be made to the Board of Appeals regarding PUD provisions.
  - (f) **Expiration of PUD Approval.** PUD approval will expire one year from date of Township Board approval, subject to extension. Unless satisfied that the project remains appropriate in

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the proposed location and that initiation is imminent, the Township Board shall issue an order to the Township Planner to cancel the PUD approval. Thereafter, the project may proceed only if approved after going through the entire PUD process again, starting with a new application. In the event that an approved PUD site plan becomes null and void, the Township shall initiate proceedings to amend the zoning classification of the site.

- (g) **Performance Guarantee.** The Township Board may require that a performance guarantee meeting the requirements of Section 18.11 be deposited with the Township to ensure faithful completion of any improvements associated with or conditions required by PUD approval.

**Section 15.7 Application and Data Requirements.** Application for PUD approval shall include all data requirements for site plan review as specified in Section 18.3. In addition, the application shall include the following:

- (a) For all projects:
- (1) **An Overall Plan for the PUD.** The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, approximate locations of each principal structure and use in the development, setbacks, and typical layouts and elevations for each type of use. The overall plan shall clearly delineate each type of residential use; office, commercial and other nonresidential use; each type of open space; community facilities and public areas; and other types of land use.
  - (2) A map and written explanation of the relationship of the proposed PUD to the Caledonia Township General Development Plan.
  - (3) **Legal Documentation of Single Ownership or Control.** The documentation shall be in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained at public expense will continue to be operated and maintained by the developers or their successors.
  - (4) A specific schedule of the intended development and construction details, including the phasing or timing of all proposed improvements.
  - (5) **A Draft of Ownership and Governance Documents.** These documents shall include the following:
    - (i) Deeds of ownership.
    - (ii) Warranties guaranteeing ownership conveyed and described in the deeds.
    - (iii) A list of covenants, conditions, and restrictions that are conditions of ownership upon the purchasers and owners in the PUD.
    - (iv) Association bylaws which describe how the association is organized, the duties of the association to operate, manage, and maintain common elements of the PUD, and, the duties of individual shareholders to manage and maintain their own units.

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- (6) The Planning Commission or Township Board may develop checklists to assist applicants with their compliance with the application and data requirements of this chapter. If such checklists are developed, the checklist shall be a required component of the PUD application package.
  - (7) The degree of the recognizable and substantial benefit shall be stated, in writing, by the project applicant and shall be included with the Application for PUD.
  - (8) **Existing Natural Features Inventory.** A site plan and analysis highlighting existing natural features shall be submitted prior to consideration of a proposed development, as required in Section 18.4(b)(2).
- (b) For projects with more than 50 dwelling units or more than 50,000 square feet of enclosed space:
- (1) Information concerning traffic generated by the proposed PUD. Sufficient information shall be provided to allow the Township to evaluate the impact of the proposed development on adjoining roads. The following traffic related information shall be provided:
    - (i) Estimates of the volume of traffic generated by each use.
    - (ii) The peak hour volume of traffic expected to be generated by the proposed development.
    - (iii) A schematic drawing indicating vehicular movement through the site, including anticipated turning movements.
    - (iv) Measures being proposed to alleviate the impact of the development on the circulation system.

This requirement may be waived by the Planning Commission upon making the determination, based on Township staff or consultant review and knowledge about local traffic conditions, that the proposal satisfactorily addresses traffic concerns associated with the proposed PUD.
  - (2) Analysis of the fiscal impact of the proposed PUD on Caledonia Township and the Caledonia Community School District.
  - (3) Evidence of market need for the proposed use(s) and the feasibility of completing the project in its entirety. This requirement may be waived by the Planning Commission upon making the determination, based on existing evidence and knowledge about the local economy, that market support does exist for the proposed use(s).
  - (4) An environmental impact assessment that describes the effect and impact, whether adverse or otherwise, the proposed PUD will or may have upon or with respect to the following matters:
    - (i) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands and the quality and volume of surface water and groundwater;

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wildlife and trees and other significant vegetation; the effect, if any, on surrounding property values.

- (ii) Population in the immediate area and the Township; local school system; traffic congestion.
- (iii) Projected increases in the level of necessary governmental services including fire and police protection, storm water drainage, school districts and water supply and sewage disposal.
- (iv) Noise, vibration, dust and dirt, litter, smoke, odor, light and glare.
- (v) General appearance and character of the area; historic structures and places; archeological sites and artifacts.
- (vi) Such other matters as the Planning Commission may request to be included.

**Section 15.8 Standards and Requirements with Respect to Review and Approval.** In considering, any application for approval of a PUD proposal, the Planning Commission and Township Board shall make their determinations on the basis of standards set forth for site plan review in Section 18.9, as well as the following standards and requirements:

- (a) **Conformance with the PUD Concept.** The overall design and all uses proposed in connection with a PUD shall be consistent with and promote the intent of the PUD concept as described in Section 15.2, as well as with the specific project design standards set forth herein.
- (b) **Compatibility with Adjacent Uses.** The proposed PUD shall set forth specifications with respect to height, setback, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to the following:
  - (1) The bulk, placement, and materials of construction of proposed structures.
  - (2) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - (3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  - (4) The hours of operation of the proposed uses.
  - (5) The provision of landscaping and other site amenities.
- (c) **Public Services.** The proposed PUD shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police, emergency medical and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the PUD is completed.

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- (d) **Impact of Traffic.** The PUD shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
  - (e) **Accommodations for Pedestrian Traffic.** The PUD shall be designed with a sidewalk network, at the discretion of the Township, to accommodate safe pedestrian circulation throughout and along the perimeter of the site, without interference from vehicular traffic.
  - (f) **Compatibility with the General Development Plan.** The proposed PUD shall be in compliance with the general principles and objectives of the adopted Caledonia Township General Development Plan.
  - (g) **Compliance with Applicable Regulations.** The proposed PUD shall be in compliance with all applicable federal, state, and Township laws and ordinances.

**Section 15.9 Phasing and Commencement of Construction.**

- (a) **Integrity of Each Phase.** Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the PUD and residents of the community. Each phase of a PUD project requires submittal of a site plan and review under the procedures and requirements of this chapter. No building permit will be issued until a phase is entirely complete, unless appropriate security has been provided. Likewise, no certificate of occupancy shall be issued until all amenities are completed, regardless of whether security is in effect or not.
- (b) **Rate of Completion of Residential and Nonresidential Components.**
  - (1) **Purpose.** The purpose of the following provisions is to ensure that PUDs are constructed in an orderly manner and, further, to ensure that the PUD approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use.
  - (2) **General Standards.** In developments which include residential and non-residential components, the phasing plan shall provide for completion of at least 35 percent of all proposed residential units concurrent with the first phase of any nonresidential construction; completion of at least 75 percent of all proposed residential construction, concurrent with the second phase of nonresidential construction; and completion of 100 percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentage shall be approximations as determined by the Planning Commission and Township Planner, based on the floor area and land area allocated to each use.
  - (3) **Modification to General Standards.** Such percentages may be modified should the Planning Commission and Township Planner determine that the applicant presented adequate assurance that the residential component or components of the project will be completed within the specified time period.
  - (4) **Completion of Each Phase.** Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved plans. If construction is not



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commenced within the required time period, approval of the plan shall become null and void, subject to the provisions in Section 15.6(f).

**Section 15.10 Revision to Approved Plans.**

- (a) **General Revision.** An approved PUD proposal and site plan, including any conditions imposed on its approval, may be revised only in accordance with the procedures set forth in this chapter for approval of a new PUD proposal, except as otherwise stated below with respect to a minor change.
- (b) **Minor Changes.** A minor change may be approved by the Township Planner who shall notify the Planning Commission and Township Board of the minor change and that such change does not substantially alter the basic design or conditions required for the PUD by the Planning Commission or Township Board.

The following items shall be considered minor changes:

- (1) Reduction of the size of any building, building envelope or sign.
- (2) Movement of building or signs by no more than ten feet.
- (3) Plantings approved in the landscaping plan may be replaced by similar types of plantings.
- (4) Changes requested by the Township for safety reasons.
- (5) Changes which will preserve nature features of the land without changing the basic site layout.
- (6) Changes in the boundary lines of lots or condominium units which do not change the overall density of the development, do not reduce the width of the lot by more than 10 percent or which do not change the average lot or unit width throughout the development.
- (7) Additions or alteration to the landscape plan or landscape materials.
- (8) Alterations to the internal parking layout of an off-street lot, provided that the total number of spaces or ingress and egress do not change.
- (9) Relocation of a trash receptacle.
- (10) 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 Township Planner to be not material or significant in relation to the entire site and which the Township Planner determines would not have any significant adverse effect on the development on adjacent or nearby lands or the public health, safety and welfare.

The Township Planner may refer any decision regarding any proposed change in an approved PUD proposal or 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 whether a change is a minor change, or whether to refer a change to the

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Planning Commission for approval, the Township Planner may consult with the Chairperson of the Planning Commission. Should the Township Planner determine that a requested change in the approved PUD proposal is not minor, resubmission to the Planning Commission for an amendment shall be required, and the consideration thereof shall take place in the same manner as for an original PUD application.

*(Chapter 15 adopted by Ord. No. 98-04Z; eff. 09/08/98; amended 02/05/03, eff. 02/25/03.)*

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**CHAPTER XVA**  
**OPEN SPACE PRESERVATION**

**Section 15A.1 Purpose.** Act No. 177 of the Public Acts of Michigan of 2001 (“Act 177”) requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential development must adopt provisions in their zoning ordinances known as “open space preservation” provisions, which permit land satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the zoning ordinance, but not more than 50 percent, that, as determined by the township, could otherwise be developed, under existing ordinances, laws and rules, on the entire land area. The purpose of this chapter is to adopt open space preservation provisions consistent with the requirements of Act 177.

**Section 15A.2 Qualifying Conditions.**

- (a) Land may be developed under the provisions of this chapter only if each of the following conditions is satisfied:
  - (1) The land shall be zoned in a district permitting residential development, but specifically excluding the R-3 Medium Density Residential District and the MHC Manufactured Housing Community District. (*R-3 District amended 1/20/16; eff. 2/13/16.*)
  - (2) The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or shall permit development at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system.
  - (3) The development of land under this chapter shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this chapter would also depend on such extension.
  - (4) The clustering option provided pursuant to this chapter shall not have previously been exercised with respect to the same land.
- (b) If all of the preceding conditions are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions of this chapter.

**Section 15A.3 Permitted Uses.** Only those land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this chapter.

**Section 15A.4 Application and Review Procedure.**

- (a) The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this chapter shall be those stated in Chapter XVIII of this Ordinance, governing site plans, except as otherwise provided in this section. If the cluster option permitted by this chapter is proposed as a platted subdivision or a site condominium development, the applicant must also submit all information required under the Township Subdivision Control Ordinance or Chapter XXIX of this Ordinance, as applicable.

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- (b) In addition to the application materials required by Chapter XVIII of this Ordinance, an application for the development of land under the provisions of this chapter shall include the following:
- (1) An existing zoning plan prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the clustering option provided by this chapter were not exercised. The existing zoning plan may be conceptual in nature but shall include at least the following information:
    - (i) Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the site plan illustrating the proposed development using the clustering option permitted by this chapter.
    - (ii) Location of streets and driveways.
    - (iii) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
    - (iv) Location of all utilities that would be necessary to serve a development under the existing zoning plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
    - (v) If development under the existing zoning plan would require the use of septic tanks and drain fields, the existing zoning plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Kent County Health Department.
    - (vi) The existing zoning plan shall illustrate all unbuildable land, which shall include slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, flood plains, and other similar features which limit or prevent construction of buildings or roads. Each lot shown on the existing zoning plan shall contain at least 15,000 square feet of buildable area.
  - (2) A copy of the conservation easement, plat dedication, restrictive covenant, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this chapter in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this chapter. The legal instrument shall:
    - (i) Indicate the proposed permitted use(s) of the undeveloped open space.

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- (ii) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Planning Commission.
  - (iii) Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
  - (iv) Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
- (3) The site plan for the clustering option permitted by this chapter shall include the following minimum information, in addition to that required by Chapter XVIII of this Ordinance:
- (i) Date, north arrow and scale which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the existing zoning plan.
  - (ii) The site plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
  - (iii) The site plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for clustered development, and the percentage of each, as compared to the total site acreage.
  - (iv) The site plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed dwelling lots on the site plan shall not exceed the number of lots on the existing zoning plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described in Section 15A.5(l).
  - (v) The site plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
  - (vi) If the clustered development will include septic tanks and drain fields, the site plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Kent County Health Department.
- (4) If the development is to be served by public streets, proof that the Kent County Road Commission has approved the design, layout and construction of the streets.

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- (c) **Determination of Number of Lots by Planning Commission.** When reviewing an application submitted under the terms of this chapter, the Planning Commission shall determine whether the existing zoning plan accurately reflects the number of dwelling units that could be developed on the land under its existing zoning if the clustering option provided by this chapter were not exercised. If the Planning Commission determines that the number of dwellings illustrated on the existing zoning plan exceeds the number of dwellings that could be permitted on the land if it were developed under its existing zoning, if the clustering option provided by this chapter were not exercised, the applicant shall submit a revised site plan for the clustering option reflecting the permitted number of dwellings, as determined by the Planning Commission.
- (d) If a site plan satisfies all requirements of Section 18.9 of this Ordinance and all requirements of this chapter, the Planning Commission shall approve the site plan. If the cluster option permitted by this chapter is proposed as a platted subdivision or a site condominium development, the applicant shall also demonstrate compliance with all requirements of the Township Subdivision Control Ordinance or Chapter XXIX of this Ordinance, as applicable, before the Planning Commission may approve the development.

#### **Section 15A.5 Development Requirements.**

- (a) **Required Open Space.** At least 50 percent, but no more than 60 percent of the land proposed for development under the provisions of this chapter shall remain in a perpetually undeveloped state (i.e., “open space”) by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township attorney; provided, however, that a greater percentage of required open space may be included within the land proposed for development if such greater percentage is approved by the Planning Commission and Township Board. The following areas shall not constitute open space:
- (1) The area within all public street rights-of-way.
  - (2) The area within all private street easements.
  - (3) Any easement for overhead utility lines, unless adjacent to open space.
  - (4) The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
  - (5) Off street parking and/or loading areas.
  - (6) Detention and retention ponds.
  - (7) Community drain fields.
  - (8) Fifty percent of the area of wetlands, creeks, streams, ponds, lakes or other bodies of water.
  - (9) Fifty percent of the area of flood plains and steep slopes (20 percent or over).
- (b) **Standards for Open Space.** The following standards shall apply to the open space required pursuant to this chapter:

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- (1) The open space shall not include a golf course.
  - (2) The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
  - (3) The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
  - (4) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water. The Planning Commission may impose reasonable restrictions on the access to and the use of any such body of water that are designed to protect the body of water from the negative effects of overcrowding. Development along the shore line of such a body of water is subject to the requirements of Sections 3.52 and 3.53 of this Ordinance.
  - (5) A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 100 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help reduce the view of houses on the land from the adjacent roadway and to preserve the rural view.
  - (6) 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.
  - (7) Open space shall be located so as to be reasonably accessible to the residents of the clustered development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
  - (8) Open space may be centrally located, may be located along the street frontage of the development, may be located to preserve significant natural features, or located in such a manner so as to connect open spaces throughout the development, but in any event, the open space shall consist of significant contiguous area.
  - (9) Where reasonably practical, open space shall be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
  - (10) Grading in the open space shall be minimal. Existing topography shall be preserved where reasonably practical.
- (c) **Use of Open Space.** All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, in its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.
- (d) **Compliance With Zoning District.** The development of land under this chapter shall comply with all requirements of this Ordinance applicable to the zoning district in which the

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land is located, except those setback and yard size requirements that must be adjusted to allow the clustering option permitted under this chapter.

(e) **General Design Standards.**

- (1) **Access.** Access to and egress from the cluster development onto a public or private road shall be limited to one per 200 feet of frontage. The nearest edge of any entrance or exit drive shall be located no closer than 100 feet from any street or road intersection, as measured from the nearest intersection right-of-way line.
- (2) **Utilities.** All utilities serving a cluster development, including electric, telephone and cable television lines, shall be placed underground.
- (3) **Landscaping.** Fences, walks and landscaping shall be used in the site design of a cluster development to protect the privacy of dwelling units and shall conform to the requirements of Chapter XXVIII of this Ordinance. A separate landscape plan shall be submitted to demonstrate compliance with the requirements of Chapter XXVIII.
- (4) **Emergency Access.** The configuration of buildings, driveways and other improvements shall permit convenient and direct emergency vehicle access, as determined by the Caledonia Township Fire Chief.
- (5) **Sensitive Natural Features.** All sensitive natural features such as drainage ways and streams, wetlands, lands within the 100-year flood plain and stream or river banks shall remain unencumbered by any principal or accessory buildings and structures.
- (6) **Parking Areas.** Parking areas shall be so designed to maximize and encourage the use of landscape breaks and/or buffers to minimize the unbroken expanse of surfaced area, and shall conform to the specific requirements of Chapter XX and Section 28.5 of this Ordinance.
- (7) **Street Lighting.** The developer shall provide street lights at the entrance of a clustered development and, if required by the Planning Commission in its approval of a clustered site plan, shall provide street lights for all street intersections in the clustered development. The Planning Commission may require additional lighting as determined to be necessary to protect the public health, safety and welfare of the individuals in the development, those immediately adjacent to the development and the community as a whole. The outdoor lighting standards of Section 3.50 of this Ordinance shall apply to all street lights.

(f) **Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.

(g) **Building Envelopes.** The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.



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- (h) **Required Frontage.** Each lot shall have a minimum of 65 feet of frontage measured at the street right-of-way line, unless otherwise permitted by the Planning Commission.
  - (i) **Lot Width.** Each lot shall have a minimum width equal to no less than 70 percent of the minimum lot width specified for the zoning district in which the land is located, unless otherwise approved by the Planning Commission.
  - (j) **Maximum Number of Lots.** The clustered portion of the development shall contain no more than the maximum number of dwelling lots, as determined from the existing zoning plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection (l).
  - (k) **Non-Dwelling Unit Structures.** Lots containing non-dwelling structures such as a clubhouse and its related amenities or an accessory building, shall be subject to all requirements of this chapter applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. However, the Planning Commission may, in its discretion, permit the enlargement of a lot containing a non-dwelling structure so as to reasonably accommodate it. Accessory buildings and other types of non-dwelling unit structures shall not exceed 120 square feet in area, unless otherwise permitted by the Planning Commission.
  - (l) **Reduction in Lots for Non-Dwelling Structures.** If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of dwelling lots permitted in the clustered portion of the land shall be reduced as follows:
    - (1) The area of a lot or lots occupied by non-dwelling structures, shall be calculated and then divided by the average area of a dwelling lot that could be situated in the clustered development if the non-dwelling structures were not included in the clustered development, as determined from the approved existing zoning plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
    - (2) The number calculated under subsection (1) shall be subtracted from the number of dwelling lots that could be permitted in the clustered development in the absence of the non-dwelling structures, as determined from the approved existing zoning plan, in order to determine the maximum number of dwelling lots permitted to be included in the clustered portion of the development with the non-dwelling structures included.
  - (m) **Perimeter Lots.** Notwithstanding any other provision of this chapter, the Planning Commission may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
  - (n) **Sidewalks.** The Planning Commission may, in its discretion, require that sidewalks be installed in the clustered portion of the development.
  - (o) **Grading.** Grading within the clustered development shall comply with the following requirements:
    - (1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to

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be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.

- (2) All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.
- (3) Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.

(p) **Streets and Driveways.**

- (1) Private streets within a clustered development shall conform to the private street requirements of this Ordinance and shall be paved in all circumstances. The Planning Commission may, however, modify the requirements for private streets and in doing so, shall consider the following criteria:
  - (i) Number and type of dwelling units served by the private street.
  - (ii) Traffic generation.
  - (iii) Existing topography and vegetation.
  - (iv) Security provisions.
  - (v) Inter-relationship with the public street network.
  - (vi) Future installation of public utilities.
  - (vii) Likelihood of public dedication of the roadway.
- (2) All public streets in a clustered development shall be constructed to the standards required by the Kent County Road Commission for platted streets.
- (3) The Planning Commission, in its discretion, may require that public or private streets be extended to the exterior lot lines of the clustered development so as to allow future connection to roadways on adjacent parcels for the purpose of providing secondary access, continuity of the road system, and reducing traffic on collector roads. When such street extensions are required, the extension shall terminate in a temporary cul-de-sac constructed in accordance with Kent County Road Commission standards.
- (4) Driveways to individual lots shall not exceed a slope of 10 percent unless specifically approved by the Planning Commission.

(q) **Home-Based Businesses Prohibited.** Home-based businesses are prohibited in a clustered development.

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- (r) **Other Laws.** The development of land under this chapter is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

**Section 15A.6 Amendments to an Approved Site Plan.**

- (a) An approved clustered site plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, or its successor-in-interest, except as otherwise stated below with respect to a minor change.
- (b) A minor change may be approved by the Township Planner who shall notify the Planning Commission of the minor change and that such change does not substantially alter the basic design or conditions required for the plan by the Commission.

The following items shall be considered minor changes:

- (1) Reduction of the size of any building, building envelope or sign.
  - (2) Movement of buildings or signs by no more than ten feet.
  - (3) Plantings approved in the landscaping plan may be replaced by similar types of plantings.
  - (4) Changes requested by the Township for safety reasons.
  - (5) Changes which will preserve natural features of the land without changing the basic site layout.
  - (6) Other similar changes of a minor nature proposed to be made to the design, layout or topography of the site development plan which are deemed by the Township Planner to be not material or significant in relation to the entire site and which the Township Planner determines would not have any significant adverse effect on the development or on adjacent or nearby lands or the public health, safety and welfare. A proposed change to lot lines or unit boundaries shall not be considered a minor change.
- (c) The Township Planner may refer any decision regarding any proposed change in 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 whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Township Planner may consult with the chairperson of the Planning Commission.
- (d) Should the Township Planner determine that a requested change in the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required, and the consideration thereof shall take place in the same manner as for an original application.

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**Section 15A.7 Performance Guarantees.** The Planning Commission may require performance guarantees for land developed pursuant to the clustering option permitted by this chapter in accordance with Section 18.11 of this Ordinance.

**Section 15A.8 Time Limitations on Development.**

- (a) Each development permitted pursuant to this chapter shall be under construction within one year after the date of approval of the site plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.
- (b) If the clustered development has not been commenced within the above-stated time period, or within any authorized extension thereof, any building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this chapter in order to exercise the clustering option.

**Section 15A.9 Definitions.** Words and phrases used in this chapter, if defined in Act 177, shall have the same meaning as provided in the Act.

*(Chapter 15A adopted 02/05/03; eff. 02/25/03.)*

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**CHAPTER XVI  
SPECIAL LAND USES**

**Section 16.1 Intent and Purpose.**

- (a) Various land uses and activities possess unique characteristics which under certain conditions require special limitations and controls to insure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses or activities and therefore have been designated as special land uses.
- (b) The intent of this chapter is to permit land to be used for special land uses upon review and approval by the Planning Commission (and with respect to some special land uses, also review and approval by the Township Board) each special land use, after public hearing and public notice. In connection with any such approval, the Planning Commission (and where authorized, the Township Board) may impose reasonable terms and conditions in order to assure that public services and facilities will be capable of accommodating increased service and facilities requirements, to protect the natural environment and conserve natural resources and to promote the use of land in a socially and economically desirable manner.
- (c) Only the special land uses specified in this Ordinance are eligible for approval consideration. No special land use shall be engaged in unless the required approval has been granted, in accordance with the procedures specified in this chapter.

**Section 16.2 Applications for Special Land Uses.** An applicant for a special land use shall proceed as follows:

- (a) An application, on a form provided by the Township, shall be completed by the applicant and filed with the Township Planner.
- (b) Among other matters, the application shall include the name and address of the applicant; the address of the property involved; the date of the application; and a statement indicating the sections of this Ordinance under which the special land use is sought. The applicant shall also specify the grounds upon which the special land use is requested to be granted.
- (c) The fee established for an application for a special land use shall be paid at the time of the filing of the application. The applicant shall deposit the required sum into an escrow account with the Township, for use in reimbursing the Township for its expenses in the consideration of the matter, as specified in the Township's zoning escrow account procedures.
- (d) A site plan covering the special land use shall be submitted with the application. The site plan shall comply with all of the required contents of a site plan, as stated in Section 18.3 of this Ordinance, except items waived under Section 18.3. Further, the site plan shall include, among other matters, the location and dimension of all existing and proposed buildings and structures; measures proposed for storm water drainage; sewage disposal and water supply measures; off-street parking and loading; proposed landscaping and buffering measures; and other contents describing relevant aspects of the proposed special land use. The site plan shall include a locational drawing showing lands and uses within 300 feet of the proposed special land use.

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**Section 16.3 Public Hearing and Minimum Requirements.** Special land use applications, when complete, shall be forwarded to the Planning Commission. The Commission shall hold a public hearing on the special land use application, after the providing of public notice. After the public hearing, the Commission shall consider the special land use and shall approve it, deny it or approve it with conditions; provided, however, that as to those special land uses which also require Township Board approval, the Planning Commission shall make a recommendation on the same, and the final decision thereon shall be made by the Township Board which may, but need not necessarily, comply with the Planning Commission recommendation. Any such decision by the Township Board shall take place at a public meeting, but a public hearing shall not be required, though the Board may convene and give notice of a public hearing if it desires to do so.

Special land uses shall comply with all of the minimum requirements provided in this Ordinance and in other applicable Township ordinances for all of the aspects and features of the land use for which minimum requirements are so specified, including but not limited to requirements on minimum lot area and minimum lot width, minimum building setbacks, street access, street frontage, sewage disposal and water supply, off-street parking and loading, landscaping and buffering, outdoor lighting, building and structure height, accessory buildings and structures, screening, private streets, limitations on lake access, lot width to depth ratio, public utility service, required open space, signage, fences and walls, storm water management and facilities and other land use aspects; provided, however, that in approving a special land use the Planning Commission or, in the case of special land uses to be considered by the Township Board, then both the Planning Commission and Township Board may authorize other or different requirements or may determine that any of such requirements need not be satisfied, if justified by the facts and circumstances and if the standards for consideration of special land uses stated in Section 16.4 would nevertheless be satisfied.

- (a) Notice of a public hearing on a special land use shall be published and delivered in accordance with Section 23.10 of this Ordinance.
- (b) In considering a special land use, the Planning Commission may require the submission of additional reports, studies or information, including an environmental impact assessment, traffic impact study, utility system plan, storm water drainage plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the special land use.
- (c) In its review of the special land use application, the Planning Commission (and also the Township Board, in the case of special land uses requiring Board approval) may submit the application and other materials to its consulting engineer and other professional consultants and advisors, for review and comment. *(Section 16.3 amended 09/06/06; eff. 10/03/06.)*

**Section 16.4 Standards for Considering Special Land Uses.** The Planning Commission, and the Township Board as to special land uses requiring Board approval, shall apply and make findings upon the following general standards, in addition to other standards provided in this Ordinance for particular special land uses:

- (a) The size, character and nature of buildings and structures comprising the special land use shall not have a substantial adverse effect upon adjoining or nearby lands or the uses thereof.
- (b) The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.

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- (c) The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.
  - (d) The special land use shall not have a substantial adverse effect on the protection and preservation of natural resources and natural features.
  - (e) Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.
  - (f) Safe and adequate sewage disposal facilities and water supply measures shall be provided in compliance with county and state requirements, and shall be designed for compatibility with existing systems and anticipated future development. Connection with existing sanitary sewer systems and water supply systems may be required.
  - (g) The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.
  - (h) The special land use shall not create excessive additional demand, at public cost, for public facilities and services.
  - (i) The special land use shall be consistent with the intent and purposes of the zoning ordinance and the General Development Plan.

**Section 16.5 Terms and Conditions of Approval.** The Planning Commission (and the Township Board, in the case of special land uses requiring Board approval) may impose reasonable terms and conditions on the approval of a special land use. The terms and conditions shall be for the purpose of achieving the following goals and favorable results:

- (a) To assure that public services and facilities affected by the special land use will be capable of accommodating increased service requirements resulting from the use.
- (b) To assure that the special land use is reasonable.
- (c) To assure that the special land use is compatible with adjacent and nearby land uses.
- (d) To protect natural resources; the health, safety and welfare of those who will utilize the special land use and also residents in the vicinity of the special land use and the Township as a whole.
- (e) To assure that the special land use is consistent with the intent and purposes of the zoning ordinance.
- (f) To assure compliance with the general special land use standards and the specific standards applying to the special land use under consideration.
- (g) If the special land use is of a temporary nature, or if it involves uses or activities which by their nature will terminate at some point in the future, the Planning Commission may impose terms and conditions which limit the duration of the special land use.

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- (h) The Planning Commission may require that a special land use be periodically reviewed by the Commission or by the Township Board for the purpose of determining whether the terms and conditions of the use are being complied with. All terms and conditions of a special land use shall remain unchanged unless revoked or amended by the Planning Commission or by the Township Board in the case of special land uses requiring Board approval.

**Section 16.6 Expiration.** A special land use shall expire one year after it is approved, unless construction or other commencement of the use has substantially occurred and continues. Upon request by the applicant, the Planning Commission may extend the term of the special land use for up to one additional year, upon a finding that such an extension of time is reasonable under the circumstances. Any such requested extension of time may be denied if the Planning Commission determines that land use conditions in the vicinity have changed such that a reapplication and rehearing of the special land use would be required.

**Section 16.7 Violation of Special Land Use Requirements.** A violation of any of the terms and conditions of a special land use shall be a violation of this Ordinance, and all penalties specified herein for the violation of the ordinance shall apply, and the Township shall have such other enforcement remedies authorized by law. The Township may also take such other lawful action as may be necessary to and/or moderate the violation, including revocation of all or part of the special land use, requirement for further hearing and consideration or other lawful review of the matter.

**Section 16.8 Reapplication.** Any application for a special land use which has been denied wholly or in part shall not be resubmitted until at least one year after the date of the denial, except on the grounds of newly discovered information or proof of changed conditions affecting the proposed use or, alternatively, the Township Planner may determine that reapplication is justified in view of circumstances affecting the lands or the uses thereof, and in such a case, the Planner may submit the reapplication to the Planning Commission for its consideration.

**Section 16.9 Standards for Particular Special Land Uses.** The following provisions are standards and requirements for specific special land uses, which must be satisfied with respect to a specified special land use, in addition to compliance with the general special land use standards set forth in this chapter.

**Section 16.10 Bed and Breakfast Establishment.**

- (a) The bed and breakfast establishment shall be located on lands with direct access to a public street.
- (b) The use shall be established only in a detached single family dwelling.
- (c) There shall be adequate off-street parking, so located as to minimize negative impacts upon adjacent lands.
- (d) Exterior refuse storage facilities shall be screened from view on all sides by a solid decorative fence or landscaping.
- (e) One freestanding sign shall be allowed for identification purposes only. The freestanding sign shall not exceed 16 square feet in area and shall not be more than four feet in height; it may not be illuminated.
- (f) The establishment shall also be the residence of the operator.



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- (g) Breakfast may be served, but only to overnight guests and to the operator's family and employees. The establishment shall not be used for public restaurant purposes.

**Section 16.11 Church and Other House of Worship.**

- (a) The special land use shall be located on a parcel of land of at least two acres in area, unless a lesser area is permitted by the Planning Commission.
- (b) Playgrounds, athletic grounds or similar recreational areas associated with a church may be permitted if approved by the Planning Commission.
- (c) Steeples, spires and roof ornamentation in excess of the height permitted in the zoning district in which a church is located may be approved by the Planning Commission as a special land use.
- (d) Safe, adequate and convenient access from a public street shall be provided. There shall be adequate off-street parking area.
- (e) A nursery school or child care center may be operated on church property if approved by the Planning Commission as a part of the special land use approval. Appropriate registration or licensing of the nursery school or child care center shall be provided, if required by law.

**Section 16.11A Campground, Publicly-Owned and Private Non-Commercial.**

- (a) A campground shall have direct access to at least one public street by means of a driveway complying with the private road design and construction requirements for private streets serving more than five lots or parcels of land, as set forth in this Ordinance; provided, however, that the width of the travelled roadbed may be modified by the Planning Commission in its approval of the special land use.
- (b) All buildings and camping sites shall be served by a potable water supply, sufficient in quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand. Such water shall be supplied by a public water system, if available, and if not available, then from a private source constructed, located and approved in accordance with applicable Township ordinances, county health department regulations and the requirements of state law.
- (c) All buildings and camping sites shall be provided with sanitary sewer service facilities sufficient to support usage levels under conditions of peak demand. Such service shall be accomplished by connection to a public sewer system, if available, and if not available, then by a private septic tank and drainfield system constructed, located and approved in accordance with applicable Township ordinances, county health department regulations and the requirements of state law.
- (d) All showers, sinks, toilets and other restroom facilities installed and used in the campground shall be maintained free from obstructions, leaks and defects, and shall at all times be in a clean, sanitary and operable condition.
- (e) A utility plan showing the type, size and location of all existing and proposed water supply and sanitary sewer facilities and other utilities shall be prepared by the applicant and shall be subject to the approval of the Township Engineer.

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- (f) The storm water drainage system serving the campground, and the discharge of water from any component of the storm water drainage system, shall be designed, engineered and constructed so as to have no adverse effect upon the campground or upon adjacent or nearby lands or surface waters by reason of flooding, erosion, pollution or otherwise. The applicant shall submit a drainage plan for the campground and shall otherwise comply with all applicable provisions of the Township Storm Water Ordinance. The drainage plan shall be subject to the approval of the Township Engineer, consistent with the terms of this section and the Township Storm Water Ordinance.
  - (g) Any portion of a campground which has been designated as wetlands under applicable Michigan law shall not be filled, dredged or developed to any extent without the approval of the Department of Environmental Quality, by means of such permits as may be required by law, except for approved storm water detention areas. The design, layout and construction of all facilities shall be carried out only in such manner as to have no serious adverse effect on the quality and the waters of any wetland areas.
  - (h) Soil erosion protection and stabilization techniques and procedures shall be provided continuously during all phases of campground construction, in accordance with Kent County soil erosion and sedimentation control requirements, so as to prevent any adverse effect resulting or arising from erosion of soil. The applicant shall obtain and comply with any required soil erosion and sedimentation control permit.
  - (i) All aspects and facilities of the campground shall comply with the Township's outdoor lighting requirements, as set forth in this Ordinance.
  - (j) There shall be adequate trash receptacles and trash dumpsters placed at various locations throughout the campground. All litter and refuse shall be promptly picked up and placed in such receptacles or dumpsters. A licensed refuse carrier shall be employed to empty the trash receptacles and dumpsters and to remove solid waste from the campground on at least a weekly basis when the campground is in regular use.
  - (k) Adequate off-street parking spaces and internal maneuvering lanes shall be provided to accommodate campground users and guests during periods in which the campground is at peak capacity. The off-street parking areas serving permanent principal buildings such as, but not limited to, registration buildings, dining halls and gymnasiums (but excluding individual cabins) shall be surfaced with asphalt or concrete in accordance with Section 20.6(e) of this Ordinance.
  - (l) A campground shall be designed and constructed, as determined by the Township Fire Chief or the state Fire Marshal, under applicable fire codes, to ensure safe and adequate fire protection for the campground facilities and the users and occupants thereof.
  - (m) Any required state permit for the campground, or for uses within the campground, shall be obtained and shall be kept fully in force. A copy of any required permit shall be promptly submitted to the Township upon issuance.
  - (n) No business or commercial uses shall take place within a campground, except for such convenience-goods store or similar facility that may be approved by the Planning Commission as a part of the special land use, and as regulated thereby.

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- (o) There shall be no lighting of outdoor athletic facilities. The seating areas around outdoor athletic facilities shall be limited to one set of bleacher seats, supplying seating for no more than 100 persons. There shall be no sporting events or music performance events held at the campground that are permitted to be attended by the general public. The use of the campground recreational and/or meeting facilities shall be limited to those persons staying at the campground, including attendees of permitted group meetings under subsection (p), campground staff and employees, and their immediate family members.
- (p) Overnight lodging at a campground may be offered and made available only from April 1 through November 1 of each year; provided, however, that permitted group meetings (excluding lodging) may be held at other times of the year. Outdoor group activities at a campground shall be limited to the hours from 6:00 a.m. to 10:00 p.m., daily.
- (q) The outdoor use of an amplified sound system is prohibited. Amplified music shall not be permitted. Handheld blow horns may be used by camp counselors or employees for such limited purposes as organizing group events among the campground occupants.
- (r) There shall be no events held at the campground where the number of persons in attendance exceeds the maximum capacity of the campground, including campground staff and employees. For purposes of this subsection, the maximum capacity of the campground may include the occasional use of grass or meadow areas for temporary, overflow motor vehicle parking, if such overflow parking is permitted by the terms of the special land use.
- (s) The Planning Commission, in considering an application for a campground special land use, shall have the discretion to determine the permissible number of camp sites, cabins, other types of overnight accommodation facilities, and the number, size and location of permanent facilities to be located in the campground, upon consideration of the following criteria:
- (1) The type and character of the land uses adjacent to and in the immediate area of the campground.
  - (2) The effect of the campground on water and sewer services, storm water drainage, road capacity and volume of vehicle traffic and traffic safety and circulation.
  - (3) The effect of the campground on police and fire services and other public safety and emergency services.
  - (4) The effect of the campground on the protection and preservation of natural features and natural resources.
  - (5) The impact of the campground in relation to other pertinent land use factors including, but not limited to, the view from adjacent and nearby lands; off-street parking and loading; refuse removal and similar services; control of noise, glare and vibration; signs; outdoor lighting; and whether the campground would be consistent with the intent and purposes of the ordinance.
  - (6) The extent to which the campground may support or impede the long-range land use plans of the Township.
- (t) In all other respects, a campground shall comply with the Public Health Code, Public Act 368 of 1978, and the rules for campgrounds promulgated thereunder. Where the

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requirements of this Ordinance are in conflict with the Act or the regulations promulgated thereunder, the more stringent standard shall apply. (*Section 16.11A adopted 10/18/06; eff. 10/31/06.*)

**Section 16.12 Commercial Communications Antennas and Towers.**

- (a) Commercial or public antennas and towers and certain noncommercial antennas and towers, unless exempt under Section 3.5, and noncommercial or non-public antennas and towers subject under Section 3.41 to special land use approval, may be approved by the Planning Commission as a special land use upon compliance with all of the following requirements:
- (1) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
  - (2) No part of the antenna or tower shall display any name, symbol, words or letters, advertising message, graphic representation or other written or pictorial matter visible from adjacent or nearby lands.
  - (3) Any such antenna or tower shall be located only in a rear yard or, or in a side yard if in the C-1, C-2, I-1 or I-2 District, unless otherwise permitted by the Planning Commission. In its discretion, the Planning Commission may permit any such antenna or tower to be located in the side yard of a parcel of land in the agricultural district or in any residential district. An antenna or tower shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.
  - (4) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission, unless it is exempt under Section 3.5.
  - (5) The antenna or tower shall not be so located, constructed or used so as to have a serious adverse effect on adjacent or nearby land uses.
  - (6) The antenna or tower and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
  - (7) Antennas and towers for commercial or public telecommunications services, including cellular telephone antennas and towers, shall unless otherwise exempt comply with all of the following requirements:
    - (i) Telecommunications antennas may be required by the Planning Commission to be located on an existing approved tower or other structure if such location is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed antenna and other relevant factors.
    - (ii) A proposed tower for telecommunications services may be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and also equipment for at least four additional users but in its

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discretion, the Planning Commission may permit a proposed tower to be designed and constructed so as to accommodate fewer than four additional users, upon a sufficient showing by the applicant supporting such lesser number of potential additional users. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.

