

Courtland Township Zoning Ordinance

Adopted January 6, 1993

(Ord. No. 93-01)

Amended Through

June 2, 2021

*Courtland Township
Kent County, Michigan*

**COURTLAND TOWNSHIP ZONING ORDINANCE
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**CHAPTER 1
DEFINITIONS**

SECTION 1.01 RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. “Either. . or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 1.02 DEFINITIONS – A

ACCESSORY BUILDING. A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage.

ACCESSORY USE, OR ACCESSORY. A use of a zoning lot which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When “accessory” is used in this text, it shall have the same meaning as accessory use.

ACT 177 CLUSTER DEVELOPMENT. A residential development in which the applicant or developer wishes to provide for individual lot sizes smaller than permitted in the applicable zoning district, pursuant to the provisions of Chapter 11 of this Ordinance which were adopted to implement Act 177 of the Public Acts of Michigan of 2001. **[Section 1.02, Act 177 Cluster Development, added 12/4/02]**

ADULT BOOKSTORE. An enclosed building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to patrons therein.

ADULT LIVE ENTERTAINMENT THEATER. An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”

ADULT MOTION PICTURE THEATER. An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.

ADULT USES. Uses whose primary business is for an adult bookstore, adult live entertainment theater, or adult motion picture theater, or a combination thereof.

AGRICULTURE. The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes. All reasonable dust, spray drift, water drift, noise, odors, and other conditions normally association with the foregoing agricultural uses are considered a part of the agriculture and are permitted.

ALTERATIONS. Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

AVERAGE GRADE. The average finished ground elevation of a building established for the purpose of regulating the number of stories. Average grade is determined by averaging the elevation of the ground at the center of each face of the building or structure being measured. **[Section 1.02, Average Grade, amended 12/3/03]**

SECTION 1.03 DEFINITIONS – B

BARN EVENT VENUE. An existing building, originally constructed for agricultural uses, and advertised and made available to the public on a commercial rental basis as a venue for events which are open on an invitation only basis, such as weddings, receptions, birthday or anniversary parties, graduation open houses, or bridal or baby showers. The definition of Barn Event Venue is distinct and separate from the definition of Farms, Roadside Stands, Farm Building and Farm Markets, although with special land use approval the uses may be conducted in conjunction with each other. **[Section 1.03, Barn Event Venue, added 3/4/2020]**

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED AND BREAKFAST. The short-term rental of individual sleeping rooms with access to common areas in the operator's bona fide residence. The provision of meals to guests is not a prerequisite to be categorized as a bed and breakfast, but guests shall not be provided with cooking facilities for their own use. **[Section 1.03, Bed and Breakfast, added 10/3/18]**

BERM. A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

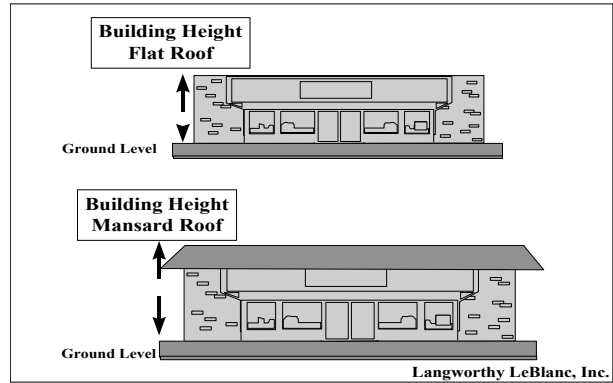
BODY SHOPS. Any buildings, premises, or lands in which or upon which the principal use is the servicing, repair, or painting of motor vehicles.

BUFFER STRIP. A strip of land required between certain districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

BUILDING. A structure erected on site, pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

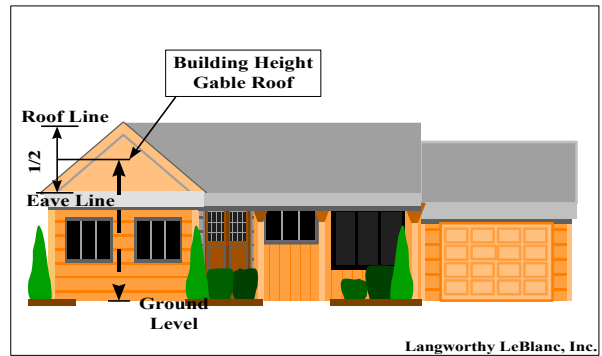
BUILDING CODE. The currently adopted Township code or codes governing the erection and maintenance of buildings.

BUILDING HEIGHT. The vertical distance measured from the lowest point of ground elevation around the perimeter of the building 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. [Section 1.03, Building Height, amended 12/3/03]



BUILDING INSPECTOR. The person designated by the Township Board to administer the provisions of the adopted Building Codes for Courtland Township.

BUILDING LINE. A line formed by the eave of the building, or the most horizontal appendage of the building; and for the purposes of this Ordinance, a minimum building line is the same as the front setback.



SECTION 1.04 DEFINITIONS - C

CERTIFICATE OF OCCUPANCY. A document signed by an authorized Township official as a condition precedent to the commencement of a use or the construction of a structure or building which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE CENTERS. Any facility other than a private residence, licensed by the Michigan Department of Social Services, in which one or more children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. Child care centers include facilities which provide care for not less than two consecutive weeks, regardless of the number of hours of care per day.

Child care centers do not include Sunday schools, vacation Bible schools, or religious classes that are conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than four hours, while persons responsible for the children are attending religious classes or services.

COMMERCIAL STORAGE WAREHOUSES. Any building or buildings used primarily as a commercial business for the storage of goods and materials.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. Licensed telecommunication services, and unlicensed telecommunication services using duly authorized devices that do not required individual licenses, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public. (11-5-97)

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

SECTION 1.05 DEFINITIONS - D

- A. DISTRICT. A zoning district as described in Section 3.01 of this Ordinance.
- B. DRIVE-THROUGH FACILITIES. Any facility used in connection with a business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.
- C. DWELLING, MULTIPLE-FAMILY. A dwelling, or a portion of a building, designed exclusively for occupancy by three or more families living independently of each other.
- D. DWELLING, SINGLE FAMILY. A detached dwelling designed exclusively for and occupied exclusively by one family.
- E. DWELLING, TWO-FAMILY. A dwelling designed exclusively for occupancy by two families living independently of each other.
- F. DWELLING UNIT. One room or suite of two or more rooms designed for use and occupancy by one family for living and sleeping purposes, with housekeeping facilities.

SECTION 1.06 DEFINITIONS - E

- A. ERECTED. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.
- B. ESSENTIAL PUBLIC SERVICE EQUIPMENT. Natural gas transmission pipes, pipes carrying potable water, sewer pipes, poles, wires or fibers carrying electricity or communications, and transformers, pumps, fire alarm boxes, police call boxes, traffic signals, hydrants, potable water towers, electrical substations and metering stations, located either above or below ground, which distribute or

carry electricity, communications, natural gas ready for consumer use, sanitary sewage, or potable water in a form ready for consumer use. The term does not include facilities such as cell towers, radio or television towers, wind energy facilities, or facilities for the production, generation, exploration or processing of energy or energy-producing products, or transmission pipelines which are not part of a local distribution system. **[Section 1.06.B amended 7/2/14]**

- C. EXCAVATION. Any breaking of ground, except common household gardening and ground care.

SECTION 1.07 DEFINITIONS - F

FAMILY. One person residing in a household; or two or more persons related by blood, marriage, or adoption, including minor foster children and servants residing together; or three or fewer unrelated persons residing together as one housekeeping unit in a dwelling unit as a continuing, domestic relationship. A “Family” does not include societies, clubs, fraternities, halfway houses, or other arrangements of persons who live together in a transitory basis or for an anticipated limited duration, or who reside together for the purpose of treatment or supervision. **[Section 1.07, Family, amended 12/3/03]**

FAMILY DAY CARE HOMES. Any private residence in which the operator permanently resides as a member of the household, registered with the Michigan Department of Social Services, in which one but less than seven minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes homes that give care to unrelated minor children for more than four weeks during a calendar year.

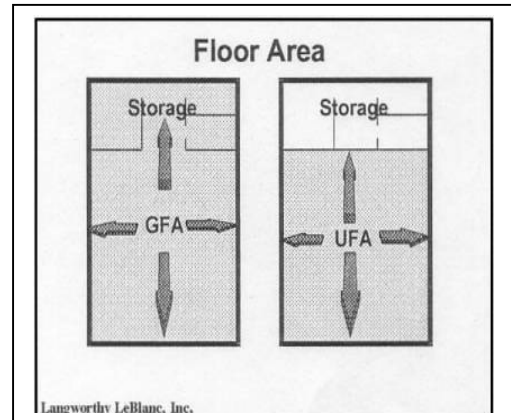
FARM. A lot with a contiguous area not less than five acres, or lesser area as permitted by an applicable generally accepted agricultural and management practice promulgated by the Michigan Commission of Agriculture, which is in active agricultural use for the commercial production of farm products intended to be marketed and sold at a profit or for the marketing of produce permitted by an applicable generally accepted agricultural and management practice. “Farm products” means plants and animals useful to human beings produced by agriculture, including but not limited to, forage and silage crops, grain and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other agricultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any of the products which incorporate the use of food, feed, fiber or fur. “Farm” does not include stockyards, slaughter houses, factories for food processing, packaging or bottling, recreation parks, sawmills, stone quarries, gravel, dirt or sand pits, game or hunting preserves, kennels, stables, riding academies, or mineral or water extraction. **[Section 1.07, Farm, amended 2/1/12]**

FARM BUILDING. A building or structure located on land which meets the definition of a farm according to this Ordinance, and which is used directly in connection with the commercial production of farm products intended to be marketed and sold at a profit, or

which is a farm market or roadside stand permitted by an applicable generally accepted agricultural and management practice promulgated by the Michigan Commission of Agriculture. [Section 1.07, Farm Building, added 2/1/12]

FLOOR AREA, GROSS (GFA). The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls, but excluding porches, patios, terraces, breezeways, carports, verandas, garages, and basements.

FLOOR AREA, USABLE (UFA). That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.



SECTION 1.08 DEFINITIONS - G

GRADE. The gradient, the rate of incline or decline expressed as a percent. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a grade of 25 percent.

GREENBELTS. A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

GROUP DAY CARE HOMES. Any private residence in which the operator permanently resides as a member of the household, licensed by the Michigan Department of Social Services, in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care homes include homes that give care to unrelated minor children for more than four weeks during a calendar year.

SECTION 1.09 DEFINITIONS – H

HEIGHT. (See Building Height) The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.

HOME OCCUPATION. An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit. Without limiting the foregoing, instruction in a craft or fine art given by an occupant of a single-family residence within (i) the residence itself; or (ii) a building accessory to that residence, if home occupations are permitted in accessory buildings in that zoning district, is a home occupation. (2-16-99) [Section 1.09, Home Occupation, amended 8/5/2020]

SECTION 1.10 DEFINITIONS – I

INOPERATIVE VEHICLES. Any motor vehicle which can no longer propel itself.

SECTION 1.11 DEFINITIONS - J

JUNK. Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

JUNK YARDS, OR SALVAGE YARDS. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “junk yard” or “salvage yard” includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

SECTION 1.12 DEFINITIONS - K

KENNEL, COMMERCIAL. Any lot or premise on which three or more dogs, cats, or other household pets, six months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold for commercial purposes.

SECTION 1.13 DEFINITIONS - L

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

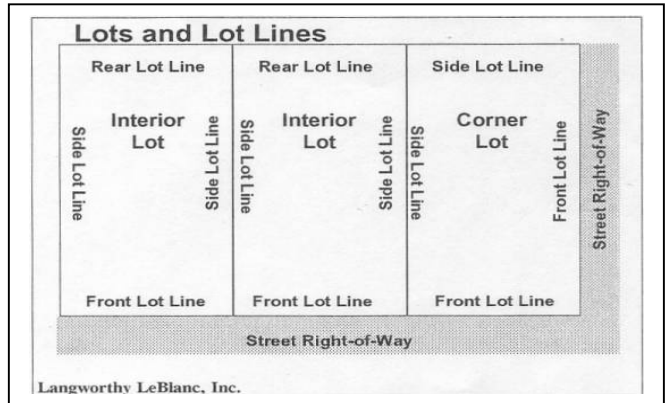
LOT. A parcel, vacant land, occupied land, or land intended to be occupied by a main building and accessory buildings, or utilized for the principal accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.

LOT, CORNER. Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if

the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle or less than 135 degrees.

LOT, INTERIOR. A lot other than a corner lot, flag lot, or through lot.

LOT, THROUGH. Any interior lot having frontage on two parallel streets. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.



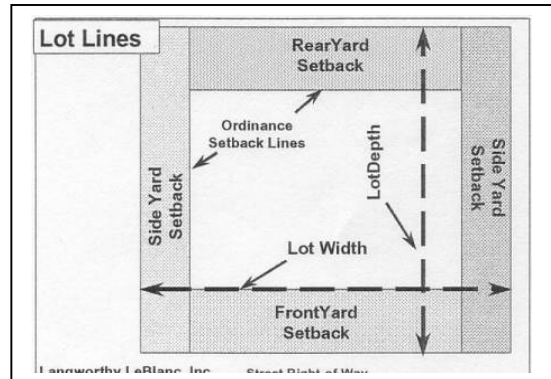
LOT, WATERFRONT. A lot having a property line abutting a shoreline.

LOT AREA. The total horizontal area within the lot lines.

LOT COVERAGE. The part of the lot occupied by any building, including accessory buildings.

LOT DEPTH. The horizontal distance between front and rear lot lines, measured along the median between the side lot lines.

LOT LINES. The lines bounding a lot as defined herein:



- A. **FRONT LOT LINE.** In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, the Zoning Administrator shall designate one of the lines fronting either street as a front lot line, in consideration of which street will provide driveway access to the property, the orientation of buildings located on adjacent properties, the preference of the property owner and other appropriate factors. In the case of a lot having frontage on a body of water, the front lot line shall be considered that lot line on the waterfront. In the case of a corner lot, each line separating the lot from the street shall be a front lot line.
- B. **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line may be opposite either front lot line.