- (iii) Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color of equipment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.
  - (iv) The Planning Commission may require that telecommunications towers not be illuminated, unless required by state or federal agencies having jurisdiction. No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.
  - (v) The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.
  - (vi) Towers for telecommunications services which are abandoned or unused shall be removed, along with any associated buildings, structures or equipment within six months of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to accomplish its removal.
- (8) The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:
- (i) The screening or buffering of an antenna or tower and any accessory buildings or structures.
  - (ii) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures.
  - (iii) The prohibition on the construction or occupancy of dwellings or other buildings or the construction and use of other structures on the lands where the antenna or tower is located, or within a specified isolation distance from the antenna or tower.

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(iv) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower; the reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of an antenna or tower or accessory buildings or structures.

(9) This section shall also apply to other antennas and towers that are not otherwise provided for in this Ordinance and that are not exempt under other provisions hereof.

**Section 16.13 Commercial Greenhouses and Nurseries.**

- (a) There shall be direct access from a public street and adequate off-street parking shall be provided.
- (b) Outdoor storage of landscape supplies and materials shall be adequately screened from view from adjacent and nearby lands.

**Section 16.14 Commercial Outdoor Recreation Facility.**

- (a) The minimum lot area shall be at least two acres, unless the Planning Commission permits a lesser area.
- (b) Adequate off-street parking area shall be provided. Driveways shall be so located as to provide convenient and safe access.
- (c) Where necessary to avoid adverse effects, there shall be screening and buffering of the lands, from the view from adjacent parcels, and so as to afford protection from excessive noise, light, dust or other adverse impacts.
- (d) Accessory retail sales may be permitted, but shall be limited to the sale of supplies and goods specific to the nature of the outdoor recreation facility.
- (e) All areas used for the placement of commercially-maintained waste receptacles shall be screened with a solid fence or wall so as to obscure the view of the waste receptacle from the property or other lands.

**Section 16.15 Contractor Yard.**

- (a) Adequate, safe and convenient driveways for the ingress and egress of construction equipment and other contractor equipment shall be provided.
- (b) All operations and storage shall take place in a completely enclosed building or shall be fully enclosed by a solid fence or wall not less than six feet in height.
- (c) There shall be adequate landscaping, buffering or isolation area so as to avoid adverse effects upon other lands by reason of noise, dust, fumes and other adverse effects.

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**Section 16.16 Elderly and Retirement Housing.**

- (a) The minimum lot area shall be two acres, unless a lesser area is permitted by the Planning Commission.
- (b) Adequate off-street parking area shall be provided. Access driveways shall be located a sufficient distance from the nearest intersecting street so as to avoid adverse traffic impacts.
- (c) If the use is required to be state-licensed, any such license shall be maintained in full force and effect and all of its terms and conditions shall be fully complied with.

**Section 16.17 Family Daycare Homes for More than Six Minor Children.**

- (a) The use shall have access from a public street.
- (b) An area for the dropping off and picking up of persons utilizing the daycare home shall be provided off the public street. It shall be a sufficient distance back from the street right-of-way so as to enable vehicles to exit the property without backing into the public street.
- (c) Adequate fencing shall be provided around all outdoor areas to be used for play or recreation.
- (d) All playground equipment and areas for playing and exercise shall be in the rear yard of the property.
- (e) The facility shall not exceed 16 hours of operations during a 24-hour period, and shall not operate between the hours of 10:00 pm. and 5:00 a.m.

**Section 16.18 Fuel Depot and Fuel Dispensing System.**

- (a) Adequate isolation distance of the use from adjacent and nearby land uses and the public streets shall be provided.
- (b) Access shall be by means of a public street.
- (c) Adequate area on the site shall be provided for the circulation and parking of vehicles dispensing and receiving fuel from the facilities provided.
- (d) Exterior lighting shall be so arranged as to reflect away from adjacent and nearby property
- (e) Driveways, surface areas and parking areas shall have a permanent durable and dustless surface, and shall be so graded and drained as to properly dispose of accumulated surface water.
- (f) Driveways shall be a sufficient distance from street intersections so as to avoid adverse traffic conditions.

**Section 16.19 Gasoline Service Station and Motor Vehicle Repair Shop.**

- (a) The number of driveways and the location thereof shall be subject to Planning Commission approval.

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- (b) The site shall be of sufficient area so as to provide space for the parking of vehicles making any use of the service station or repair shop, including vehicles being serviced, those being parking for service at a future time and the temporary parking of vehicles for service or for departure from the site.
  - (c) The setback of the service facilities shall be as determined by the Planning Commission.
  - (d) Driveways, service areas and parking areas shall be paved. They shall be so graded and drained as to properly dispose of all accumulated surface water.

**Section 16.20 Golf Course and Country Club; Commercial Riding Stable; Private Recreation Area.**

- (a) All access shall be directly from a public street.
- (b) All buildings shall be located at least 100 feet from a property line adjacent to residentially-zoned land.
- (c) Adequate off-street parking area shall be provided. Driveways shall be placed a sufficient distance away from street intersections as to avoid adverse traffic impacts.
- (d) The use may include accessory uses such as a pro-shop, restaurant for golf course or country club patrons, golf driving range and horse-riding trails.

**Section 16.21 Home Based Business.**

- (a) A home based business may be permitted in the A, R-R, R-1, R-2, R-3 Districts, on a parcel of land having a single-family detached dwelling, as a special land use, in accordance with this section. *(Section 16.21(a) amended 9/19/18; eff. 10/06/18.)*
- (b) A home based business shall be carried on by one or more members of a family residing on the premises, plus not more than one additional non-resident employee.
- (c) No mechanical equipment shall be installed on the premises, except such as is normally used for domestic and household purposes.
- (d) Not more than 25 percent of the total floor area of any story of the dwelling, or not more than 50 percent of an on-site accessory building shall be used in the operation of the home based business.
- (e) No outdoor storage shall be permitted in connection with a home based business.
- (f) No goods or commodity other than those customarily associated with the home based business shall be sold on the premises.
- (g) There shall be no change in the outside appearance of the dwelling or any accessory building, or other part of the premises, as a result of the conducting of the home based business, except that limited outdoor signage may be permitted, but such signage shall comply with the applicable sign requirements of the zone district in which the use is located.
- (h) An accessory building used in a home based business shall not be larger in area than as follows: in the A District, 1,200 square feet; in the A District and the R-R District, 1,200 square feet; and in the R-1 District, 576 square feet.



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- (i) There shall be only incidental or occasional sale of goods, merchandise, supplies or products on the premises.
  - (j) No combustible, toxic or hazardous material may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and local requirements concerning the use, handling, storage, transport and disposal of any such materials; provided, however, that the safe storage of pesticides and herbicides by landscaping enterprises shall be permitted if otherwise lawful.
  - (k) There shall be no activity that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibrations, smoke, dust, odors, heat or glare resulting in an adverse effect beyond the property where the home based business is located.
  - (l) Any motor vehicle traffic generated by the home based business shall be only to such limited extent that the number of vehicles, the frequency of vehicle trips, the noise of vehicles and other resulting impacts shall have no serious adverse effects on adjacent or nearby lands.
  - (m) If the parking of motor vehicles will result from the home based business, an adequate off-street parking area shall be provided on the parcel of land where the home occupation is conducted; such off-street parking area shall not be located in a required front yard setback area, except that vehicles generated by the home based business may be parked in a driveway that is used to provide vehicle access to the dwelling.
  - (n) Permitted home based businesses include, but are not limited to the following:
    - (1) Beauty salons and barber shops.
    - (2) Photography studios.
    - (3) Furniture upholstery.
    - (4) Small engine repair.
    - (5) Cabinet making and carpentry work.
    - (6) Television and other appliance repair.
    - (7) Organized classes with not more than six students at one time.
    - (8) Catering business.
    - (9) Indoor storage of boats and recreational vehicles, not to exceed a total of ten stored boats and/or recreational vehicles, except that no such storage shall take place in the R-2 and R-3 Districts. *(Section 16.21(n)(9) amended 9/19/18; eff. 10/06/18.)*
    - (10) Turf services and landscaping enterprises, except that they shall not be permitted in the R-2 and R-3 Districts. *(Section 16.21(n)(10) amended 9/19/18; eff. 10/06/18.)*
    - (11) The indoor or outdoor convenience parking of a business-related truck or other business-related motor vehicle, with a capacity less than that of a semi-trailer truck, owned by a resident of the dwelling. The truck or other business-related motor

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vehicle shall be parked in a safe and adequate off-street parking area, but such vehicle shall not be parked within any required side yard.

- (12) The occasional, temporary convenience storage of inventory, supplies and minor equipment used in an occupation, whether or not the occupation is a home-based business conducted on the premises, where such storage takes place only in a dwelling or in a permitted accessory building and where the delivery, storage and removal of such inventory, supplies and minor equipment do not have serious adverse effects upon adjacent or nearby lands.
- (13) Garage and yard sales, consignment sales and auctions lasting not more than three consecutive days, but not longer than ten days in total (whether or not consecutively) in any 12-month period.
- (14) Other home based businesses complying with the requirements of this section and which are determined by the Planning Commission to be reasonably similar in character to those listed in this subsection, and which do not have adverse effects on adjacent or nearby lands that are greater or more serious than those resulting from any of the above-listed home based businesses.

In determining whether a proposed home based business is reasonably similar in character to those listed in this subsection, the Planning Commission shall consider the following:

- (i) A home based business need not be so similar to the listed businesses as to be nearly identical to or included within of any of the listed businesses.
- (ii) Primary consideration shall be given to the major features and characteristics of the proposed home based business, with the assumption that some of the lesser or more minor aspects of the business may be different from those of the listed businesses.
- (iii) It is understood that the number and variety of potential, reasonably similar home based businesses make it impractical to include a listing of all such businesses in this section. The purpose of this subsection (14) is therefore to provide a means whereby a non-listed home based business may qualify for consideration by the Planning Commission, if the home based business complies with the requirements of this section.
- (iv) Substantial weight shall be given to the definition of home based business, as stated in Section 2.2, and the features and characteristics of the listed home based businesses, as stated in subsections (b) through (m) of this section, in order that any home based business determined to be reasonably similar to the listed businesses shall (1) involve only limited business activity; (2) have no serious adverse effects on nearby lands or streets; and (3) be so established and operated that its commercial aspects do not seriously impinge upon the residential character of adjacent and nearby lands.

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- (o) The applicant shall submit, with the application for special land use, a site development plan accurately showing the location of the home based business, the location of the dwelling and all other external aspects of the proposed special land use, including accessory structures, means of access, off-street parking and loading areas, landscaping and screening, storm water control measures, water supply, sanitary sewage disposal and other elements of the proposed use.
- (p) In considering whether to approve a home based business as a special land use, the Planning Commission shall determine whether the use complies with the special land use standards of Section 16.4 and, in addition, the Planning Commission shall consider, among other matters, the following aspects of the proposed home based business:
- (1) The size and location of any accessory building to be used in the home based business.
  - (2) The means of access to the home based business and the expected frequency of vehicle trips to and from the home based business, by customers, delivery vehicles, and others.
  - (3) The distance between the location of the home based business and dwellings on adjacent or nearby lands; any landscaping or screening proposed to be installed for the purpose of shielding the view of the home based business from other lands.
  - (4) The number of persons to be engaged in the home based business.
  - (5) The area and location of any off-street parking area and any off-street loading area.
  - (6) Whether the home based business will involve outdoor storage or any other outdoor uses or activities.
  - (7) Proposed signage, if any, and proposed outdoor lighting, if any.
  - (8) The expected hours of operation of the home based business.
  - (9) The nature and type of the equipment, materials and processes to be used in the home based business, and the likelihood that any such equipment, materials or processes may generate noise, vibration, fumes, odors, glare or electrical interference.
  - (10) Other aspects of the home based business, in relation to adjacent and nearby land uses and the adjacent and nearby streets.
- (q) In approving any such special land use, the Planning Commission may impose reasonable terms and conditions. Such reasonable terms and conditions may pertain to the following matters, among others:
- (1) The size and location of any accessory building to be used in the home based business.

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- (2) The means of access to the home based business and the expected frequency of vehicle trips to and from the home based business, by customers, delivery vehicles, and others.
  - (3) The distance between the location of the home based business and dwellings on adjacent or nearby lands; any landscaping or screening proposed to be installed for the purpose of shielding the view of the home based business from other lands.
  - (4) The number of persons to be engaged in the home based business.
  - (5) The area and location of any off-street parking area and any off-street loading area.
  - (6) Proposed signage, if any, and proposed outdoor lighting, if any.
  - (7) The expected hours of operation of the home based business.
  - (8) The nature and type of the equipment, materials and processes to be used in the home based business, and the likelihood that any such equipment, materials or processes may generate noise, vibration, fumes, odors, glare or electrical interference.
  - (9) Other aspects of the home based business, in relation to adjacent and nearby land uses and the adjacent and nearby streets.
- (r) Upon the cessation of a home based business for a period of 90 days, the home based business special land use shall be of no further effect.
  - (s) A home based business shall at all times comply with the minimum requirements of this section and all other applicable requirements. The expansion or enlargement of a home based business, or its departure from any required conditions or limitations, shall be grounds for the revoking of the special land use. Upon the revoking of the special land use, the applicant shall no longer engage in the home based business.

**Section 16.22 Hospital.**

- (a) Adequate off-street parking area shall be provided. Areas for the dropping off and picking up of patients and others shall be located a sufficient distance back from the public street so as to avoid motor vehicle conflicts and unsafe conditions.
- (b) Access shall be from a public street. Driveways shall be located a sufficient distance away from street intersections so as to avoid unsafe traffic conditions.
- (c) There shall be sufficient landscaping, screening and buffering so as to moderate the view of the facility from adjacent and nearby lands.
- (d) Convenient access for ambulances and other emergency vehicles shall be provided.
- (e) Trash and refuse receptacles shall be fully enclosed and screened.
- (f) Adequate driveways and parking areas for delivery of goods and supplies and for service vehicles, shall be provided, and if required by the Planning Commission, they shall be separated from driveways and parking areas used by the public.

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- (g) If permitted by the Planning Commission in the approval of the special land use, the use may include a helicopter landing pad, for ambulance purposes, at such location and under such operational conditions as may be determined by the Planning Commission.

**Section 16.23 Hotel and Motel.**

- (a) The minimum lot area shall be two acres and the minimum lot width shall be 200 feet.
- (b) Parking areas shall be paved and shall have such front yard setback as determined by the Planning Commission.
- (c) Driveways and parking areas for delivery and surface vehicles may be required to be separated from driveways and parking areas used by the public.
- (d) Identification and directional signs shall be only as approved by the Planning Commission.
- (e) Access shall be only from a public street.
- (f) There shall be sufficient landscaping, buffering and isolation area from other lands so as to avoid adverse impacts by reason of view, traffic noise or other adverse effects.
- (g) Driveways and parking areas shall have sufficient space to accommodate vehicles of patrons waiting to check into the hotel or motel, or waiting to depart therefrom.

**Section 16.24 Intensive Livestock Operations.**

- (a) The use shall comply with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- (b) The approval of the use shall be accomplished by recommendation by the Planning Commission and approval by the Township Board.
- (c) Terms and conditions imposed on the use shall be for the purpose of assuring compliance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.

**Section 16.25 Kennels.**

- (a) Approval of the use shall be accomplished by a recommendation on the part of the Planning Commission and by approval of the Township Board.
- (b) All kennel buildings, dog runs and other aspects of the use shall be kept in a sanitary condition, and all waste and refuse shall be promptly disposed of, without adverse effects on other lands.
- (c) The minimum lot area shall be five acres.
- (d) The buildings housing animals and outdoor exercise areas shall be sufficiently buffered from adjacent and nearby lands by landscaping or other measures so as to avoid adverse impacts by reason of view, noise made by animals and other adverse impacts.

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**Section 16.26 Light Manufacturing.**

- (a) The minimum lot area shall be two acres and the minimum lot width shall be 200 feet.
- (b) Buildings used for the manufacturing use shall be a sufficient distance away from adjacent and nearby lands and the public streets so as to avoid adverse impact by reason of noise, vibration, fumes and other adverse impacts.
- (c) There shall be adequate off-street parking and loading areas provided. Driveways shall be a sufficient distance from intersecting streets so as to avoid adverse traffic conditions.
- (d) Outdoor storage areas shall be screened so as to obscure the view of the materials being stored.
- (e) All driveways, parking areas and loading areas shall be paved.

**Section 16.27 Metal Buffing and Polishing.**

- (a) Buildings and structures shall be located a sufficient distance away from property lines and the public streets so as to avoid adverse impacts by reason of noise, vibration, fumes and other adverse effects.
- (b) Any outdoor storage areas shall be adequately screened by a solid fence or substantial landscaping so as to obscure the view of the materials being store.
- (c) All driveways and parking and loading areas shall be paved or shall have some other hard surface sufficient to avoid accumulation of excessive dust.
- (d) Outdoor trash and waste receptacles shall be enclosed by a solid fence or wall.
- (e) Driveways shall be located a sufficient distance away from intersecting streets so as to avoid unsafe traffic conditions resulting from truck traffic serving the use or other adverse traffic effects.

**Section 16.28 Modular and Prefabricated Homes and Other Structure Manufacturing.**

- (a) The minimum lot area shall be five acres and the minimum lot width shall be 400 feet.
- (b) All principal and accessory buildings and structures shall be a sufficient distance away from property lines so as to avoid adverse impacts on other lands and the public streets.
- (c) Any outside storage shall be screened by a solid fence or substantial landscaping so as to obscure the view from other lands and the public streets.
- (d) Off-street parking and loading areas shall be paved or shall have such other hard surface as will avoid excessive accumulation of dust.
- (e) The minimum front-yard setback for buildings, structures and other elements of the special land use shall be 50 feet or such other front yard setback as has been established by land uses located on either side of the parcel of land where the special land use is to be located.

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**Section 16.29 Motor Vehicle Wash Establishment.**

- (a) Where the use adjoins residentially-zoned or used property, a landscaped buffer or greenbelt shall be provided, so as to obscure the view of the use from adjacent or nearby lands.
- (b) Sufficient stacking capacity for the drive-through portion of the use shall be provided, so as to assure that vehicles that are lined up for washing do not extend into the public right-of-way. For an automatic wash facility, at least ten stacking spaces shall be provided. For a self-service wash establishment, each stall shall have at least two stacking spaces at the entrance and one stacking space at the exit.
- (c) The use shall have access from a public street. Driveways shall be located a sufficient distance from intersecting streets so as to avoid adverse traffic impacts.
- (d) Any outdoor vacuuming facilities shall be at least 50 feet away from any residential lot line. Wash bays for self-service wash establishments shall be located at least 50 feet from any residential lot line.

**Section 16.30 Open Air Business.**

- (a) The area of the site used for parking, display or storage shall be paved or shall such other hard surface that is sufficient to avoid excessive accumulation of dust.
- (b) The parking area shall be so graded and drained as to dispose of all surface water in a safe and effective manner, without causing ponding on the property or adverse effects upon adjacent or nearby lands.
- (c) A landscape buffer or greenbelt shall be provided in the case of lands that are adjacent to residential uses.
- (d) Any materials displayed or equipment stored outside of an enclosed building shall not extend into any required yard, nor occupy any required parking area or maneuvering space for motor vehicles.
- (e) Any outdoor shall be screened by a solid fence or substantial landscaping so as to obscure the view of the stored materials from other lands or the public streets.
- (f) Access to the use shall be from a public street.

**Section 16.31 Parcel Delivery Station.**

- (a) Access to the use shall be from a public street.
- (b) Adequate area shall be provided on the site for the parking of delivery vehicles and other vehicles utilizing the site. Adequate space shall be provided for vehicles lining up to pick up or deliver parcels.
- (c) Parking and loading areas shall be paved or shall have such other hard surface as will avoid excessive accumulation of dust.

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**Section 16.32 Photographic Processing.**

- (a) Any potentially hazardous or polluting chemicals or materials shall be safely disposed of off the site or shall otherwise be disposed of in such a manner as to have no adverse effect upon the land or the groundwater.
- (b) Areas for vehicle parking and loading and unloading shall be hard-surfaced, so as to avoid excessive dust.

**Section 16.33 Public and Private Schools.**

- (a) Access shall be only from a public street.
- (b) Driveways and vehicle circulation areas shall be designed and constructed so as to avoid hazardous traffic conditions.
- (c) There shall be sufficient off-street parking area to accommodate school buses and the vehicles of students and parents.
- (d) If athletic fields and facilities are located on the site, sufficient off-street parking area and vehicle circulation area in connection with the use of such facilities shall be provided so as to assure safe and convenient access.
- (e) The area to be utilized for associated playgrounds, athletic grounds and other recreational areas shall be as approved by the Planning Commission.
- (f) Water supply for domestic purposes and fire protection, and the providing of sanitary sewage disposal facilities shall be as approved by the Planning Commission.
- (g) Measures for control and management of storm water drainage shall be sufficient to avoid excessive run off of surface waters and serious adverse effects upon the site or upon other lands.

**Section 16.34 Publicly-Owned Libraries, Museums and Community Centers.**

- (a) Access shall be from a public street.
- (b) Driveways and off-street parking areas shall be paved. Driveways shall be so located so as to assure safe and convenient access. Parking areas shall be of sufficient size to accommodate patrons.
- (c) Facilities for the dropping off of books by library patrons shall be located a sufficient distance away from the public street right-of-way so as to avoid hazardous traffic conditions.

**Section 16.35 Publicly-Owned Parks, Playgrounds, Recreation Areas and Athletic Grounds.**

- (a) Access to the use shall be direction from a public street.
- (b) Access driveways shall be a sufficient distance away from intersecting streets so as to avoid adverse traffic conditions.



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- (c) Those portions of the use involving public assembly, or having other characteristics which may cause noise or other adverse impacts shall be located a sufficient distance away from other lands, or shall be adequately shielded and buffered, so as to avoid the transmission of noise or other adverse impacts onto other lands.
  - (d) There shall be adequate and convenient water supply and sanitary sewage disposal for the use.
  - (e) The screening and buffering of various aspects of the use may be required.

**Section 16.36 Radio and Television Transmission Facilities.**

- (a) The nature and height of transmission antennas and towers shall be as approved by the Planning Commission.
- (b) The use shall be so located, or shall have such isolation distance from other uses, that it will not cause adverse impacts on household or other domestic radio and television reception.
- (c) In its approval of the use, the Planning Commission may impose terms and conditions specified in Section 16.12, concerning commercial communications antennas and towers.

**Section 16.37 Recycling Centers.**

- (a) The minimum lot area shall be two acres, but the lot area shall not exceed four acres.
- (b) The use shall have access only from a public street.
- (c) All objects, goods and materials proposed for recycling, and all other goods and materials, shall be located only inside a fully enclosed building, unless outside storage is permitted by the Planning Commission in its approval of the special land use.
- (d) If adjacent to a residential use, the use shall be screened by a solid fence or by substantial landscaping, so as to obscure the view from other lands.
- (e) Driveways and parking areas shall be hard-surfaced, so as to avoid excessive accumulation and dust.
- (f) The recycling area shall be maintained in a sanitary condition at all times. It shall not create general unsightliness or health or safety hazards.
- (g) Operations of the use shall be carried out in such a manner that conditions favorable for the harborage and production of rodents and insects will not develop.
- (h) Highly flammable or explosive materials shall not be accepted into the facility.
- (i) There shall be routine operational maintenance of the facility and all of its appurtenances.
- (j) The operational plan of the use shall be subject to Planning Commission approval.
- (k) Open burning within the facility shall not be permitted.

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**Section 16.38 Removal and Processing of Sand, Gravel and Other Mineral Resources.**

- (a) Approval of the removal and processing of 5,000 cubic yards or less of sand, gravel or other mineral resources shall be accomplished by special land use approval under Section 3.24 of this Ordinance.
- (b) Approval of the removal and processing of sand, gravel and other mineral resources of a quantity greater than that indicated in subsection (a) of this section shall be accomplished only as provided in Section 3.24 and shall require the rezoning of the lands to the planned mineral removal district and the other procedures and requirements of Chapter XVII.

**Section 16.39 Restaurant with Drive-Through Facilities.**

- (a) Access shall be from a public street.
- (b) Access driveways shall be located a sufficient distance away from an intersecting street, and from other driveways, so as to avoid adverse traffic conditions.
- (c) Sufficient stacking capacity for the drive-through portion of the use shall be provided, so as to assure that motor vehicles do not back up into or otherwise occupy the public right-of-way. At least ten stacking spaces for the service-ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicle circulation and egress from the property, nor interfere with the use of parking spaces by vehicles not utilizing the drive-through portion of the use.
- (d) In addition to adequate off-street parking space being provided, at least three parking spaces shall be provided in close proximity to the entrance of the drive-through portion of the use, so as to provide space for vehicles of customers waiting for delivery of orders.
- (e) The front yard setback of parking areas, and the required setback from side and rear lot lines shall be as determined by the Planning Commission.
- (f) Any trash receptacle shall be fully screened and enclosed so as to prevent trash, paper and other debris from blowing onto adjacent properties, and to prevent the site from becoming unsightly.
- (g) If the use is adjacent to any residential use, a landscaped buffer or solid fence shall be provided, so as to obscure the view of the use from other lands.

**Section 16.40 Agri-Business.**

- (a) Parking shall be provided based on the capacity of the activity or the retail floor space.
- (b) Parking for agri-business uses may be located on a grass or gravel area for seasonal uses such as road side stands, you-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking. Parking to be located on the same parcel as the agri-business use unless a shared parking agreement is prepared and agreed upon by the landowners. Parking shall not be located in any required setback area.
- (c) Signs associated with an agri-business use shall be in conformance with the Township sign ordinance.

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- (d) The applicant shall secure and maintain all required state and local permits.
  - (e) Outdoor event venues including such elements as, but not limited to, tents, restrooms, and parking areas shall provide a minimum 100-foot buffer from any residence measured from the building wall of the residence to the nearest parking space, tent, restroom, stage or other non-residential use. The buffer shall not include a buffer from agriculture or agricultural sales of farm products.
  - (f) Newly constructed buildings or additions to existing buildings housing an agri-business use shall be set back a minimum of 50 feet from any property line of an adjacent parcel in residential use or zoned residentially.
  - (g) The Planning Commission may limit the hours of operation for any use approved under this section in consideration of adjacent land uses.
  - (h) Landscaping may be required to buffer any proposed parking areas or outdoor public use areas including, but not limited to mechanical equipment, outdoor storage, trash dumpsters, etc. from adjacent residentially zoned or used properties.
  - (i) Management plan. The applicant shall provide a plan detailing management and operation of an agri-business, which includes:
    - (1) How the use meets the intent of the zoning ordinance and Master Plan.
    - (2) Description of proper sanitation including the location, type and frequency of disposal.
    - (3) Description of any food preparation.
    - (4) Availability and service of alcoholic beverages, and how licensing will be addressed, describe also plans for preventing drunk driving.
    - (5) Description of traffic flow and parking accommodations, including for people with disabilities.
    - (6) Volume and duration of music played in connection with an agricultural business, describe the measures to be taken to ensure that sound does not negatively impact surrounding properties.
    - (7) Operating hours and frequency of events.
    - (8) Location, type and hours of operation of any outdoor lighting.
    - (9) Planning Commission shall determine capacity limits.
  - (j) **Accessory Uses Permitted.** The following accessory uses may be permitted in conjunction with any agri-business special land use:
    - (1) Farm market.

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- (2) Value-added agricultural products or activities such as education tours or processing facilities, etc.
  - (3) Bakeries selling baked goods containing produce grown in observance of the 50 percent rule.
  - (4) Food trucks so long as they operate on a daily basis and are removed each day at close of business, unless during a multi-day event or weekend and the truck is turned off and disconnected from any generator or power source.
  - (5) Petting farms, animal display, and pony rides.
  - (6) Wagon, sleigh and hayrides.
  - (7) Nature trails.
  - (8) Non-amplified music.
  - (9) Amplified music allowable until 10 p.m. and limited to 10 events with amplified music per calendar year.
  - (10) Fun houses, haunted houses.
  - (11) Open air or covered picnic area with restrooms.
  - (12) Educational classes, lectures, seminars.
  - (13) Historical agricultural exhibits.
  - (14) Kitchen facilities for processing items for sale.
  - (15) Retailing of non-agriculturally related products such as antiques or crafts, packaged food or beverages, gifts, or other similar products, limited to 50 percent of gross sales.

*(Old Section 16.40 deleted, new Section 16.40 added 3/17/21; eff. 4/1/21.)*

**Section 16.41 Sexually Oriented Business.** It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of sexually oriented businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this section.

A primary goal of regulation of these uses is to prevent a concentration of the uses in any one area of the Township; to minimize and/or prevent the well documented adverse secondary effects of such uses; to insure the integrity of the Township's residential and agricultural areas; and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day-care facilities, parks and playgrounds,

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and other areas where persons congregate. Nothing in this section shall be construed as permitting or allowing a violation of any state or federal law.

A sexually oriented business shall be permitted only if approved as a special land use under the terms of this chapter. It shall be subject to review and approval under Chapter XVIII, Site Plan Review, and the following provisions.

(a) **Location.** A sexually oriented business shall be located only in the HC Highway Commercial District or in the C-2 General Business District. Further, a sexually oriented business shall not be located or operated within 1,000 feet of existing specified land uses, as follows:

- (1) This requirement may be waived upon a determination by the Planning Commission and Township Board that a second sexually oriented business would not contribute to blighting or an excessive concentration of such uses.
- (2) Church, synagogue or other places of religious worship, park, playground, school, or licensed day-care facility.
- (3) Agricultural, recreational or residential zoning district, or any residential dwelling.

For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of the sexually oriented business to the nearest property line occupied by any other use or to the property line of any church, synagogue or other place of religious worship, park, playground, school, licensed day-care facility, or any adjacent agricultural, residential or recreational district.

(b) **Signs.** Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of Chapter XIX.

(c) **Building Exterior.** Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within 72 hours of notification of the Owner or person in charge of the premises. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.

(d) **Lighting Requirements.**

- (1) All off-street parking areas and premises entries of sexually oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
- (2) The premises of all sexually oriented businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to

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illuminate every place to which patrons are permitted access to provide an illumination of not less than two foot-candle of light as measured at the floor level.

- (3) Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one foot-candle of light as measured at the floor level.

(e) **Age Requirement Regulations.**

- (1) It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
- (2) It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business' regular business hours. It shall be the duty of the attendant to not allow any person under the age of 18 years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is 18 years of age or older.

- (f) **Hours of Operation.** Hours of operation of a sexually oriented business shall be limited to 10:00 a.m. to 10:00 p.m.

- (g) **Other Regulations, Permits or Licenses.** The provisions of this section do not waive or modify any other provision of this zoning ordinance, any other Ordinance of the Charter Township of Caledonia, or any county, state or federal law or regulation.

- (h) **Alcohol Prohibited.** Open alcohol shall not be permitted in any sexually oriented business as defined by this Ordinance.

- (i) **Information Submission.** In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this chapter, an applicant for a special land use to establish a sexually oriented business shall submit the following:

- (1) A floor plan of the premises showing the following:
  - (i) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from a least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
  - (ii) Location of all overhead lighting fixtures.
  - (iii) Identification of any portion of the premises in which patrons will not be permitted.

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- (iv) The location of any stage.
  - (v) Identification of the use of each room or other area of the premises.
- (2) A current certificate and straight-line drawing, prepared within 30 days prior to the application, by a land surveyor depicting the property lines and the structures of the sexually oriented business, showing a circle extending 1,000 feet from the property line of the property on which the business will be located, and depicting the property line of any church, synagogue, regular place of worship, park, playground, school, licensed day care facilities, or agricultural, recreational or residential zoning district or residences within 1,000 feet of the property on which the business will be located.
- (j) **Application to be Complete.** The Township Clerk shall not accept any application that is not complete in every detail. In the event that the Clerk determines that an application is incomplete, the Clerk shall notify the applicant accordingly.
- (k) **Limit on Reapplication.** No application for a sexually oriented business which has been denied in whole or in part shall be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence not previously available or proof of changed conditions.
- (l) **Conditions Requiring Rejection of Special Land Use Application.** The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one or more of the following to be true:
- (1) An applicant is under 18 years of age.
  - (2) An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business.
  - (3) An applicant has failed to provide information required by the zoning ordinance or has knowingly answered a question or request for information falsely.
  - (4) The premises to be used for the sexually oriented business has not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances.
  - (5) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.
  - (6) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application.
  - (7) The applicant is not in good standing or authorized to do business in Michigan.
  - (8) The application fee has not been paid.

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- (9) An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this chapter.
- (10) The applicant or owner has been convicted of any of the following criminal offenses in any jurisdiction within the last ten (10) years:
- (i) Prostitution, procuring a prostitute, or solicitation of a prostitute.
  - (ii) Sale, distribution or display of obscene material.
  - (iii) Sale, distribution or display of material which is harmful to minors.
  - (iv) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor.
  - (v) Possession, sale or distribution of child pornography.
  - (vi) Public lewdness.
  - (vii) Indecent conduct with a child.
  - (viii) Sexual assault or rape.
  - (ix) Sexual solicitation of a child.
  - (x) Contributing to the delinquency of a minor.
  - (xi) Harboring a runaway child.
- (m) **Inspection.** An applicant or owner shall permit all representatives of the Township, Kent County and the State of Michigan to inspect the premises of the sexually oriented business for the purpose of insuring compliance with applicable law.
- (n) **Exterior Structural Requirements.** All sexually oriented businesses must meet the following exterior structural requirements:
- (1) The merchandise or activities of the sexually oriented business may not be visible from any point outside the business.
  - (2) The exterior portion of the sexually oriented business may not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.
  - (3) It shall be unlawful for the Owner or Operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than one neutral color.
- (o) **Interior Structural Requirements.**
- (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may



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not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one of the manager's station. The view required in this subsection shall be by direct line of sight from the manager's station.

- (2) A manager's station shall not exceed 32 square feet of floor area.
- (3) No alteration to the configuration or location of a manager's station shall be made without the prior approval of the Township zoning enforcement officer.
- (4) Viewing rooms or peep booths shall be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider which is a minimum one-inch thick and serves to prevent physical contact between patrons.
- (5) No private viewing rooms or booths shall be constructed unless one side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent viewing rooms or peep booths.

(p) **Standards of Conduct.** The following standards of conduct shall be adhered to on the premises of the sexually oriented business by the all employees, managers, officers and agents of any sexually oriented business:

- (1) No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.
- (2) No employee or entertainer shall engage in, encourage or permit any specified sexual activities on the premises of the sexually oriented business.
- (3) No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least 18 inches above the immediate floor level and removed at least six feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the Entertainer from any patrons. This barrier must be a minimum of 1/4 inch thick and have no openings between the entertainer and any patrons.
- (4) A list of food and drink prices shall be conspicuously posted in the common areas of each sexually oriented businesses offering entertainment.
- (5) Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the sexually oriented business and no tip may be handed directly to an entertainer. A business that desires to provide for such tips from its patrons shall provide one or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.
- (6) No entertainment occurring on the premises shall be visible at any time from the outside of the premises.

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- (7) An owner, manager or an employee shall not allow the possession, use, or sale of controlled substances on the premises.
  - (8) An owner, manager, or an employee shall not allow prostitution on the premises.
  - (9) An owner, manager, or an employee shall not allow any live specified sexual activity to occur in or about the premises.
  - (10) An owner, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.
  - (11) At least one manager must be on duty and situated in each manager's station at all times that the business is open to the public.
  - (12) All doors to public areas on the premises must remain unlocked during business hours.
  - (13) It shall be the duty of the owner, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remains unobstructed by any doors, curtain, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
  - (14) No viewing room or peep booth may be occupied by more than one person at any one time.
- (q) **Massage Parlors.** No establishment, regardless of whether it is a public or private facility, shall operate as a massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless the person(s) massaging any client or customer is a graduate of a recognized school and certified as a massage therapist by the American Massage Therapy Association or by the Associated Bodywork and Massage Professionals. In addition:
- (1) The premises of each massage parlor may be inspected by law enforcement personnel or by the Township zoning enforcement officer during business hours and at other reasonable times to ensure compliance with this Ordinance.
  - (2) All persons offering massages in a massage parlor shall, not less than five months and not more than six months following the issuance of a special land use approval for a massage parlor, file with the Township clerk a statement from a licensed medical doctor or osteopath certifying or recertifying that such person has been examined within the 30 days immediately prior thereto and has been found to be free from all communicable or contagious diseases, including but not limited to, sexually transmitted diseases. Failure to comply with this requirement shall constitute grounds for revocation of special land use approval.