C. SIDE LOT LINE. Any lot line other than the front lot line or rear lot line. In the case of a corner lot, the side lot line shall be that lot line which is not a front or rear lot line. [Section 1.13, Lot Lines, amended 9/2/15]

LOTS OF RECORD. Any parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or county officials, which actually exists as shown, or any part of a parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH. The horizontal straight line distance between the points where the side lot lines intersect the front lot line. (But see Section 2.05 for cul-de-sac lots.) [Section 1.13, Lot Width, amended 4/2/03]

SECTION 1.14 DEFINITIONS - M

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED 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, excluding, however, a vehicle designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle moved on or drawn by another vehicle. Also referred to as a “mobile home” in this Ordinance. [Section 1.14, Manufactured Home, amended 4/4/01]

MANUFACTURED HOUSING COMMUNITY. A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Also referred to as a “manufactured home park” in this Ordinance. [Section 1.14, Manufactured Housing Community, amended 4/4/01]

MASTER PLAN. The Master Plan currently adopted by Courtland Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan and any amendment to such plan.

MEDICAL MARIHUANA ENTERPRISE. A place at which marihuana, or paraphernalia relating to the administration of marihuana, is possessed, cultivated, processed, manufactured, delivered, or transferred by a primary caregiver (as that term is defined by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008) in compliance with the Michigan Medical Marihuana Act. The term does not include the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia related to administration of marihuana by a qualifying patient (as defined by the Medical Marihuana Act) for the qualifying patient’s

own use, or by a primary caregiver solely for use of not more than one qualifying patient who makes their permanent residence in the same single family dwelling with the primary caregiver, and in compliance with the Michigan Medical Marihuana Act.

For purposes of this Ordinance, a medical marihuana enterprise shall not be considered an accessory use, agricultural use, farm, or home occupation. A “medical marihuana enterprise” expressly shall not be defined to include a marihuana facility, as defined and regulated by Public Act 281 of 2016, including a grower, processor, provisioning center, safety compliance facility, or secure transporter. **[Section 1.14, Medical Marihuana Enterprise, amended 10/4/17]**

MOTEL/HOTEL. 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 spaces located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

SECTION 1.15 DEFINITIONS - N

NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto and not conforming to the provisions of the Zoning Ordinance in the district in which it is located.

NONCONFORMING USE. A use or activity, which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto and which does not conform to the use regulations of the district in which it is located.

NONRESIDENTIAL DISTRICT. The C or LI Districts.

SECTION 1.16 DEFINITIONS - O

OFF-STREET PARKING LOT. A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three vehicles.

OIL AND GAS STRUCTURE. Any process facility or equipment, any building, machinery, equipment and/or other structure used for or in connection with the production, processing, or transmitting (but not off-premise vehicle transport) of natural gas, oil or allied products or substances, with includes, but is not limited to any pipeline, flowline, sweetening plants, separators, central processing facilities, compression facilities, CO₂ removal facilities, bulk storage plants, H₂S removal facilities, dehydration facilities, compressor stations, pigging stations, metering facilities or any other facility, mud pits or brine disposal pits related to exploring, drilling, production or operating an oil and gas well. Processing or related oil and gas facility may also be referred to as any type of on-site or off-site “separating facilities” or “sweetening facilities.” However, “oil and gas structure, process facility, or process facility, or process equipment” does not

include the exploration, drilling, completion, operation, or abandonment of any oil and gas well exempted by the Zoning Enabling Act, or any such facility which is under the exclusive jurisdiction of the Supervisor of Wells. [Section 1.16, Oil and Gas Structure, added 7/2/14]

OPEN AIR BUSINESSES. Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks or similar recreational uses (transient or permanent).

ORDINARY HIGH WATER MARK OR SHORELINE. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

SECTION 1.17 DEFINITIONS - P

PARKING SPACE. An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENTS. Any commercial business conducting services that are performed primarily on the premises.

PLANNED UNIT DEVELOPMENT. A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION, OR COMMISSION. The Courtland Township Planning Commission.

PRIMARY ROAD. A county primary roadway as designated in the Courtland Township Master Plan or the Kent County Road Commission. For purposes of this Ordinance only, a state trunk-line shall also be considered as a county primary.

PRINCIPAL USE. The primary use to which the premises is devoted.

PUBLIC UTILITY. A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

SECTION 1.18 DEFINITIONS - R

RECREATIONAL VEHICLE OR EQUIPMENT. Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean: 1) A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper; 2) Boats and trailers designed to transport boats; 3) Snowmobiles and trailers designed to transport snowmobiles; 4) Off-road vehicles and trailers designed to transport off-road vehicles; 5) Pop-up tent and camper trailers; 6) Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

RESIDENTIAL DISTRICT. Residential district shall refer to the R-R, R-1, R-2, and MHC Districts, as described in this Ordinance. **[Section 1.18, Residential District, amended 4/4/01]**

REQUIRED YARD. The required yard shall be that set forth in the applicable chapters of the Courtland Township Zoning Ordinance as the minimum yard requirement for each district.

SECTION 1.19 DEFINITIONS - S

SALVAGE YARD. An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA, OR DISH ANTENNA. An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SECONDARY STREET. The secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.

SETBACK. The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SIGN. A lettered board, or other notice advertising an individual, firm, profession, business or other thing and visible to the general public.

SIGNIFICANT NATURAL FEATURES. Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources that exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, floodplain, water features, or other unique natural features.

SPECIFIED ANATOMICAL AREAS.

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

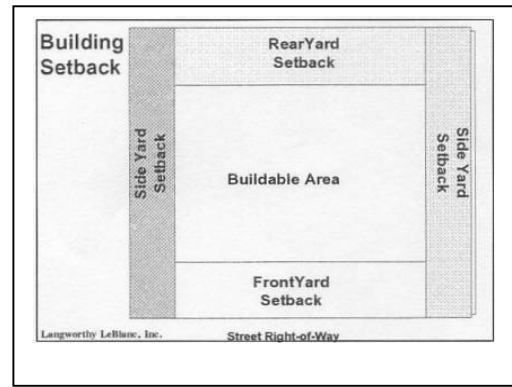
SPECIFIED SEXUAL ACTIVITIES.

- C. Human genitals in a state of sexual stimulation or arousal;
- D. Acts of human masturbation, sexual intercourse or sodomy;
- E. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE LICENSED RESIDENTIAL FACILITY. A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under 24 hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions. (2-16-99)

A *Family Home Facility* includes a state licensed residential facility providing resident services to six or fewer persons. A *Group Home Facility* includes a state licensed residential facility providing resident services to more than six persons.

STORY. That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.



STORY, HALF. An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

STREET. A public, dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property, or a private easement which affords principal access to more than one lot.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

SECTION 1.20 DEFINITIONS – T AND U

TOWNSHIP. Courtland Township, Kent County, Michigan.