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- (3) No employee of a massage parlor, or any other person associated with a massage parlor, on the premises of a massage parlor, may offer or engage in any specified sexual activity.
- (4) Each massage parlor and massagist shall comply with the following standards:
- (i) No patron shall be serviced who is infected with any fungus or other skin infection; nor shall any service be performed on a patron exhibiting skin inflammation or eruptions.
  - (ii) All massagists shall wash their hands in hot water before giving any service or treatment to each separate patron.
  - (iii) All towels, tissues, sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.
  - (iv) Non-disposable tools of the trade shall be disinfected after use upon each patron.
  - (v) In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage parlor may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.
  - (vi) No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage parlor which is fitted with a door capable of being locked.
  - (vii) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and wash basin, shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.
  - (viii) All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.
- (5) Non-transparent uniforms or garments covering the torso shall be worn by massagists at all times while attending patrons. Such uniforms or garments shall be of a washable material and shall be kept in a clean condition.

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- (r) **License Required.** It shall be unlawful to operate or cause to be operated a sexually oriented business in the Charter Township of Caledonia without a valid license issued pursuant to the provisions of this chapter. The granting of a special land use under this chapter does not confer a license on the applicant.
- (s) **License Application.**
- (1) All applicants for a sexually oriented business license shall file an application for such license with the zoning enforcement officer. Each individual applicant, partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application and each of them shall be photographed and fingerprinted by the Kent County Sheriff's Department.
  - (2) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the Township Building Inspector and zoning enforcement officer.
  - (3) If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a license as the applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a 10 percent or greater interest in the corporation must sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner must sign the application. If the applicant is a limited liability company each member must sign the application. If the applicant is a limited liability partnership each partner must sign the application.
  - (4) Applications for a license, whether original or renewal, must be made to the zoning enforcement officer by the intended operator of the sexually oriented business. Applications must be submitted by hand delivery to the office of the zoning enforcement officer during regular working hours. The intended operator shall be required to give the following information on the application:
    - (i) If the applicant is an individual, the individual shall state his legal name and address and any aliases.
    - (ii) If the applicant is a partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited.
    - (iii) If the applicant is a limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members.
    - (iv) If the applicant is a limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners.
    - (v) If the applicant is a legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its

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complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process.

- (vi) The name under which the sexually oriented business is to be operated and a general description of the services to be provided.
- (vii) The telephone number of the sexually oriented business.
- (viii) The address and legal description of the real property on which the sexually oriented business is to be located.
- (ix) If the sexually oriented business is in operation, the date on which the owner(s) acquired the sexually oriented business for which the license is sought, and the date on which the sexually oriented business began operations as a sexually oriented business at the location for which the license is sought.
- (x) If the sexually oriented business is not in operation, the expected start-up date (which shall be expressed in number of days from the date of the application). If the expected start-up date is to be more than ten days following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same is also required.
- (xi) Whether the applicant or any other individual identified in the application had a previous sexually oriented business license under this chapter or other adult business ordinance from another city, village, township or county denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
- (xii) Whether the applicant or any other individuals identified in the application has been partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any other legal entity that is permitted under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation.
- (xiii) Whether the applicant or any other individual identified in the application holds any other licenses under this chapter or other similar sexually oriented or adult business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business.

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- (xiv) The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number(s), if any.
  - (xv) The applicant's mailing address and residential address.
  - (xvi) The applicant's driver license number, social security number and/or federally issued tax identification number.
- (5) The application shall be accompanied by the following:
- (i) Payment of the application, investigation and license fees.
  - (ii) If the applicant is an individual, satisfactory proof that he or she is at least 18 years of age.
  - (iii) If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate.
  - (iv) If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan.
  - (v) If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto.
  - (vi) If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto.
  - (vii) If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration.
  - (viii) If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto.
  - (ix) If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority.
  - (x) If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited liability partnership, together with all amendments thereto.
  - (xi) If the applicant is a limited liability partnership formed under the laws of another state, a certified copy of the Michigan registration.
  - (xii) Documentation identifying the owner(s) of the real property on which the sexually oriented business is to be situated.
  - (xiii) If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the sexually oriented business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the sexually oriented business to have or obtain the

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use and possession of the real property thereof that is to be used for the purpose of the operation of the sexually oriented business.

- (6) The application shall contain a statement under oath that:
  - (i) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct.
  - (ii) The applicant has read the provisions of this chapter.
- (7) A separate application and license shall be required for each sexually oriented business.
- (t) **Approval of License Application.** The zoning enforcement officer shall approve the issuance of a license to an applicant within 60 days after receipt of an application if the application is complete and meets all the requirements of this chapter, unless he or she finds that the applicant or Owner is ineligible for special land use approval for any of the reasons set forth in subsection (l) above.
- (u) **Display of License.** The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- (v) **Denial of License.** In the event that the zoning enforcement officer determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within 60 days of the receipt of the application by the zoning enforcement officer, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten days at any time before the notice is issued in order to make modifications necessary to comply with this chapter.
- (w) **Appeal to Board of Zoning Appeals.** An applicant may appeal the decision of the zoning enforcement officer regarding a denial of an application or the revocation of a license to the Board of Zoning Appeals by filing a written notice of appeal within 15 days after the applicant is given notice of the zoning enforcement officer's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The zoning enforcement officer may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information, the Board of Zoning Appeals shall vote to either uphold or overrule the zoning enforcement officer's decision. Such vote shall be taken within 60 calendar days after the date on which the Board of Zoning Appeals receives the notice of appeal. However, the applicant shall be required to comply with the zoning enforcement officer's decision during the pendency of the appeal.
- (x) **Investigation of Applicant.** Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application, investigation and license fee, the zoning enforcement officer shall transmit the application to the Kent County Sheriff's Department for investigation of the background of each individual applicant, the partners of a partnership, the members of a

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limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed sexually oriented business.

- (y) **Application Fee.** Each applicant shall pay an application fee at the time of filing an application for a license in an amount as established from time to time by resolution of the Township Board. The application fee shall include the cost of the investigation by the Kent County Sheriff's Department. The application fee shall be non-refundable.
- (z) **License Fee.** Each licensee issued a license pursuant to this chapter shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the Township Board. The license fee shall be refunded if the license is not approved.
- (aa) **License Renewal.** Any application for renewal of a license shall be filed with the zoning enforcement officer not less than 45 days prior to the date of expiration. The zoning enforcement officer may, for a good cause shown, waive the requirement for timely filing of a renewal application.
- (bb) **Term of License.** All licenses issued pursuant to this chapter shall be for a term of one year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no proration fees shall be permitted.
- (cc) **Revocation of License.** The zoning enforcement officer shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months. The zoning enforcement officer shall also revoke a license if he or she determines that any of the following has occurred:
  - (1) Any condition exists that would warrant disapproval of a license as set forth in this chapter.
  - (2) A licensee, operator manager or employee has engaged or has allowed patrons or employees to engage in acts of misconduct on the licensed premises in violation of any Township ordinance, the laws of the State of Michigan or of the United States when the licensee, operator, manager or employee knew or should have known such acts were taking place.
  - (3) Repeated disturbances of public peace have occurred within the licensed sexually oriented business or upon any parking areas, sidewalks, access ways or grounds of the licensed sexually oriented business involving patrons, employees, or the licensee.
  - (4) When the zoning enforcement officer revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented license for one year from the date revocation became effective. If, subsequent to revocation, the zoning enforcement officer finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.



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(dd) **Registration of Managers, Entertainers and Employees.**

- (1) No person shall work as a manager, entertainer or employee at a sexually oriented business without being registered under this section.
- (2) All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are 18 years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.
- (3) The registration fee shall be as established from time to time by resolution of the Township Board.
- (4) The owner or manager of a sexually oriented business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five days of employment.

(ee) **Exemptions from Enforcement.** It is a defense to prosecution under this section that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- (1) By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation.
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

(ff) **Reporting of Violations.** Any owner, manager or employee shall immediately report to the Township Clerk and to the Kent County Sheriff's Office any violation of this chapter or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the sexually oriented business, including any parking area or adjoining area under the control or management of the owner, provided that the owner, manager or employee knew or should have known of such violation of law.

**Section 16.42 State Licensed Adult Foster Care Group Home.**

- (a) The adult foster care group home shall be registered and licensed under the Adult Foster Care Facilities Licensing Act, Act 218 of the Public Acts of 1979, as amended.
- (b) The home shall provide care for more than six adults, but for not more than that number of adults permitted by the applicable state license.
- (c) The minimum lot size shall be two acres; provided, however, that the Planning Commission may increase the required minimum size of the lot, based on the number of adults proposed to be accommodated in the group home.

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- (d) The group home shall be a private residence providing adults with foster care for 24 hours per day, five or more days per week and for two or more consecutive weeks.
  - (e) The group home shall be subject to the approval of the Township Fire Chief under the fire protection provisions of the applicable building code. Further, it shall be subject to all applicable state and county health department requirements.
  - (f) The building setbacks shall comply with the minimum building setbacks for the zone in which the group home is located, except that the Planning Commission may require greater setbacks based upon the size of the group home and the number of persons to be accommodated there.
  - (g) The building shall be of sufficient size, with sufficient usable space, so as to provide each tenant that amount of minimum floor area required by the license issued for the facility, not including basement space or attic space.
  - (h) The property shall be maintained in good condition and appearance, consistent with the general characteristics of the neighborhood.
  - (i) In its approval of the special land use the Planning Commission may impose terms and conditions for the purpose of suitably buffering the building and the property from other uses, so as to moderate or avoid adverse impacts upon adjacent or nearby properties.

**Section 16.43 Stone Yard and Monument Works.**

- (a) No portion of the special land use shall be located within 1,000 feet of any residential use.
- (b) The applicant shall submit a detailed proposal identifying in particular any outdoor storage areas, outdoor display areas or other areas in which stone, brick or other such material may be cut, shaped or produced.
- (c) Any outdoor storage area shall be completely enclosed by a fence or wall of sufficient height to enclose and obscure the view of all materials stored. The fence or wall shall be of uniform appearance and it shall be continuously maintained in good condition.
- (d) The minimum area to be occupied by the special land use shall be as determined by the Planning Commission.
- (e) The cutting or breaking of stone or other activity generating substantial noise shall take place only at such time of day or in such location as not to have a serious adverse effect upon adjacent or nearby lands. Other aspects of the use shall be so arranged or accomplished as to avoid serious adverse effects upon other lands or the public streets.

**Section 16.44 Tavern or Bar, if State-Licensed.**

- (a) Access to the establishment shall be from a public street.
- (b) All licensing and other requirements of the Michigan Liquor Control Commission, applicable to the establishment, shall be complied with fully, at all times.

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- (c) The front yard setback of parking areas, and the required setback from side and rear lines, shall be as determined by the Planning Commission.
  - (d) Access driveways shall be located a sufficiently safe distance away from any intersecting street, and from other driveways, so as to avoid adverse traffic conditions.
  - (e) Any outdoor trash receptacle shall be fully screened and enclosed so as to prevent trash, paper and other debris from blowing onto adjacent properties, and to prevent the site from becoming unsightly.
  - (f) If the use is adjacent to any residential use, a landscaped buffer or solid fence shall be provided, at locations approved by the Planning Commission, so as to obscure the view of the use from residentially-used lands.

**Section 16.45 Theater, Auditorium, Banquet Hall and Other Place of Assembly.**

- (a) Adequate, safe and convenient access driveways shall be provided. The number and location of access driveways shall be appropriate to the maximum number of patrons which can be accommodated in the building or buildings. All driveways shall be located a sufficient distance away from any street intersection and from any other driveway so as to avoid adverse traffic impacts.
- (b) The site shall be adequately lit for the convenience of patrons attending performances or other events during evening or nighttime hours.
- (c) A traffic impact study may be required. The study shall include proposed traffic circulation routes on the site, projected traffic impacts from the operation of the use and shall analyze other potential traffic impacts.
- (d) The length and configuration of access driveways on the site shall be so designed as to enable entering traffic to conveniently enter the site and to disperse, so as to avoid the accumulation of parked vehicles on the public street waiting to enter the site.
- (e) The special land use shall be subject to the approval of the Township Fire Chief under the terms of the fire protection provisions of the applicable building codes.
- (f) In its approval of the special land use, the Planning Commission may require suitable screening, buffering and isolation distance on the site, so as to avoid serious and adverse impacts on other lands by reason of traffic noise and other adverse effects.
- (g) All outdoor waste receptacles shall be screened from view from the public street or from other lands.

**Section 16.46 Tool and Die Manufacturing Establishment.**

- (a) The minimum lot area requirement of the zone in which the use is located shall be complied with.
- (b) The principal building and any accessory building shall be located at least 100 feet away from any residential district or from the property line of any residential use.

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- (c) Any outdoor storage shall be sufficiently screened so as to obstruct view of any stored materials from any public street or adjacent property. Outdoor storage shall be located only in a side yard or the rear yard.
  - (d) The use shall be so located and shall be sufficiently buffered as to avoid adverse noise impacts on adjacent or nearby lands or the public streets.

**Section 16.47 Trade, Vocational and Industrial Schools.**

- (a) Access shall be only from a public street.
- (b) Driveways shall be so spaced and located as to avoid adverse traffic impacts.
- (c) If the school special land use will involve in part the operation of industrial machinery or equipment, or other vocational equipment which may present adverse impacts by reason of noise or otherwise, there shall be sufficient measures employed so as to avoid or moderate any such adverse impacts. Such measures may include screening and buffering, isolation distance, noise-absorbing walls and other means.
- (d) Water supply for domestic purposes and fire protection, and the providing of sanitary sewage disposal facilities shall be as approved by the Planning Commission.

**Section 16.48 Transportation Terminal.**

- (a) Access to the use shall be only from a public street.
- (b) The minimum lot area and the minimum lot width shall be as determined by the Planning Commission.
- (c) Access driveways shall be of sufficient width so as to accommodate the transportation vehicles that will utilize the site.
- (d) Access driveways shall be so located and spaced that the trucks and other vehicles using the site may readily enter and exit the site without adverse traffic impacts or hazardous conditions.
- (e) Any trucks and trailers to be parked overnight on the site shall be set back from the front lot line at least 100 feet.
- (f) The principal building and any accessory buildings and structures shall be located at least 200 feet away from any residential use or residential district.
- (g) There shall be sufficient off-street parking area so as to accommodate the trucks and other transportation vehicles utilizing the site.
- (h) The off-street parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding or adverse impacts upon other lands or the public streets.
- (i) Buffering, greenbelts or other protective measures may be required, so as to avoid serious adverse effects upon other lands.

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- (j) Any vehicles or equipment stored outside of an enclosed building shall not be located within any required yard.
  - (k) No outside storage shall be permitted. However, licensed inoperable vehicles may be stored out of doors within an area and at a location approved by the Planning Commission and, if required, within a fully enclosing fence.

**Section 16.49 Truck Sales and Repair.**

- (a) The minimum lot area shall be as provided for the zone district in which the use is located, except that the Planning Commission may require a greater lot area, based upon the size and projected intensity of the use. The minimum lot width shall be as required for the zone district in which the use is located, unless a greater width is required by the Planning Commission.
- (b) Access driveways shall be so located and spaced as to provide convenient ingress and egress, in a safe manner, without occasioning adverse traffic impacts.
- (c) All equipment and activities associated with truck repair operations, except those in incident use, such as air hoses, shall be only within a fully enclosed building.
- (d) Storage of vehicle components and parts, as well as other vehicle equipment, outside of a building is not permitted, except in designated and approved storage areas authorized by the Planning Commission under the terms of the special land use.
- (e) That part of the site used for vehicle parking shall be paved or shall have some other approved hard surface, sufficient to avoid the accumulation of dust. All such parking areas shall be effectively drained so as to dispose of all surface water, without ponding or adverse effects upon other lands or the public streets.
- (f) A landscaped buffer or other means of shielding the view of the use from other lands may be required under the terms of the special land use.
- (g) Inoperable vehicles left on the site shall be stored within an enclosed building or, if approved under the terms of the special land use, they may be stored in an outdoor area fully screened by an opaque fence of a sufficient height so as to fully enclose the items being stored outside. The fence shall be continuously maintained in good condition. The fence shall be continuously maintained in good condition. Inoperable vehicles or other equipment or goods stored outside shall not be stored longer than 90 days.

**Section 16.50 Utility and Public Service Buildings.**

- (a) The setback of any building shall comply with the building setback requirements of the zone district in which the building is located provided, however, that the Planning Commission may increase the minimum setback areas, in the approval of the special land use.
- (b) The design of such buildings, and the exterior materials thereof, shall be generally compatible with the buildings in the surrounding neighborhood, though it is recognized that, by their nature, such utility and public service buildings have particular requirements which may affect the extent of compatibility with other types of buildings.

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- (c) Adequate driveways and off-street parking areas for the vehicles entering and leaving the site and utilizing the buildings, shall be provided.
  - (d) Fencing of the site, and screening and buffering of the buildings, may be required.
  - (e) If the buildings or the site will involve potentially unsafe utility installations, such as electric generation or transmission equipment, adequate protective measures shall be taken, so as to assure a high level of safety, consistent with the providing of utility service.

**Section 16.51 Wholesale Warehousing.**

- (a) Building setbacks shall be in compliance with the minimum setback requirements of the zone district in which the use is located, except that the Planning Commission may require greater setbacks if necessary for the safe and convenient operation of the use.
- (b) No outdoor storage shall be permitted.
- (c) No toxic, hazardous, flammable or explosive materials shall be stored or otherwise permitted on the site.
- (d) Access driveways to and from the site shall be adequately located and spaced, so as to avoid adverse traffic impacts.
- (e) In its approval of the special land use, the Planning Commission may require screening and buffering of the use from other lands, if the uses occurring on the other lands are residential or are otherwise of a nature greatly dissimilar from the activities to be occurring as a part of the special land use.

**Section 16.52 Wholesale or Storage of Fertilizers and Soil Conditioners.**

- (a) Buildings and other storage areas shall comply with the minimum building setback requirements of the zone district in which the use is located, except that the Planning Commission may require greater setbacks, based on the nature and characteristics of the use.
- (b) Adequately located and spaced access driveways shall be provided.
- (c) Storage of fertilizers and soil conditioners shall take place only within a completely enclosed building.
- (d) No toxic or hazardous substances shall be stored at any location on the site.
- (e) The Planning Commission may require the screening and buffering of the use from nearby residential uses or from other lands having uses which are substantially dissimilar from the warehousing and storage use on the site.

*(Chapter 16 adopted 06/04/03; eff. 06/24/03.)*

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**CHAPTER XVII**  
**PMR PLANNED MINERAL REMOVAL DISTRICT**

**Section 17.1 Description and Purpose.** The Planned Mineral Removal (PMR) District is a planned unit development zoning district established for the purpose of authorizing the removal of mineral material exceeding 5,000 cubic yards from specified lands within the Township, and also for the purpose of authorizing resulting land uses, after the completion of planned mineral removal operations, in accordance with an approved site rehabilitation plan. Under the terms of any PMR District, mineral removal is required to be accomplished without serious adverse consequences to other lands and other land uses in the vicinity and elsewhere in the Township. *(Section 17.1 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.)*

**Section 17.2 Definitions.** The following words and phrases used in this chapter shall have the following respective meanings:

- (a) **Mineral Material.** Soil, dirt, earth, sand, gravel, coal, gypsum, limestone, or any of them, or any combination thereof, or other solid minerals.
- (b) **Mineral Removal.** The mining, extracting, excavating for, processing, removal and transport of mineral material, or any of such activities, and other operations and activities for the purpose of removal of mineral material and the restoration, reclamation and improvement of the lands thereafter, where all or any of such operations and activities involve the removal of more than 5,000 cubic yards of mineral material.
- (c) **Planned Mineral Removal.** The mining, extracting, excavating for, processing, removal and transport of mineral material and other operations and activities for the purpose of removal of mineral material and the restoration, reclamation and improvement of lands thereafter, where such operations and activities involve a final removal of more than 5,000 cubic yards of mineral material and where the same are accomplished in accordance with a plan submitted, considered and approved, as a planned unit development in accordance with this chapter and providing for the design, review and approval of mineral removal activities and operations. The restoration, reclamation and improvement of the lands thereafter, and the use of such lands for permitted resulting uses. *(Section 17.2 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.)*

**Section 17.3 Planned Mineral Removal and Other Permitted Uses.** Land, buildings and structures in the PMR District may be used only for planned mineral removal and for the uses permitted and as regulated in the A Agricultural District and the R-R Rural Residential District. Planned mineral removal shall take place only in accordance with the provisions of this chapter. Any resulting use, following mineral removal activities and operations shall conform to the Township General Development Plan. Proposed PMR uses shall be considered for approval under this chapter only if all of the following conditions for eligibility and requirements for rezoning petitions and permit applications are complied with.

- (a) **PMR Eligibility.** Lands proposed for mineral removal under the terms of this chapter shall be located within lands zoned in the PMR District or such lands shall be proposed for rezoning to the PMR District. No lands shall be considered for rezoning to the PMR District if they are located in the R-1, R-2 or R-3 District, nor if they are closer than 500 feet from any lands zoned in the R-1, R-2, R-3 or R-4 District.

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- (b) **Application for Permit for Mineral Removal in PMR District.** Applicants proposing an eligible PMR use on lands located within a PMR District shall submit an application for a PMR permit, together with the required application fee, to the Township Planner. The application shall be accompanied by any required deposit into an escrow account for reimbursement of Township expenses in the matter, and shall include the following:
- (1) A legal description of the lands proposed for the PMR use.
  - (2) Twelve copies of a PMR plan, drawn and sealed by a registered civil engineer, and including the following:
    - (i) A North arrow, scale and date.
    - (ii) Shading or other marking showing the lands on which mineral removal operations and activities will take place.
    - (iii) The location, width and grade of all easements or rights-of-way on or abutting the lands.
    - (iv) The location and nature of all structures on the lands.
    - (v) The identification, location and direction of all watersheds, streams and other water courses whether on or off the removal site and storm water drainage areas and flow ways on the lands, and also all water courses and storm water drainage areas or flow ways on other lands which may be affected by the mineral removal operations.
    - (vi) Existing elevations of the lands at contour intervals of not more than five feet.
    - (vii) Copies of logs of all existing water supply wells on the mineral removal lands and on all adjacent lands.
    - (viii) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material located in or on the lands, and the groundwater table.
    - (ix) Mineral processing and storage areas; areas for stockpiling mineral material.
    - (x) Proposed fencing, gates, parking areas and signs.
    - (xi) Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust, dirt and other debris generated by mineral removal activities and movement of vehicles.
    - (xii) A map showing access routes between the subject lands and the nearest major streets, and also showing the streets and routes proposed to be used for the hauling of mineral material and the return of trucks to the site.
    - (xiii) Areas if any to be used for ponding or other accumulation of water.



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- (3) A narrative description and explanation of the following:
- (i) The proposed mineral removal operations and activities including a narrative description and explanation of the proposed mineral removal operations and activities, including the date of commencement, proposed hours and days of operation, estimated type and quantity of mineral material to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to insure compliance with the provisions of this chapter.
  - (ii) A detailed listing and description of the potential serious adverse consequences that may result from the proposed mineral removal operations and activities, and the measures proposed, if any, for the avoidance or moderating of such adverse consequences.
- (4) A site rehabilitation plan including the following:
- (i) A description of the restoration, reclamation and improvement of the lands, and the proposed resulting uses for the lands after mineral removal activities have ended, including any phasing of proposed site rehabilitation and the timing thereof.
  - (ii) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five feet; water courses, ponds or lakes, if any; landscaping and plantings; areas of cut and fill; and all land features, improvements, streets and other aspects of the proposed uses for the lands after completion of mineral removal operations.
  - (iii) A description of all adverse effects, whether anticipated or reasonably possible, on the groundwater table and other underground sources of water supply, together with copies of reports or studies analyzing the effect, if any, of the mineral removal operations on the underground water supply of the subject land and adjacent and nearby lands.
  - (iv) A description of proposed methods or features which will assure that the resulting uses are feasible and shall comply with the Township General Development Plan and all applicable requirements of this Ordinance.
- (c) **Rezoning of Lands to the PMR District.** Applicants requesting the rezoning of lands to the PMR District shall submit to the Township Planner a petition for such rezoning, together with the required application fee and any required deposit into an escrow account for reimbursement of Township expenses in the matter. Each petition shall include the following:
- (1) All of the items required to be included in an application for a PMR permit in an existing PMR District, as set forth in Section 17.3(b) of this chapter.
  - (2) An environmental impact statement, including the following:

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- (i) A current aerial photograph, at a scale of not less than 100 feet to the inch, displaying the lands requested to be rezoned and all other lands within 990 feet thereof, and also showing the location of current land uses, types and extent of existing natural features, topography, soils, vegetation, wild life habitat and other items or land features noted in the environmental impact statement.
  - (ii) A description of the type and extent of significant vegetation on the lands proposed for rezoning, including trees and endangered plant species.
  - (iii) A detailed description of any known, anticipated or possible adverse or detrimental effects upon any aspect or element of the environment, including lands proposed for rezoning and adjacent and nearby lands.
- (3) Such other studies, reports and assessments that may be requested by the Township, including though not limited to, a traffic impact study; a listing of known existing mineral removal operations within the Township and within reasonable proximity of the Township, including estimated quantity and type of mineral material available for removal and other aspects of such operations; and other reports, studies or information that may be requested by the Township with respect to the proposed PMR operations. (*Section 17.3 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.*)

**Section 17.4 PMR Permit Applications and PMR Rezoning Petitions.** Before consideration thereof by the Township Board, the Planning Commission shall review each PMR permit application and PMR District rezoning petition. In such review, the Planning Commission shall consider, among other matters, the intent and purpose of this chapter and the zoning ordinance. The Planning Commission shall recommend approval of a PMR permit application or a PMR District rezoning petition, and the Township Board shall consider the same for approval, only if all of the following standards, conditions and requirements are satisfied by the application, petition, PMR plan, site rehabilitation plan and other materials required to be submitted under the terms of this chapter.

- (a) Operations and activities for mining, extracting, excavating for, processing, removal and transport of mineral materials shall be located only as follows:
  - (1) They shall be not closer than 500 feet from any occupied dwelling located on lands other than lands zoned in the PMR District, unless a closer distance to such an occupied dwelling is authorized by the Planning Commission and Township Board in the approval of the PMR operations.
  - (2) They shall be not closer than 500 feet from any R-1, R-2, R-3 or R-4 District or any other zone district; provided, however, that they may be located up to 100 feet away from any A District or R-R District.
  - (3) They may be located without any setback from a boundary line of adjacent lands zoned in the PMR District if such adjacent PMR District lands are owned by the owner or operator of the subject lands, and if such zero-setback is approved, or if some other setback is approved, by the Planning Commission and Township Board as a provision in the PMR permit and the PMR ordinance.

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- (b) There shall be not more than one entrance to and exit from the site of PMR operations, from and to a public street, unless additional entrances or exits are approved as a part of the PMR permit. Any such entrance and exit shall be subject to the approval of the Kent County Road Commission. The locations of entrances and exits shall, if reasonably feasible, be placed so that the travel of mineral transport vehicles over primarily residential streets shall be avoided.
- (c) Not more than 21 acres of land shall be authorized for PMR operations or activities at any one time. Of this number or some lesser number of acres, not more than 1/3 thereof shall at any one time be used for site preparation, not more than 1/3 thereof shall at any one time be used for removal of mineral material and not more than 1/3 thereof shall at any one time be used for site reclamation, in accordance with an approved site rehabilitation plan.
- (1) There shall be an inspection by the Township of each completed phase, so as to verify compliance with the terms of this chapter.
- (2) Upon the completion of each phase, the applicant shall notify the Township that the phase is ready for inspection, and the Township shall make the inspection within a reasonable time. Until such inspection is made, and until approval of the completed phase has been given by the Township, the applicant shall not commence work on any subsequent phase.
- (3) Any work or other action undertaken by the applicant in or with respect to a subsequent phase, before the Township inspection and approval of the previous phase, shall be a violation of the PMR permit and a violation of the zoning ordinance. In that event, the Township may take all appropriate enforcement measures, including issuance of an order for the stopping of all work within the PMR, until all required inspections have been made and Township approvals given.
- (d) Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
- (1) Topsoil shall be replaced on the site to a depth of not less than six inches, except where the resulting uses do not involve the growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed resulting use. The plan shall indicate any phasing of site rehabilitation; if site rehabilitation is to be phased, topsoil shall be replaced and slopes shall be graded, stabilized, and seeded before mineral removal operations are commenced in another area of the PMR site. The placing of top soil and the grading, stabilization and seeding of slopes shall take place not only at the end of PMR operations at the site, but also upon the conclusion of each mineral removal phase, as described in subparagraph (c) of this section.
- (2) Final slopes shall have a ratio of not greater than one foot of elevation within each three feet of horizontal distance, at the conclusion of PMR operations at the site and also at the conclusion of each individual phase of mineral removal as described in subparagraph (c) of this section.
- (3) Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to avoid adverse effects on adjacent or nearby lands as a result of storm water runoff, erosion or other

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damage to the lands, at the end of PMR operations at the site and also at the conclusion of each mineral removal phase as described in subparagraph (c) of this section. The applicant shall apply for any required storm water permit under any Township storm water ordinance provisions, and the site rehabilitation plan shall comply with any Township storm water ordinance provisions.

- (4) Plantings of grasses, shrubs, trees and other vegetation shall be located on the site so as to maximize erosion protection, and enhance the natural beauty of the site, and for the screening of view from other lands.

Landscaping shall be planted and maintained, and where appropriate earthen berms shall be constructed, in order to screen less attractive areas or resulting uses. In addition, landscaping and/or earthen berms may be required in order to screen PMR operations and activities from view from other lands and to moderate noise levels from operations of equipment and vehicles.

Trees and shrubbery shall be of such height when planted and shall be planted sufficiently close together so as to serve as effective screening of the view from adjacent lands and to moderate noise levels from operations. Dead or diseased trees and other vegetation shall be promptly removed and replaced, so as to assure the continuance and effectiveness of any landscaped screening.

- (5) The site rehabilitation plan, both at the end of PMR operations at the site, and with respect to each mineral removal phase, shall not include the storage or dumping of stumps, concrete, asphalt, discarded materials or any other materials, objects or debris not associated with the mineral removal operations. Further, no such storage or dumping of any such materials shall occur at any other time during PMR operations, unless authorized in the PMR permit or the plan.
- (6) The resulting uses shall conform to the uses designated for the lands by the Township General Development Plan. In reviewing proposed resulting uses, the Planning Commission shall require compliance with the requirements of the zoning district which authorizes land uses having the greatest similarity to the resulting uses proposed in the site rehabilitation plan, including requirements relating to density, location, bulk, area and height of buildings and structures.

- (e) The Planning Commission shall not recommend approval of an application for a PMR permit or petition for PMR District rezoning, nor shall the Township Board approve the same, unless the applicant sufficiently demonstrates that the proposed mineral removal operations and activities will not create any very serious adverse consequences or serious environmental impact on adjacent or nearby lands or other lands elsewhere in the Township or the area.

- (1) The Planning Commission, in considering whether any such very serious adverse consequences or serious environmental impact would result from the proposed removal operations and activities, shall determine the degree and extent of public interest in the removal of the minerals from the applicant's land, considering the type of resource involved, the market demand and availability of supply, and other relevant factors and conditions which determine the relative benefit to the public from the proposed removal operations and activities.

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- (2) The Planning Commission shall only recommend a PMR permit or PMR rezoning, and the Township Board shall only approve such permit or rezoning, if the proposed removal operations and activities do not, considering the nature and extent of public benefit from the resource removal, result in very serious adverse consequences or serious environmental impact. Safety concerns and additional noise occasioned by the proposed operations, including additional truck traffic; decreased air quality caused by dust and odors from the operations and truck traffic; diminution of nearby property values; decrease in residential or other development in the area; loss of property tax revenues and other relevant factors may be considered in determining whether very serious adverse consequences or serious environmental impact would result from the removal operations and activities. (*Section 17.4 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.*)

**Section 17.5 Operating Conditions on Mineral Removal Operations and Activities.** The Planning Commission recommendation for approval of any PMR permit or PMR District rezoning, and the Township Board approval of the same, shall include provisions requiring compliance with specified conditions relating to mineral removal activities and operations. Such conditions shall include the following:

- (a) Mineral removal operations shall be approved for a duration of not more than three years, unless the Planning Commission determines that there are unusual circumstances which justify a removal period of greater duration.
- (1) Upon or prior to the expiration of a PMR permit, the Planning Commission may recommend and the Township Board may approve the renewal of the permit for a successive period of not more than three years duration, unless the Planning Commission determines that there are unusual circumstances which justify a permit renewal period of greater duration.
- (2) In considering whether to recommend that a PMR permit be renewed, the Planning Commission may, but need not, convene a public hearing; in considering whether to approve a renewal of a PMR permit, the Township Board may, but need not, convene a public hearing.
- (3) In the case of any Planning Commission or Township Board public hearing on the proposed renewal of any PMR permit, the public notice for any such hearing shall be the same as that otherwise required for the original granting of a PMR permit.
- (4) Other matters concerning renewal of PMR permits shall be as provided in Section 17.13 of this Ordinance.
- (b) Mineral removal, processing and transport operations and activities shall commence not earlier than 7:00 a.m. and shall continue not after 6:00 p.m., Monday through Friday only, except that there may be minor equipment maintenance work at the site on Saturdays from 9:00 a.m. to not later than 3:00 p.m., but such minor equipment maintenance shall be limited to maintenance work that does not generate noise which carries beyond the PMR lands; and provided further that the Planning Commission may place additional limitations on the hours and days of operation in order to avoid serious adverse consequences upon adjoining or nearby lands.

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- (c) Equipment for the processing of mineral material which emits noise louder than 80 decibels, measured at a distance of 50 feet from said equipment when operating, shall not be located closer than 1/4 mile from the nearest occupied dwelling, unless the Planning Commission authorizes other noise emission requirements.
  - (d) Access to and from a mineral removal site, and the routes to be taken by vehicles hauling mineral material from the site and returning to the site, shall be only by means of those streets designated on the approved PMR Plan or by such other routes as may be specified by the Planning Commission as a part of the operating conditions attached to the PMR permit.
  - (e) During activities and operations for the removal of mineral material, no mineral material or other excavated material, shall be left during weekends or overnight in such condition or manner as to constitute a danger to persons who may enter the removal area.

After operations each day, all banks of excavated material shall be graded to slopes that are not steeper than one foot of elevation for each two feet of horizontal distance, unless the Planning Commission authorizes some other daily grading requirement and if the applicant takes approved measures so as to prevent harm to persons who may enter into the area of steep slopes, by constructing and maintaining a substantial fence, of at least four feet in height, so as to fully enclose all the areas of steep slopes, so that the slopes cannot be inadvertently approached by persons who may enter the removal area. Alternatively, the Planning Commission may approve other measures deemed sufficient to protect persons from harm within the removal area during times when operations are not occurring.

- (f) All entrance and exit roads and other routes into or from the PMR site shall be securely gated. Such gates shall extend across the entire width of any entrance or exit road or route, and they shall be locked securely when PMR operations are not occurring. The placement of any such gates shall be at such locations as will prevent unauthorized vehicles from entering the PMR lands.
- (g) All roads, trails or other areas used by vehicles in mineral removal operations or activities shall have gates at specified locations. Measures to control dust and dirt arising from mineral removal operations shall be undertaken in accordance with conditions included in the PMR permit. Such dust control measures may include the application of dust inhibiting solvents or similar non-polluting surface treatments, particular road-surfacing measures or other actions as specified in the PMR permit.
- (h) Storm water drainage on and from the mineral removal site shall be controlled so that adjacent or nearby lands shall not be adversely affected by surface water drainage, erosion or other similar effects. The mineral removal site shall be contoured and graded so as to avoid the unintended impoundment of water, except where ponds or other bodies of water are proposed in an approved site rehabilitation plan.
- (i) Unless authorized by the terms of a PMR permit, no storage of soil from lands outside the mineral removal area, nor the dumping, disposal, storage or stockpiling of stumps, concrete, asphalt, discarded building materials or other waste or discarded material may take place on the mineral removal site.
- (j) The Planning Commission may require compliance with such other conditions as may be necessary to assure compliance with the terms of this chapter. Such conditions may include, though are not limited to, weed control; erosion and sedimentation controls; measures to

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prevent the tracking of dirt and other debris onto public streets; fencing and other visual screening; groundwater monitoring wells; preservation of trees and other vegetation; and limitations on the loading or storage of fuel for vehicles and equipment. (Section 17.5 amended by Ord. No. 94-6Z, eff. 05/03/94; amended 02/19/03, eff. 03/11/03.)

**Section 17.6 Public Hearing Procedures.** No PMR permit shall be granted nor shall any PMR District be established unless the following public hearing requirements are complied with:

- (a) The Planning Commission shall convene a public hearing before recommending action by the Township Board on any application for a PMR permit as to lands located in an existing PMR District. Public notice of such public hearing shall be given in accordance with the requirements for public notice of a hearing on an application for a special land use as provided in this Ordinance.
- (b) Planning Commission shall convene a public hearing upon any petition for the rezoning of lands to the PMR District, and shall provide public notice thereof, in accordance with the requirements for consideration of an amendment to this Ordinance, as set forth in Chapter XXIV of this Ordinance.
- (c) In its discretion, the Township Board may convene a public hearing upon any application for a PMR permit or upon any petition for the rezoning of lands to the PMR District, after receiving the recommendation of the Planning Commission, as provided by Section 17.7 of this chapter. In its discretion, the Township Board may convene a public hearing upon any recommendation of the Planning Commission on the renewal of a PMR permit, after receiving the recommendation of the Planning Commission. (*Section 17.6 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.*)

**Section 17.7 Approval and Issuance of PMR Permit.** Applications for and issuance of PMR permits and petitions for rezoning of lands to the PMR District shall be approved only in accordance with the following procedures:

- (a) **Planning Commission Recommendation.** After the public hearing as required above, the Planning Commission shall recommend to the Township Board whether to approve, deny or approve with conditions any application for a PMR permit or petition for the rezoning of lands to the PMR District.
- (b) **Consideration by Township Board.**
  - (1) After receiving the recommendation of the Planning Commission with regard to an application for a PMR permit or a petition for the rezoning of lands to the PMR District, the Township Board shall approve, deny or approve with conditions the application for a PMR permit or petition for the rezoning of lands to the PMR District, as the case may be.
  - (2) If in considering the PMR permit for the PMR rezoning as recommended by the Planning Commission, the Township Board considers changes in the terms of the permit or the PMR ordinance, the Board shall first refer such changes back to the Planning Commission for a report thereon within a specified time. After receiving the report, the Board may then approve, deny or approve with conditions the

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application for a PMR permit or petition for PMR District rezoning, whether or not the proposed changes therein have been recommended by the Planning Commission.