TOWNSHIP BOARD. The Township Board of Courtland Township.

TRUCK TERMINAL. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

TRUE CASH VALUE. The value placed on a property by the Township Assessor on the last tax day, being December 31st of each year, as kept in the records of the Township.

UTILITY AND PUBLIC SERVICE BUILDINGS. A building which encloses equipment used in the distribution of electricity, communications, potable water, and collection of sanitary sewage to or for consumers within the Township and immediately surrounding areas. The term does not include essential public service equipment, or buildings which contain administrative offices for public utilities, except for such offices as are directly used by persons operating the equipment in the public utility building. The term also does not include oil and gas structures or facilities devoted to the generation, creation, exploration, processing or production of energy or energy-producing products. The building may include outdoor storage, if allowed by the district regulations applicable to the location of the building. **[Section 1.20, Utility and Public Service Buildings, added 7/2/14]**

SECTION 1.21 DEFINITIONS - V

VEHICLE SERVICE STATIONS. Buildings and premises where the principal uses include the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories, or the minor servicing of vehicles, including such activities as engine tune-ups, oil changes, muffler replacements, and other similar minor repairs, but not including body shops. [Section 1.21, Vehicle Service Stations, amended 10/6/93]

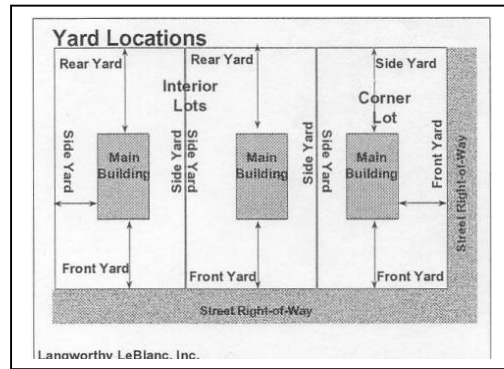
SECTION 1.22 DEFINITIONS - W

WASTE DUMPSTER. A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one cubic yard.

SECTION 1.23 DEFINITIONS - Y

YARDS. The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

- A. **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building. In the case of a lot having frontage on a body of water, the front yard shall be considered that area between the shoreline and the building line of the main building. A corner lot shall have two front yards defined by the building line and the front lot lines.



- B. **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building. In the case of a corner lot, the side yard shall be a yard which is neither a front yard nor a rear yard. [Section 1.23.A and C, Yards, amended 9/2/15]

YARD, REQUIRED. The required yard shall be that set forth in the applicable chapters of the Courtland Township Zoning Ordinance as the minimum yard requirement for each district.

SECTION 1.24 DEFINITIONS - Z

ZONING ACT. The Zoning Enabling Act; Act 110 of the Public Acts of Michigan of 2006, as amended. **[Section 1.24, Zoning Act, amended 8/2/06]**

ZONING ADMINISTRATOR. The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING BOARD OF APPEALS, OR BOARD. The Zoning Board of Appeals of Courtland Township.

**CHAPTER 2
GENERAL PROVISIONS**

SECTION 2.01 AREA, HEIGHT AND USE CONDITIONS AND EXCEPTIONS.

- A. **Required Area or Space.** A lot or lots in common ownership or a yard, court, parking area, frontage, dimension, or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or lots in common ownership or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.
- B. **Existing Lots of Record.**
1. A lot which is platted, or otherwise lawfully of record, as of the effective date of this Ordinance, may be used as specified in the district, provided the lot can meet the provisions of Section 2.21, Health Department Approval. The main building shall be located on the lot to comply with all yard and setback requirements for the district in which the lot is located, except for the R-1 District as provided for in 2 below. Accessory structures shall meet the setback requirements established by this Ordinance. [Section 2.01.B.1 amended 12/3/03]
 2. In the R-1 District, if the proposed main building or any accessory building does not meet the front or rear yard setback requirements of this Ordinance, such building or structure shall be located on the lot so that it meets at least 80 percent of the front and rear yard requirements of this Ordinance. Side yard requirements shall be met.
- C. If two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, are in common ownership and adjacent each other or have continuous frontage and which individually do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.
- D. **Height Exceptions.**
1. The following buildings and structures shall be exempt from height regulations in all districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts,

monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed 100 feet in height. **[Section 2.01.D.1 amended 5/5/10]**

2. Additions to existing buildings and structures which now exceed the height limitations of their district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

SECTION 2.02 REQUIRED YARDS OR LOTS.

- A. All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the district in which they are located.
- B. Computations for minimum lot area shall not include lands used for rights-of-way or easements in favor of that or other properties for a public or private street.
- C. Measurement of minimum lot width shall exclude any part of the lot line which is within a right-of-way or easement for a public or private street.
- D. Required yard setbacks shall be measured from the lot lines. For lots which derive access from, or which are crossed by an easement for private street, or easements for a shared or single-use driveway, the yard setbacks required shall be measured from the edge of the easement.
- E. **Dwellings on More Than One Lot.** If a structure is to be located on two or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one individual lot. **[Section 2.02.A-E amended 2/1/06]**

SECTION 2.03 PRINCIPAL USE OR MAIN BUILDING ON A LOT.

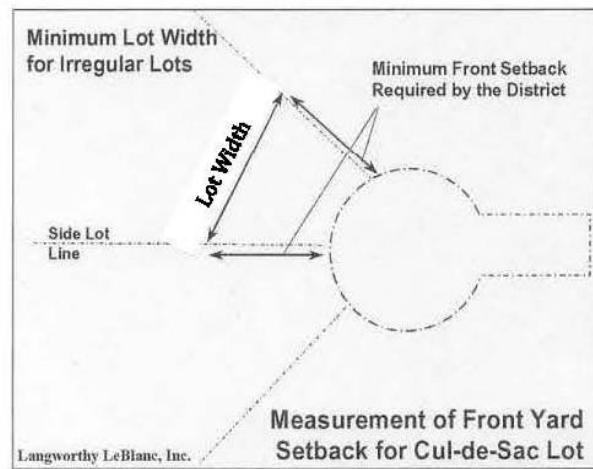
- A. In all districts, no more than one principal use or main building shall be placed on a lot, except for related groups of industrial or commercial buildings, multitenant commercial buildings, or multiple family dwellings, contained within a single, integrated complex, sharing parking, access, and similar site features. **[Section 2.03.A amended 9/2/15]**
- B. If any part of any building is lawfully used for residential purposes and the remainder thereof is lawfully used for business, commercial, or other non-residential use, the part thereof used for residence purposes shall comply with all applicable requirements of the underlying district, if a residential district, and with the requirements of the R-2 District if a non-residential district.

SECTION 2.04 DOUBLE FRONTAGE LOTS.

- A. Buildings having frontage on two intersecting or non-intersecting public or private streets, or on easements for shared or single-use driveways, or a combination thereof, shall comply with front yard requirements from all such streets or easements.
- B. Lot frontage on a lake shall comply with front yard requirements on that part of the lot facing the shoreline. In such cases, the yard opposite the front yard shall be considered the rear yard. [Section 2.04.A-B amended 2/1/06]

SECTION 2.05 MEASUREMENTS OF LOT WIDTH FOR CUL-DE-SACS; MAINTENANCE OF LOT WIDTH.