- (c) **Issuance of Permit.** In the case of an application for a PMR permit as to lands in an existing PMR District, the Planning Commission shall issue a PMR permit, without further public hearing, if such application is granted by the Township Board. In the case of a petition for the rezoning of lands to the PMR District, the Planning Commission shall issue a PMR permit after the rezoning of such lands to the PMR District has become effective, but shall then do so without further public hearing.
- (d) **Performance Bond.**
- (1) An applicant for a PMR permit or for PMR rezoning shall submit a performance bond, with an approved surety, in an amount approved by the Township. The performance bond shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the PMR plan and the PMR permit.
  - (2) The performance bond shall not be refunded or reduced until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection and approval by the Township.
  - (3) If the performance bond is revoked or if it expires and is not renewed, the Planning Commission and Township Board need not approve the renewal of any PMR permit, until such bond has been satisfactorily reinstated. *(Section 17.7 amended 1990, eff. 07/03/90; amended by Ord. 92-6Z, eff. 07/15/92; amended 02/19/03, eff. 03/11/03.)*

**Section 17.8 Transferability of Permits.** No permit authorized by this chapter shall be transferred to a person or party other than the applicant to whom it was issued unless such transfer is first considered and approved by the Planning Commission. *(Section 17.8 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.)*

**Section 17.9 Expiration of Permit.** Mineral removal operations and activities authorized by the terms of any PMR permit shall be commenced not later than one year after issuance of such permit and shall be diligently pursued thereafter. In the absence of such timely commencement and diligent prosecution of such operations and activities, the permit shall be of no further force or effect, unless the terms of the permit provide otherwise. *(Section 17.9 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.)*

**Section 17.10 Re-Application for Permit.** An applicant whose application for a PMR permit or whose petition for PMR District rezoning has been denied, in whole or in part, by the Township Board shall not re-submit an application covering the same lands, or substantially the same lands, within 18 months after the date of such denial, except that a new application may be submitted and considered if there are significantly changed conditions which are determined by the Planning Commission and Township Board to be sufficient to justify reconsideration of the application or petition. *(Section 17.10 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.)*

**Section 17.11 Existing Permits.** Upon the adoption of this chapter, special use permits which have previously been issued under Section 3.24 of this Ordinance, and which cover lands not zoned in the PMR District, shall continue in effect until, but not after, the authorized amount of mineral material has been removed and any required site rehabilitation completed. In the case of such special use permits covering lands not zoned in the PMR District and which do not designate the amount of mineral material which may be



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removed, such permits shall continue in effect for the remainder of the period of time for which they were issued or last renewed, and also for an additional period not exceeding three years thereafter, but not longer. Upon the adoption of this chapter, special use permits which have previously been issued under Section 3.24 of this Ordinance, and which cover lands now or hereafter zoned in the PMR District, shall continue in effect for the remainder of their stated term, if any, but in any event not longer than three years after such permits were issued or last renewed. The provisions of this section shall not, however, prevent the Planning Commission or Township Board from revoking or limiting the terms of any such permits in the event of noncompliance with the requirements thereof. (*Section 17.11 amended 1990, eff. 07/03/90; amended 02/19/03, eff. 03/11/03.*)

**Section 17.12 Application Fee; Surveillance Fee.**

- (a) The applicant for a PMR permit or PMR rezoning shall pay the established application fee, and shall deposit the required amount into a zoning escrow account, when the application or petition is filed with the Township.
- (b) The applicant shall also pay to the Township annually a fee (the “surveillance fee”) to defray the Township’s cost of administration, surveillance and enforcement of the PMR Permit, including but not limited to costs for review of applications, testing, monitoring, sampling, surveying, personnel expenses, enforcement, legal, engineering and other consultant fees, and other related costs and expenses. The fee shall be \$.03 per ton of mineral material removed during the entire removal operation; provided, however, in that no event shall the fee be less than \$5,000 annually.
- (c) At any time, if the amount on deposit with the Township from the surveillance fee paid by the applicant is reduced to less than \$5,000 (or to such lesser sum, based on the above-stated amount per cubic yard of mineral material removed, or to the above-stated minimum annual amount), by reason of expenditure by the Township under the terms of this section, then the Township shall notify the applicant in writing, and the applicant shall pay to the Township promptly, but in any event not later than thirty days after such notification, sufficient additional surveillance fee so as to increase the amount of such funds to the amount specified by the Township.

In such notification by the Township to the applicant, for additional deposit of surveillance fee, the amount specified by the Township shall not exceed that amount which will cause the balance on hand to be \$5,000, unless the Township reasonably expects to incur costs greater than \$5,000 within a year after such notification for additional surveillance fee, in which case the Township shall specify the amount reasonably expected to be incurred during such ensuing year.

- (d) Funds received from the application fee shall be deposited in the Township’s general fund, or in such other Township fund as is established for other zoning application fees. Funds received from the surveillance fee shall be accounted for separately on the books of the Township, as to each PMR permit.
- (e) The surveillance fee, at the above-stated rate of mineral material removed, shall be paid by the applicant annually. Not later than January 31 of each year, the Township shall notify the applicant in writing to submit copies of load tickets or other written proof accurately showing the total amount of mineral material removed during the preceding year (or during any such lesser preceding period, in the case of the recent commencement or termination of a

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PMR permit). Such notification by the Township shall indicate a period of time for response by the applicant, and the requested information shall be submitted by the applicant to the Township within that time.

Based upon the amount of mineral material removed as stated in the written response received from the applicant, the Township shall calculate the amount of surveillance fee due and shall then send to the applicant an invoice in that amount, but not exceeding \$5,000, unless the Township determines that a greater amount is needed in order to fund current or anticipated expenses in connection with the PMR operation. The applicant shall promptly pay to the Township the amount indicated on the invoice. In the event that the Township desires further or more complete information as to the amount of mineral material removed, the Township shall notify the applicant accordingly, and the applicant shall respond promptly and fully. In its discretion, the Township may make inquiries of mineral haulers or others who may have knowledge concerning the amount of mineral material removed.

- (1) When the PMR permit expires, the Township shall also notify the applicant to provide in writing a statement of the amount of mineral material removed, since the last previous such statement, and the Township shall then prepare and forward a final invoice for payment of the surveillance fee based upon the above-stated per-ton rate, and the applicant shall promptly pay the amount indicated on the invoice.
  - (2) If an expired or soon-to-expire PMR permit is renewed, the Township may retain any surveillance fee amounts then on hand, and apply them to defray the costs of review of the application for renewal and for applicable costs subsequently incurred following renewal of the PMR permit. As in the case of annual surveillance fee payments, the applicant shall furnish to the Township any requested load tickets or other written proof with respect to the amount of mineral material removed during the last removal period before expiration of the PMR permit.
  - (3) After expiration of a PMR permit without renewal, the Township shall refund, without interest, any unused surveillance fee amounts that have been received from the applicant.
- (f) In its discretion, the Township may request from the applicant, and the applicant shall promptly provide, load tickets or other written proof of mineral material removed, at times other than the annual surveillance fee payment period.
- (g) As to each PMR permit, the Township shall maintain a record of surveillance fee payments made by the applicant and expenditures made by the Township with respect to the PMR operation.
- (h) Surveillance fee payments made by the applicant shall not limit the applicant's liability for civil infraction penalties, damages, or other sanctions for violation of a PMR permit, Township ordinances or other laws or regulations. *(Section 17.12 amended 1990, eff. 07/03/90; amended by Ord. No. 92-7Z, eff. 11/02/93; amended 02/19/03, eff. 03/11/03.)*

### **Section 17.13 Renewal of PMR Permits.**

- (a) This section applies only to the renewal of PMR permits for extraction of minerals from the same location or locations as permitted under an existing PMR permit. Applications for permission to expand mineral removal operations beyond the location approved under an

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existing PMR permit shall comply with the procedure set forth in this chapter for issuance of a PMR permit, including rezoning to the PMR District if necessary.

- (b) If renewal of a PMR permit is desired, an applicant shall apply for such renewal at least 120 days before the expiration of the existing PMR permit.
  - (1) All of the applicant's rights and privileges arising under the permit shall terminate at the expiration thereof, if the permit has not then been renewed, and in that event all PMR operations covered by the expiring permit shall then cease, except approved emergency operations required to protect the public safety and except as stated in this subparagraph (b).
  - (2) The termination of rights and privileges under a PMR permit, at the time of expiration of the permit, shall take place even though an applicant may have applied for renewal thereof and even though proceedings for such renewal may have commenced, unless the Planning Commission in its discretion votes by majority vote of those present to temporarily extend an expiring PMR permit during the period required for proceedings to consider renewal of the permit (however, such vote for temporary extension of the permit may be rescinded in the event that the applicant unduly delays such proceedings, whether by action or inaction).
  - (3) Upon the conclusion of proceedings for renewal of a PMR permit, if the permit is renewed, PMR operations may be resumed if and to the extent covered by the PMR permit as renewed.
- (c) An application for PMR renewal shall consist of the following:
  - (1) The Supervisor's Certificate of Compliance, as described in subsection (d) below.
  - (2) A copy of the original application for PMR permit, with addendum updating the information from the original application and supplying any information missing on the original application.
  - (3) A revised PMR plan, drawn and sealed by a registered civil engineer, showing the areas of the site which are currently under excavation, which are in the process of reclamation, and which have been reclaimed.
  - (4) The required application fee and any required deposit of funds into an escrow account for reimbursement of Township expenses in the \_\_\_\_\_.

The Township may require additional information if necessary in the consideration of the requested renewal or the Township may waive any of the above-stated application requirements, but the requirement of the Certificate of Compliance shall not be waived.

- (d) Neither the Planning Commission nor Township Board shall consider an application for renewal unless the applicant submits a Certificate of Compliance signed by the Township Supervisor, which states that the mineral removal operation, as of the date of signing of the Certificate of Compliance, is in compliance with the present PMR permit and all Township ordinances, and that all required mineral removal fees and escrow deposits have been paid.

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- (1) Upon request by an applicant for a Certificate of Compliance, the Township shall promptly arrange to have the PMR operation reviewed and inspected. If the Supervisor finds that the operation is in compliance, the Supervisor shall issue a Certificate of Compliance. The Certificate shall also describe any past violations which have been rectified.
  - (2) If the Supervisor finds that the operation is not currently in compliance, the Supervisor shall notify the applicant of the steps necessary to cure such deficiency.
  - (3) The issuance of a Certificate of Compliance does not require the Planning Commission or Township Board to recommend approval of or to approve a renewal of the PMR permit.
- (e) In making decisions regarding renewal, the Planning Commission and the Township Board shall apply the standards for approval applicable to new permits under this Ordinance, taking into consideration current conditions in the vicinity, the operational history under the previous PMR Permit, and any complaints or comments about the PMR operation. In their discretion, the Planning Commission and/or Township Board may convene public hearings on the PMR Permit renewal application. Conditions may be attached to the renewal which are in addition to or different from those contained in the previous permit. (*Section 17.13 amended 1990, eff. 07/03/90; amended Ord. No. 94-6Z, eff. 05/03/94; amended Ord. No. 94-14Z, eff. 11/01/94; amended 02/19/03, eff. 03/11/03.*)

#### **Section 17.14 Enforcement.**

- (a) The enforcement of the terms of PMR District rezoning and a PMR permit may be directed against the PMR applicant and all operators acting or purporting to act under such permit, or any of them. Full and timely compliance with all of the terms of this chapter and all of the terms of the applicable PMR permit is a condition for the continued effectiveness of the permit or for any renewal thereof.
- (b) In the enforcement of the provisions of this chapter and those of any PMR permit, the Township may avail itself of all procedures and remedies described in Chapter XXIII of this Ordinance and all other remedies provided by law.
- (c) The Township Supervisor or other designated Township representative shall act as the agent of the Township Board in the administration, supervision and enforcement of PMR permits.
  - (1) The Township Supervisor or other designated Township representative shall be entitled to access to the applicant's PMR lands during reasonable business hours, for the purpose of verifying compliance with the PMR District requirements.
  - (2) The Supervisor is authorized to demand compliance with the terms of this chapter and the PMR permit, but in the absence of such compliance, the Supervisor may issue an order directing the applicant and any operator to cease immediately all mineral removal work on or from the premises and all other operations relating thereto.
- (d) Upon the issuance of a stop work order, the applicant and any PMR operator shall have no further right or privilege to continue or to conduct any PMR operations, except permitted emergency operations required to protect the public safety and except any authorized limited

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operations which may be authorized by any such order. *(Section 17.14 amended Ord. No. 94-5A, eff. 05/03/94; amended 02/19/03, eff. 03/11/03.)*

*(Chapter 17 adopted 1975; eff. 10/15/75.)*



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**CHAPTER XVIII  
SITE PLAN REVIEW**

**Section 18.1 Description and Purpose.**

- (a) The purpose of this chapter is to provide standards and procedures under which applicants would submit, and the Township would review, site development plans for specified types of land uses within the Township. Such review of proposed site plans by the Township, and the approval thereof under appropriate terms and conditions, will help to assure compliance with the terms of this Ordinance and implementation of the goals and policies of the Township General Development Plan.
- (b) Among other matters, this chapter provides standards under which the Township may consider the approval of site plans, including standards with respect to effect on existing land uses; vehicle traffic patterns; impact on natural features and natural resources; storm water drainage; access from public and private streets; placement of buildings and off-street parking areas; adequate water supply and wastewater disposal; the providing of open space; and a variety of other aspects of land development, including signs, exterior lighting, alteration of grades, fire protection and the like.

**Section 18.2 Land Uses Requiring Site Plan Review.** Site plan review by the Planning Commission shall be required for the following land uses and in the following circumstances:

- (a) Any land use in A, R-R, R-1, R-2, R-3, R-4 and F Districts except farms, single-family detached dwellings and two-family detached dwellings, and accessory buildings.
- (b) Any land use in the C-1, C-2, HC, MHC, I-1 and I-2 Districts.
- (c) Special land uses.
- (d) Site condominium and condominium subdivisions.
- (e) Planned unit developments.
- (f) Open space preservation developments under Chapter XVA.
- (g) Other land uses subject to site plan review under the terms of this Ordinance.
- (h) A change in land use, whether such change is in whole or in part, where the new, revised or augmented land use is subject to site plan review under the terms of this chapter or elsewhere in this Ordinance (whether or not site plan approval was given for any part of the existing land use) including, but not limited to, the following:
  - (1) A change in the existing land use that is more than a minor change (and that does not qualify as a minor change under Section 18.10(c)) in or with respect to any of the following:
    - (i) The principal building(s) or other principal structure(s).
    - (ii) The means or location of vehicle access to the land.

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- (iii) An increase or decrease in the area of the land.
  - (iv) The addition of a building or structure.
  - (v) The addition of one or more land uses, including the addition of an additional business or commercial use.
  - (vi) A change in the principal building or principal structure, including a change in area, height, façade or other significant aspect thereof.
  - (vii) An increase or reduction in the size or configuration of off-street parking area.
  - (viii) A change in, addition to or reduction in outdoor lighting fixtures, devices or equipment.
  - (ix) Any other change in the existing land use that does not qualify as a minor change under the terms of Section 18.10(c) of this Ordinance.

**Section 18.3 Land Uses Exempt From Site Plan Review.** The following land uses are exempt from site plan review.

- (a) Single family and two-family detached dwellings.
- (b) Farms, farm buildings and farm structures.
- (c) Permitted residential accessory buildings, except those for which special land use approval is required.

**Section 18.4 Application for Site Plan Review.** An application for site plan review shall be submitted to the Township Planner, together with a site plan complying with the requirements of this section and other applicable provisions of this Ordinance.

- (a) **Contents of Application.** The application for site plan review shall include at least the following information:
  - (1) The applicant's name, business address and telephone number.
  - (2) The name and address of the owner(s) of record if the applicant is not the owner of record and the signature of the owner(s).
  - (3) The address and property tax identification number of the property.
  - (4) The name and address of the engineer, architect and/or land surveyor.
  - (5) A locational sketch drawn at a scale of 1"= 100" with North arrow.
  - (6) A completion time schedule of proposed construction; proposed phases of development.



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- (7) A written statement describing impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.
  - (8) The property owner's signed consent for Township representatives to enter and inspect the property for site plan review purposes.
- (b) **Contents of Site Plan.** The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all land within 300 feet of the site. Each site plan shall state or depict the following:
- (1) The legal description of the property.
  - (2) The area (in acres) of the property shall be stated (1) as the total acreage of the entire property; and (2) the area within the property that is proposed to be developed and, secondly, the area or areas of the property that are proposed to remain undeveloped. Such undeveloped areas shall include all areas which, under the terms of this Ordinance, are not permitted to be developed, whether by reason of water bodies or wetlands, areas of steep slopes, street rights-of-way, private easements or otherwise.
  - (3) Existing and proposed property lines, dimensions thereof, and building setback lines.
  - (4) The location and dimensions of existing and proposed buildings and structures.
  - (5) Proposed uses of buildings and other structures.
  - (6) Existing and proposed topographic contours at two-foot intervals.
  - (7) Location and type of existing soils and locations of soil borings.
  - (8) Significant existing vegetation and other significant natural features.
  - (9) Existing and proposed watercourses and water bodies.
  - (10) Existing public and private streets, and street rights-of-way; existing access easements.
  - (11) Proposed streets and drives; curb cuts and access easements; acceleration, deceleration and passing lanes and sidewalks.
  - (12) Existing uses, buildings, structures, driveways and off-street parking areas within 300 feet of the subject property; boundaries and zoning of abutting lands.
  - (13) Proposed off-street parking areas and off-street loading and unloading areas.
  - (14) Existing and proposed water supply and sanitary sewage disposal facilities, including proposed septic systems and drain fields, and proposed public or community sanitary sewer and/or water supply systems and the components thereof.

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- (15) Proposed storm water management systems, including storm sewers, retention and/or detention ponds, storm water discharge areas and other storm water management measures.
  - (16) Public utilities on and for the site, including natural gas, electric, cable television and telephone.
  - (17) Buildings and other facilities for public or community use.
  - (18) Proposed landscaping including proposed size of new trees and other plantings and description and location of existing landscaping to be retained shall be indicated.
  - (19) Signs, including location, size, height and drawings thereof.
  - (20) Outdoor lighting, including location, type and height of fixtures, area of illumination and shielding measures used.
  - (21) Fences, walls and other screening features.
  - (22) Refuse and service areas, including screening measures for trash receptacles.
  - (23) Open space and recreation areas.
  - (24) Identification of any significant scenic views into or from the site and to or from adjoining lands.
  - (25) Delineation of the 100-year floodplain and any proposed uses therein; determination of state-regulated wetlands, if any.
  - (26) Typical elevation views of the front, side and rear of each building.
  - (27) Preliminary architectural sketch of buildings and structures and/or a written description of the type of construction and exterior materials to be used in proposed buildings and structures.
  - (28) Seal of the registered engineer, architect, landscape architect or surveyor who prepared the site plan.
  - (29) Deed restrictions, master deed restrictions, and condominium bylaws as applicable.
  - (30) Additional information which the Township may request and which is reasonably necessary to evaluate the site plan.
- (c) The Planning Commission, in its discretion, may waive any element, component or other matters otherwise required to be included in a site plan or a site plan application, if such matters are not deemed necessary for the Planning Commission's review and consideration of the land use which is the subject of the site plan. In its approval or other action with respect to the site plan, the Planning Commission shall state the required parts of the site plan which it determines can be waived.
- (d) An environmental impact study may be required by the Planning Commission, in its discretion.

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- (e) Proof of Kent County Road Commission approval, or Michigan Department of Transportation approval for street entrances may be required.
  - (f) A site plan need not include such detail with respect to buildings, structures, utility and storm water systems and other features as would require preparation of detailed construction drawings or other highly detailed submissions, such as would normally be required for issuance of building permits; provided, however, that in its discretion, the Planning Commission may require more detailed submissions with respect to particular buildings, structures or other features if such more detailed information is reasonably necessary for a sufficient review of the proposed land use.

**Section 18.5 Procedure for Consideration and Review of Site Plans.** The procedure for considering site plans shall be as follows:

- (a) One copy of a completed application form and 12 copies of a proposed site plan shall be submitted to the Township Planner. One copy of the application form and the proposed site plan shall be submitted to the Township fire chief and also to the Township engineer. The required application fee shall be paid, and the required zoning escrow deposit shall be made, at the time of submission of the application and the site plan.
- (b) The application and the site plan shall be reviewed by the Township Planner to determine whether the plan sufficiently complies with Section 18.4, and thus whether it is complete for consideration by the Planning Commission.
- (c) After review of the site plan and the application by the Township Planner, and upon the Planner's determination that the submitted materials are complete, the site plan shall be forwarded to the Planning Commission for inclusion on the agenda of a Planning Commission meeting.
- (d) The Township Planner shall make a written recommendation to the Planning Commission as to whether the plan should be approved or denied, in whole or in part. If the recommendation is for approval, it shall include any recommended terms and conditions; if the recommendation is for denial, it shall include proposed grounds for denial.
- (e) The site plan shall be considered by the Planning Commission at a public meeting. The Commission may continue its consideration of the site plan during subsequent meetings.
- (f) The Planning Commission may approve the site plan, disapprove the plan or approve the plan with conditions. The Planning Commission decision on a site plan shall be made by majority vote of the members present, a quorum being present.
- (g) The decision by the Planning Commission may be included in a motion or in a separate resolution, but in either event, the terms and conditions of approval or the grounds for denial, as the case may be, shall be included. The minutes of the meeting shall either include a summary of the action and the terms and conditions of approval or the grounds for denial, or alternatively, the minutes may refer to the contents of a separate resolution adopted by the Commission.
- (h) Upon approval of a site plan, all terms and conditions, and required revisions or modifications of the plan, shall be deemed a part of the site plan. The site plan shall be promptly redrawn or otherwise revised, so as to reflect any terms, conditions and

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modifications required by the Planning Commission, and the revised plan shall then be promptly submitted, in five copies, to the Township Planner. If the revised plan accurately reflects all the required terms, conditions and modifications, the Planner shall then approve it.

- (1) To indicate such approval of the plan as revised to reflect all Township requirements, the Planner shall mark such approval on the Township's original copy of the plan. One copy each of the site plan as thus approved shall be forwarded to the building department, one copy shall be forwarded to the Township engineer and two copies shall be retained by the Township Planner. One copy shall be returned to the applicant.
  - (2) No construction or other work at the site shall commence until the Planner has so approved the site plan.
- (i) All subsequent actions relating to the land use shall be consistent with the approved site plan, unless subsequent changes therein are approved by the Planning Commission, or in the case of minor changes under Section 18.10(c), by the Township Planner. Any construction, land use or other activity carried out contrary to or not in conformity with an approved site plan shall be a violation of this Ordinance. Building permits and all other required permits shall be issued only in accordance with the approved site plan.
  - (j) In the event of construction work or other activity that does not comply with an approved site plan, the Township may issue a stop work order, whereupon all work in violation of or inconsistent with the approved site plan shall cease, or all work specified in the stop work order shall cease, until the order is withdrawn or cancelled by the Township. A violation of a stop work order is a violation of this Ordinance.

**Section 18.6 Standards for Review of Site Plans.** The Planning Commission shall approve a site plan if it determines that the plan complies with the requirements of this Ordinance; is consistent with the intent and purposes of this Ordinance; will be compatible with adjacent land uses, the natural environment and the current capacities of public services and facilities; and will be consistent with the public health safety and welfare. In addition, the site plan shall comply with the following minimum requirements:

- (a) **Basic Elements of the Site.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and nature of the land parcel, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance. The site plan shall comply in all respects with applicable provisions of this Ordinance, including but not limited to the minimum provisions of the zone district and any applicable overlay district and all generally-applicable provisions of the zoning ordinance.
- (b) **Buildings and Structures.** Building and structures shall be located and arranged in compliance with zone district requirements and other applicable provisions of this Ordinance.
- (c) **Traffic Circulation.** The number, location and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site and circulation within the site.

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- (1) In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties.
  - (2) Site plans shall fully conform with the driveway and traffic safety standards of the Township and the Kent County Road Commission. Private streets shall comply with Township private street requirements; public streets shall comply with Kent County Road Commission requirements.
  - (3) In its approval of a site plan, the Planning Commission may require the providing of sidewalks or other measures for pedestrian circulation.
- (d) **Storm Water Drainage.** Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect the subject property, adjacent or nearby properties or public storm water drainage systems. The plan shall show compliance with the Township Storm Water Ordinance.
  - (e) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal. Grade changes shall be in keeping with the general appearance of adjacent developed areas. The site plan shall comply with the landscaping requirements of Chapter XXVIII and the landscaping requirements of the Broadmoor-Cherry Valley corridor overlay district, if applicable.
  - (f) **Screening.** Where commercial or industrial uses abut residential uses, or where more intensive residential uses abut less intensive residential uses, appropriate screening consisting of attractively designed fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from the effects and view of commercial or industrial uses.
  - (g) **Lighting.** Outdoor lighting shall be designed so as to minimize glare on adjacent properties and streets, and shall otherwise be designed, installed and operated in compliance with Section 3.50 and other applicable outdoor lighting requirements of this Ordinance.
  - (h) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have no serious adverse effects on adjacent or nearby properties, and shall be screened as required by the Planning Commission.
  - (i) **Utilities.** Water supply and sanitary sewage disposal facilities shall comply with all township, county and state requirements.
  - (j) **Signs.** Signs shall comply with Chapter XIX and other applicable sign regulations in this Ordinance.
  - (k) **Parking and Loading.** Off-street parking and loading facilities shall comply with Chapter XX and other applicable regulations of this Ordinance. Loading and unloading areas and outside storage areas which face or are visible from residential uses or streets shall be screened by a sufficient fence or by landscaping.

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- (l) Site plans shall conform to the requirements of the Kent County Health Department and state and county requirements for soil erosion and sedimentation control.
  - (m) In addition to compliance with all applicable Township ordinance requirements, site plans shall be prepared in full compliance with applicable county and state law requirements. Site plan approval shall be conditioned upon the applicant receiving all applicable township, county and state permits or other approvals, prior to issuance of building permits or within such other deadline or time constraint determined by the Planning Commission in its approval of the site plan.

**Section 18.7 Conditions on Approval of Site Plans.** The Planning Commission may impose reasonable conditions on the approval of a site plan. Such conditions may include but need not be limited to conditions necessary to insure compatibility with adjacent land uses; to promote the use of land in a socially and economically desirable manner; to protect the natural environment and conserve natural resources; and to insure that public services and facilities affected by a proposed land use or activity will be capable of handling increased service and facility demands caused by the land use or activity.

**Section 18.8 Construction in Accordance with Approved Site Plan Required.** Following the approval of a site plan by the Planning Commission, the applicant shall design, construct and install all site plan improvements and other features in full compliance with the plan as approved. Failure to do so shall be a violation of this Ordinance.

**Section 18.9 Performance Guarantees.** To assure compliance with the terms of this Ordinance and any conditions imposed upon the approval of a site plan, the Planning Commission may require that a cash deposit, irrevocable bank letter of credit or performance bond, with surety acceptable to the Township, be submitted to the Township, as a condition of approval of the site plan. Such deposit or financial guarantee shall be in an amount determined by the Township Engineer, or as otherwise determined by the Planning Commission.

- (a) The amount of the required performance guarantee may include but shall not be limited to such amount as is determined sufficient to assure the completion of streets, outdoor lighting, utilities, sidewalks, drainage systems, fencing and screening, landscaping and other elements of the proposed construction or development.
- (b) A bank letter of credit or performance bond shall be conditioned upon timely and faithful compliance with all conditions imposed upon approval of the site plan and in compliance with all applicable zoning ordinance and other requirements.
- (c) When a performance guarantee is required, the guarantee, whether in the form of a cash deposit or other permitted form of guarantee, shall be deposited with the Township clerk prior to the issuance of a building permit or other required permits.
- (d) In the discretion of the Township Planner, as phases or elements of the work or development are completed, portions of the cash deposit or the amount covered by a bank letter of credit or performance bond may be released.
- (e) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Township Planner, the Township shall return to the applicant the cash deposit or the performance guarantee, or such portion thereof that has not been utilized by the Township for required completion of construction or other work.

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## **Section 18.10 Changes in Approved Site Plans.**

- (a) An approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the changes in the site plan have been reviewed and approved by the Planning Commission except as stated in Section 18.10(c).
- (b) The property owner or other holder of an approved site plan shall submit to the Township Planner an application for approval of any proposed change in the approved site plan. The application shall be accompanied by a site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted.
- (c) Minor changes in an approved site plan may be approved by the Township Planner, upon a determination that the proposed minor change will not alter the basic design of the development or any of the specific terms and conditions imposed as a part of the original approval of the site plan. Minor changes eligible for consideration and approval by the Township Planner consist only of the following:
  - (1) Change in building size, up to 5 percent in total floor area.
  - (2) Change in location of buildings or other structures by no more than ten feet.
  - (3) Replacement of plant material specified in the landscape plan, with comparable material.
  - (4) Changes in building materials to a comparable or higher quality.
  - (5) Changes in floor plans which do not alter the character of the use.
  - (6) Internal rearrangement of a parking area which does not affect the number of parking spaces or alter access locations or design.
  - (7) Changes required or requested by the Township for safety reasons.
  - (8) Changes which will preserve the natural features of the site without changing the basic site layout.
  - (9) Changing to an equally restricted or more restricted use, provided there is no reduction in the amount of off-street parking.
  - (10) Moving of ingress and egress drives a distance of not more than 100 feet if required by the county road commission.
  - (11) Other similar changes of a minor nature which are deemed by the Township Planner to be not material or significant in relation to the entire site, and which the Planner determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest.
- (d) Any requested minor change which is submitted to the Township Planner for approval may be referred by the Planner to the Planning Commission for decision, regardless of whether the proposed change qualifies or does not qualify as a minor change. In the case of such

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referral to the Planning Commission, the Commission shall make the decision on the requested change, even if the change qualifies under subsection (c) as a minor change.

- (e) If the change requested in an approved site plan is not a minor change under the terms of subsection (c), then such change shall be deemed a major change. In that event, the site plan, showing the major change, shall be submitted to the Planning Commission, for its review and consideration, and the procedures with respect thereto shall be the same as those required for original consideration of a site plan.
- (f) In the approval of any changes in an approved site plan, whether by the Township Planner or by the Planning Commission, terms and conditions may be imposed thereon, and the applicant shall comply with such terms and conditions.
- (g) Upon the Township Planner's approval of minor changes in an approved site plan, the Planner shall notify the Planning Commission of the changes approved.
- (h) Upon approval of changes in an approved site plan, the applicant shall promptly submit to the Township five copies of the site plan, accurately showing the changes in the plan so approved. The Township Planner shall then mark the original of the site plan as approved, by means of affixing a signature or other authentication and setting forth the date of the authentication.

#### **Section 18.11 Appeals of Decisions on Site Plans.**

- (a) Any applicant who disagrees with a site plan decision made by the Planning Commission may appeal that decision to the Zoning Board of Appeals. The appeal must be in writing and must be filed with the Township Planner not later than fourteen days after the Planning Commission decision. The written appeal must state specifically what matters are appealed and the factual basis for the appeal of each. An appeal stays the issuance of any permits that otherwise might be issued for the construction of buildings or for other purposes within the lands included in the approved site plan.
- (b) Upon receiving the appeal, the Zoning Board of Appeals shall include the matter on the agenda of a Board of Appeals meeting. The Board of Appeals shall review the record of the action taken by the Planning Commission. The record shall consist of the application, site plan, memoranda, correspondence, minutes and other material in the Township files with respect to the site plan. The party appealing may submit written materials bearing on the appeal; written material in support of the decision may also be submitted by or in behalf of the Planning Commission and the Planner. However, no new evidence shall be presented, and the appeal shall be decided solely on the basis of the record developed by the Planning Commission.
- (c) In considering the appeal, the Zoning Board of Appeals shall determine whether the record supports the action taken with respect to the matter being appealed. The Board may uphold the decision being appealed, it may reverse the decision or it may uphold the decision in part and reverse it in part. In making a decision on the appeal, the Board shall prepare and approve written findings in support of its decision. Such findings shall be included in the minutes of the proceedings, or they may be set forth in a resolution adopted by the Board of Appeals.



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- (d) A decision by the Township Planner as to whether a proposed change in an approved site plan is a minor change shall not be appealable. In the event an applicant disagrees with such a decision by the Township Planner, the applicant may then apply to the Planning Commission for approval of the proposed change as a major change in the site plan.

**Section 18.12 As-Built Site Plan.**

- (a) Upon completion of required improvements as shown on the approved site plan, the property owner or other interest holder shall submit to the Township Planner three copies of an “as-built” site plan, certified by an engineer, surveyor or other professional, prior to the anticipated occupancy of any building within the area comprising the site plan. The as-built plan shall be reviewed by the Township Planner or Township engineer to determine whether the plan is in conformity with the approved site plan and other Township requirements and applicable county and state requirements.
- (b) The Township building official, or other authorized Township official, shall not issue an occupancy permit until the official has determined that the as-built site plan is fully in conformity with the approved site plan, all applicable provisions of the Township zoning ordinance and all applicable provisions of other Township ordinances, including but not limited to the building code, the storm water ordinance and other applicable ordinances.

**Section 18.13 Land Clearing.** Prior to site plan approval, no person shall undertake or carry out any grading, clearing, cutting and filling, excavating, tree removal or other use or activity for which site plan approval is required by this Ordinance, or which may be necessary to accommodate the land uses shown, or to be shown, on the site plan. No such activity shall commence prior to issuance of soil erosion and sedimentation control permits, wetland permits, or other applicable permits.

**Section 18.14 Site Plan for Mass Grading.** A person may seek site plan approval that includes only mass grading of a property. A site plan may be considered by the Planning Commission that includes only final proposed grades and soil erosion control measures. A mass grading site plan provides the opportunity to accomplish mass grading prior to the final steps of the planning process. The site plan must include all requirements for a site plan listed in Chapter XVIII and the developer must obtain all necessary permits from state, county, and federal agencies for the work associated with the mass grading site plan.

- (a) An application for site plan review for the mass grading site plan shall be submitted to the Township Planner separate from an application for site plan review for the complete site plan package. The application shall include a fee for site plan review in addition to the fee associated with the final use site plan.
- (b) A copy of all applicable permits must be provided to the Township, including soil erosion and sedimentation control and permits to impact a wetland.
- (c) The mass grading site plan shall not include activity within a floodplain without a permit from the Department of Environmental Quality.
- (d) The mass grading site plan must not include any proposed structures or other proposed infrastructure except grayed out conceptual footprints for illustrative purposes.
- (e) A site plan with proposed final use and proposed grades must accompany the mass grading site plan.

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- (f) No implication of final use site plan approval or approval of proposed use is implied by the approval of the mass grading site plan. All site activity and design that is completed on the basis of an approved mass grading site plan is at the full risk of the applicant. The approval of a mass grading plan shall have no bearing on future Planning Commission reviews and conditions or engineering and planning requirements.
  - (g) A mass grading plan may only be approved by the Planning Commission if the zoning of property allows the final intended use associated with the mass grading.
  - (h) A stormwater permit must be approved by the Township Engineer.
  - (i) A performance guarantee must be in place in an amount determined by the Township Engineer.
  - (j) No pipe, pavement, foundations, or other hard infrastructure may be considered or installed except for temporary appurtenances as necessary for proper storm water control.
  - (k) No mass grading may proceed without the above conditions in addition to any other conditions deemed appropriate by the Planning Commission.
  - (l) The Planning Commission shall consider the impact to natural resources prior to the approval of a mass grading plan.
  - (m) Restoration of the site with a minimum of four (4) inches of topsoil with mulch and grass seed must be completed to achieve a stable condition within one week of establishing the proposed grade on the mass grading site. Restoration of the site must proceed regardless of the future plans for the site.

**Section 18.15 Approval Effective for One Year.** Approval of a site plan under the terms of this chapter shall be effective for a period of one year, but only if the development and construction of the land use covered by the site plan commences within such period of one year and is diligently pursued thereafter. If construction or development of the use permitted by the approved site plan has not commenced during such one-year period, the period of time may be extended by the Planning Commission in its discretion, for up to two additional periods of one year each.

*(Chapter 18 adopted 07/06/05; eff. 07/26/05.)*

*(Chapter 18 Sections 18.14 and 18.15 amended 12/05/18; eff. 12/29/18)*





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**CHAPTER XIX**  
**SIGNS IN ALL DISTRICTS**

**Section 19.1 Definitions.** The following words and phrases shall have the meanings set forth in this section when they are used in this chapter:

**Accessory Sign.** A sign which pertains to the principal use of the premises upon which such sign is located.

**Appendage Sign.** A sign that is intended to draw attention to one or more of various services, items for sale, contests, etc., and is attached as an appendage to an accessory sign, sign support or any part of a sign structure. Appendage signs are prohibited throughout Caledonia Charter Township.

**Architectural Features/Artwork.** Decorative features of buildings or works of art (e.g., murals) so long as such features or works do not contain letters, trademarks, moving parts, or lights.

**Banner Sign.** A sign on paper, cloth, fabric or other combustible material of any kind, either with or without frames.

**Billboard or Off Premises Advertising Sign.** A sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located. New billboard or off premises signs shall be expressly prohibited.

**Building Frontage.** The length of the portion of a building facing a street abutting to the premises on which a business is located.

**Bulletin Board.** A sign with temporary or replaceable letters or characters, used to announce dates of functions or activities.

**Canopy.** A suspended covering, often movable, placed above a door, window, or other entranceway. Canopies can be constructed of cloth, metal, wood, or other materials.