- A. For a lot which has at least 50 percent of its frontage along the front property line on the turn-around area of a cul-de-sac street, lot width shall be measured as follows: The width shall be measured as a straight line between two points on the side lot lines, located at a distance equal to the minimum front yard setback for the district, measured along the side lot line from the front lot line. For such lots, the lot width measured at a straight line between the two points where the side lot lines intersect the street right-of-way shall be not less than 40 feet.



- B. Subject to A above, minimum lot width shall be maintained throughout the depth of a lot for a distance extending at least to the minimum rear setback line. In the case of a waterfront lot, minimum lot width shall be maintained through the lot. [Section 2.05 amended 4/2/03]

SECTION 2.06 ADDITIONAL SETBACKS FOR STRUCTURES ADJACENT TO TRIBUTARIES OF THE ROGUE RIVER.

- A. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of 100 feet (as measured from the shoreline or ordinary high water mark) of Stegman Creek, Shaw Creek, Rum Creek, and Becker Creek (tributaries of the Rogue River).

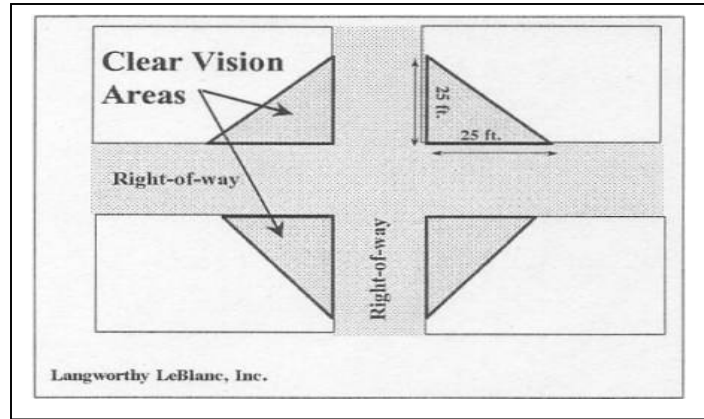
B. Vegetative Strip.

1. A strip 25 feet bordering each bank of Stegman Creek, Shaw Creek, Rum Creek, and Becker Creek, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing of dead or obnoxious plants.
2. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.

SECTION 2.07 PROJECTIONS INTO YARDS.

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than four feet into a required front or rear yard, and may not project into the required side yard.
- B. Porches, decks, balconies, or window awnings and similar structures.
 1. On non-waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed more than eight inches above the ground level at which it is installed, may project no further than ten feet into a required front yard, no further than 15 feet into a required rear yard, and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than ten feet to any front or rear lot line.
 2. On waterfront lots, an open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning, which is constructed more than eight inches above the ground level at which it is installed, shall meet the front and rear yard setbacks established by existing porches, terraces, decks, balconies and awnings for buildings within 100 feet of the lot line of the proposed structure. No such structure shall project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than ten feet to any front or rear lot line.
 3. Notwithstanding subsections B.1 and B.2 a paved terrace, or deck, the top of which is not more than eight inches above the ground level at which it is installed, may extend to within two feet of any lot line.
 4. Patios, sidewalks, driveways, and similar improvements constructed at ground level shall not be subject to the setback requirements.
[Section 2.07.B.1-4 amended 12/3/03]

SECTION 2.08 CLEAR VISION CORNERS. On any street corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points 25 feet from the intersection of the right-of-way lines.



SECTION 2.09 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ORDERS. Every use shall be so conducted and operated such that it is not obnoxious or dangerous by reason of heat, glare, dust, noise, vibration or odors beyond the lot on which the use is located.

SECTION 2.10 TEMPORARY USES OR STRUCTURES REQUIRING ZONING ADMINISTRATOR AUTHORIZATION.

A. Temporary Offices.

1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and may be renewed by the Zoning Administrator for one additional successive period of six calendar months or less at the same location if such building or yard is still incidental and necessary to construction at the site where located.
2. Upon application, the Zoning Administrator may issue a permit for a temporary sales office or model home 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 Administrator for two 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.

B. Temporary Mobile Homes as Residences.

1. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary mobile home in any district provided that the Zoning Administrator makes the following determinations:

- a. The mobile home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
 - b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary mobile home permit.
 - c. The mobile home dwelling meets the requirements of the Kent County Health Department and all applicable Township ordinances.
2. Upon applying for a temporary mobile home permit, the applicant shall pay a fee to the Zoning Administrator as determined by the Township Board. The permit fee shall be remitted to the Township Treasurer. All original mobile home permits shall be limited to a period of six months. If the permanent residence is not approximately 50 percent complete, as determined by the Zoning Administrator, within the six-month period, a six-month extension or less shall be permitted by the Zoning Administrator only for the purpose of completing the residence.
 3. Upon the filing of an application for continuation of any mobile home permit, the applicant shall pay a fee, as determined by the Township Board; and such fee shall be remitted to the Township Treasurer. Such fee shall be for the consideration of such application, and no refund shall be made in the event of denial.
- C. In considering authorization for all temporary uses or structures, the Zoning Administrator shall consider the following standards:
1. That the use or structure does not have an unreasonable detrimental effect upon adjacent properties.
 2. That the use or structure is reasonably necessary for the convenience and safety of the construction proposed.
 3. That the use or structure does not impact the nature of the surrounding neighborhood.
 4. That access to the use area or structure is located at the least offensive point.
- D. The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of this section are met.

SECTION 2.11 ACCESSORY USES.

- A. In any district, accessory uses, incidental only to a permitted use, are permitted when located on the same property; provided that such accessory uses shall not

involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of home occupations as regulated by Section 2.15, nor shall it exclude the operation of a garage or yard sale in any residential district, provided that such sale is not operated for more than a total of five days within any 30 day period.

- B. Gardening and the keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the permitted uses or special land uses; subject to the requirements of Sections 2.25.
- C. No accessory use shall be established on any lot unless a principle use has been established on the same lot. **[Section 2.11.C added 10/6/93]**

SECTION 2.12 ACCESSORY BUILDINGS.

A. General Requirements.

- 1. In any district, except as noted elsewhere, an accessory building may be erected detached from the main building, or it may be erected as an integral part of the main building.
- 2. When erected as an integral part of the main building, it shall comply in all respects with the requirements of this Ordinance applicable to the main building.
- 3. No accessory building shall be erected in the required front yard, except that on lots with frontage on a lake or other body of water and with a single family dwelling in the R-1 District, not more than one accessory building may be erected in the required front yard, but such accessory building shall be located at least 15 feet from the shoreline and shall not exceed 100 square feet in area. **[Section 2.12.A.3 amended 10/6/93]**
- 4. The distance between detached accessory buildings or garages and the main building or buildings shall not be less than ten feet. Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device, not greater than 15 feet in length. **[Section 2.12.A.4 amended 12/3/03]**
- 5. An accessory building in the R-1 District may be erected or placed on a lot without a main building provided that all of the following conditions are present in addition to any other applicable requirements for accessory buildings:
 - a. That the accessory building meets all of the setback requirements of a main building.

- b. That the accessory building, when constructed, is accessory to a main building on a lot under the same ownership as the lot on which the accessory building is to be located.
 - c. That the lot on which the accessory building is to be placed is no greater than 100 feet, as measured from the nearest point of each lot, from the lot on which the main building is located.
 - d. The accessory building meets all of the applicable requirements of this section.
 - e. An accessory building in the R-1 District may be erected or placed on a lot without a main building provided that the accessory building meets all of the setback requirements of a main building.
- B. Accessory buildings shall be permitted within the R-R, R-1, and R-2 Districts or with any residential use provided that the following restrictions are met: (3-1-2000)
- 1. In the R-1 District, only one detached accessory building shall be permitted. In the other zoning districts, on a lot with a lot area less than three acres, no more than two detached accessory buildings shall be permitted. On lots three acres in area or greater, there shall not be a limit on the number of accessory buildings, except that lot and yard area coverage requirements shall apply. **[Section 2.12.B.1 amended 12/3/03]**
 - 2. In the R-1 District, the GFA of a detached accessory building shall not be restricted, except that the total lot coverage requirements (including main building and all accessory buildings) of the district shall not be exceeded, and the height of the accessory building shall not exceed 15 feet.
 - 3. In the R-R and R-2 Districts, the GFA of accessory buildings shall not exceed the following:
 - a. On lots of less than three acres: 2,400 square feet.
 - b. On lots of three acres or more: unlimited, except setbacks as described in B.6 and district requirements for maximum lot coverage shall apply.
 - 4. An accessory building located in the rear yard shall not occupy more than 25 percent of the required rear yard area.
 - 5. Accessory buildings in excess of 120 square feet must be designed, constructed, and finished such that the exterior appearance is compatible in terms of materials, color, and general construction with that of the main building, except those used in farming operations. (2-16-99)

6. No detached accessory building shall be located closer than ten feet to any main building. The drip edge of any detached accessory building shall not be located closer than ten feet to any side lot line or 25 feet from the rear lot line. (Also see Section 2.25.B.3 and 4, Keeping of Animals) (4-2-97)
7. Accessory buildings shall be set back an additional two feet from the minimum setback for each additional one foot of building height in excess of 20 feet. Maximum accessory building height shall be 35 feet, except for those used in farming operations, which may be as high as reasonably necessary. **[Section 2.12.B.7 amended 12/3/03]**
8. The use of any unfinished basement or finished basement without a direct outside access shall be prohibited for use as a dwelling unit. Any dwelling without a full floor above grade shall be considered a basement dwelling.

C. **Other District Accessory Buildings and Structures.** Accessory buildings shall be permitted within the C and I Districts provided that the following restrictions are met:

1. No more than two detached accessory buildings shall be permitted on any lot.
2. The total area of all accessory buildings shall not exceed 25 percent of the floor area of the main building(s).
3. Detached accessory buildings shall meet all setback requirements for the district in which it is located.
4. No detached accessory building shall be located nearer than ten feet to any main building.
5. No accessory building shall exceed the permitted height for main buildings in the district in which it is located, as measured from the average grade to the highest point of the roof.

D. **“Temporary” Buildings and Structures.**

1. The provisions of this Ordinance for accessory buildings and structures are fully applicable to any structure erected or placed upon property, regardless of whether it is temporary in nature, or whether it is designed to be readily assembled and disassembled. By way of example, and not by way of limitation, the provisions of this Ordinance for accessory buildings are applicable to shelters and constructed of tubes and tarp material as a shelter for vehicles, boats or other belongings. **[Section 2.12.D.1 amended 12/3/03]**

SECTION 2.13 FENCES.

- A. Fences in any residential district shall not exceed six feet in height, or eight feet in height in any non-residential district, measured from the surface to the uppermost portion of the fence.
- B. Fences erected within the required front yard in any district shall not exceed three feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to six feet in height. Fences within the required front yard shall be of a type which is not more than 25 percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- C. Fences in non-residential districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six feet from the surface of the ground.
- D. Fences shall not be erected within any public right-of-way in any district.
- E. Fences 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.

SECTION 2.14 SWIMMING POOLS.

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than 24 inches deep or having a surface area less than 250 square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until zoning compliance and building permits have been obtained.
- C. The outside edge of the pool wall shall not be located closer than ten feet from any rear or side property line.
- D. Swimming pools shall not be located in the front yard unless the front lot line is defined by this Ordinance as the road right-of-way and the wall of the pool is set back at least 200 feet from the front lot line.
- E. Swimming pools shall not be located in the front yard of a lakefront lot. In formulating this prohibition, it is the legislative determination of the Township that pools on lakefront lots are not customary, that this prohibition is essential to

the protection of the adjacent body of water, and that any variation or reduction would be directly contrary to the spirit and purposes of this Ordinance.

- F. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein, with respect to required fences, barriers, ladders and all other matters. **[Section 2.14 amended in its entirety 6/2/2021]**

SECTION 2.15 HOME OCCUPATIONS. All home occupations shall be subject to the following restrictions and regulations:

- A. The home occupation shall be conducted within the main and accessory buildings and only by a person resident in the building; except that not more than one person may be employed who is not a resident of the premises. In the R-1 and R-2 Districts the home occupation shall only be conducted in the main building; use of an accessory building is not permitted.
- B. No motor other than electrically operated motors shall be used in conjunction with such home occupation. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference, and shall comply with the Township noise ordinance. **[Section 2.15.B amended 9/2/15]**
- C. There shall be no exterior alteration in the residential character of the premises in connection with such home occupation and no more than 20 percent of the living area of the dwelling shall be devoted to such home occupation.
- D. No merchandise or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- E. All articles or materials used in connection with such home occupation shall be stored in the main and accessory buildings. No outside storage is permitted.
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the street and not within the required front yard.
- G. There shall be no sale of products or services except as are produced on the premises by such home occupation, except that products not produced on the premises that are incidental to services being performed as a part of the home occupation may be sold in limited quantities.

SECTION 2.15A BED AND BREAKFAST AS A HOME OCCUPATION

- A. A bed and breakfast may be established in the R-R Rural Residential District upon issuance of a zoning compliance permit.