**Construction Sign.** A sign advertising a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers and architects.

**Digital Billboard.** A billboard consisting of, or incorporating a digital sign as defined herein. *(Added 8/15/12; eff. 9/1/12.)*

**Digital Sign.** A sign that consists of, or incorporates an image, display or sign face that is projected or otherwise produced, in whole or in part, by the use of specialized light-emitting technologies such as but not limited to light-emitting diodes (LEDs), liquid crystal display (LCD) or plasma display panels, computer-generated imaging or similar means. A digital sign may include a digital billboard and electronic message board. *(Added 8/15/12; eff. 9/1/12.)*

**Directional Sign.** A sign, the primary purpose of which is to expedite the flow of vehicular and/or pedestrian traffic to, from and within a site.

**Electronic Message Board.** A sign that uses lights to display messages, such as, but not limited to, the current time, temperature, date of the immediate environment and limited advertisement, commercial or informational message or image. An electronic message board may include a manual

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changeable copy board or a digital sign but shall not include a digital billboard. (*Amended 8/15/12; eff. 9/1/12.*)

**Flag.** A banner of distinctive design used as a symbol of a nation, state or other governmental entity or a nonprofit organization.

**Flashing Sign.** A sign that is intermittently illuminated or reflects light intermittently from either an artificial source or from the sun.

**Freestanding Sign.** A sign supported by one or more uprights, poles, pylons or braces placed in or upon the ground and not attached to any building or other structure.

**Grade.** The average elevation of an area within a radius (of the sign base) equal to two times the height of the sign.

**Handicapped Sign.** A sign limited to indicating that off street parking is reserved for the physically handicapped, or a sign which is limited to indicating facilities for the physically handicapped.

**Illuminated Sign.** A sign which has characters, letters, figures, or designs which are illuminated either internally or with external shielded lights.

**Institutional Sign.** A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institutions, and the announcement of its services or activities.

**Interior Sign.** A sign which is visible from any public street, sidewalk, alley, park or public property and located within a building.

**Marquee Sign.** A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.

**Maximum Sign Height.** Shall be measured from grade or sidewalk to the highest edge of the sign surface or its projecting structure.

**Minimum Sign Height.** Shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure.

**Moving Sign.** A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, twinkling, or varying intensities of illumination.

**Non-Accessory Sign.** A sign which does not pertain to the principal use of the premises on which such sign is located.

**Occupational Sign.** A sign denoting only the name and profession of an occupant in a commercial building or public institutional building.

**Off Premises Directional Sign.** A sign intended to provide directions to a business located within the Township, consisting of the business name and a directional arrow. No graphics, pictures or other text is permitted.

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**Portable Sign.** A sign, sign board, or banner which is not permanently anchored or secured to either a building, structure or the ground; or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising. Portable signs shall be expressly prohibited in Caledonia Township.

**Premises.** A lot or group of lots with one or more buildings which functions as a single use, is under the same ownership or control and is not divided by a public street. Multiple tenants of a single premises may share common entranceway and off street parking. Examples of premises include a shopping center, a multiple family apartment complex, and a educational or medical campus.

**Projecting Sign.** A sign so constructed and erected as to be attached at one end to a building, metal pole or other structure, and projecting therefrom.

**Roof Sign.** A sign which is erected, constructed and maintained on or above the roof of a building or any portion thereof. Roof signs are prohibited in Caledonia Township.

**Sign.** Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designated to be visible from outside any building or structure in which, upon which, or attached to which it may be located.

**Sign Area.** The entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material, graphic or color forming an integral part of the display or message, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, if no advertising matter is placed thereon.

**Sign Erector.** Any person engaged in the business of erecting, constructing, altering, or removing signs on a contractual or hourly basis.

**Subdivision/Development Sign.** A sign or entranceway structure, listing the names and addresses only of the establishments occupying a development, subdivision or condominium. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.

**Temporary Sign.** A sign intended to be displayed for a limited period of time, including decorative displays for holidays, special events, political signs, real estate signs, or public demonstrations.

**Wall Sign.** A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building. A mural is considered a wall sign. A sign painted or inscribed on a canopy shall also be considered a wall sign.

## **Section 19.2 General Sign Provisions.**

- (a) **Installation.** Signs shall be placed, constructed and erected in accordance with good construction practices and shall be maintained in good condition and repair.
- (b) **Permit Required.** No permanent signs except those exempt from the provisions of this chapter, shall be placed, constructed or erected unless a permit therefor has been issued by the Zoning Administrator.

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- (c) **Non-Interference.** No sign or sign structure shall be placed, constructed or erected in any location or manner where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating light or flashing illumination shall be used on or in connection with any sign.
  - (d) **Illumination.** Signs may be illuminated only in accordance with this chapter. Any externally illuminated sign shall be shielded in such a manner as to direct the light toward the sign. Any internally illuminated sign shall not be of such intensity as to illuminate any adjacent residential property. Illuminated signs shall be constructed and operated in compliance with the electrical code adopted by the Township as administered by the electrical inspector.
  - (e) **Double-Side Signs.** A sign which has lettering or other material on both sides of the same surface shall nevertheless be deemed to be a single sign for all purposes in this chapter.
  - (f) **Location.** Signs shall be placed only on private property except for lawful signs of governmental purposes or events shall be allowed provided such displays receive a permit from the Zoning Administrator and are placed for no longer than the length of the event or 30 days, whichever shall be less. Displays shall not be placed or erected in any manner such as to create or tend to create a traffic hazard or public nuisance.
  - (g) **External and Internal Illumination.** It is the intent of this section to ensure that illuminated signs do not create glare or unduly illuminate the surrounding area. The following provisions shall apply:

- (1) **Externally Illuminated Signs.**

- (i) Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed at adjacent streets, roads or properties.
- (ii) Light fixtures shall be of a type such that the light source (bulb) is not directly visible from adjacent streets, roads or properties.

The average of the illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles and the uniformity ratio (the ratio of the maximum to the minimum illumination) shall not exceed 2:1.

- (2) **Internally Illuminated Signs.**

- (i) The light source shall be fluorescent tubes, spaced at least eight inches on center, mounted at least 3.5 inches from the translucent material.
- (ii) The light source (bulb) of internal illumination shall be sufficiently shielded or obscured that the light source does not shine directly onto adjacent streets or other lands.

- (3) No sign, whether externally or internally illuminated, shall be illuminated by other than approved devices. No open spark or flame shall be used for display purposes. All illuminated signs shall be so constructed, arranged and shielded so as not to interfere with the vision of persons travelling on adjacent streets. Light from an



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illuminated sign shall not shine onto adjacent property which is used for residential or other purposes.

- (h) No sign (or any pole or support cable of any nature) except those established and maintained by the Township, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, unless otherwise authorized in this Ordinance.
- (i) No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse or create a visual impediment or safety hazard to pedestrian or vehicular traffic.
- (j) No sign above a height of 36 inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection, unless visual under clearance can be assured on the plans.
- (k) **Proximity to Electrical Conductors.** No sign shall be erected so that any part including cables, guys, etc., will be within ten feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- (l) **Fire Escapes.** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- (m) **Wall Signs.** No wall sign shall project beyond or overhang the wall, or any permanent architectural feature and shall not project above or beyond the highest point of the roof or parapet.
- (n) **Freestanding Signs.** Freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- (o) **Sign Owner Insurance Requirements.** If the vertical distance of a sign above the street is greater than its horizontal distance from the sign to the street right-of-way or is so located as to be able to fall or be pushed onto public property in any manner, then the owner of such sign shall obtain and maintain in full force and effect comprehensive general liability insurance in an amount not less than \$1,000,000 for injuries to one person and not less than \$3,000,000 for injury to more than one person, and in an amount not less than \$25,000 for damage to any property, resulting in any way from such sign. The Township shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be canceled or modified unless ten days prior written notice is given to the Township.

The sign erector shall, prior to the issuance of a permit, provide the Township with a certificate of insurance evidencing such coverage and shall maintain a current certificate on file with the Township. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus lines carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance

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and surplus lines carriers shall be rated A+ or better by A.M. Best Company. In lieu of an insurance policy as required herein, an owner may present satisfactory proof to the Township Attorney that said owner is financially capable of self-insurance in the above amounts.

**Section 19.3 Computation of Sign Area.** For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- (a) **Single Face Sign.** The total area of a single face sign shall be computed as the number of square feet within any single or combination of geometric shapes - such as a square, rectangle, triangle or circle - encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- (b) **Double Face Signs.** For double-face signs having two faces of equal size arranged and/or positioned back to back, parallel to each other, with no more than a two-foot space between the two faces; the area of the sign shall be computed as one-half the total area of the two faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.
- (c) **Three Dimensional Signs.** For signs which are designed as a three dimensioned geometric form such as a sphere, cone, cylinder, or cube; the area shall be computed as one-half the total surface of the geometric form.

**Section 19.4 Permit Required For Signs.**

- (a) **Sign Erection Permit.** It shall be unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate, any sign unless a permit shall have been first obtained from the Zoning Administrator. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
- (b) **Sign Maintenance or Change of Message.**
  - (1) No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message designed for occasional message change without change of sign structure, including a bulletin board or static-faced billboard.
  - (2) The changing of a sign, including the augmenting or altering the type of illumination, the augmenting or altering the structural components of the sign face, the electrification of a sign, or similar augmentation or alteration as determined by Township zoning staff, shall not qualify as ordinary sign servicing or maintenance, and accordingly shall be accomplished only in accordance with the requirements of this chapter; provided, however, that a static display face of a billboard shall not be changed to a changeable, digital, electronic or tri-vision display face, in whole or in part. *(Section 19.4(b) amended 8/15/12; eff. 9/1/12.)*
- (c) **Planning Commission Approval.** All subdivision/development signs, time/date/or temperature signs, or any type of sign not explicitly defined in this chapter must be approved by the Planning Commission before a permit shall be issued.

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- (d) **Sign Erector Requirements.** Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of this chapter.
- (e) **Permit Applications.** Applications for sign permits shall be made upon forms provided by the Township for this purpose and shall contain the following information:
- (1) Name, address and phone number of applicant.
  - (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
  - (3) Position of the sign on the building, structure or lot on which the sign is to be attached or erected.
  - (4) Position of the sign in relation to nearby buildings, structures, signs, property lines, and rights-of-way, existing or proposed.
  - (5) Zoning district in which the sign is to be located.
  - (6) Two copies of the sign plans and specifications for method of construction and attachment to the building or in the ground. The sign plans shall include all pertinent data including highest point, low point clearance, face outline and total face area with method of calculation. When public safety so requires the specifications shall include the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
  - (7) Name and address of the sign erector.
  - (8) Insurance policy as required herein.
  - (9) Such other information as the Township may require to show full compliance with this and all other applicable laws of the Township, Kent County and the State of Michigan.
- (f) **Sign Erection Permit Expiration.** A sign permit shall become null and void if the work for which the permit was issued is not completed within 90 days of the date of issue.
- (g) Digital Signs in A, R-R, R-1, R-2, R-3, R-4, and F Districts for churches and other houses of worship, and public and private schools shall meet the following specific standards:
- (1) Digital signs shall be located on freestanding ground signs only and shall only comprise up to 50% of the total sign area allowable by law. Such freestanding ground signs with a digital sign cabinet shall not exceed 6 feet in height measured from the adjacent, existing grade to the uppermost portion of the sign face or frame.
  - (2) Messages shall change instantaneously without animation.
  - (3) Digital signs shall not be brighter than 3 foot-candles above ambient light conditions and shall not cast light beyond the property line. A photometric plan, in compliance with section 3.50 is required.

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- (4) Ambient light meters to regulate brightness shall be required.
  - (5) Messages may change to a frequency not to exceed one message per 6 seconds.
  - (6) Digital signs shall be turned off between the hours of 11 p.m. and 6 a.m. daily.
  - (7) Digital signs shall have a dark colored background with lighter colored graphics, letters, numbers, symbols, and images.

#### **Section 19.5 Sign Erector Requirements.**

- (a) **Sign Erector Insurance Requirements.** A permit for a sign over 12 square feet shall not be issued to a sign erector unless the sign erector obtains and maintains in full force and effect comprehensive general liability insurance in an amount not less than \$1,000,000 for injuries to one person and not less than \$3,000,000 for injury to more than one person, and in an amount not less than \$25,000 for damage to any property, resulting in any way from the erection of such a sign by the sign erector, or its agents, employees, contractors and/or subcontractors. The Township shall be named as an additional insured in all applicable policies. All insurance policies shall provide that they shall not be canceled or modified unless ten days prior written notice is given to the Township.

The sign erector shall, prior to the issuance of a permit, provide the Township with a certificate of insurance evidencing such coverage and shall maintain a current certificate on file with the Township. All insurance shall be issued by insurance carriers licensed to do business by the State of Michigan or by surplus lines carriers on the Michigan Insurance Commission approved list of companies qualified to do business in Michigan. All insurance and surplus lines carriers shall be rated A+ or better by A.M. Best Company. The sign erector shall require that each of its contractors and their subcontractors carry such insurance in the same type and amount as the sign erector is required to obtain under this provision.

- (b) **Lapsing of Insurance.** If at any time, the insurance of any sign erector is permitted to lapse, his right to obtain permits shall automatically be revoked.
- (c) **Notification of Change.** A sign erector shall notify the Zoning Administrator of any change in address, and if a firm or corporation, any change in ownership or management if other than that indicated on the Insurance Certificates.

#### **Section 19.6 Certificate of Compliance.**

- (a) **Compliance Certification.** All signs shall be inspected at original installation and if found to be in full compliance with the provisions of this chapter, may be issued a certificate of compliance. The Township may cause existing signs to be inspected if deemed necessary to determine continuation of compliance with the provisions of this chapter.
- (b) **Responsibility of Compliance.** The owner of any property on which a sign is placed and the person maintaining said sign are declared to be equally responsible for the erection, safety and condition of the sign and the area in the vicinity thereof subject to provisions of this chapter.

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**Section 19.7 Signs Exempt from Permit Requirements.** No sign permit is required for signs listed below. Such exemptions, however, shall not be construed to relieve the owner for its proper location, erection, and maintenance.

- (a) **Government Signs.** Signs erected by or on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional, or regulatory signs.
- (b) **Flags.** Flags, pennants or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as a mean of advertising.
- (c) **Address Signs.** Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (d) **Street Signs.** Signs erected by private developers or county, state, or federal governments for street names, traffic control, or direction and information.
- (e) **Private Traffic Signs.** Signs directing and guiding traffic and parking on private property that do not exceed six square feet each and bear no advertising matter.
- (f) **Handicapped Signs.** Not exceeding four square feet each and bearing no advertising matter.
- (g) **Architectural Features/Artwork.** Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, copyrighted material, products or services offered for sale on the premises, moving parts, or lights.
- (h) **Small Accessory Signs.** Any accessory sign erected on a premise which is no more than two square feet in area. The total area of all small accessory signs on one premise shall not exceed eight square feet, except in residential districts in which the total area of all small accessory signs on one premise shall not exceed six square feet.
- (i) **Temporary Signs, Banners, Flags.** Temporary Signs, not specifically regulated in any other section of this chapter, including but not limited to: political or campaign signs, real estate signs, signs for special events or activities, banners, flags, and the like shall be permitted subject to the following conditions:
  - (1) No temporary sign or devices shall be located in the public right-of-way, attached to any utility pole, or located within five feet from any public sidewalk or street right-of way.
  - (2) All temporary signs must be removed within seven days of the conclusion of the event, activity, election, sale, etc. for which the temporary sign is displayed.
  - (3) The total area and height of temporary signage shall not exceed the following standards:
    - (i) In residential districts, temporary signage shall be limited to six square feet in area and six feet in height.

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- (ii) In all commercial and industrial districts, temporary signage shall not exceed 32 square feet of total sign area per side or a height of eight feet.
  - (j) **Political Signs.**
    - (1) Political signs are permitted in all districts and do not require a permit.
    - (2) The maximum sign area in residential districts is six square feet for each sign. The maximum number of signs shall be limited to one per contested or open office or ballot issue and shall be placed in the required front yard.
    - (3) The maximum total sign area shall be one square foot of total sign area for every two lineal feet of parcel frontage but the total sign area shall not exceed 64 square feet.
    - (4) Any political campaign sign shall not be erected more than 90 days prior to the election to which it relates and shall be removed within seven days following that election.
  - (k) Essential services signs denoting utility lines, railroads, hazards and the like.
  - (l) Signs in the A Agricultural District which only identify the name of a farm or farm owner or crops or livestock on a farm.
  - (m) Signs identifying buildings or sites designated as historic landmarks or centennial farms by state or federal agencies.
  - (n) Signs or placards posted to control or prohibit hunting or trespassing.
  - (o) Memorial signs, tablets or markers.

**Section 19.8 Signs Prohibited Throughout the Township.** The following signs are prohibited throughout the Township, notwithstanding anything to the contrary in this chapter, except as stated in this section.

- (a) **Moving Signs.** Signs that revolve or are animated or that utilize movement to attract attention. No sign shall have blinking, flashing, or fluttering lights or other illuminated devices such as a changing light intensity, brightness or color. Beacon lights and search lights are not permitted.
- (b) **Flashing Signs.** Signs which are illuminated by or in any manner incorporates lights that flash, twinkle, move, or give the appearance of movements.
- (c) **Banners, Streamers.** Exterior banners, pennants, spinners, other than a banner or pennant used as a permitted sign under provisions of this section.
- (d) **String Lights.** Exterior string lights used in connection with a commercial premises, other than holiday decorations, which shall be removed within 15 days after the holiday.
- (e) **Unsafe Signs.** Any sign which is structurally or electrically unsafe.

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- (f) **Utility Poles and Landscaping.** Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the Township, county, state, or federal government or a public transit agency.
  - (g) **Non-anchored Signs.** Freestanding signs not permanently anchored or secured to either a building or the ground, except real estate “open house” signs.
  - (h) **Signs on Vehicles.** Signs displayed on any vehicle or trailer when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service, or commodity on the premises.
  - (i) **Sign Structure Without Sign.** Any sign structure or frame no longer supporting or containing a sign. The owner of the property where the sign is located shall, within 180 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to prevent the changing of the message of a sign.
  - (j) **Roof Mounted Signs.** Roof-mounted signs are prohibited.
  - (k) **Appendage Signs.** Appendage signs are prohibited.
  - (l) **Portable Signs.** Portable signs are prohibited except as stated in this subsection.
    - (1) A portable sign may be installed on a parcel of land in a residential zoning district for a period not to exceed seven days in any six month period.
    - (2) Any such portable sign shall be located on private property only, and shall not encroach onto any public or private street right-of-way.
    - (3) A portable sign shall be installed and maintained only after a permit for the sign has been obtained from the Township, in accordance with the sign permit requirements of this chapter.
  - (m) **Air Filled or Gas Filled Balloon Signs.** Such signs are prohibited.
  - (n) **Billboards.** New billboards, being those proposed to be erected after the effective date of this Chapter XIX, are prohibited.
  - (o) **Other Signs Prohibited.** Other signs not expressly permitted by or that do not conform to the provisions of this chapter shall be prohibited.

**Section 19.9 Signs In The A, R-R, R-1, R-2, R-3, R-4 and F Districts.** Signs in the A Agricultural, the R-R Rural Residential, the R-1 Low Density Single Family, the R-2 Medium Density Single Family, the R-3 Medium Density Multiple Family, the R-4 High Density Residential District and the F Flood Plain Districts shall be permitted only in accordance with this section and other applicable provisions of this Ordinance.

- (a) There may be one sign, not exceeding 12 square feet in area, on each lot or parcel of land, except as otherwise provided in this chapter.
- (b) Signs may be attached flat against a building or may be freestanding. Except as stated in subsections (c) and (d), there shall be only one freestanding sign per lot or parcel of land.

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Any freestanding signs shall be located at a minimum setback of 25 feet from the nearest street right-of-way line.

- (c) Signs for the purpose of identifying churches, schools, parks and playgrounds, governmental and community buildings, libraries, museums, residential and other subdivision, may have an area not exceeding 32 square feet for all of such signs located on a lot or parcel of land, unless a greater area is approved by the Planning Commission as a special land use under Chapter XVI. Such signs may be attached flat against a building or may be freestanding. Any freestanding sign shall be located at a minimum setback of 25 feet from the nearest street right-of-way line.
- (d) In the R-3 and R-4 Districts, signs identifying multiple family dwelling, retirement homes, nursing homes and similar group housing, state licensed mobile home parks and professional offices shall not exceed 32 square feet in total area for all of the signs on any lot or parcel of land, unless a greater area is approved by the Planning Commission as a special land use under Chapter XVI. Such signs may be attached flat against a building or may be freestanding. Any freestanding sign shall be located at a minimum setback of 25 feet from the nearest street right-of-way.
- (e) Signs shall not exceed a height of ten feet above grade, except as provided elsewhere in this chapter.

**Section 19.10 Signs In The C-1, C-2 and HC Zoning Districts.** Except as provided in Section 19.4, signs in the C-1 Neighborhood Business District and the C-2 General Business District and HC Highway Commercial District shall be permitted only in accordance with this section and other applicable provisions of this Ordinance.

- (a) Signs in the C-1 District shall not exceed 80 square feet in area per sign and shall not exceed 160 square feet in total area of all signs (not including exempt signs) per lot or parcel of land.
- (b) Signs in the C-2 District shall not exceed 100 square feet in area per sign and shall not exceed 200 square feet in total area of all signs (not including exempt signs) per lot or parcel of land.
- (c) Signs in the C-1 District shall not exceed a height of 12 feet. Signs in the C-2 District shall not exceed a height of 18 feet.
- (d) Wall signs shall not exceed 30 square feet in area.
- (e) Unless otherwise provided in the HC District regulations of this Ordinance, signs in the HC District shall be monument type signs only, and shall not exceed six feet in height and 60 square feet in size.
- (f) Signs may be attached flat against a building. One freestanding sign per lot or parcel of land shall be permitted for each public or private road frontage unless a greater number is approved by the Planning Commission as a special land use under Chapter XVI. Any freestanding sign shall be located at minimum setback of 25 feet from the nearest street right-of-way line.
- (g) Digital signs are permitted so long as they comply with the following standards:



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- (1) Digital signs shall be located on freestanding ground signs only and shall only comprise up to 50% of the total sign area allowable by law. Such freestanding ground signs with a digital sign cabinet shall not exceed 6 feet in height measured from the adjacent, existing grade to the uppermost portion of the sign face or frame.
  - (2) Messages shall change instantaneously without animation.
  - (3) Digital signs shall not be brighter than 3 foot-candles above ambient light conditions and shall not cast light beyond the property line. A photometric plan, in compliance with section 3.50 is required.
  - (4) Ambient light meters to regulate brightness shall be required.
  - (5) Messages may change to a frequency not to exceed one message per 6 seconds.
  - (6) Digital signs shall be turned off between the hours of 11 p.m. and 6 a.m. daily.
  - (7) Digital signs shall have a dark colored background with lighter colored graphics, letters, numbers, symbols, and images.

**Section 19.11 Signs In The I-1 And I-2 Zoning Districts.** Signs in the I-1 Light Industrial District and the I-2 Heavy Industrial District shall be permitted only in accordance with this section and other applicable provisions of this Ordinance.

- (a) Such signs shall not exceed 60 square feet in area per sign and shall not exceed 120 square feet in total area of all signs (except exempt signs) per lot or parcel of land.
- (b) Such signs in the I-1 District shall not exceed a height of 12 feet, except that signs attached flat against a building may be placed at a height not exceeding; that of the roof line of the building. Such signs in the I-2 District shall not exceed a height of 18 feet, except for signs attached flat against a building.
- (c) Signs may be attached flat against a building. One freestanding sign per lot or parcel of land shall be permitted unless a greater number is approved by the Planning Commission as a special land use under Chapter XVI. Any freestanding sign shall be located a minimum setback of 25 feet from the nearest street right-of-way line.
- (d) Digital signs are permitted so long as they comply with the following standards:
  - (1) Digital signs shall be located on freestanding ground signs only and shall only comprise up to 50% of the total sign area allowable by law. Such freestanding ground signs with a digital sign cabinet shall not exceed 6 feet in height measured from the adjacent, existing grade to the uppermost portion of the sign face or frame.
  - (2) Messages shall change instantaneously without animation.
  - (3) Digital signs shall not be brighter than 3 foot-candles above ambient light conditions and shall not cast light beyond the property line. A photometric plan, in compliance with section 3.50 is required.
  - (4) Ambient light meters to regulate brightness shall be required.

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- (5) Messages may change to a frequency not to exceed one message per 6 seconds.
  - (6) Digital signs shall be turned off between the hours of 11 p.m. and 6 a.m. daily.
  - (7) Digital signs shall have a dark colored background with lighter colored graphics, letters, numbers, symbols, and images.

**Section 19.12 Signs In The PUD Zoning District.** Signs in the Planned Unit Development District shall be permitted only in accordance with this section and other applicable provisions of this Ordinance.

- (a) Signs in a Residential Planned Unit Development District shall comply with all provisions of this chapter unless otherwise approved as part of the PUD, or by the Planning Commission and the Township Board as a special land use under Chapter XVI.
- (b) Signs in a Commercial Planned Unit Development District shall comply with all provisions of this chapter, unless otherwise approved by the PUD or by the Planning Commission and the Township Board as a special land use under Chapter XVI. For purposes of this subsection, an office planned unit development district shall be deemed a commercial planned unit development district.
- (c) Signs in an industrial planned unit development district shall comply with all provisions unless otherwise approved by the PUD or by the Planning Commission and the Township Board as a special land use under Chapter XVI.
- (d) Signs in a Planned Unit Development District which includes more than one type of land use shall be as determined by the Planning Commission and Township Board as part of the PUD review process, provided that the signs in and for each type of use shall comply with the sign provisions for such type of use as set forth in this chapter. Signs pertaining to more than one type of use or signs which cannot reasonably be differentiated as to type of use shall be as determined by the Planning Commission and Township Board. In considering approval of such signs, the Planning Commission and Township Board shall consider the nature, size, density, location and design of the PUD, including the design and other safety hazards, will be injurious to the use or enjoyment of nearby property or will result in visual blight or distraction.

**Section 19.13 Signs For Special Land Uses.**

- (a) Signs in and for special land uses shall be permitted only in accordance with the applicable sign provisions of the district in which the use is located as well as the provisions of Chapter XVI.
- (b) For signs in or for special land uses specified for approval by the Planning Commission and for signs in or for special land uses specified for approval by both the Planning Commission and Township Board, the Planning Commission or both the Planning Commission and Township Board, respectively, may approve a modification of the other applicable requirements provided in this chapter regarding the maximum area of a sign, the maximum total area of signs per lot or parcel of land, the maximum total area of signs per lot or parcel of land, the maximum height of free standing signs and the placement of signs in relation to the street right-of-way, if the applicant demonstrates the following:

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- (1) That the modification of such requirements is justified as a result of the nature, size, density, location or design of the special land use, including the design or placement of proposed signs.
  - (2) That the modification of such requirements will not result in traffic or other safety hazards, will not be injurious to the use or enjoyment of nearby property, will not result in visual blight or distraction and will not otherwise result in a detriment to the public health, safety or general welfare.

#### **Section 19.14 Construction and Maintenance Requirements.**

- (a) **Materials and Design.** All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the Township Building Code and requirements of this chapter.
- (b) **Erector's Imprint.** Signs which require a permit under this chapter must carry the identification and address of the sign erector, electrical voltage (when applicable), and date of installation in clearly legible letters whether for the initial erection or re-hanging of a sign. In case of re hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.
- (c) **Fastenings.** All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector and/or owner.
- (d) **Freestanding Signs.** Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is no danger that either the sign or the supportive structure may be moved by the wind or other forces and cause injury to persons or property.
- (e) **Sanitation/Landscaping.** Property surrounding any freestanding sign shall be kept clean, sanitary and free from obnoxious and offensive substances, weeds, debris, rubbish, and flammable material. All plant materials and other landscaping surrounding a freestanding sign shall be maintained on a regular basis, including pruning, mowing, watering, fertilizing and replacement of dead and diseased materials.
- (f) **Maintenance.** All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. Peeling or missing paint, holes, broken, cracked, bent, warped, rotted, discolored, sagging, out of plumb, worn, rusted or missing material parts shall be repaired within 15 days of written notification of the ownership.

#### **Section 19.15 Nonconforming Signs, Including Nonconforming Billboards.**

- (a) **Intent.** It is the intent of this chapter to encourage eventual elimination of signs that as a result of the adoption of this chapter become nonconforming, to administer this chapter to realize the eventual removal of illegal nonconforming signs, to avoid any unreasonable invasion of established private property rights and to adopt regulations on the limited alteration or provisional relocation of certain nonconforming signs, in particular circumstances. This section includes specific, detailed provisions regarding nonconforming

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signs, and accordingly, in the event of a conflict between the provisions of this section and Chapter XXI of this Ordinance, the provisions of this section shall control.

- (b) **Lawful Existing Signs.** A sign lawfully existing at the time of the adoption of these provisions which does not fully comply with the provisions of this chapter or other relevant provisions of this Ordinance shall be deemed a lawful nonconforming sign and may be permitted to remain if the sign is properly maintained and if it has no serious adverse effects on the public health, safety and general welfare, except as otherwise stated in this section.
- (c) **Continuance of Nonconforming Signs other than Billboards.** This subsection (c) regulates only nonconforming signs that are not billboards, and accordingly, references in this subsection to signs do not include billboards.
- (1) A nonconforming sign shall not be enlarged or expanded in area, increased in height or changed to another nonconforming sign, in whole or in part.
  - (2) A nonconforming sign shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, whether on the same parcel of land or on another parcel of land.
  - (3) A nonconforming sign shall not be structurally rebuilt or reconstructed to such extent as will prolong the useful life of the sign; or so as to change the shape, size, type, placement or design of the structural elements of the sign; or in order to add illumination, whether by the addition of additional sources of light or by the increase in the intensity of existing light sources.
  - (4) A nonconforming sign shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the sign, within any 12-month period, would cost more than 60 percent of the cost of an identical new sign. In evaluating evidence presented as to the cost of an identical new sign, the Township may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.
  - (5) A nonconforming sign shall not be altered or revised, provided, however, that the following actions with respect to a nonconforming sign shall be permitted: normal and usual maintenance; the changing of the sign surface area to a lesser or equal area, but a static display face of a nonconforming sign shall not be changed to a changeable, digital, electronic or tri-vision display face, in whole or in part; the replacement of landscaping below the base of the sign; or the changing of the sign's background, letters, figures, graphics or other characters, but such changes shall not include the changing of a static display face of a sign to a changeable, digital, electronic or tri-vision display face, in whole or in part. (*Amended 8/15/12; eff. 9/1/12.*)
- (d) **Continuance of Nonconforming Billboards.** This subsection (d) regulates only nonconforming billboards. Nonconforming signs that are not billboards are regulated by subsection (c) above.
- (1) A nonconforming billboard shall not be enlarged or expanded in area or increased in height, in whole or in part.

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- (2) A nonconforming billboard shall not be changed to another nonconforming billboard or another nonconforming sign, except as permitted under subsection (e).
  - (3) A nonconforming billboard shall not be removed, in whole or in part, from its current location and then relocated, re-erected or re-installed at another location, on the same parcel of land, except as permitted under subsection (e). A nonconforming billboard may not be relocated, re-erected or re-installed on a different parcel of land.
  - (4) A nonconforming billboard shall not be repaired, re-erected or re-installed after being damaged as a result of casualty, if the repair, re-erection or re-installation of the billboard, within any 12-month period, would cost more than 60 percent of the cost of an identical new billboard. In evaluating evidence presented as to the cost of an identical new billboard, the Township may require the submission of cost estimates from multiple suppliers or contractors or other reliable proof of such cost.
  - (5) A nonconforming billboard shall not be altered or revised, except as permitted under subsection (e); provided, however, that the following actions with respect to a nonconforming billboard shall be permitted: normal and usual maintenance; the changing of the billboard surface-area to a lesser or equal area (but changing the billboard surface-area from a static surface-area to a changeable, digital, electronic or tri-vision surface-area, in whole or in part, shall not be permitted); the replacement of landscaping below the base of the billboard; or the alteration of the billboard's background, letters, figures, graphics or other characters (but such alterations shall not cause the background, letters, figures, graphics or other characters to become changeable, or to be in a digital, electronic or tri-vision format or configuration). *(Amended 8/15/12; eff. 9/1/12.)*
  - (6) A nonconforming billboard shall not be changed, altered, revised or reconstructed so as to be or constitute an electronic message board or a changeable, digital, electronic or tri-vision billboard, in whole or in part. *(Added 8/15/12; eff. 9/1/12.)*
- (e) A nonconforming billboard may be (1) changed to another nonconforming billboard or another nonconforming sign, (2) removed from its current location and then relocated, re-erected or re-installed at another location on the same parcel of land, and (3) altered or revised, or any of them, only in accordance with this subsection (e).
- (1) The Planning Commission may approve as a special exception use, the following actions with respect to a nonconforming billboard (but any such approval shall not include approval of changing a static display face of a billboard to an electronic message board, or to a changeable digital, electronic or tri-vision display face, in whole or in part): *(Amended 8/15/12; eff. 9/1/12.)*
    - (i) The changing of a nonconforming billboard to another nonconforming billboard or another nonconforming sign.
    - (ii) The removal of a nonconforming billboard from its current location and the relocation, re-erection or re-installation of the billboard at another location on the same parcel of land.

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- (iii) The alteration or revision of the nonconforming billboard.
- (2) An applicant shall apply for the special exception use on a form provided by the Township, shall pay the application fee and shall pay any required zoning escrow deposit. With the application, the applicant shall submit an accurate site plan and other written material describing in detail the proposed action(s) with respect to the nonconforming billboard.
    - (i) The site plan shall comply with the site plan content requirements of Section 18.4(b) of this Ordinance, except that it need not include items or information deemed by the Planning Commission to be not necessary for consideration of the application or decision thereon.
    - (ii) The applicant shall include such other information with respect to the requested use as the Planning Commission may determine necessary or useful in considering the application.
- (3) The Township Planner shall determine whether the application and the other materials are complete. After such determination, the application, the site plan and other materials submitted by the applicant shall be forwarded to the Planning Commission.
  - (4) The Planning Commission shall consider the application for the special exception use at a public meeting. A public hearing shall not be required. If, however, the Planning Commission determines to convene a public hearing, notice of the hearing shall be given in the same manner as required for consideration of a special land use under the terms of this Ordinance.
  - (5) The special exception use may authorize the following:
    - (i) The change of a nonconforming billboard to another nonconforming billboard if the resulting billboard would have less sign surface area, or would be of lesser height, than the existing nonconforming billboard. In no event shall the relocated billboard have more than two sign faces, be larger than 380 square feet per sign face, or have a height greater than 35 feet. The billboard shall be a monopole design.
    - (ii) The removal of a nonconforming billboard from its current location, and its relocation, re-erection or re-installation at another location on the same parcel of land, if the billboard as relocated would have less sign surface area or would be of lesser height, and if the relocated, re-erected or re-installed billboard would be placed no closer to the nearest edge of the nearest public or private street right-of-way than was the case with the existing nonconforming billboard prior to its relocation. The relocated, re-erected or re-installed billboard shall also be placed no closer to the nearest public or private street right-of-way than the current applicable sign setback regulations permit.
    - (iii) The alteration or revision of a nonconforming billboard if the altered or revised billboard would be less distracting to motor vehicle drivers or would otherwise have less adverse effects than those of the existing

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nonconforming billboard, by reason of reduced sign area, reduced sign height, revised configuration, less illumination or other alteration beneficial to the public interest.

- (6) The special exception use may include terms, conditions and limitations including, but not limited to, a limitation on the duration of an approved changed, relocated, altered or revised nonconforming billboard.
- (7) The special exception use may be approved in the sole discretion of the Planning Commission. In determining whether to approve a requested special exception use, the Planning Commission shall consider the following:
  - (i) Whether the nonconforming billboard as changed, relocated, altered or revised would result in a billboard that would be less distracting to motor vehicle drivers, by reason of reduced size, reduced height, different configuration, less illumination, greater distance from the nearest street right-of-way or by reason of other improvements benefiting the public interest.
  - (ii) If the nonconforming billboard is proposed to be relocated, such relocation would make possible the development and operation of other land uses consistent with the zoning ordinance and in the public interest.
  - (iii) Whether the changed, relocated, altered or revised nonconforming billboard would eliminate, reduce or mitigate a vehicle traffic hazard resulting from the existing nonconforming billboard or other adverse effect resulting from the existing billboard.
  - (iv) Whether the resulting nonconforming billboard would otherwise advance the goals and purposes of the zoning ordinance.
- (8) The Zoning Board of Appeals shall not have jurisdiction to vary, modify, reverse or otherwise consider the approval or disapproval of the special exception use.
- (f) **Portable and Temporary Signs.** Portable and temporary signs that are nonconforming shall be altered to comply with the provisions of this chapter or removed within 90 days after the effective date of this chapter. *(Section 19.15 amended 06/04/08; eff. 06/28/04.)*

*(Ch. 19 adopted 03/19/03; eff. 04/01/03. All provisions not otherwise indicated above were readopted 8/15/12 and became effective 9/1/12 without change from the text adopted 3/19/03, as amended.)*





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**CHAPTER XX**  
**OFF-STREET PARKING AND LOADING**

**Section 20.1 General Regulations.**

- (a) **Purpose.** The purpose of this section is to regulate the parking, loading, and access of motor vehicles in all zoning districts. The number of motor vehicles currently in use in the Township and the probability that over time, the number will increase, make it necessary for the safety, health, and convenience of all using the streets in the Township, that the public streets be useable to their maximum capacity for the movement of vehicles, and that the parking of vehicles thereon for long periods of time should be regulated in the public interest.
- (b) **Plan and Area Requirements.** The following regulations and standards shall apply in all zoning districts:
  - (1) A plan of the proposed parking and loading areas shall be submitted with any development plan for all new commercial, industrial, multiple family, and manufactured housing communities.
  - (2) All off-street parking areas required by this Ordinance shall be of adequate size and design to provide safe and reasonably direct ingress and egress from an alley or street. The minimum standards for parking spaces and aisles are indicated in the table in Section 20.3 of this chapter. The average parking area, consisting of one parking space with maneuvering aisle, shall be 300 square feet.