- B. The establishment and operation of a bed and breakfast shall be subject to the following requirements:
1. The establishment shall be located in a single-family detached dwelling. Other than sleeping rooms and attached baths, the living, cooking and dining areas in the dwelling shall be common, not available on a segregated basis to an occupant.
 2. The establishment shall be located in the bona fide residence of the operator. The operator shall reside and sleep in the establishment at all times when guests are present.
 3. The number of guest rooms in an establishment shall not exceed two for a property which is two acres in area or less, or four for a property greater than two acres in area.
 4. At least one off-street parking space per room available for rent shall be provided, in addition to the two required for a single-family dwelling. Parking shall be provided in areas with a hard durable surface, and shall not be located in a required rear or side yard or between the main building line and the street.
 5. Meals, if served, shall be served only to the operator's family and overnight guests.
 6. The maximum stay for any occupant, excluding the owner's family, shall be 10 consecutive days, not to exceed 30 days in any 12 month period.
 7. No exterior evidence that the facility is a bed and breakfast shall be permitted, except for signs as permitted for home occupations.
 8. Guests may not bring their own motorized watercraft to be launched from or docked at the property. The operator of the establishment may make their own motorized or non-motorized watercraft or water toys available to guests.
 9. The operator shall register for and pay the applicable Kent County accommodations tax.
 10. The facility shall comply with all applicable building and fire codes, and be approved by the building inspector and fire department.
 11. The establishment shall not be rented as a venue for weddings, parties or similar events.
 12. The Zoning Administrator may temporarily or permanently revoke the Zoning Compliance permit for a bed and breakfast, subject to appeal to the

Zoning Board of Appeals. In addition, violation of the conditions of operation constitute a violation of this Ordinance.

[Section 2.15A, Bed and Breakfast as a Home Occupation, Added 10/3/18]

SECTION 2.16 RESIDENTIAL GENERALLY. Residential structures, or buildings accessory thereto and additions to the same, may not be used for commercial or industrial purposes, except as may be permitted in Section 2.15.

SECTION 2.17 MECHANICAL APPURTENANCES. Mechanical appurtenances shall not be closer than 20 feet to adjoining properties.

SECTION 2.18 DISH ANTENNA.

- A. A dish antenna may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five feet above the peak of the roof of the building, including the mounting structure.
- B. Dish antennas are permitted in all districts upon approval of the Building Inspector, provided the setback requirements of Section 2.12 for detached accessory buildings are maintained and the following conditions satisfied:
 - 1. The antenna shall be permanently anchored to a foundation.
 - 2. No portion of the antenna shall conduct or display any advertising, message, or other graphic representation intended for commercial purposes other than the manufacturer's name.
 - 3. No dish antenna shall exceed a height of 15 feet, including its mounting structure.
 - 4. No dish antenna shall be located in any front yard.
- C. If the antenna is to be located in the side yard, or in the rear yard on the street side of a lot, the Zoning Administrator may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.
- D. The Zoning Administrator is authorized to alter any requirement of this section if its enforcement inhibits or prevents the proper use or reception of signals of the dish antenna. **[Section 2.18.D amended 2/25/97]**

SECTION 2.19 ESSENTIAL PUBLIC SERVICE EQUIPMENT.

- A. Essential public service equipment is permitted in all zoning districts in the Township.

- B. Electrical substations and/or gas distribution system regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
- C. Essential public service equipment shall be constructed and maintained in a neat and orderly manner. **[Section 2.19 amended 7/2/14]**

SECTION 2.20 GOVERNMENTAL IMPROVEMENTS. The provisions of this Ordinance shall be applicable to and enforceable against the Township itself and all other governmental agencies and units, federal, state or local.

SECTION 2.21 HEALTH DEPARTMENT APPROVAL. 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 supply and/or sewage disposal facilities do not comply with the rules and regulations governing waste and sewage disposal in Kent County.

SECTION 2.22 RESERVED. **[Section 2.22 repealed 9/2/15]**

SECTION 2.23 RESERVED. **[Section 2.23 repealed 9/2/15]**

SECTION 2.24 NONCONFORMING USES, BUILDINGS OR STRUCTURES.

- A. **Continuance of Nonconforming Uses.** Except where specifically provided to the contrary, and subject to the provisions of this section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or any amendment thereto.
- B. **Continuance of Buildings or Structures.** Except where specifically provided to the contrary and subject to the provisions of this section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.
- C. **Expansion.** Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized when the following conditions are met:
 - 1. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization, except as noted in Section 2.01.D.2.

2. The Zoning Administrator shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.
3. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.
4. No nonconforming use of any land or structure shall hereafter be enlarged or extended except after the approval of the Zoning Board of Appeals and which approval shall be granted only upon a finding of all of the following facts:
 - a. That the enlargement or extension will not substantially extend the probable duration of such nonconforming use and that all enlargements since the use became nonconforming are upon and limited to the same parcel the nonconforming use was located on at the time of the adoption of the existing Courtland Township Zoning Ordinance.
 - b. That the enlargement or extension will not create requests for variances in the area.
 - c. That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.

D. Restoration and Repair.

1. Subject to the provisions of this section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
2. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
3. In the event any non-residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction.

4. In the event any non-residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that the cost of restoration or repair would exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Zoning Board of Appeals. In considering such authorization, the Board of Appeals shall consider the following standards:
 - a. Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.
 - b. Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable district.
5. In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost would exceed 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored provided that all yard and requirements of the district in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.
6. In the event any residential nonconforming building or structure is damaged by fire, wind, Act of God or public enemy such that its replacement cost is less than 50 percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, it may be rebuilt or restored in its original nonconforming condition.

E. Change or Discontinuance.

1. The nonconforming use of a building or structure or of any land or premises shall not be:
 - a. Changed to any other nonconforming use.
 - b. Re-established after it has been changed to a conforming use.
 - c. Re-established after abandoned or discontinued for a continuous period of 12 months. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (1) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - (2) The property, buildings, and grounds, have fallen into disrepair;

- (3) Signs or other indications of the existence of the nonconforming use have been removed;
- (4) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
- (5) Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.

F. **Building or Structure Under Construction on Effective Date of Ordinance.** Any building or structure shall be considered existing and lawful for purposes of Section 2.24.A if, on the effective date of this Ordinance, or an amendment thereto, a building permit has been obtained therefor, if required, and substantial physical construction has commenced such that the property has attained vested right status in accordance with Michigan law. **[Section 2.24.F amended 9/2/15]**

G. **Nonconformance Under Previous Zoning Ordinances.** Any structures or uses which fail to conform to the previous Courtland Township Zoning Ordinance, were not permissible, nonconforming uses or structures thereunder, and which violate the within Zoning Ordinance shall not be considered permissible nonconforming uses under the within Ordinance but shall be considered impermissible nonconforming uses and subject to the provisions of Chapter 15.

SECTION 2.25 KEEPING OF ANIMALS AND PETS.

- A. No more than three adult (six months of age or older) dogs shall be kept or housed for each dwelling unit in any residential district.
- B. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:
1. On lots of one-half acre, but less than one acre: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three per family;
 2. On lots of greater than one acre, but less than two acres: raising and keeping fowl and/or rabbits and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the human occupiers of the premises;
 3. On lots of two acres to ten acres; the uses permitted by paragraph 2, above; and one horse, or one cow, or one pig for each acre, or part thereof, provided that any pig pen or building or structure housing these animals, or area used for storage, disposal, or composting of animal waste, shall be a minimum of 50 feet from any property line.