**Section 20.2 Off-Street Parking Requirement.** There shall be provided in all districts at the time of erection or enlargement of any principal building or structure, motor vehicle off-street parking space, with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to occupancy, as hereinafter prescribed.

- (a) **Location of Spaces.** Off-street parking for other than single family or two family residential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, as measured from the nearest point of the off street parking lot. Ownership shall be shown for all lots or parcels intended for use as parking by the applicant during development plan review.
- (b) **Location of Spaces for Residential Uses.** Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, or within a reasonable walking distance as determined by the Planning Commission. However, no vehicle may be parked or stored in the required front yard, except in a driveway complying with the zoning ordinance.
- (c) **Irrevocable Use of Spaces.** All required off-street parking spaces shall be stated in an application for development plan review and shall be reserved for such use. Minimum required off-street parking spaces shall not be displaced by any other use unless and/or until equal parking facilities are provided elsewhere, or the parking requirements of the site change.
- (d) **Reduction of Space Area.** Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be

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reduced to an amount less than hereinafter required for a similar new building or new use; provided, however, that the Planning Commission may approve a reduction in the number of parking spaces otherwise required, if a sufficient amount of undeveloped adjacent or nearby land area is provided and maintained, so that additional off-street parking spaces may be established at a later time, should such additional spaces be thereafter required by the Planning Commission, in order to reasonably accommodate the parking of vehicles on the site.

- (e) **Collective Use of Spaces.** Two or more buildings or uses, may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (f) **Variance for Collective Uses.** In the instance of dual function of off street parking spaces where operating hours of buildings do not overlap and there is an opportunity for patrons to visit more than one use, the Planning Commission may grant a reduction in the required number of spaces up to 20 percent.
- (g) **Prohibited Activities.** The storage of merchandise, storage of refuse and receptacles, or other materials, and the storage or repair of vehicles or other machinery, is prohibited in areas serving as parking spaces.
- (h) **Similar Use.** For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with the use which the Planning Commission determined is similar in type.
- (i) **Fractional Units.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (j) **Screening - Commercial, Industrial and Multiple-Family Uses.** Off street parking areas and related drives in commercial and industrial zones and for two-family dwellings and multiple-family dwellings shall be effectively screened on any side which adjoins land used or zoned for single family dwelling purposes, by a wall, greenbelt, berm, or buffer strip, or other approved means, and shall be in accordance with Chapter XXVIII of this Ordinance.
- (k) **Side Yard and Rear Yard Setbacks.** If an off-street parking area for a non-residential use adjoins a residential use or residential zoning district, the respective side yard setback and rear yard setback of the parking area shall be a minimum of 30 feet, of which the 20 feet nearest the residential property line shall be developed as a greenbelt extending across the yard, in accordance with the provisions of Section 28.4 of this Ordinance.
- (l) **Loading Spaces.** Loading spaces shall not be construed as meeting required off street parking spaces, unless approved otherwise by the Planning Commission.
- (m) **Seating Allocation.** In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each 24 inches of seating shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.
- (n) **Use of Spaces by Churches and Other Places of Worship.** Parking spaces already provided to meet off-street parking requirements for places of public assembly, stores,

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offices, and industrial establishments lying within 500 feet of a church, or other place of worship, as measured along the lines of public access, which uses are not normally used between 6:00 a.m. and 6:00 p.m. on days of worship and are made available for other parking uses, may be used to meet not more than 75 percent of the off-street parking requirements of a church or other place of worship. Written permission for such an arrangement shall be provided to the Township.

- (o) **Restriction of Parking on Private Property.** No person shall park any motor vehicle on any private property, or use such private property as a parking space, without the express or implied consent or authorization of the owner, holder, occupant, lessee, agent, or trustee of such property.
- (p) **Exceeding Number of Spaces Required.** In order to minimize excessive areas of pavement, which contribute to higher rates of storm water runoff, exceeding the minimum parking space requirements by greater than 10 percent shall not be permitted, except as approved by the Planning Commission.
- (q) **Units of Measurement.**
  - (1) Where floor area is the unit for determining the required number of off-street parking and loading spaces, such unit shall mean the gross floor area (GFA), unless otherwise noted.
  - (2) Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems, lavatories, and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be 85 percent of the gross floor area.
  - (3) Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
- (r) **Use of Parking Areas.**
  - (1) No repairs or service to vehicles and no display of vehicles for purposes of sale shall be permitted within required non-residential parking areas.
  - (2) No advertising signs shall be erected on required parking areas.
  - (3) No person shall leave, park or store, or permit to be left, parked or stored, any motor vehicle longer than 48 hours in any non-residential parking area.
  - (4) Such parking areas may not be used for the storage or parking of unregistered or unlicensed, junked, or wrecked vehicles of any type, as a storage area for industrial equipment or material, or for accumulation of refuse of any kind.

**Section 20.3 Minimum Number of Spaces Required.** The minimum number of required off-street parking spaces, by type of use, shall be determined in accordance with the following schedule:

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<b>Use</b>	<b>Minimum Spaces Required</b>
<b>(a) Residential</b>	
Housing for the Elderly	One for each two units, and one for each employee. Should units revert to general occupancy, then two spaces per unit shall be provided.
One Family and Two Family	Two for each dwelling unit.
Multiple Family	One for each bedroom in the dwelling unit, with a minimum of two spaces for each dwelling unit. <i>(Section 20.3(a) amended 12/16/15; eff. 12/26/15.)</i>
<b>(b) Institutional</b>	
Churches, or other Places of Worship	One for each three seats or six feet of pews in the main worship area, based upon the maximum seating capacity.
Elementary and Junior High School	One for each one teacher, employee, or administrator, in addition to the requirements for any auditorium.
Government Offices	One space for every 200 square feet of gross floor area.
Hospitals	Two per patient bed.
Homes for the Aged and Convalescent Homes	One for each three beds or two rooms, whichever is less, and one for each employee on duty, based upon the maximum employment shift.
Libraries, Museums, and Non-Commercial Art Galleries	One for every 200 square feet of gross floor area, less the area devoted to book and art storage, utility rooms, and lavatories.
Private Clubs, Fraternal Orders, Civic Clubs, or Lodge Halls	One for each three persons allowed within the maximum occupancy load as established by the Township, or state fire, building, or health codes.
Public Recreation Centers	Five for every 1,000 square feet of gross floor area.
Senior High School	One for each one teacher, employee, administrator, and one for each ten students, in addition to the requirements of any auditorium.
<b>(c) Business and Commercial</b>	
Automobile Wash (Full Service)	One for each one employee, plus a minimum of 16 for cars waiting to be washed for each conveyer system, plus one for exiting each conveyer system, plus two for post-wash detailing.

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Automobile Wash (Self Service or Coin Operated)	Three for each washing stall in addition to the stall itself, plus one for exiting each stall.
Automotive Service Stations	Two for each lubrication stall, rack, pit, or service bay, and one for each employee.
Beauty Parlor, Hair Salon	Three spaces for each of the first two salon chairs and one and one-half spaces for each additional chair.
Beauty Schools	One for every 40 square feet of gross floor area, less the area devoted to storage, utility rooms, or lavatories.
Carry-Out Restaurants	One for each 150 square feet of gross floor area, with a minimum of six.
Convenience Stores, with or without Automotive Fuel Service	One for every 1,000 square feet of gross floor area plus spaces required for any automotive fuel service. The Planning Commission may permit each fuel pump space to count as one-half of a required parking space.
Drive In and Drive-Through Restaurants	One for every two seats in an established seating plan area plus one for every 15 square feet of usable customer area other than an established seating plan area, plus one for every outside customer automobile service stall area, plus required vehicle stacking spaces.
Dry Cleaners	Two for every 1,000 square feet of gross leasable floor area.
Establishment for Sale and Consumption on the Premises of Beverages, Food, or Refreshments, Except as Otherwise Specified Herein	One for each 100 square feet of gross floor space or one for each two persons allowed within the maximum occupancy load as established by local, or state fire, building, or health codes.
Equipment Repair	One for every 1,000 square feet of gross leasable floor area.
Fast Food Restaurants without Drive-In or Drive-Through Service	One for each 100 square feet of gross floor area, with a minimum of 25.
Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or Similar Trade, Shoe Repair, and Other Similar Uses	One for each 800 square feet of gross floor area. For that floor area used in processing, one additional space shall be provided for each two persons employed therein.
Laundromats and Coin Operated Dry Cleaners	One for each four washing and/or dry cleaning machines.

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Mortuary Establishments and Funeral Homes	One for each 50 square feet of gross floor space in the slumber rooms, parlors, or individual funeral service rooms.
Motel, Hotel, or other Commercial Lodging Establishments	One for each one occupancy unit plus one for each one employee, plus spaces for any dining rooms, restaurants, cocktail lounges, ballrooms, or meeting rooms, based on the established maximum occupancy code.
Motor Vehicle Sales and Service Establishments	One for each 200 square feet of gross floor space of sales room and one for each one service stall in the service room.
Nursery School, Day Nurseries, or Child Day Care Centers	Two for each employees plus one space for each eight children of licensed authorized capacity.
Open Air Business Establishments, Except as Otherwise Specified Herein	One for every 500 square feet of lot area for retail sales and retail uses.
Recreational Vehicle Sales and Service Establishments, Trailer Sales and Rentals, Boat Showrooms	One for every 400 square feet of gross floor area of the sales room.
Retail Stores, except as Otherwise Specified Herein	One for every 250 square feet of gross floor area.
Service Establishments, Except as Otherwise Specified Herein	Two for every 1,000 square feet of gross leasable floor area.
Studios, Dance, Health, Music, and other Similar Places of Instruction and Recreation	One for every 40 square feet of gross floor area, less the area devoted to storage, utility rooms, and lavatories.
Supermarket	One for each 200 square feet of gross floor area.
Video Rental Establishments	Fifteen for every 1,000 square feet of gross floor area, with a minimum of eight.

(d) **Offices.**

Business Offices or Professional Offices, Except as Otherwise Specified Herein	One for each 350 square feet of gross floor space.
Banks and other Financial Institutions without Drive through Lanes	One for each 200 square feet of gross floor space, plus two for every automated teller machine.

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Banks and Other Financial Institutions with Drive-through Lanes	Five for every 1,000 square feet of gross floor area plus two for every automated teller machine and waiting space equivalent to four for each drive-through lane.
Business Offices or Professional Offices, Except as Otherwise Specified Herein	One for each 350 square feet of gross floor space.
Immediate Care Medical Facility	Two for each examination room, plus one space for each laboratory or recovery room, plus one space for each employee on duty based upon maximum employment shift.
Professional Offices of Doctors, Dentists, or Similar Professions	Seven for every 1,000 square feet of gross floor area.
Veterinary Clinics or Hospitals	Four for every 1,000 square feet of gross floor area.
<b>(e) Recreation and Entertainment.</b>	
Banquet Center and Halls	One for every three persons allowed within the maximum occupancy load as established by local, or state fire, building, or health codes.
Bowling Alleys	Four for each one bowling lane plus accessory uses.
Dance Halls, Pool or Billiard Parlors, Roller Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats	One for each two persons allowed within the maximum occupancy load as established by local, or state fire, building, or health codes.
Driving Ranges	One for every four tees plus one for each employee.
Golf Courses Open to the General Public, Except Miniature or "Par 3" Courses	Four for each one golf hole and one for each one employee plus spaces required for each accessory use, such as a restaurant or bar.
Health, Fitness, and Exercise Centers	Five for every 1,000 feet of gross leasable floor area, plus spaces required for any pools, tennis courts, etc.
Miniature or "Par 3" Golf Courses	Two for each one hole plus one for each one employee.
Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses	One for each two member families or individuals plus spaces required for each accessory use, such as a restaurant or bar.
Place of Outdoor Assembly, not otherwise listed	One for each three seats or six feet of benches.

Stadiums, Sports Arenas, or Similar Places of Assembly	One for every three seats or six feet of bench.
Swimming Pools	One for every four persons of maximum occupancy.
Tennis or Racquet Clubs Theater or Auditorium	Four for each court plus one for each employee. If a spectator area is provided, one space for every three seats shall be required.
Theater or Auditorium	One for each four seats plus one for each two employees.

(f) **Industrial.**

Industrial or Research Establishments and Related Accessory Offices	Five plus one for every one and one and one-half employees in the largest working shift.
Warehouses and Wholesale Establishments and Related Accessory Offices	Five plus one for every one employee in the largest working shift or one for every 1,700 square feet of gross floor space, whichever is greater.

**Section 20.4 Barrier-Free Parking Requirements.** Within each off-street parking area, signed and marked barrier-free vehicle parking spaces shall be provided in accordance with prevailing state and federal requirements for the number, size and placement of such parking spaces, and in compliance with other applicable state and federal requirements.

**Section 20.5 Waiting Areas for Drive-Through Facilities.**

- (a) **Dimensions.** Each waiting spaces or stacking space shall be an area at least ten feet wide by 24 feet long that does not include the use of any public space, street, alley, sidewalk, or right-of-way. Such area shall be located entirely within a non-residential zoning district.
- (b) **Minimum Number of Waiting or Stacking Spaces Required.** On the same premises with every building or structure or part thereof, erected and occupied for the purpose of serving customers in their motor vehicles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided, unless otherwise specified within this Ordinance, off street waiting spaces or stacking spaces in accordance with the following:

Use	Number of Waiting or Stacking Spaces
Automotive Repair or Service Station	One per Service Bay
Automotive Fueling Station	Two per Fuel Pump Island
Convenience Store Drive-Through	Two per Service Window
Drug Store Drive-Through	Two per Service Window
Drive-Through Financial Institution	Four per Service Window



Drive-Through Food Service	Ten per Service Window
Dry-Cleaning Drop-Off Station	Two per Service Window
Full Service Car Wash	16 per Wash Line plus One Upon Exit per Wash Line
Self Service/Automatic Car Wash	Three per Wash Bay plus One Upon Exit per Wash Bay

**Section 20.6 Off-Street Parking Space Layout, Standards, Construction and Maintenance.**

- (a) **Plan Requirements.** Plans for the layout of off-street parking areas shall be in accord with the following minimum requirements:

<b>Parking Pattern</b>	<b>One-Way</b>	<b>Two-Way</b>	<b>Parking Space Width</b>	<b>Length</b>	<b>One-way</b>	<b>Two-Way</b>
Parallel 11 ft.	18 ft.	23 ft.	29 ft.	36 ft.		
30° to 50°	12 ft.	20 ft.	9 ft.	20 ft.	54 ft.	60 ft.
51° to 74°	13 ft.	24 ft.	9 ft.	20 ft.	54 ft.	60 ft.
75° to 90°	15 ft.	24 ft.	9 ft.	19 ft.	53 ft.	62 ft.

- (b) **Drive Lanes.** All spaces shall be provided adequate access by means of maneuvering lanes according to the terms of this section. Backing directly onto a street, backing into an access drive, or requiring the use of the street for maneuvering between parking rows shall be prohibited.
- (c) **Ingress and Egress.** Adequate ingress and egress to a parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Entrance to such areas shall be only from a public or private street, an adjoining principal use, or an adjoining alley. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential use.
- (d) **Distance From Residential Districts.** Each entrance and exit to and from any off street parking lot located in an area zoned for other than single family residential use shall be at least 25 feet away from the adjacent property located in any single family residential district.
- (e) **Surface and Curbing.** The entire parking area, including required parking spaces and maneuvering lanes shall be provided with a dust-free surfacing of concrete and/or bituminous material. Curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained, where required. The Planning Commission may require that parking areas be curbed with concrete curbs and gutters.

The parking area shall be surfaced not later than six months after the date of occupancy; provided, however, that a further period of time for completion of the parking area may be permitted by the Township Planner, in the case of circumstances not reasonably within the

control of the property owner. In connection with the granting of any such additional period of time for completion of the parking area, the Township Planner may require that the property owner obtain and file with the Township a performance bond or letter of credit, in an acceptable amount, so as to assure the completion of the parking area within the additionally-permitted period of time. In cases where parking areas abut public sidewalks, a decorative wall, a curb, or bollards shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending onto the public sidewalk.

- (f) **Drainage.** Off street parking areas shall be drained so as to dispose of all water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings and shall be in accordance with Township storm water drainage requirements or, where applicable, county drain commissioner requirements.
- (g) **Lighting.** All lighting used to illuminate off street parking areas shall be so designed, located, installed, and shielded as to be confined within and directed onto the parking area only, and to prevent glare onto adjacent properties, and shall be arranged to prevent adverse effects on motorist visibility on adjacent rights-of-way. Such lighting shall comply with other applicable lighting requirements in this Ordinance.

**Section 20.7 Loading Space Requirements.**

- (a) **Minimum Number of Spaces Required.** For every building, or addition to an existing building to be occupied by a use permitted in any commercial or industrial zoning district, or other similar use requiring the receipt or distribution of materials or merchandise, there shall be provided and maintained on the same premises with such building additional off street loading spaces in relation to the building floor area in accordance with the following:

<b>Gross Floor Area of Building (in square feet)</b>	<b>Minimum Loading and Unloading Space Required</b>
10,000 – 20,000	One space
20,001 – 50,000	Two spaces
50,001 – 100,000	Three spaces
100,001 +	One additional space for each additional 100,000 square feet or fraction thereof

- (b) **Dimensions of Required Spaces.** Each such loading space shall be sufficient in size and shape to accommodate the delivery of goods without encroaching upon any public street or right-of-way. No such space shall be located closer than 50 feet to any lot in any residential zoning district, unless wholly within a completely enclosed building or enclosed on all sides by a wall, greenbelt, berm, or buffer strip.
- (c) **Lighting.** Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent areas and shall be otherwise in conformance with the provisions of this Ordinance.
- (d) **Location.** Loading spaces shall not be provided in the front yard, the front side of any building, or on any building side facing and directly visible to a public street, unless the

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Planning Commission determines that such location is necessary due to the building's location or placement, the existing street patterns, or other factors.

- (e) **Surface and Drainage.** Loading spaces shall be surfaced with concrete or a bituminous paving material and shall be graded and drained so as to properly dispose of surface water.

**Section 20.8 Parking Lots in Residential Districts.** Off street parking lots for permitted principal uses in residential districts shall comply with the following:

- (a) **Surface and Drainage.** Where providing required off street parking for more than one building or structure, the parking surface and access driveways shall be surfaced in concrete or bituminous paving material. Driveways shall be graded toward the center of the parking surface, and drained so as to dispose of surface water in an appropriate manner and in accordance with any applicable township or county requirements.
- (b) **Lighting.** When lighting for such facilities is used, the light shall be kept away from adjoining residential uses.
- (c) **Screening.** All parking areas in the R-3 Medium Density Residential District shall be screened from adjacent properties other than another multiple family residential use, by means of a wall, greenbelt, berm, or buffer strip, installed and maintained in accordance with this Ordinance. *(R-3 District amended 1/20/16; eff. 2/13/16.)*

*(Chapter 20 adopted 02/05/03; eff. 02/25/03.)*



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**CHAPTER XXI**  
**NONCONFORMING STRUCTURES, LANDS AND USES**

**Section 21.1 Intent and Purpose.** The purpose of this chapter is to provide regulations concerning lots and parcels of land, buildings, structures, and the uses thereof which were lawful prior to the enactment of this Ordinance, or relevant amendment thereto, but which are prohibited or more strictly regulated under the current provisions of this Ordinance.

Further, the provisions of this chapter are intended to permit such lawfully nonconforming lots and parcels of land, buildings, structures and uses to continue, though not to encourage their nonconforming status on a long term basis. Because the continued existence of such nonconforming lots, buildings, structures and uses prevents the full realization of the goals and purposes of this Ordinance, a significant purpose of this chapter is to promote the reduction or elimination of such nonconformities.

The provisions of this chapter are intended to accomplish the following:

- (a) To permit lawful nonconforming buildings, structures and uses to remain until they are discontinued or removed.
- (b) To permit lawfully nonconforming lots and parcels of land to be improved by the construction and use of buildings only as specifically permitted by the terms of this Ordinance.
- (c) To promote the termination and removal of any use, building or structure in violation of this Ordinance that was established prior to the effective date hereof or prior to the effective date of any relevant amendment thereto.
- (d) Encourage the combining of contiguous nonconforming lots or parcels of land, so as to create lots and parcels which comply with current minimum provisions as to area, width and other aspects thereof.
- (e) To encourage the improvement of nonconforming buildings and structures so as to comply with current minimum provisions of this Ordinance.

**Section 21.2 Lawfully Nonconforming Lots and Parcels of Land.**

- (a) The development and use of lawfully nonconforming lots and parcels of land in the A District shall be as limited in Section 5.5(a).
- (b) The development and use of lawfully nonconforming lots and parcels of land in the R-R District shall be as limited in Section 6.5(a).
- (c) The development and use of lawfully nonconforming lots and parcels of land in the R-1 District shall be as limited in Section 7.5(a).
- (d) The development and use of lawfully nonconforming lots and parcels of land in the R-2 District shall be as limited in Section 8.5(a).
- (e) The development and use of lawfully nonconforming lots and parcels of land in the R-3 District shall be as limited in Section 9.5(a)(1) and (2).

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- (f) Any parcel of land in any C District, any I District, the F District and the MHC District that is platted or is otherwise of public record at the time of the adoption of this Ordinance and that does not comply with the minimum lot area requirement and/or minimum lot width requirement for the district in which the parcel of land is located, may nevertheless be used for a use permitted in that district if at least 90 percent of each minimum yard requirement is complied with.
  - (g) For purposes of this section, an existing lot or parcel of land of record means a lot or parcel that is described in a deed or other conveyancing instrument recorded in the office of the Register of Deeds prior to the effective date of this Ordinance or any relevant amendment thereof, or any recorded land contract, recorded memorandum of land contract or other recorded instrument, including a platted subdivision and a condominium and site condominium master deed, which has the effect of conveying the land or an interest therein. A recorded survey or the establishment of a separate property tax identification number for a parcel of land shall not, by itself, have the effect of establishing the parcel of land as an existing lot or parcel of record.

### **Section 21.3 Lawfully Nonconforming Buildings and Structures.**

- (a) Building and structures which are existing and lawful on the effective date of this Ordinance or any relevant amendment therein may be continued even though such buildings and structures do not comply with the provisions of this Ordinance or any relevant amendment therein, subject, however, to the following limitations:
  - (1) A nonconforming building or nonconforming structure devoted to a conforming use shall not be enlarged or altered in any manner or to any extent which increases the nonconformity of the building or structure.
  - (2) If a nonconforming building or structure is altered or modified so as to eliminate, remove, or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be subsequently reestablished or increased.
  - (3) Repairs, improvements, or modernizing of a nonconforming building or structure are permitted; provided, however, that any such repairs, improvements, or modernizing shall not include an addition to a building or structure.
  - (4) A lawfully nonconforming building may be altered, modernized, restored or otherwise improved if such activity will cause the building or structure to be more conforming to the provisions of this Ordinance.
  - (5) In the event that any lawfully nonconforming building or structure is damaged by wind, fire, or other casualty to such extent that the cost of reconstruction or restoration is equal to or less than 60 percent of the fair market value of such building or structure prior to the occurrence of the casualty, excluding the fair market value of the land, then such reconstruction or restoration shall be permitted, provided that a building permit for the same is issued not later than one year after the occurrence of the casualty.
    - (i) In the event that any building or structure containing a nonconforming use is damaged by fire, wind, act of God or other casualty, and the cost of rebuilding or restoration exceeds 60 percent of the fair market value of the

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building or structure after rebuilding or restoration, then such rebuilding or restoration shall be permitted only when approved as a special land use by the Planning Commission in accordance with Chapter XVI; provided however, that in addition to the other standards for considering special land uses, the Planning Commission shall consider:

- (I) Whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use.
  - (II) Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable zoning district.
- (ii) In the event a nonconforming building or structure containing a conforming use is damaged by fire, wind, act of God, or other casualty, such building or structure may be rebuilt or restored only if the cost thereof does not exceed 60 percent of the fair market value of the nonconforming building or structure after the rebuilding or restoration is complete and such rebuilding or restoration does not increase its nonconformity.

**Section 21.4 Lawfully Nonconforming Uses of Buildings and Structures.**

- (a) The lawful use of any building or structure existing and lawful on the effective date of this Ordinance or any relevant amendment therein may be continued, even though the use of such building or structure does not comply with the provisions of this Ordinance or any relevant amendment therein, subject however to the following provisions:
- (1) Any lawfully nonconforming use may be expanded or extended throughout any parts of a building or structure which were manifestly arranged or designed for such use at the effective date of this Ordinance or any relevant amendment therein, but no such nonconforming use shall be expanded or extended to occupy any portion of the land outside the building.
  - (2) No existing building or structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except by reason of changing the use of the building or structure to a use that is permitted in the zoning district in which the building or structure is located.
  - (3) On any building or structure that is devoted in whole or in part to a nonconforming use, work may be done on ordinary repairs or on repair or replacement of fixtures, wiring, heating, plumbing, or other building systems, provided that the building or structure is not thereby enlarged, extended, or structurally altered.
  - (4) No provision in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or any part thereof that is declared to be unsafe by any Township official having jurisdiction over the safety or condition of any building or structure.
  - (5) If a nonconforming use of any building or structure is terminated and replaced by a permitted use, the nonconforming use shall not be later reestablished.

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- (6) When a nonconforming use of a building or structure, or a nonconforming building or structure and land in combination, is discontinued or abandoned for at least 12 consecutive months, the building or structure or the building or structure and land in combination, shall not thereafter be used except in compliance with the provisions of the zoning district in which the building or structure or building or structure and land in combination are located.

**Section 21.5 Other Requirements.**

- (a) Where lawfully nonconforming use status applies to a building or structure and land in combination, the removal or destruction of the building or structure shall eliminate the lawful nonconforming use status of the land.
- (b) The nonconforming use of a building or a structure may not be changed to another nonconforming use, either in whole or in part.
- (c) The provisions of this chapter shall apply to buildings, structures and uses which become nonconforming as a result of any amendments or other changes in any of the district provisions or other provisions of this Ordinance.

*(Chapter 21 adopted 11/16/05; eff. 12/06/05.)*



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**CHAPTER XXII**  
**BOARD OF ZONING APPEALS**

**Section 22.1 Creation of Zoning Board of Appeals.** The Zoning Board of Appeals (the “Board of Appeals”) is hereby created. The Board of Appeals shall have the authority and responsibilities conferred by law and this Ordinance.

**Section 22.2 Membership.** The Board of Appeals shall consist of five members. The members shall be appointed by affirmative majority vote of the total number of members of the Township Board.

- (a) One member of the Board of Appeals shall be a member of the Township Planning Commission.
- (b) One member of the Board of Appeals may be a member of the Township Board.
- (c) The members of the Board of Appeals other than those stated in (a) and (b) shall be electors of the Township residing within its zoning jurisdiction.
- (d) There may be not more than two alternate members of the Board of Appeals, appointed in the same manner as regular members of the Board of Appeals. They shall be electors of the Township residing within its zoning jurisdiction. They shall have the authority and duties stated in Section 22.12.
- (e) An employee or contractor of the Township shall not serve as a member of the Board of Appeals.

**Section 22.3 Terms of Office.** A member of the Board of Appeals shall have a term of office of three years and until the member’s successor is appointed and qualifies; provided, however, that the terms of the members first appointed shall be for varying numbers of years, none of them exceeding three, so as to provide for differing expiration dates of members’ terms.

- (a) The terms of the Board of Appeals members who are a Township Board member and a Planning Commission member shall coincide with their respective terms as members of those bodies.
- (b) A member of the Board of Appeals may be reappointed.
- (c) A vacancy in the office of a member of the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as an original appointment is made.

**Section 22.4 Jurisdiction.**

- (a) The Board of Appeals shall act upon all questions arising in the administration of the Zoning Ordinance, including interpretation of the Zoning Map and the text of the Zoning Ordinance.
- (b) The Board of Appeals shall hear and decide all appeals from any order, decision or determination made by the Zoning Administrator or other person authorized to enforce the provisions of this Ordinance.
- (c) The Board of Appeals shall hear and decide all matters assigned to it for decision under the terms of this Ordinance.

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- (d) The Board or Appeals shall have no jurisdiction or authority over or with regard to the following:
    - (1) Any aspect or part of an application for approval of a special land use or planned unit development.
    - (2) An appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.
    - (3) The consideration, approval or granting of a land use variance.
  - (e) An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from; provided, however, that if the body or officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in such certification, a stay would in the opinion of the body or officer cause imminent peril to life or property, then such proceedings may be stayed only by a restraining order issued by the Board of Appeals or the circuit court.

**Section 22.5 Types of Available Relief.** The Board of Appeals shall have authority to hear and decide appeals and other applications for relief as follows:

- (a) Cases in which it is alleged that there is error or misinterpretation in any order, decision or determination made by the Zoning Administrator or any other person authorized to enforce the provisions of this Ordinance.
- (b) Cases in which it is alleged that there are practical difficulties or unnecessary hardship in carrying out the literal requirements of this Ordinance by reason of (i) the exceptional narrowness, shallowness or shape of a lot or parcel of land; (ii) exceptional topographic conditions or (iii) extraordinary dimensional conditions of land, buildings or structures.

**Section 22.6 Dimensional Variances.** If an applicant seeks a dimensional variance from the provisions or requirements of this Ordinance because of dimensional characteristics of a lot or parcel of land, or because of exceptional topographic or similar conditions of the land, buildings or structures, the applicant shall demonstrate through competent, material and substantial evidence on the record that all of the following exist:

- (a) That the enforcement of the literal requirements of this Ordinance would involve practical difficulties.
- (b) That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (c) That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
- (d) That the authorizing of such variance will not be of substantial detriment to other lands and uses and will not be contrary to the spirit and purpose of this Ordinance.
- (e) That the condition or situation of the property or the intended use thereof is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

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No nonconforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a dimensional variance.

In approving a dimensional variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest. Among other terms and conditions, the Board may require that the applicant prepare and submit a site plan depicting the land, buildings or other structures, the current condition of the land and the condition thereof if the requested variance were approved.

The Board of Appeals may approve nonuse variances relating to the construction of, structural changes in or alteration of buildings or structures if such nonuse variances relate or pertain to the dimensional requirements of this Ordinance.

**Section 22.7 Time Limitations on Variances.** The construction or other work authorized by a variance shall be commenced and shall reasonably proceed toward completion not later than one year after the granting of the variance; provided, however, that the Board of Appeals may grant an extension of up to one additional year, upon request by the applicant and if the Board finds that extenuating circumstances have prevented the commencement and/or the reasonable progression of the authorized work or if the Board determines that an extension is otherwise justified. Any request for such an extension shall be considered at a public meeting of the Board of Appeals, but a public hearing shall not be required.

**Section 22.8 Appeals and Other Applications for Relief.**

- (a) An appeal from an order, decision or determination by the Zoning Administrator or other person authorized to enforce or administer this Ordinance may be taken by any person aggrieved by such order, decision or determination.
- (b) An application for an appeal, a variance or other authorized relief shall be accompanied by payment of the required application fee.
- (c) An application or appeal shall be filed not later than 30 days after the order, decision or determination as to which the application or appeal is taken.
- (d) An applicant seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of an application in the proper form and with the required information and shall pay the required application fee and deposit any required sum into a Township escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.
- (e) After an application for an appeal, a variance or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the Zoning Administrator shall place the application on the calendar for a public meeting or, if required, for a public hearing, within a reasonable time, and shall forward to the Board of Appeals the application or notice of appeal and other materials comprising the record of the matter from which the application or appeal is taken. Any required notice of hearing shall be given in accordance with this Ordinance. The applicant may appear at the hearing in person or by his or her agent or attorney.

**Section 22.9 Decisions of the Board of Appeals.**

- (a) The Board of Appeals shall decide all applications and appeals within a reasonable time.

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- (b) The Board of Appeals may reverse or affirm, in whole or in part, or may modify, the order, decision, or determination that is being appealed. For such purpose, the Board shall be deemed to have all the powers of the Township officer or body from whom the appeal was taken. In its decision, the Board of Appeals may direct the issuance of all relevant Township permits.
  - (c) In cases of alleged practical difficulties or unnecessary hardship, the Board shall, if relief is warranted, grant only such relief as is necessary to relieve the practical difficulties or unnecessary hardship. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the circumstances. The Township building official shall incorporate the terms and conditions of the Board of Appeals' decision in any permit issued to the applicant pursuant to the decision.
  - (d) A decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, that a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, within the time, to the extent and in the manner permitted by law.
  - (e) The members of the Board of Appeals who are members of the Township Board and of the Planning Commission, respectively, shall not participate in or vote on matters that the members previously voted on in their respective capacities as Township Board member or Planning Commission member.

**Section 22.10 Officers.**

- (a) The Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.
- (b) The Board of Appeals member who is a Township Board member may not serve as chairperson of the Board of Appeals.
- (c) An officer of the Board of Appeals shall have a term of one year or until the officer's successor is elected and qualifies. An officer may be reelected.
- (d) An alternate member of the Board of Appeals shall not be eligible for election as an officer of the Board, but an alternate member who is called upon to serve as a member of the Board in the absence of a regular member who is an officer of the Board may, while serving, carry out the duties of the officer in whose absence the alternate member is serving.

**Section 22.11 Meetings and Procedures.**

- (a) The Board of Appeals shall adopt bylaws and rules of procedure for the conduct of its meetings and related purposes.
- (b) The Board of Appeals shall conduct business only when a majority of its members is present, including any alternate member serving in the absence of a regular member in accordance with Section 22.12. Three members shall constitute a quorum.
- (c) At the first meeting of each calendar year, the Board of Appeals shall adopt a schedule of regular meetings; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.

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- (d) The Board of Appeals may convene special meetings at such times as it shall determine.
  - (e) The Board of Appeals shall conduct a public hearing on an appeal of an administrative order, decision or determination, or on an application for an interpretation of this Ordinance or the Zoning Map.
    - (1) Notice of the public hearing shall be given by one publication of a notice of hearing in a newspaper of general circulation in the Township, at least 15 days before the date of hearing.
    - (2) Notice of the public hearing shall also be given by personal delivery or by U.S. mail to the owner of property that is the subject of the application and to all persons to whom real property is assessed within 300 feet of the subject property; provided, however, that if the application does not involve a specific parcel of property, notice need be given only to the person making the application, in the manner stated above, and by publication in the manner stated in subparagraph (1).
    - (3) Notice of the public hearing, and the extent and manner of providing such notice, shall also comply with Section 23.10.
  - (f) The Board of Appeals shall keep minutes of its proceedings, recording the vote of each member upon each matter. The minutes shall also include the reasons and grounds for actions taken by the Board of Appeals, whether in favor of or in denial of applications under consideration; such reasons and grounds may be included in the body of the minutes or may be included by reference to an attached excerpt from a separate resolution or other action voted upon by the Board of Appeals.

**Section 22.12 Alternate Members.**

- (a) The Township Board may appoint not more than two alternate members of the Board of Appeals, in the same manner as regular members are appointed.
- (b) An alternate member may serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings.
- (c) An alternate member may also serve as a member of the Board for the purpose of reaching a decision in a case in which a regular member has abstained because of conflict of interest.
- (d) An alternate member who is called to serve in a case before the Board shall serve in the case until a final decision is made, whether at one or more meetings.
- (e) An alternate member of the Board of Appeals has the same voting rights as a regular member of the Board.

**Section 22.13 Removal of Members; Conflicts of Interest.**

- (a) A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written statement of the reasons or grounds for the proposed removal and after a public hearing by the Township Board. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board.

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- (b) A member of the Board of Appeals shall disqualify himself or herself from voting on a matter in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office.

**Section 22.14 Appeals from Decisions of the Board of Appeals.**

- (a) Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court. As provided by law, the circuit court shall review the record in the case and the decision of the Board of Appeals for the purpose of ensuring that the decision complies with all of the following requirements:
- (1) That it complies with the Constitution and laws of the state.
  - (2) That it is based upon proper procedures.
  - (3) That it is supported by competent, material and substantial evidence on the record of the Board of Appeals.
  - (4) That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.
- (b) If, as provided by law, the circuit court finds the record inadequate to accomplish the required review, or if the court determines that additional material exists that with good reason was not presented, the circuit court is authorized by law to order further Township proceedings in the matter. In such further proceedings, the Board of Appeals may modify its findings and decision as a result of the additional proceedings, or the Board may affirm its original decision. The record and decision in such further proceedings shall be filed with the circuit court. As provided by law, the court may affirm, reverse or modify the decision of the Board of Appeals.
- (c) An appeal from a decision of the Board of Appeals shall be filed within 30 days after the Board of Appeals issues its decision in writing signed by the chairperson, if there is then a chairperson, or signed by another member of the Board of Appeals, if there is then no chairperson, or within 21 days after the Board of Appeals approves the minutes of the meeting at which its decision was taken.

*(Chapter 22 adopted 01/21/09; eff. 02/07/09.)*

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**CHAPTER XXIII  
ADMINISTRATION, ENFORCEMENT AND PENALTIES**

**Section 23.1 Zoning Administration.** The provisions of this Ordinance shall be administered by the zoning administrator and shall be enforced by the Township Board or its designee.

**Section 23.2 Building and Zoning Permits.**

- (a) A building or structure shall not be erected, moved, placed, reconstructed, extended, enlarged or altered unless such activity is performed in accordance with a building permit issued by the building official under the terms of the Township building code and the Township zoning ordinance.
- (b) A zoning permit shall be required for those buildings, structures and other land uses that are not exempt from a building permit under the Township building code and the Township zoning ordinance. A zoning permit issued by the zoning administrator shall be required for the erecting, moving, placement, reconstruction, extension, enlargement or alteration of any such exempt building or structure including a bona fide farm building or structure.
- (c) An application for a building permit and an application for a zoning permit shall state the name and address of the owner and contractor, the address or description of the location of the premises, and the value of the proposed improvements. The application shall include a drawing and such plans and specifications as are required by the terms of the building code and the zoning ordinance.
- (d) A building permit application and a zoning permit application shall also include such other drawings, plans and specifications as may be required by the building official and the zoning administrator; provided, however, that a building permit or zoning permit shall not be required for storage sheds of 200 square feet or less in area and without a foundation, or other similar structures of less than 200 square feet in area and without a foundation, as determined by the zoning administrator.

**Section 23.3 Certificate of Occupancy.**

- (a) No building erected or altered shall be occupied or used for any purpose until it is completed and until final inspection and final approval has been given. At such time, a certificate of occupancy can be issued by the building official, indicating that the premises or building complies with the provisions of the approved plans and the Township building code and other applicable ordinances of the Township.
- (b) A record of all certificates of occupancy shall be kept on file in the office of the building official.

**Section 23.4 Expiration of Building and Zoning Permits.** A building permit or zoning permit (for those buildings, structures and other land uses requiring a building permit or zoning permit) for which all construction has not been completed within one year from the date of its issuance shall expire automatically. A building or zoning permit expiring automatically pursuant to this section shall, upon re-application, be renewable once for an additional term of one year upon payment of the applicable fee.

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**Section 23.5 Cancellation of Permits.**

- (a) The building official may revoke and cancel any building permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance or any of those of the building permit, or in the event of any false statement or misrepresentation in the application for the building permit.
- (b) The zoning administrator may revoke and cancel any zoning permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance or any of those of the zoning permit, or in the event of any false statement or misrepresentation in the application for the permit.
- (c) Notice of any such cancellation and revocation shall be securely posted at the construction site. Such posting shall constitute service of notice upon the permit holder as to the cancellation and revocation of the permit.

**Section 23.6 Application Fees and other Charges; Zoning Escrow Deposits and Payments.**

- (a) All applicants for rezoning of lands, special land uses, site plan approval, site condominium approvals, variances, permits, special exception approvals, and all other land use review, consideration or approval provided for by the terms of this Ordinance, shall pay to the Township any required application fee and other fees or charges established by resolution of the Township Board. Applicants shall also deposit sums into a zoning escrow account as provided by resolution of the Township Board, and such deposited sums shall be used for reimbursement of Township expenses with respect to the zoning approvals or other relief being applied for, in accordance with any such Township Board resolution and the terms of this Ordinance.
- (b) An application for any of the above-stated land use reviews, considerations and approvals, and other applications authorized hereunder, shall not be complete, and need not be considered, until the required application fee and other charges have been paid in full and until the deposit of the required sum in any required zoning escrow account has taken place, and such deposit maintained or reestablished at the required amount.

**Section 23.7 Violations and Penalties.**

- (a) Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the building official, zoning administrator, zoning board of appeals, or the Township Board issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
- (b) A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$1,000 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, attorneys' fees, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this



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Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense.

- (c) In addition to the foregoing penalties, the Township may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.
- (d) The following Township officials are authorized to issue citations for violation of provisions of this Ordinance which are designated to be municipal civil infractions, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction:
  - (1) The Township Supervisor.
  - (2) The Township building official.
  - (3) The Township zoning administrator.
  - (4) The Township ordinance enforcement officer.
- (e) If a citation is based solely upon the complaint of someone who allegedly witnessed the violation, and not upon the personal observation of the official, then the citation shall be approved in writing by the Township Supervisor and the Township attorney.
- (f) Citations shall be numbered consecutively and shall be in a form approved by the state Court Administrator's office.
- (g) Citations shall be served upon the alleged violator as provided by law.
- (h) Citations shall require an appearance at the District Court within a reasonable time after the citation has been issued.
- (i) The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

### **Section 23.8 Stop Work Orders.**

- (a) **Notice to Owner.** Upon notice from the zoning administrator or building official that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U.S. mail to the owner of the property involved, at the owner's last known address or as that address is shown in the current Township property tax assessment roll.
- (b) **Unlawful Continuance of Work.** Any person who shall continue to work in or about the structure, land or building or use it after a stop work order has been posted on the land or at the site shall be in violation of this Ordinance, except such work as such person may be directed to perform in order to moderate or remove a violation.

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**Section 23.9 Other Procedures.** The Township, by its attorney, may institute injunction, mandamus, abatement or any other appropriate legal action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and are in addition to all other remedies provided by law.

**Section 23.10 Publication and Delivery of Notice of Public Hearing.** Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- (a) The notice shall be published once, at least 15 days before to the date of the public hearing, in a newspaper of general circulation in the Township.
- (b) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel of land; for all planned unit development and special land use applications; and for other zoning applications as to which a public hearing is required, a notice of public hearing shall be personally delivered or shall be mailed by first-class U.S. mail to the following persons, at least 15 days before the date of the public hearing:
  - (1) The applicant; the owner of the subject property, if different from the applicant.
  - (2) All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application;
  - (3) One occupant of each dwelling unit in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property; and
  - (4) The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notice at the primary entrance of the building, but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.
  - (5) If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all persons stated above in this subsection.
- (c) The notice of public hearing shall include the following information:
  - (1) A description of the application or request.
  - (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if 11 or more adjacent properties are being proposed for rezoning.
  - (3) The date and time when the application or request will be considered; the location of the public hearing.

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- (4) The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted. *(Section 23.10 amended 01/21/09; eff. 02/07/09.)*

*(Chapter 23 adopted 11/16/05; eff. 12/06/05.)*



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**CHAPTER XXIV  
AMENDMENTS**

**Section 24.1 Amendments.** Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission or by any interested person.

**Section 24.2 Applications for Amendment by Interested Persons.** Applications by an interested person for an amendment to this Ordinance shall be in writing, signed by the applicant, and submitted to the Zoning and Planning Department. The application shall include the following:

- (a) The applicant's name, address, and interest in the amendment being applied for and, if applicable, the name, address, and interest of other persons having a legal or other interest in the land involved or in the subject matter of the proposed amendment.
- (b) The reasons and grounds for the proposed amendment; if adopted, the nature and effect of the proposed amendment.
- (c) If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of the land, the current zoning district of the land, and the zoning district of the abutting lands.
- (d) Other facts and information offered in support of the proposed amendment. *(Section 24.2 amended 01/21/09; eff. 02/07/09.)*

**Section 24.3 Consideration of Proposed Amendment.**

- (a) The Planning Commission shall determine the date, time and place for a public hearing on a proposed amendment in this Ordinance; provided, however, that the Planning Commission, after consideration at a public meeting, may determine not to convene a public hearing and thereby not consider further a proposed amendment in the text of this Ordinance.
- (b) With respect to an amendment as to which the Planning Commission determines to convene a public hearing, the Township Zoning and Planning Department shall arrange for publication and delivery of notice of the public hearing in accordance with Section 23.10 of this Ordinance. *(Section 24.3(b) amended 09/06/06; eff. 10/03/06.)*
- (c) The Planning Commission shall hold the public hearing. The Commission shall receive such public comment and review such reports and other materials as it deems appropriate in the circumstances. The Commission may make non-material changes in a proposed amendment, in its discretion or in response to public comment or otherwise, and the Commission may freely correct typographical or other non-substantive errors.

If the Commission desires to make material changes in the text of the proposed amendment, it shall first establish a date, time and place for a new or supplemental public hearing on the amendment as it is proposed to be materially changed.

- (d) After its decision, the Planning Commission shall forward its decision and the proposed amendment to the Township Board with its recommendation for approval or denial.

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- (e) Upon receipt of a zoning ordinance amendment recommendation from the Planning Commission, the Township Board shall consider the proposed amending ordinance at a public meeting. The Township Board may hold a public hearing on the amending ordinance if it determines to do so, but such a hearing is not required. If such a public hearing is held by the Township Board, notice thereof shall be given in the same manner as is required by the terms of this Ordinance for a Planning Commission public hearing on an ordinance to amend the text of this Ordinance or the Zoning Map. If it desires, the Township Board may refer any proposed amending ordinance to the Planning Commission for further consideration and comment within a time specified by the Township Board, but the Board is not required to do so.
  - (f) If an interested property owner requests a hearing by the Township Board on a proposed Zoning Ordinance amendment, and if such request is in writing and is sent by certified U.S. mail, addressed to the Township Clerk, the Township Board shall convene such a hearing. In that case, written notice of the date, time, place and purpose of the hearing shall be given to the requesting property owner in the same manner and to the same extent that notice of a Planning Commission public hearing is given to an applicant, but no other notice of the Township Board hearing need be given by publication, U.S. mail or otherwise.
  - (g) The Township Board may adopt the amending ordinance at any regular or special meeting, by affirmative majority vote of the members of the Township Board.
  - (h) Except as otherwise provided by law, an ordinance to amend the Zoning Ordinance shall take effect upon the expiration of seven days after publication of the amending ordinance or seven days after publication of a summary of its provisions in a newspaper of general circulation in the Township, or at such later date after publication as may be specified in the amending ordinance.

The above-stated notice of adoption shall include the following information:

- (1) A summary of the regulatory effect of the amending ordinance, or the entire text of the amending ordinance; if the ordinance includes an amendment of the Zoning Map, the notice shall indicate the lands affected.
- (2) The effective date of the amending ordinance.
- (3) The location where and the time when a copy of the amending ordinance may be inspected or purchased. *(Section 24.3 amended 01/21/09; eff. 02/07/09.)*

*(Chapter 24 adopted 11/16/05; eff. 12/06/05.)*

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**CHAPTER XXV  
INGRESS AND EGRESS STANDARDS**

**Section 25.1 Intent and Purpose; Applicability.** This chapter establishes guidelines which shall apply to planned unit developments, site condominiums, special land uses, site plans, and other applications for land use approval. These standards shall be applied as written, absent good cause, which shall include but not be limited to:

- (a) Inability to meet the standards because of the size of existing lots under separate ownership at the date of adoption of this chapter.
- (b) Topographic or other existing conditions which would cause strict adherence to the standards of this chapter to have a negative effect on traffic flow or safety.

In such cases, the approving body may modify the requirements of this chapter as appropriate to address unique conditions, while promoting the spirit of this chapter to the maximum extent possible.

**Section 25.2 General Provisions.**

- (a) **Lanes Per Driveway.** The number of driveway lanes shall be based on analysis of expected trip generation and peak turning volumes. If expected egress left turns exceed 100 per hour, separate egress lanes for right and left turns shall be provided.
- (b) **Turn Provisions.** Left turns shall be prohibited under the following conditions:
  - (1) Inadequate corner clearance.
  - (2) Inadequate sight distance.
  - (3) Inadequate driveway spacing.
- (c) **Relationship to Opposing Driveways.** To the extent desirable and reasonably possible, driveways shall be aligned with driveways on the opposite side of the street.
- (d) **Sight Distance.** Adequate sight distance shall be ensured for all vehicles exiting from a proposed development. If certain movements cannot be made safely, then they shall be prohibited or joint access with adjoining property shall be encouraged.
- (e) **Driveway Permits.** Prior to granting land use approval and/or a building permit for any construction involving a new or expanded driveway opening to a public street, whether for residential use, commercial use or otherwise, proof of approval of the proposed ingress and egress from the state and/or county agency having jurisdiction over the public street shall be submitted to the approving body or official.

**Section 25.3 Non-Residential Ingress and Egress Provisions.**

- (a) **Driveway Spacing.** The minimum spacing allowed between a proposed driveway and all other driveways (located on the same side of the public street which the proposed driveway abuts or adjoins) or public or private streets (where the street intersects the public street which the proposed driveway abuts or adjoins) shall be as follows:

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<b>Legal Driving Speed Limit on the Public Road Which Adjoins or Abuts the Proposed Driveway (MPH)</b>	<b>Minimum Spacing (feet)</b>
30 or less	100
35	160
40	210
45 or over	300

Spacing shall be measured from the centerline of the proposed driveway to the centerline of the nearest existing driveway or the edge of the right-of-way or easement of the nearest intersecting private or public street.

- (b) **Property Clearance.** The minimum distance between the property line and the nearest edge of the driveway shall be 25 feet, except where the driveway provides access to more than one parcel.
- (c) **Corner Clearance.** The minimum corner clearance distance between the centerline of a proposed driveway and the edge of the right-of-way or easement of a public or private street (which street intersects or adjoins the public street which the proposed driveway will abut or adjoins) shall be 150 feet. Traffic movements into and from a driveway with a centerline located less than 250 feet from the edge of the right-of-way or easement of a signalized intersection of a public or private street (which street intersects or adjoins the public street which the proposed driveway will abut or adjoin) shall be limited solely to right turns into the driveway and right turns out of the driveway. Corner clearance distance for the purposes of this section of the zoning ordinance shall mean the distance from the centerline of the proposed driveway to the edge of the right-of-way or easement of the nearest signalized public or private street intersection.

*(Chapter 25 adopted 12/21/94; eff. 01/04/95.)*



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**CHAPTER XXVI**  
**SEVERABILITY, REPEAL AND MISCELLANEOUS**

**Section 26.1 Severability.** This Ordinance and all of its provisions are hereby declared to be severable. If any chapter, section, subsection or other provision of this Ordinance is held invalid, such determination shall not affect any other chapter, section, subsection or other provision of the ordinance.

**Section 26.2 Repeal.** The former zoning ordinance of the Township, adopted May 6, 1952, and all amendments thereto, shall remain in full force and effect until the effective date of this Ordinance or any pertinent provision thereof. As of such effective date, including the respective effective dates of any amendments in this Ordinance, such former zoning ordinance of the Township, and all amendments thereof, shall be repealed.

**Section 26.3 Non-Liability of Township Officials.** No officer or member of the Township Board, the Planning Commission or the Board of Zoning Appeals, nor an agent or employee of the Township, shall be personally liable for any harm, damage or adverse consequence that may occur as a result of any act, omission, decision or other event, omission or cause occurring in or arising out of the discharge of such person's actions, duties or responsibilities under the terms of this Ordinance.

*(Chapter 26 adopted 11/16/05; eff. 12/06/05.)*



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**CHAPTER XXVII**  
**BROADMOOR/CHERRY VALLEY CORRIDOR OVERLAY DISTRICT**

**Section 27.1 Purpose.** The Broadmoor/Cherry Valley Corridor Overlay District (the “Overlay District” or the “District”) is established for the purpose of further regulating the use and development of the lands within, whether entirely or partially, the Overlay District, because of the unique nature and land use importance of such lands, in view of their location along Broadmoor Avenue/Cherry Valley Avenue (State Highway M-37) within the Township. The provisions of this chapter are intended to encourage residential, commercial, office and other appropriate uses and development that are consistent with the safe and convenient use of State Highway M-37 within the district, and which will establish a reasonably compatible mix of residential, commercial and office development within the district. In addition, the district is adopted for the following purposes:

- (a) To implement the goals and purposes of the Township Master Plan with respect to lands in the Overlay District, and in particular including that part of the district described in the Master Plan as the North Transition Area.
- (b) To foster the continued desirability of the residential areas within the district.
- (c) To encourage commercial development in appropriate locations, consistent with the avoidance of undue traffic congestion and conflicts.
- (d) To regulate site and building development to ensure compatibility between adjacent and nearby sites and buildings.
- (e) To supplement regulatory provisions of the applicable zone districts by establishing specific permitted uses and special land uses; adopting site development requirements; and providing for site plan review of proposed land development within the district. *(Section 27.1 amended 12/16/15; eff. 12/26/15.)*

**Section 27.2 Lands in Overlay District; Land Uses Permitted.**

- (a) The provisions of this chapter shall regulate and apply to lands within the Broadmoor/Cherry Valley Corridor Overlay District as shown on the Zoning District Map of the Township, and described as follows:

All of the parcels of land included entirely or partially within a strip of land that is 660 feet in width on either side of the centerline of State Highway M-37 (Broadmoor/Cherry Valley Avenue) from 60th Street to 108th Street, except that part thereof zoned in the HC Highway Commercial District.

- (b) Land uses permitted in this Overlay District shall be only those stated in this chapter and land uses stated in other zone district chapters that are specifically stated to be permitted in the Overlay District, either as permitted uses or special land uses.
- (c) That part of the Overlay District located in that part of Section 28 that is north of 100th Street shall be subject to the provisions of Section 27.15.

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- (d) In case of conflict between any permitted land use or other provisions stated in this chapter, and any other provisions of this Ordinance, the permitted land use or other provisions in this chapter shall control and apply. *(Section 27.2 amended 12/16/15; eff. 12/26/15.)*

**Section 27.3 Site Plan Review.** Lands in this district shall be subject to the provisions of Chapter XVIII, including review of site plans by the Planning Commission.

**Section 27.4 Permitted Uses in C-1 District Lands in the Overlay District.** Land, buildings and structures in lands zoned in the C-1 Neighborhood Commercial District and located entirely or partially within the Overlay District may be used only for the land uses stated in Section 11.2 of Chapter XI of this Ordinance, except that a parking lot as a principal use is not permitted. *(Section 27.4 added 12/16/15; eff. 12/26/15.)*

**Section 27.5 Special Land Uses in C-1 District Lands in the Overlay District.** Only the special land uses stated in Section 11.3 of Chapter XI of this Ordinance may be permitted in that part of the C-1 District located in the Overlay District, if authorized by the Planning Commission as a special land use. *(Section 27.5 added 12/16/15; eff. 12/26/15.)*

**Section 27.6 Permitted Uses in C-2 District Lands in the Overlay District.** Land, buildings and structures in lands zoned in the C-2 General Business District and located entirely or partially within the Overlay District may be used for the following land uses only:

- (a) Any use permitted and as regulated in the C-1 District, except that parking lot as a principal use shall not be permitted.
- (b) Antique store.
- (c) Auction house
- (d) Automobile sales, both used and new.
- (e) Business or trade school.
- (f) Catering service.
- (g) Club, lodge hall and society hall.
- (h) Computer and related technology business.
- (i) Dance studio.
- (j) Furniture store.
- (k) Garden center.
- (l) Jewelry store.
- (m) Indoor sports business, including court games.
- (n) Offices, including professional, administrative and governmental offices.

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- (o) Office machines, including sales and service.
  - (p) Office supply store.
  - (q) Paint and wallpaper store.
  - (r) Pet shop, including boarding of pets.
  - (s) Photocopy and printing business.
  - (t) Recreational equipment and recreational vehicles.
  - (u) Rental equipment business.
  - (v) Rental service, including motor vehicles and household goods.
  - (w) Restaurant, without drive-through facilities.
  - (x) Retail store, not including big-box store.
  - (y) Travel agency.
  - (z) Veterinary and animal treatment.
  - (aa) Other similar retail, business or service establishments primarily for residents of the community, the surrounding area and the traveling public which are determined by the Planning Commission to be similar to the permitted uses listed in this section, based upon the following factors:
    - (1) The use is consistent with the description and purpose of the Broadmoor/Cherry Valley Corridor Overlay District.
    - (2) The use is customarily of the same general nature and character as a use which is expressly permitted for C-2 District lands in the Broadmoor/Cherry Valley Corridor Overlay District.
    - (3) The use is harmonious with the surrounding properties in the Broadmoor/Cherry Valley Corridor Overlay District, to the same extent as are the C-2 District uses which are expressly permitted in the Overlay District. *(Section 27.6 added 12/16/15; eff. 12/26/15.)*

**Section 27.7 Special Land Uses in C-2 District Lands in the Overlay District.** The following land uses may be permitted in that part of the C-2 District located in the Overlay District if authorized by the Planning Commission as a special land use:

- (a) Hotel and motel.
- (b) Church or other house of worship.

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- (c) Gasoline service station, but a car wash on the premises shall be approved only as a separate special land use.
  - (d) Establishment with drive-through facilities.
  - (e) Hospital, clinic, out-patient care facility.
  - (f) Theater, auditorium, banquet hall and other place of assembly.
  - (g) Public and private schools.
  - (h) Utility and public service building.
  - (i) Motor vehicle wash establishment (either a separate establishment or as a part of an approved gasoline service station).
  - (j) Commercial outdoor recreation facility.
  - (k) Parcel delivery station. *(Section 27.7 added 12/16/15; eff. 12/26/15.)*

**Section 27.8 Permitted Uses in Planned Unit Development District Lands in the Overlay District.** Land, buildings and structures in lands zoned in the PUD Planned Unit Development District and located entirely or partially in the Overlay District may be used only for those permitted uses and special land uses of the A Agricultural District, the R-R Rural Residential District, the R-1 Low Density Single-Family District, the R-2 Medium Density Single-Family District, the R-3 Medium Density Residential District, the F Flood Plain District, the R-4 High Density Residential District, the C-1 Neighborhood Business District, and the C-2 General Business District that are permitted for lands in those districts that are located in this Overlay District. Big-box retail stores may be permitted in C-2 lands in a PUD in the Overlay District if approved under the procedures of the PUD chapter, and the provisions of this district. *(Section 27.8 added 12/16/15; eff. 12/26/15.) (R-3 District amended 1/20/16; eff. 2/13/16.)*

**Section 27.9 Other Land Uses Permitted in the Overlay District.**

- (a) Planned mineral removal may be permitted in accordance with the terms of Chapter XVII, the PMR Planned Mineral Removal District.
- (b) The permitted land uses and the special land uses in the A Agricultural District, the R-R Rural Residential District, the R-1 Low Density Single Family District, the R-2 Medium Density Single Family District, the R-3 Medium Density Residential District, the F Flood Plain District and the R-4 High Density Residential District shall be permitted as stated in those zone district chapters, in the Overlay District, but only in compliance with all applicable provisions of the Overlay District. *(Section 27.9 added 12/16/15; eff. 12/26/15.) (R-3 District amended 1/20/16; eff. 2/13/16.)*

**Section 27.10 Minimum Site Development Requirements.** In addition to the requirements and other applicable provisions of this Ordinance, the following requirements shall apply to lands within the Overlay District:

- (a) **Development Sites.** Sites shall be designed where possible and developed to preserve and enhance, if feasible, the natural features of the land.

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(b) **Driveways and Curb Cuts.**

- (1) At least 300 feet, measured from centerline to centerline, shall separate driveways or curb cuts located on the same side of the street, regardless of property ownership, except that if a greater separation between driveways or curb cuts is specified in Section 25.3 of Chapter XXV, pertaining to non-residential ingress and egress provisions, such greater separation distance shall control and apply.
- (2) No more than one driveway or curb cut shall be allowed per site or between developments that access the same street; provided, however, that the Planning Commission, as part of site plan review, may approve more than one driveway or curb cut on a site or between developments, but only if any one or more of the following requirements are satisfied and only if the basis thereof is stated in writing in the Planning Commission's approval:
  - (i) The length of street frontage of the subject property is sufficiently great, and a significant portion of the frontage of the property is utilized by the land use, that more than one driveway is necessary to safely and conveniently accommodate the expected level of incoming and outgoing vehicle traffic.
  - (ii) There are a sufficient number of separate buildings and/or separate establishments on the subject land to justify access by means of more than one driveway, in view of the expected level of vehicle traffic entering and exiting the property.
  - (iii) The preferable location for a driveway on the subject land is within 300 feet of the nearest driveway on the adjacent parcel, but there is not another feasible location for a driveway on the subject parcel.

Additional driveways or curb cuts may be permitted, if they provide access to and from a different street.

- (3) Insofar as possible, curb cuts shall be aligned with those located directly on the opposite side of the street or within a minimum of 150 feet in either direction from curb cuts on the opposite side.

(c) **Cross-Access Between Sites and Developments.**

- (1) In approving a land use, the Planning Commission shall require the establishment of cross-access easements for the purpose of providing vehicle ingress to and egress from the lands being developed, and from and to the adjacent parcel or parcels on either side of the subject parcel, upon the condition that a like easement shall be provided by the owner(s) of such adjacent parcel(s), as to which such cross-access is required.
- (2) The cross-access easement shall be utilized for a vehicle driveway or service road to connect the subject parcel and adjacent lands, for the purpose of providing convenient vehicle access between and among the parcels, as an alternative to the use of Broadmoor or Cherry Valley Avenues.

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- (3) The cross-access easement shall be located as required by the Planning Commission in site plan review.
  - (4) The easement shall be of such width as will be sufficient to provide safe and convenient access for motor vehicles; if there is an internal driveway system on any of the parcels involved, the easement shall connect with the driveway system at a safe and convenient location.
  - (5) The construction of a driveway or service road within the cross-access easement shall be undertaken and completed as a part of the development of the subject land, to the extent of that part of the easement located on the subject land. That part of the easement located or to be located on adjacent or nearby parcels shall be constructed not later than the development of those parcels.
  - (6) The establishment of that part of a cross-access easement located on adjacent or nearby parcels owned by other parties need not necessarily be executed and recorded at the time of the execution and recording of the cross-access easement on the subject land, but in such a case, the execution and recording of the cross-access easement on such other or nearby lands shall be a condition of site plan review and approval as to development on those lands.
  - (7) A cross-access easement shall be submitted to the Township for review as to compliance with this chapter, as a part of site plan review, and it shall be subject to Township attorney approval, prior to being recorded with the Register of Deeds. A recorded copy thereof shall be promptly submitted to the Township zoning office after recording. The easement shall run with the land and shall otherwise be in such legal form as will provide for permanent motor vehicle access from, to and across the subject land, for the purpose of establishing safe and convenient motor vehicle access between such parcels. The easement instrument shall describe the adjacent or nearby lands to which the easement is to connect, as the lands benefitted by the easement and the grant of motor-vehicle cross-access rights over and through the subject land. All owners, including mortgagees and holders of other interests in the land, shall sign the cross-access easement.
  - (8) The driveway providing access over the cross-access easement shall be designed and constructed in accordance with Township requirements and at the applicant's expense, as to the applicant's own land. The construction of the driveway may be deferred until a corresponding and connecting access driveway is constructed on an adjacent parcel, but in the event of such deferral of construction, the applicant shall prepare to the satisfaction of the Township and record, a restrictive covenant requiring such construction of the access driveway on the subject land at the time a connecting access driveway is constructed on any adjacent parcel.

The restrictive covenant shall be signed by all owners and parties in interest in the subject land and shall be submitted to the Township attorney for review and approval, consistent with this chapter, prior to recording. After recording, a copy of the instrument as recorded shall be promptly submitted to the Township zoning office. If requested, the applicant shall submit a certified last-owner-of-record search covering the subject property, to establish the correct identity of all of the then-owners and other parties with interests in the property.



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- (9) The easement shall permit the free and unrestricted travel over and across the easement within the subject land for the purpose of normal and reasonably expected vehicle travel to, from and across the subject land by vehicles entering from adjacent or nearby lands. The Planning Commission shall determine the required width of the easement and the driveway therein; the required minimum construction specifications for the driveway, including the width thereof and the type and depth of pavement and sub-base; and other minimum requirements as to the easement and the cross-access driveway.
- (d) **Utilities.** All utilities, including electric, telephone, and, where provided, cable television, shall be installed underground. All utility installations shall be carried out in accordance with Michigan Public Service Commission requirements. If utilities cannot be installed underground, they shall be located along the base of hillsides and along tree lines. All ground-mounted transformers or mechanical structures associated with utilities that are ground-mounted shall be landscaped in the manner specified in site plan approval.
- (e) **Buildings and Site Amenities.**
- (1) The predominant building materials shall consist of brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt up concrete panels, or prefabricated steel panels shall be used only as accents and shall not dominate the exterior of the building. Metal roofs may be permitted if compatible with the overall architectural design of the building.
- (2) Exterior colors shall be of low reflectance, and shall be of subtle, neutral or earth tone colors. High intensity colors such as neon, metallic or fluorescent for the façade and/or roof of the building are prohibited except as approved for building trim.
- (f) **Mechanical Equipment.** All exterior mechanical equipment, including such equipment on building roofs, shall be screened from Broadmoor Avenue and Cherry Valley Avenue, and also from other streets in the district, so that it shall not generally be visible from the street right-of-way; provided, however, that in granting site plan approval, the Planning Commission may impose other screening requirements, including those for the purpose of screening exterior mechanical equipment from view from adjacent or nearby residential lands.
- (g) **Landscaping.** Landscaping within the Overlay District shall comply with the landscaping requirements of Chapter XXVIII and, in addition to those requirements, the following landscaping requirements shall apply to lands within the Overlay District:
- (1) Within a minimum 25-foot-wide buffer area adjacent to the Broadmoor/Cherry Valley street right-of-way, there shall be landscaping installed according to the following requirements:
- (i) Plants shall be clustered in groups or planted in staggered rows.
- (ii) Evergreen trees shall be spaced at least 20 feet apart, measured between the centers of trees.

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- (iii) Shade/canopy trees shall be spaced at least 25 feet apart, measured between the centers of trees.
  - (iv) Trees and shrubs shall be clustered in locations that provide the most effective screening of unsightly views.
- (2) On lands devoted to commercial uses, offices, multifamily residential or a mixture of such uses, at least five evergreen trees, at least three shade trees and at least 12 shrubs shall be planted and maintained within the buffer area for each 100 feet of street frontage, or fraction thereof. The Planning Commission may, however, permit a variation in the mixture of the tree and shrub types. A continuous three-foot high berm or four-foot high masonry wall may be substituted for the shrubs (but not for the trees) if approved by the Planning Commission in site plan review.
  - (3) Where off-street parking areas abut Broadmoor Avenue or Cherry Valley Avenue, there shall be planted and maintained at least five evergreen trees, at least three shade trees and at least 25 shrubs for each 100 feet of street frontage of the parking area. The Planning Commission may, however, permit a variation in the mixture of the tree types.
  - (4) **Parking Area Landscaping.** For all off-street parking areas that accommodate 20 or more motor vehicles, the following requirements apply:
    - (i) Landscaped islands, with shade trees, shall be located throughout the parking area, so as to relieve and shade expanses of parking, and contribute to the orderly circulation of motor vehicle and pedestrian traffic.
    - (ii) Each landscaped island shall be a minimum of 200 square feet in area and a minimum of ten feet wide. Each island shall include at least one canopy tree planted and maintained within it. Trees shall be planted at least three feet from the edge of the island.
    - (iii) One landscaped island for each 20 parking spaces shall be provided. Landscape islands may be aggregated or disbursed throughout the parking area, as permitted by the Planning Commission in site plan review.
  - (5) Other landscaping requirements, under the terms of Chapter XXVIII, shall be complied with. In the case of conflict between the landscaping requirements of this chapter and those of Chapter XXVIII, the requirements of this chapter shall control.
  - (6) In granting site plan approval, the Planning Commission may modify the landscaping requirements only as follows:
    - (i) It may require an increase in the number of trees and/or shrubs;
    - (ii) It may specify the placement of plants and plant types, and may specify or increase the required height of trees and shrubs when planted;
    - (iii) It may authorize berming or other screening measures, in partial, but not complete, substitution for otherwise required landscaping, if the result of such alternative requirements would provide more effective screening, more

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desirable property appearance or otherwise contribute more effectively toward the landscaping objectives of this chapter.

- (7) **Dumpsters, Utility Pads, Service Areas and Loading Docks.** Dumpsters, utility pads, loading docks and service areas shall be screened from view from all directions.
- (8) Service facilities, such as loading areas and loading docks, shall not be located in any yard facing a street. Service facilities located in side yards, but visible to the street, shall be fully screened. Loading areas and loading docks along any building side shall be fully screened from the view of adjacent or nearby residential lands.
- (9) Carports in multiple family developments shall be enclosed on any side facing or visible from a street. *(Section 27.10 renumbered from 27.4 and amended 12/16/15; eff. 12/26/15.)*

**Section 27.11 Specific Zoning District Regulations.** The requirements stated in this section shall apply in addition to and shall supersede those in the respective zone districts.

(a) **Non-Residential and Multi-Family Residential Uses.**

- (1) **Minimum Lot Area.** One acre.
- (2) **Maximum Percentage of Lot Coverage by Buildings.** 40 percent.
- (3) **Maximum Building Height.** 35 feet.
- (4) **Minimum Front Yard Building Setback.** 75 feet from the nearest right-of-way line of Broadmoor Avenue and Cherry Valley Avenue or 25 feet from a lot which fronts on an internal access road system.
- (5) **Side Yard.** 25 feet, unless adjacent to residentially-zoned land, or unless a multi-family residential use is adjacent to land zoned for single family use, in which case the side yard shall be 75 feet.
- (6) **Rear Yard.** 60 feet, unless adjacent to residentially-zoned land, or unless a multi-family residential use is adjacent to land zoned for single family use, in which case the rear yard shall be 75 feet.
- (7) **Minimum Lot Width.** 200 feet.
- (8) **Off-Street Parking Areas.** In addition to the minimum off-street parking requirements of Chapter XX, the following shall apply:
  - (i) All parking spaces shall have an asphalt or concrete surface.
  - (ii) Not more than 40 percent of the total number of required parking spaces may be placed in the area between the building and the Broadmoor/Cherry Valley Avenue right-of-way. If parking is provided in the front yard, the area between the nearest street right-of-way line and the parking area shall

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be landscaped and shall otherwise comply with the requirements of Section 27.10(g).

- (iii) Parking areas shall be located at least 25 feet away from the nearest right-of-way line of any public street or the nearest boundary line of any private street easement.
- (iv) Shared parking, or stubs to provide shared parking between existing and future uses, may be permitted or required. The Planning Commission may determine whether the total number of required parking spaces may be decreased, as a result of an approved shared parking arrangement. In such cases, a shared parking agreement, signed by all parties in interest, shall be submitted, and shall be subject to Township approval. In the case of stubs to locations of expected future parking areas, a restrictive covenant satisfactory to the Township shall be prepared and recorded, to assure the future use of the shared areas and the driveway connections between them.
- (v) Parking stubs intended to provide connections between shared parking areas and access drives shall be included in each site development plan, together with the restrictive covenant noted in subparagraph (iv).
- (vi) Parking areas shall be located at least ten feet from any rear lot line and side lot line, unless parking is shared between adjacent parcels or where parking areas are adjoining. Access drives linking parking areas on separate properties are not subject to the 10-foot separation requirement, but parking areas shall be separated from access drives by at least 10 feet.
- (vii) Parking area landscaping shall comply with Section 27.10(g)(4).

(9) **Rear-Yard and Side-Yard Buffer Areas.** Where a rear yard or side yard of any non-residential use is adjacent to residentially-zoned land, or if a multi-family residential use is adjacent to land zoned for single family use, a 25-foot-wide buffer area shall be provided. The buffer area may be in the form of an earthen berm, tree and shrub plantings or fencing or a combination of these, as permitted in site plan review. No buildings, structures, signs, or parking areas (unless shared between parcels) shall be located within the buffer area.

- (i) Earthen berms, if approved, shall comply with the following minimum requirements:
  - (I) Berms shall be constructed so as to maintain a side slope ratio not to exceed one foot of vertical rise for each three feet of lineal distance.
  - (II) Berms not containing planting beds shall be covered with grass maintained in a healthy growing condition.
  - (III) Berms shall not alter drainage patterns on the land, except for the purpose of directing drainage away from adjacent lands.

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- (IV) If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
  - (V) Required plantings on a berm shall be located predominately on the exterior side slope.
  - (ii) Plantings for the purposes of screening shall comply with the landscaping requirements of Section 27.10(g).
  - (iii) Fences shall comply with Section 3.17.
- (b) **Residential Districts.** For individual single family and two family dwellings in residential zoning districts, the regulations of the underlying zoning district shall apply except that the required front yard building setback of Section 27.11(a)(4) shall apply. (*Section 27.11 added 12/16/15; eff. 12/26/15.*)

**Section 27.12 Signs.**

- (a) The provisions of Chapter XIX, Signs in All Districts, shall apply in this Overlay District, except as stated in this Section 27.12. In the case of conflict between a provision in Chapter XIX and a provision in this district, the provisions in this district shall apply and control.
- (b) For purposes of this chapter, the following definition is added:
  - (1) **Ground sign.** A sign not attached to a building or wall and which is supported by a base, foundation or one or more other supporting elements, with the bottom of the sign being no higher than 24 inches above the grade at the base of the sign.
- (c) Only ground signs, as defined in this section, and wall signs, as defined in Chapter XIX, shall be permitted in this Overlay District.
- (d) A freestanding sign, as defined in Chapter XIX, is not permitted in this Overlay District.
- (e) Signs in lands zoned in the A, R-R, R-1, R-2, R-3, R-4 and F Districts and located in this Overlay District shall comply with the sign requirements of Section 19.9, except as follows:
  - (1) Except as stated below in subparagraph (2) there may be only one wall sign or one ground sign, but not both, on a parcel of land. The sign shall not be larger than 12 square feet. If a ground sign, it shall not be higher than 8 feet from the grade at the base of the sign. It shall be set back at least 15 feet from the front street right-of-way line and at least 10 feet from all other property lines.
  - (2) A church, school, park or playground, governmental building, library, museum, residential, community or subdivision, retirement home or other permitted group housing, whether a permitted use or a special land use, shall have signs only as follows:
    - (i) Signs shall be for identification purposes only.

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- (ii) The total area of all signs on a parcel of land shall not exceed 32 square feet.
    - (iii) Such signs may be wall signs and not more than one ground sign.
    - (iv) If a ground sign, no such sign shall be higher than eight feet above the grade at the base of the sign. A ground sign shall be set back at least 15 feet from the front street right-of-way line and at least ten feet from all other property lines.
  - (3) The special land use for certain signs as stated in Section 19.9(c) and (d) of this Ordinance shall not apply or be available as to signs in this Overlay District.
  - (f) Signs in lands zoned in the C-1 District and C-2 District and located in this Overlay District shall comply with the sign requirements of Section 19.10 of this Ordinance, except that Section 19.10(a), (b), (c) and (f) shall not apply, and also except as follows:
    - (1) Such signs may be wall signs, subject to subparagraph (4), and not more than one ground sign on a parcel of land.
    - (2) A ground sign shall not exceed a height of eight feet, as measured from the normal finished grade of the land at the base of the sign.
      - (i) Such finished grade shall not include the grade of a berm, other mounded-up area or other increased-grade. No sign shall be placed on such an increased-grade location, as compared to the general grade of the site. Such grade-changes shall not be made for the purpose of artificially elevating the height of a sign, except as stated in (ii) below.
      - (ii) If the only feasible or possible location for a ground sign is at a grade so substantially below the grade of the adjacent street that the sign would not provide reasonable identification of the building or land use on the property, the Planning Commission may, in site plan review, authorize an increase in the elevation of the sign, whether by additional physical structure of the sign or the mounding-up of the earth beneath the sign, or a combination of them; provided, however, that any such authorization shall not exceed the height the sign would have had if the grade of its location had not been substantially below that of the adjacent street.
    - (3) The area of a ground sign shall not be more than 48 square feet.
    - (4) Wall signs shall be permitted only as follows:
      - (i) There may be one building-wall sign not larger than 30 square feet.
      - (ii) In the case of a multi-tenant commercial or office building, and if there is no building-wall sign on the building, then there may be one wall sign on the front wall of each tenant space, equal in area to 1 1/2 square feet of sign for each one lineal foot of tenant-space front wall, but not larger than 30 square feet.

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- (iii) A wall sign shall be attached flat against the exterior wall of a building.
  - (5) A ground sign shall be set back at least 15 feet from the front street right-of-way line and at least ten feet from all other property lines.
  - (6) The special land use stated in Section 19.10(f) shall not apply or be available in the Overlay District.
  - (7) A ground sign may incorporate a digital sign provided the following standards are met:
    - (i) Digital signs shall be located on freestanding ground signs only and shall only comprise up to 50% of the total sign area allowable by law. Such freestanding ground signs with a digital sign cabinet shall not exceed the height requirements for signs per the applicable zoning district.
    - (ii) Messages shall change instantaneously without animation.
    - (iii) Digital signs shall not be brighter than 3 foot-candles above ambient light conditions and shall not cast light beyond the property line. A photometric plan, in compliance with section 3.50 is required.
    - (iv) Ambient light meters to regulate brightness shall be required.
    - (v) Messages may change to a frequency not to exceed one message per 6 seconds.
    - (vi) Digital signs shall be turned off between the hours of 11 p.m. and 6 a.m. daily.
    - (vii) Digital signs shall have a dark colored background with lighter colored graphics, letters, numbers, symbols, and images.
  - (g) **Signs in the Planned Unit Development (PUD) Zoning District.**
    - (1) Signs in a residential planned unit development district shall comply with the residential sign provisions stated in subsection (e) of this section.
    - (2) Signs in a commercial or office planned unit development district shall comply with the sign provisions of Section 27.12(f) as to C-1 and C-2 uses, except that in the case of a PUD applicant that is subject to a multi-location uniform sign program or requirement, the Township may, on specific approval of the Township Board in the PUD ordinance, vary the sign requirements of Section 27.12(f) to the extent of the applicant's uniform sign program, in whole or in part, if to do so would not substantially depart from the overall goals and purposes of the sign provisions and limitations in the Overlay District.
  - (h) **Signs for Special Land Uses Located in this Overlay District.**
    - (1) Signs for special land uses of a residential nature in the Overlay District shall be subject to the residential sign requirements of this Section 27.12(e).

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- (2) Signs for special land uses of an office and/or commercial nature in the Overlay District shall be subject to the commercial and/or office sign provisions of Section 27.12(f) as to C-1 and C-2 uses except that in the case of a special land use applicant that is subject to a multi-location uniform sign program or requirement, the Township may, on specific approval of the Township Board in the special land use resolution, vary the sign requirements of Section 27.12(f) to the extent of the applicant's uniform sign program, in whole or in part, if to do so would not substantially depart from the overall goals and purposes of the sign provisions and limitations in the Overlay District.
  - (i) An existing lawful billboard (but not other off-premises signs) shall not be counted in determining the number of signs permitted on a parcel of land. *(Section 27.12 added 12/16/15; eff. 12/26/15.)*

**Section 27.13 Outdoor Lighting.** Outdoor lighting in and for land uses in the Overlay District shall comply with Section 3.50 of this Ordinance, except as to such uses stated in that section to be exempt from outdoor lighting requirements. *(Section 27.13 added 12/16/15; eff. 12/26/15.)*

**Section 27.14 Sidewalks and Bicycle Paths.** Township Ordinance No. 15-03, the Township Sidewalk and Bicycle Path Ordinance, as it may be amended, shall fully apply, according to its terms, in the Overlay District. *(Section 27.14 added 12/16/15; eff. 12/26/15.)*

**Section 27.15 That Part of this Overlay District Located in Section 28 of the Township, North of 100th Street.**

- (a) Certain other provisions of this Overlay District notwithstanding, the portion of the Overlay District described in this shall be subject to certain modified provisions as stated in this, in view of the reduced dimensional and other features of the parcels of land within the described area.
- (b) Accordingly, the following provisions shall apply in that part of the Overlay District located within Section 28, north of 100th Street, rather than the provisions which would otherwise be applicable:
  - (1) The minimum lot area, minimum lot width and minimum principal building setbacks shall be as provided in the zone district in which the land is located.
  - (2) The minimum width of the required landscaped buffer adjacent to Cherry Valley Avenue, and the required landscaping therein, shall be as determined by the Planning Commission in site plan review and approval.
  - (3) All aspects of off-street parking areas and other matters pertaining to off-street vehicle parking and loading shall be in accordance with applicable provisions of Chapter XX of this Ordinance, Off-Street Parking and Loading.
- (c) Except as stated in this section, the terms and provisions of this Overlay District shall apply and control in and for the lands described in this section. *(Section 27.15 added 12/16/15, eff. 12/26/15; amended 6/19/19, eff. 7/6/19.)*

*(Chapter 27 adopted 12/21/05; eff. 01/10/06.)*



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**CHAPTER XXVIII**  
**LANDSCAPING, SCREENING, GREENBELTS, BUFFERS AND FENCING**

**Section 28.1 Intent and Purposes.** The intent of this chapter is to promote public health, safety, and general welfare by minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

**Section 28.2 Application.** These requirements shall apply to uses for which site plan review is required under Chapter XVIII. No site plan shall be approved unless the site plan shows landscaping, greenbelts, buffers, and screening in accordance with the requirements of this chapter.

**Section 28.3 Landscape Plan Required.** A separate detailed landscape plan having a minimum scale of 1" = 100' shall be submitted as a part of a site plan review. The landscape plan shall include, but not necessarily be limited to, the following:

- (a) Location, spacing, size and description for each plant type proposed for use within the required landscape area.
- (b) Existing and proposed contours on-site and 300 feet beyond the site at intervals not to exceed two feet.
- (c) Typical straight cross-section including slope, height, and width of berms and type of ground cover including trees, and height and type of construction of walls or fences, including footings.
- (d) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- (e) Planting and staking details in either text or drawing form.
- (f) Identification of existing trees and other vegetative cover to be preserved.
- (g) Identification of grasses and other ground cover and method of planting.
- (h) Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the requirements of this chapter.

**Section 28.4 Screening Between Land Uses.** As part of any land use for which site plan review is required, screening shall be constructed at least six feet in height along all adjoining boundaries with residentially-zoned or residentially-used property. Such screening shall be established and maintained on the subject property in accordance with this section.

- (a) On lands devoted to commercial, office, multi-family dwelling and/or industrial uses, and which are adjacent to residentially-zoned or residentially-used land, there shall be screening at least six feet in height along all the boundaries with such residentially-zoned or residentially-used lands. Such screening may consist of a landscape buffer or solid wall, in accordance with this section. If the distance between existing buildings on adjoining parcels

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is greater than twice the minimum building setback that applies to the residentially-zoned or residentially-used land, then a fence in compliance with Section 28.11 may be installed and maintained instead of the landscape buffer or solid wall, if permitted by the Planning Commission in site plan review.

- (b) A required landscape buffer may consist of earthen berms and/or living plant materials. At the time the berm, if any, is completed and at the time the plant materials are planted, the landscape buffer shall be sufficient to establish screening of a minimum opacity of 80 percent.
- (c) In its discretion, the Planning Commission may require, as a part of site plan approval, that a solid wall shall be constructed and maintained, where the same is needed in order to provide a greater noise or dust barrier or to screen more intense development. Such a wall shall be at least six feet in height, or shall be of such lesser height as permitted by the Planning Commission, and shall be constructed of such materials and shall be so located as determined by the Planning Commission in site plan review.

**Section 28.5 Parking Area Landscaping.** Separate landscaped areas shall be required either within or at the perimeter of off-street parking areas. There shall be one tree planted for each eight parking spaces, and a minimum landscaped space within any designated parking area of 50 square feet. A minimum distance of three feet shall be established between tree or shrub plantings and the back side of the curb or edge of the pavement.

**Section 28.6 Greenbelt Buffers.**

- (a) A strip of land with a minimum width equal to the minimum required front yard setback of the zoning district shall be located between the buildable area and the abutting right-of-way line of a public street or major thoroughfare, the strip of land shall be landscaped with a minimum of one tree which shall have a height of at least 12 feet or a minimum caliper of two and one-half inches at the time of planting for each 30 lineal feet, or major portion thereof, of frontage. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and/or other natural, living landscape material.
- (b) Access ways from public rights-of-way through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing requirement set forth in this section.

**Section 28.7 Site Landscaping.**

- (a) In addition to any landscaped greenbelt and/or parking area landscaping required by this chapter, at least 10 percent of the site area, excluding existing street right-of-way, shall be landscaped.
- (b) Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area, but shall not exceed five percent of the site area.

**Section 28.8 Minimum Size and Spacing Requirements.** Where landscaping is required, Tables 28A, 28B and 28C set forth the required minimum size and spacing requirements.

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**Section 28.9 Landscape Elements.** The following minimum requirements shall apply:

- (a) **Quality.** Plant material and grasses shall be of generally accepted varieties and species, free of insects and diseases, hardy to Kent County. Use of native plant species is encouraged.
- (b) **Composition.** A mixture of plant material, including evergreens and/or deciduous trees and shrubs, is encouraged as a protective measure against insect and disease infestation. A limited mixture of hardy species is preferred over a large quantity of different species, so as to produce a more aesthetic, cohesive design and avoid a disorderly planting arrangement.
- (c) **Berms.** Berms, if permitted, shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded surface that is a minimum of two feet in width at the highest point of the berm, extending for the entire length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.
- (d) **Existing Trees.**
  - (1) Site plans should preserve all quality, existing trees wherever feasible, especially in buffer areas. Relocation of existing trees within the site is also encouraged and all available measures shall be taken to maintain the trees in a healthy condition.
  - (2) Existing trees may be used to fulfill landscaping requirements, if such trees are in healthy growing condition, are at least the minimum size, are the appropriate type, and are spaced according to their likely mature size.
  - (3) The area below the dripline of an existing tree to be saved shall remain undisturbed. No impervious material shall be placed under the dripline and a tree protection fence must be installed around the trees during construction at the limit of disturbance. Tree protection symbols, notes and details shall be shown on the site plan.
  - (4) If existing plant material is labeled “To Remain” on site plans by the applicant, protective techniques, such as, but not limited to, fencing or barriers securely installed at the dripline around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used.
  - (5) In the event that healthy trees which are used to comply with the minimum requirements of this chapter or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, they shall be replaced with trees which comply with the requirements of this chapter.
- (e) **Installation, Maintenance, and Completion.** All landscaping required by this chapter shall be planted prior to issuance of a certificate of occupancy. In cases where a certificate of occupancy is issued prior to fulfillment of the landscaping requirements, an irrevocable bank letter of credit or performance bond shall first be submitted to the Township in the amount of the cost of landscaping and conditioned upon the timely and proper completion of all required landscaping. The performance guarantee requirements of Section 18.11 shall apply.

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**Section 28.10 Installation and Maintenance.**

- (a) All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound manner and according to accepted planting and grading procedures.
- (b) The owner of property required to be landscaped by this chapter shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one year of damage or death or during the next growing season, whichever occurs first. All landscaped areas shall be provided with a readily available and acceptable water supply.

**Section 28.11 Fencing and Screening.** The fencing and screening requirements of this section pertain to only those uses for which site plan review, or similar approval is required. Unless otherwise determined by the Planning Commission, fencing and screening shall be six feet in height. Gateposts and other superstructures over site entrances and exits may be up to 12 feet in height. Fencing and structured screening materials of a height greater than three feet shall not be located within a required minimum front yard setback or required side yard setback adjacent to a street.

- (a) **Mechanical Equipment.** When located outside of a building, other than a single-family dwelling, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the equipment, as follows:
  - (1) **Roof-Mounted Equipment.** To be screened by architectural features from the view from abutting streets and parcels of land.
  - (2) **Equipment at Grade.** When located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, or by a solid wall or fencing from the view from abutting streets and parcels of land.
- (b) **Outdoor Storage.** Outdoor storage areas shall be screened on all sides by a solid wall or fencing.
- (c) **Public Utility Substations.** Public utility substations shall be screened on all sides by a solid wall or fencing, and shall be landscaped as required by the Planning Commission in site plan review.
- (d) **Side and Rear Lot Lines.** The side and rear property lines of all non-residential uses shall be screened as follows:
  - (1) **Adjacent to a Residential Use or Zone.** The requirements of Section 28.4 shall apply.
  - (2) **Industrial and Commercial Zones.** A solid wall or fencing shall be located along the side and rear property lines of any site within an industrial or commercial zone that abuts a residential or agricultural zoning district or land use.

**Section 28.12 Exceptions to Fencing and Screening Requirements.**

- (a) **Buildings Abutting Property Lines.** Required screening or fencing may be omitted along any lot line where a building wall is located immediately abutting the lot line.

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- (b) **Location Adjustment.** Where property line fencing or screening is required, the location may be adjusted so the fencing may be constructed at or within the minimum required building setback line, provided that the areas between the fence and the property lines are landscaped, or retained in their natural vegetative state, whichever may be required by the Planning Commission.
  - (c) **Existing Screening.** Any fence, screen, wall or hedge which does not comply with the provisions of this chapter and which is legally existing at the effective date of this chapter may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as otherwise permitted by the terms of this Ordinance.
  - (d) **Planning Commission Modification.** Any of the requirements of this section may be waived or modified by the Planning Commission through site plan review, provided that the Planning Commission first makes a written finding that specifically identified characteristics of the site or site vicinity would make required fencing or screening unnecessary or ineffective, or where such fencing or screening would impair vision at a driveway or street intersection.

**Section 28.13 Materials for Fencing and Screening.** Materials for fencing and screening may consist of the following:

- (a) Solid board fences with wood posts not less than four inches by four inches and solid board cover not less than one inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight feet apart, measured between centers. The finished side of the wood shall face abutting properties.
- (b) Wrought iron, open mesh or slatted fencing, provided that a ratio of one part open to six parts of solid fencing is not exceeded.
- (c) Masonry walls designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. Such walls shall be constructed on both sides with face brick, poured-in-place simulated face brick, or pre-cast brick panels having simulated face brick, stone, or other decorative masonry material.

**Section 28.14 Barrier Fences.** Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than six feet in height are prohibited unless needed to protect the public safety and approved by the Planning Commission.

**Section 28.15 Fire Hazard.** No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department to buildings threatened by fire, or which will constitute a hazard to street traffic or to pedestrians.

**Section 28.16 Overlay District.** All lands located within the Broadmoor/Cherry Valley Corridor Overlay District shall comply with the requirements of this chapter and with the additional landscaping requirements provided in Chapter XXVII. In the event that a conflict exists between requirements in this chapter and requirements in Chapter XXVII, the requirements in Chapter XXVII shall apply with respect to lands in the Overlay District.

*(Chapter 28 adopted 12/21/06; eff. 01/10/06.*



**Table 28A  
Size and Spacing Requirements**

Description	Minimum Size Allowable								Maximum On-Center Spacing (in feet)											
	Height				Caliper		18"-2' Spread	2' Peat Pot	2 gallon Container	30	25	15	10	6	5-6	5	4	3	2	1
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2 1/2"														
<b>Evergreens:</b>																				
Fir	•										•									
Spruce	•										•									
Pine	•										•									
Hemlock	•										•									
Douglas Fir	•										•									
<b>Narrow Evergreen Trees:</b>																				
Red Cedar	•											•								
Arborvitae	•											•								
Juniper (selected varieties)	•											•								
<b>Large Deciduous Trees:</b>																				
Oak						•					•									
Maple						•					•									
Beech						•					•									
Linden						•						•								
Ash						•					•									
Ginko (male only)						•					•									
Honeylocust (seedless, thornless)						•					•									
Birch						•						•								
Sycamore						•					•									
<b>Small Deciduous Trees (ornamental):</b>																				
Flowering Dogwood (disease)					•							•								
Flowering Cherry, Plumb, Pear					•							•								
Hawthorn (thornless)					•							•								
Redbud					•							•								
Magnolia					•							•								
Flowering Crabapple					•							•								
Mountain Ash					•							•								
Hornbeam					•							•								
Russian Olive					•							•								





**Table 28B  
Size and Spacing Requirements**

Description	Minimum Size Allowable									Maximum On-Center Spacing (in feet)										
	Height				Caliper		18"-2' Spread	2' Peat Pot	2 gallon Container	30	25	15	10	6	5-6	5	4	3	2	1
	5'-6'	3'-4'	2'-3'	18"-2'	2"	2 1/2"														
<b>Large Evergreen Shrubs:</b>																				
Irish Yew			•											•						
Hicks Yew			•											•						
Upright Yew			•											•						
Spreading Yew							•							•						
Pfitzer Juniper							•							•						
Savin Juniper							•							•						
Mugho Pine							•							•						
<b>Small Evergreen Shrubs:</b>																				
Brown's, Ward's Sebion Yews							•								•					
Dwarf Spreading Juniper							•								•					
Dwarf Muho Pine							•								•					
Euonymous varieties							•								•					
<b>Large Deciduous Shrubs:</b>																				
Honeysuckle			•											•						
Lilac			•											•						
Border Privet (hedge planting)				•															•	
Sumac		•												•						
Buckthorn		•												•						
Weigela			•											•						
Flowering Quince		•												•						
Barberry		•												•						
Cotoneaster (Peking and spreading)		•												•						
Sargent Crabapple		•												•						
Dogwood (Red Osier and Grey)		•												•						
Euonymous varieties		•												•						
Viburnum varieties		•												•						
Tall Hedge (hedge planting)			•											•						



**Table 28C  
Size and Spacing Requirements**

Description	Minimum Size Allowable									Maximum On-Center Spacing (in feet)										
	Height				Caliper		18''-2' Spread	2' Peat Pot	2 gallon Container	30	25	15	10	6	5-6	5	4	3	2	1
	5'-6'	3'-4'	2'-3'	18''-2'	2''	2 1/2''														
<b>Small Deciduous Shrubs:</b>																				
Dwarf Winged				•																•
Regal Privet				•																•
Fragrant Sumac				•																•
Japanese Quince				•																•
Cotoneaster (Rockspray, Cranberry)				•																•
Potentilla				•																•
<b>Ground Cover:</b>																				
Periwinkle									•											•
Baltic Ivy									•											•
Euonymous varieties									•											•
Hall Honeysuckle									•											•
Pachysandra									•											•
<b>Vines:</b>																				
Euonymous varieties																				•
Virginia Creeper																				•
Baltic Ivy									•											•
Wisteria																				•



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**CHAPTER XXIX  
CONDOMINIUMS AND SITE CONDOMINIUMS**

**Section 29.1 Purpose.**

- (a) Tracts of land that are developed and sold as site condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines it is in the best interest of public health, safety, and welfare to regulate the creation of site condominium developments to assure that these developments will not adversely affect the occupants thereof, other properties or the Township.
- (b) This chapter regulates both site condominium and condominium developments, whether for residential use or non-residential use.
- (c) For convenience, the provisions of this chapter, other than Sections 29.1 and 29.2, are divided into Part A, Site Condominiums, and Part B, Condominiums.

**Section 29.2 Definitions.** For purposes of this chapter, the following words and phrases are defined as follows:

**“Building Envelope”** means the area of a site condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single family residential site condominium project, the building envelope refers to the area of each site condominium unit within which the dwelling and any accessory structures may be built.

**“Condominium Unit”** means a condominium unit established in compliance with the Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed.

**“Site Condominium Unit”** means a site condominium unit established in compliance with the Condominium Act, which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the site condominium unit owner. For purposes of determining compliance with the applicable requirements of the zoning ordinance (including, without limitation, height, area, yard, and density requirements) or with other applicable laws, ordinances or regulations, a site condominium unit shall be considered to be the equivalent of a “lot.”

**“Condominium Project”** means a project consisting of not less than two condominium units established in compliance with the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended.

**“Site Condominium Project”** means a project consisting of not less than two site condominium units established in compliance with the Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended.

**“Condominium Project Plan”** means the plans, drawings and information prepared for a condominium project as required by Section 66 of the Condominium Act and as required by this chapter for review of the condominium project by the Planning Commission and the Township Board.

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“**Site Condominium Project Plan**” means the plans, drawings and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by this chapter for review of the site condominium project by the Planning Commission and the Township Board.

Except as otherwise provided by this chapter, words or phrases shall have the meanings as defined in the Condominium Act.

## **PART A – SITE CONDOMINIUMS**

**Section 29.3 Application for Site Condominium Approval.** An application for site condominium approval shall include the following information:

- (a) A site condominium project plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plans:
- (b) The information required for site plan review under chapter XVIII of this Ordinance.
- (c) Layout and dimensions of each site condominium unit, and the building envelope for such unit. The site condominium project plan shall depict a building envelope around each building so as to demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirement of the zone district in which the condominium is located.
- (d) Approval or tentative approval of the proposed design and location of the entrance to the site condominium from the county road commission or Michigan Department of Transportation.
- (e) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- (f) A storm water drainage plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.
- (g) A utility plan showing the location of all water and sewer lines, if any, and easements for the installation, repair and maintenance of utilities.
- (h) A narrative describing the overall objectives of the proposed site condominium project.
- (i) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- (j) A street construction, paving and maintenance plan for all private streets within the proposed site condominium project.
- (k) Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed site condominium project. Unless requested by the Planning Commission, the proposed master deed and condominium bylaws need not necessarily be submitted with the application.

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**Section 29.4 Review of Preliminary Plans by the Planning Commission.**

- (a) Site condominium project plan review shall be commenced by filing with the Township Planner 12 copies of a preliminary site condominium project plan which complies with Section 29.3, together with the required application fee.
- (b) The Township Planner shall review the preliminary plan to determine its completeness and to provide any comments to the Planning Commission regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. If the plan is complete, the Planner shall forward it to the Planning Commission on completion of review, together with the Planner's report or other comments concerning the site condominium project.
- (c) The Planning Commission shall review the preliminary site condominium project plan in accordance with the standards and requirements of this chapter.
- (d) After reviewing the preliminary site condominium project plan, the Planning Commission shall approve a resolution stating the Commission's findings concerning the preliminary plan and recommending approval or denial of the proposed site condominium project. If a resolution of approval, the resolution shall include any suggested or required changes in the site condominium project plan.

**Section 29.5 Review and Approval of Final Plans by Township Board.**

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Planner a minimum of 12 copies of a final site condominium project plan which complies with the requirements of this chapter.
- (b) The Township Planner shall review the final plan to determine its completeness and to provide any comments to the Township Board regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant.
- (c) If the plan is complete, the Planner shall forward it to the Township Board, together with any report or comments by the Planner concerning the plan.
- (d) The final site condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan; provided, however that if any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall specify in writing which recommendations have not been incorporated and the reasons why they have not been incorporated.
- (e) Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall be identical to the preliminary plan which was reviewed by the Planning Commission; provided, however, that if changes are made to the plan that are in addition to those necessary to incorporate the recommendations of the Planning Commission, these shall first be reviewed by the Planning Commission, prior to consideration of the final plan by the Township Board.

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- (f) After receiving the Planning commission's recommendations on the preliminary plan and after receiving the final site condominium project plan from the applicant, the Township Board shall review and by resolution shall approve, deny or approve with conditions, the final plan in accordance with the standards in Section 29.6.
  - (g) The resolution of the Township Board approving, denying or approving with conditions the final site condominium project plan may include conditions required to assure compliance with the requirements of this chapter and other conditions of approval specified for site development plans under the terms of the site plan review chapter.
  - (h) The Township Board resolution may also include terms and conditions required to assure compliance with other Township ordinances, state laws and regulations of other agencies having jurisdiction.
  - (i) All terms and conditions included by the Planning Commission and Township Board in their respective approvals of a site condominium project plan shall be incorporated in the recorded Master Deed, or shall be reflected in the final site condominium plan, when recorded as a part of the Master Deed.
  - (j) Subsequent proposed changes in the site condominium project plan shall be reviewed by the Planning Commission and the Township Board, and shall be subject to their approval in accordance with this chapter.

**Section 29.6 Standards for Approval.** A site condominium project plan shall satisfy the following requirements:

- (a) The plan shall satisfy the standards and requirements for site plan approval in Chapter XVIII of this Ordinance.
- (b) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, and other aspects of the proposed project, shall comply with the Condominium Act and other applicable laws, ordinances and regulations.
- (c) Each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area; minimum lot width; required front, side and rear yards; maximum building height; and other applicable land use and dimensional requirements.
- (d) If a site condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Kent County Road Commission.
- (e) Private streets may be permitted to provide access to and throughout a site condominium:
  - (1) All private streets shall comply with Section 3.29 of this Ordinance.
  - (2) Provisions in the master deed and site condominium bylaws shall obligate the developer and/or the site condominium association to assure that the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times.



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- (f) The Township may require the site condominium to include pedestrian sidewalks at specified locations; street lighting at intersections or otherwise within street rights-of-way; and greenbelts or other landscaping in order to obscure the view of other types of land uses that may be near or adjacent to the site condominium, such as commercial or industrial uses, highways, railroads and the like.
  - (g) The site condominium project shall be connected to public water and public sanitary sewer facilities, if available according to Township ordinances. If public water supply and public sanitary sewer facilities are not available, the site condominium project shall either be served by private community systems (designed for connection to public system when and if public systems are made available), or shall have a well, septic tank, and drain field located within each site condominium unit. Water and sanitary sewer facilities shall be subject to approval by the county health department and the Township in accordance with applicable requirements.

**Section 29.7 Construction in Compliance with Approved Plan.** No buildings or structures shall be constructed nor shall any other site improvements or changes be made within the site condominium project except in compliance with the final site condominium project plan as approved by the Township Board, including any conditions of approval.

**Section 29.8 Completion of Improvements.** No building or occupancy permit for a site condominium unit in an approved site condominium project shall be issued until construction of all required project improvements has been completed and approved by the Township, or acceptable security for the completion of such improvements has been provided.

**Section 29.9 Expandable or Convertible Condominium Projects.** Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

**Section 29.10 Revisions of Approved Final Site Condominium Project Plan.**

- (a) Changes to a development for which a site condominium project plan has been approved are subject to this section.
- (b) Any change which constitutes an exempt change shall not be subject to review by the Planning Commission under this chapter, but a copy of an exempt change shall be filed with the Township Planner; provided, however, that the Planner shall determine if the proposed change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:
  - (1) A change in the name of the site condominium, a change in the name of a street within the site condominium or a change in the name of the developer.
  - (2) Any other change in the site condominium which, as determined by the Township Planner, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of the land, buildings or structures in or proposed for the site condominium.

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- (c) Any change which constitutes a minor change shall be reviewed and approved by the Township Planner, but in the discretion of the Planner, any such minor change may be referred for decision by the Planning Commission. A minor change means a minor change in the site configuration, design, layout or topography of a site condominium (or any portion thereof), including any change that will result in:
- (1) A decrease in the number of site condominium units.
  - (2) A reduction in the area of the building envelope for any site condominium unit.
  - (3) A reduction of less than 10 percent in the total combined area of the general common elements of the site condominium.
  - (4) A reduction in the total combined area of all limited common elements of the site condominium.
  - (5) Any other minor variation in the site configuration, design, layout, topography or other aspect of the site condominium and which, as determined by the Planner, does not constitute a major change.
- (d) Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this chapter for the original review and approval of site condominium project plans. A major change means a major change in the site configuration, design, layout or topography of a site condominium (or any portion thereof), including any change that could result in:
- (1) An increase in the number of site condominium units.
  - (2) Any other change in the site configuration, design, layout, topography, or other aspect of the site condominium which is subject to regulation under this Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Township Planner to constitute a major change in the site condominium.

**Section 29.11 Incorporation of Approved Provisions in Master Deed.** All provisions of an approved site condominium project plan shall be incorporated by reference in the master deed for the site condominium. The Master Deed shall be reviewed by the Township Attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this chapter and the Township's approval of the site condominium. A copy of the master deed as recorded with the county Register of Deeds shall be provided to the Township promptly after recording, but in any event, not later than the filing of the application for the first building permit for a building in the project.

**Section 29.12 Approval Effective for One Year.** Approval of a final site condominium project plan by the Township Board shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the site condominium commences within such period of one year and is diligently pursued thereafter. If construction or development of the site condominium has not commenced during such one-year period, such period of time may be extended by the Township Board in its discretion, for up to two additional periods of one year each, if such an extension is applied for during a previous period of approval, or shortly thereafter.

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## PART B – CONDOMINIUMS

**Section 29.13 Application for Condominium Approval.** An application for condominium approval shall include the following information:

- (a) A condominium project plan which includes the documents and information required by Section 66 of the Condominium Act, and which includes the following information to the extent not included in such plans:
- (b) The information required for site plan review under chapter XVIII of this Ordinance.
- (c) Location and dimensions of each building in the condominium project. The condominium project plan shall depict a building envelope around each building so as to demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirements of the zone district in which the condominium project is located.
- (d) Approval or tentative approval of the proposed design and location of the entrance to the condominium from the county road commission or Michigan Department of Transportation.
- (e) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- (f) A storm water drainage plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair, and maintenance of all drainage facilities.
- (g) A utility plan showing the location of all water and sewer lines, if any, and easements for the installation, repair and maintenance of utilities.
- (h) A narrative describing the overall objectives of the condominium project.
- (i) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- (j) A street construction, paving and maintenance plan for all private streets within the proposed condominium project.
- (k) Such other information as the Planning Commission or Township Board may reasonably request in their review of the proposed condominium project. Unless requested by the Planning Commission, the proposed master deed and condominium bylaws need not necessarily be submitted with the application.

**Section 29.14 Review of Preliminary Plans by the Planning Commission.**

- (a) Condominium project plan review shall be commenced by filing with the Township Planner 12 copies of a preliminary condominium project plan which complies with Section 29.13, together with the required application fee.
- (b) The Township Planner shall review the preliminary plan to determine its completeness and to provide any comments to the Planning Commission regarding the plan. If the plan is not

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complete, it shall be returned to the applicant with a written explanation of any deficiencies. If the plan is complete, the Planner shall forward it to the Planning Commission on completion of review, together with the Planner's report or other comments concerning the condominium project.

- (c) The Planning Commission shall review the preliminary condominium project plan in accordance with the standards and requirements of this chapter.
- (d) After reviewing the preliminary condominium project plan, the Planning Commission shall approve a resolution stating the Commission's findings concerning the preliminary plan and recommending approval or denial of the proposed condominium project. If a resolution of approval, the resolution shall include any suggested or required changes in the condominium project plan.

**Section 29.15 Review and Approval of Final Plans by Township Board.**

- (a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Planner a minimum of 12 copies of a final condominium project plan which complies with the requirements of this chapter.
- (b) The Township Planner shall review the final plan to determine its completeness and to provide any comments to the Township Board regarding the plan. If the plan is not complete, it shall be returned to the applicant with a written explanation of any deficiencies. A corrected application may be submitted without payment of a new application fee within six months of the return of any plan to an applicant.
- (c) If the plan is complete, the Planner shall forward it to the Township Board, together with any report or comments by the Planner concerning the plan.
- (d) The final condominium project plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan; provided, however that if any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall specify in writing which recommendations have not been incorporated and the reasons why they have not been incorporated.
- (e) Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall be identical to the preliminary plan which was reviewed by the Planning Commission; provided, however, that if changes are made to the plan that are in addition to those necessary to incorporate the recommendations of the Planning Commission, these shall first be reviewed by the Planning Commission, prior to consideration of the final plan by the Township Board.
- (f) After receiving the Planning commission's recommendations on the preliminary plan and after receiving the final condominium project plan from the applicant, the Township Board shall review and by resolution shall approve, deny or approve with conditions, the final plan in accordance with the standards in Section 29.16.
- (g) The resolution of the Township Board approving, denying or approving with conditions the final condominium project plan may include conditions required to assure compliance with

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the requirements of this chapter and other conditions of approval specified for site development plans under the terms of the site plan review chapter.

- (h) The Township Board resolution may also include terms and conditions required to assure compliance with other Township ordinances, state laws and regulations of other agencies having jurisdiction.
- (i) All terms and conditions included by the Planning Commission and Township Board in their respective approvals of a condominium project plan shall be incorporated in the recorded Master Deed, or shall be reflected in the final condominium plan, when recorded as a part of the Master Deed.
- (j) Subsequent proposed changes in the condominium project plan shall be reviewed by the Planning Commission and the Township Board, and shall be subject to their approval in accordance with this chapter.

**Section 29.16 Standards for Approval.** To receive approval, a condominium project plan shall satisfy the following requirements:

- (a) The plan shall satisfy the standards and requirements for site plan approval in Chapter XVIII of this Ordinance.
- (b) The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project, shall comply with the Condominium Act and other applicable laws, ordinances or regulations.
  - (1) The condominium project shall comply with all applicable provisions of this Ordinance, including without limitation, the minimum building height, lot area, lot width and yard size requirements with respect to each of the buildings in which the condominium units are located. The minimum requirements of this Ordinance with respect to dwelling unit density shall be met with respect to all of the attached condominium units located in the condominium project, in relation to the area of the project. For purposes of demonstrating compliance with this provision, the condominium project plan shall include lines drawn around each building, accurately depicting minimum or greater lot area and minimum or greater lot width, and minimum or greater yard sizes in compliance with the zone district in which the condominium is located.
  - (2) In the case of a condominium project containing detached single-family condominium buildings, or other detached buildings, the minimum requirements of this Ordinance, including without limitation, the minimum building height, lot area, lot width and yard size requirements, shall apply with respect with each detached condominium building. For purposes of demonstrating compliance with this provision, the condominium project plan shall include lines drawn around each building, accurately depicting minimum or greater lot area, minimum or greater lot width, and minimum or greater yard sizes in compliance with the zone district in which the condominium is located.

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- (c) If a condominium project is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the Kent County Road Commission.
  - (d) Private streets may be permitted to provide access to and throughout a condominium.
    - (1) All private streets shall comply with Section 3.29 of this Ordinance.
    - (2) Provisions in the master deed and condominium bylaws shall obligate the developer and/or the condominium association to assure that the private streets are regularly maintained, repaired and snowplowed so as to assure that they are safe for travel at all times.
  - (e) The Township may require the condominium to include pedestrian sidewalks at specified locations; street lighting at intersections or otherwise within street rights-of-way; and greenbelts or other landscaping in order to obscure the view of other types of land uses that may be near or adjacent to the condominium, such as commercial or industrial uses, highways, railroads and the like.
  - (f) The condominium project shall be connected to public water and public sanitary sewer facilities, if available according to Township ordinances. If public water and public sanitary sewer facilities are not available, the condominium project shall either be served by private community systems (designed for connection to public system when and if public systems are made available), or shall have a well, septic tank, and drain field to secure each condominium building. Water and sanitary sewer facilities shall be subject to approval by the county health department and the Township in accordance with applicable requirements.

**Section 29.17 Construction in Compliance with Approved Plan.** No buildings or structures shall be constructed nor shall any other site improvements or changes be made within the condominium project except in compliance with the final condominium project plan as approved by the Township Board, including any conditions of approval.

**Section 29.18 Completion of Improvements.** No building or occupancy permit for a building in an approved condominium project shall be issued until construction of all required project improvements has been completed and approved by the Township, or acceptable security for the completion of such improvements has been provide.

**Section 29.19 Expandable or Convertible Condominium Projects.** Approval of a final condominium project plan shall not constitute approval of expandable or convertible portions of a condominium project unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

**Section 29.20 Revisions of Approved Final Condominium Project Plan.**

- (a) Changes to a project for which a condominium project plan has been approved are subject to this section.
- (b) Any change which constitutes an exempt change shall not be subject to review by the Planning Commission under this chapter, but a copy of an exempt change shall be filed with the Township Planner; provided, however, that the Planner shall determine if the proposed

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change is an exempt change, and shall notify the applicant accordingly. An exempt change shall include only the following:

- (1) A change in the name of the condominium, a change in the name of a street within the condominium or a change in the name of the developer.
  - (2) Any other change in the condominium which, as determined by the Township Planner, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of the land, buildings or structures in or proposed for the condominium.
- (c) Any change which constitutes a minor change shall be reviewed and approved by the Township Planner, but in the discretion of the Planner, any such minor change may be referred for decision by the Planning Commission. A minor change means a minor change in the site configuration, design, layout or topography of a condominium (or any portion thereof), including any change that will result in:
- (1) A decrease in the number of condominium units.
  - (2) A reduction of less than 10 percent in the total combined area of the general common elements of the condominium.
  - (3) Any other minor variation in the site configuration, design, layout, topography or other aspect of the condominium and which, as determined by the Planner, does not constitute a major change.
- (d) Any change which constitutes a major change shall be reviewed by the Planning Commission and the Township Board, as provided in this chapter for the original review and approval of condominium project plans. A major change means a major change in the site configuration, design, layout or topography of a condominium (or any portion thereof), including any change that could result in:
- (1) An increase in the number of condominium units.
  - (2) Any other change in the site configuration, design, layout, topography, or other aspect of the condominium which is subject to regulation under this Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size or location of a condominium building, and which is determined by the Township Planner to constitute a major change in the condominium.

**Section 29.21 Incorporation of Approved Provisions in Master Deed.** All provisions of an approved condominium project plan shall be incorporated by reference in the master deed for the condominium. The Master Deed shall be reviewed by the Township Attorney, prior to recording, and it shall be subject to the attorney's approval, consistent with this chapter and the Township's approval of the condominium. A copy of the master deed as recorded with the county Register of Deeds shall be provided to the Township promptly after recording, but in any event, not later than the filing of the application for the first building permit for a building in the project.

**Section 29.22 Approval Effective for One Year .** Approval of a final condominium project plan by the Township Board shall be effective for a period of one year, but such effectiveness shall continue so long as the development and construction of the condominium commences within such period of one year and is

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diligently pursued thereafter. If construction or development of the condominium has not commenced during such one-year period, such period of time may be extended by the Township Board in its discretion, for up to two additional periods of one year each, if such an extension is applied for during a previous period of approval, or shortly thereafter.

*(Chapter 29 adopted 08/15/05; eff. 09/06/05.)*