4. On lots of greater than ten acres the restrictions of Section 2.25.B.1-3 do not apply, except that any open pen, building, or structure housing these animals, or area used for storage, disposal, or composting of animal waste, shall be a minimum of 50 feet from any property line. [**Section 2.25.B.3-4 amended 12/3/03**]
 5. A commercial kennel or riding stable need not provide over four acres for such use, and further provided that animal hospitals or veterinary clinics need not provide more area than required in the district in which it is permitted.
- C. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.
- D. This section shall be applied only to the extent consistent with the Michigan Right to Farm Act and any generally accepted agricultural management practices adopted thereunder. [**Section 2.25.D added 9/2/15**]

SECTION 2.26 MINIMUM REQUIREMENTS FOR DWELLINGS OUTSIDE MANUFACTURED HOUSING COMMUNITIES.

- A. All dwelling units located outside of manufactured housing communities shall comply with the following requirements:
1. The minimum width of any single-family dwelling unit shall be 20 feet for at least 67 percent of its length, measured between the exterior part of the walls having the greatest length.
 2. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of 42 inches below grade. The foundation shall provide a maximum exposed foundation above grade of 16 inches and a minimum exposed foundation above grade of eight inches. The Building Inspector may permit a lesser requirement, based on soil conditions, building type, topography, and any other relevant factor.
 3. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling two feet in depth with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
 4. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or if a manufactured home shall be anchored to the foundation

by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled “Mobile Home Construction and Safety Standards.”

5. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
6. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Kent County Health Department.
7. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
8. All additions to dwellings shall meet all of the requirements of this Ordinance.
9. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
 - a. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling.
 - b. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of manufactured home parks within 500 feet of the subject dwelling.
 - c. The pitch of the main roof of the dwelling unit shall not be less than three feet of rise for each 12 feet of horizontal run, and shall have not less than an eight inch overhang around the entire perimeter of the home.
 - d. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in Section 2.26.A of this Ordinance. **[Section 2.26.A.1-9.a-d amended 12/3/03]**

- B. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- C. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in Section 2.26.A of this Ordinance.
- D. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled “Mobile Home Construction & Safety Standards” effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.

SECTION 2.27 RIPARIAN ACCESS. 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 districts there shall be at least 80 feet of lake, river, or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family dwelling, two-family dwelling unit, or multiple-family dwelling unit utilizing or accessing the lake, river, or stream frontage. For example, a multiple family building with four dwelling units would require 320 feet of lake, river, or stream frontage in order for all four dwelling units to gain access to the lake, river, or stream.
- B. The restrictions of this section shall apply to all lots and parcels on or abutting any lake, river, or stream in all districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
[Section 2.27.A-B amended by Ord. No. 94-17]

SECTION 2.28 RESERVED. [Section 2.28 repealed 9/2/15]

SECTION 2.29 SEE 2.291-2.298 BELOW.

SECTION 2.29.1 PRIVATE STREETS.

- A. **Purpose.** It is the public policy of the Township that all new developments should be served by public streets, to promote the interest of public health, safety, and welfare, and to promote efficient traffic circulation. The Township recognizes, however, that there will be rare instances in which a public street system cannot be constructed, because of the shape of the property, its location, or natural features. Also, in some rare cases, construction to public street standards may have a negative impact upon significant natural features, to an extent that the

negative impact would offset any benefit of a public road. The Township also recognizes that there are pre-existing private streets in the Township, and it is in the public interest to regulate the extension and maintenance of those existing streets. Accordingly, these provisions have been enacted to ensure that private streets, where permitted:

1. Will not be detrimental to the public health, safety, or general welfare.
2. Will not adversely affect the long-term development policies of Courtland Township.
3. Will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

B. Definitions.

1. “Driveway” means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to fewer than three lots or parcels.
2. “Frontage” means that portion of a lot or parcel abutting upon a public or private street right-of-way. Minimum lot width is the horizontal straight line distance between the two points where the side lot lines intersect the road right-of-way line.
3. “Parcel” means a tract of land which can be legally described with certainty and is capable of being located by survey.
4. “Private street” means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to three or more lots or parcels. The term “street” shall be synonymous with the terms road, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
5. “Road Commission” means the Kent County Road Commission.
6. “Safe and unimpeded route of travel” shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township.

C. Frontage and Access.

1. Any lot created after November 21, 2000, shall have access and frontage as follows:
 - a. The lot shall have frontage on a public road, and a lot width on the side abutting the road, at least equal to that required for the zoning district; or
 - b. The lot shall have frontage on a private street approved as a special land use by the Township Board in accordance with this section, and a lot width on the side abutting the road, at least equal to that required for the zoning district; or
 - c. The lot shall have frontage on a private street which was lawfully existing prior to November 21, 2000, which complies with the provisions of this Ordinance for extensions or addition of lots to existing private streets, and a lot width on the side abutting the road, at least equal to that required for the zoning district; or
 - d. The lot shall have access provided by a driveway that complies with this Ordinance, and the narrowest property boundary line shall have a length at least equal to the minimum lot width required for the zoning district. **[Section 2.291 added 4/2/03]**

SECTION 2.29.2 SPECIAL LAND USE APPROVAL FOR NEW PRIVATE STREETS.

- A. A newly constructed private street may be permitted upon approval of a special land use, if one or both of the following conditions are demonstrated by the applicant, to the satisfaction of the Township:
 1. That the Road Commission would refuse to accept responsibility for any public road system that could be constructed to serve the property in question. In making this determination, the Township is not bound to accept the preferred street and lot layout proposed by the applicant, and the Township may require that the applicant submit alternate street layout plans to the Road Commission for the purpose of determining whether any layout would be approved. Additional costs involved with constructing public streets, a reduction in the number of lots which could be served by public street system that would be approved, or a preference for private streets do not justify approval of a special land use. In making this determination, Township officials or agents may seek verification directly from the Road Commission.
 2. Topography, soils and/or other significant natural features are present, and use of public street standards would create a significant alteration of such natural features, if these conditions affect a continuous length of the

proposed private street for more than 25 percent of the total length of the private street, including all of its branches. Such conditions shall be clearly identified and described in this submitted private street site plan and application for the special land use.

- B. In addition, the request for special land use approval shall otherwise be processed and reviewed in the same manner, and subject to the same general standards as provided for in Chapter 12, except that the required site plan shall include the information required by Section 2.293.
- C. Any private street approved as special land use shall meet the design and construction standards in this Ordinance. **[Section 2.292 added 4/2/03]**

SECTION 2.29.3 APPLICATION FOR APPROVAL FOR PRIVATE STREET. The following are the requirements for an application for a new private street proposed to be approved as special land use, or for extension of existing private streets:

- A. A completed private street permit application, provided by the Township.
- B. A detailed written description of the development to be served by the private street, including, where applicable, a description of how the proposed private street meets the provisions of Section 2.292, including, but not limited to, what attempts have been made to obtain approval for a public road system.
- C. Ten copies of a site plan, drawn to scale, prepared by a registered engineer, showing the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private street is to intersect. However, the plan may be prepared by a registered surveyor, rather than a registered engineer, if the proposed private street is to serve five or fewer parcels or main buildings, and if the Zoning Administrator waives in writing the requirement for the site plan to be prepared by a registered engineer.
- D. A survey of the right-of-way by a registered surveyor, together with surveys for each parcel to be served by the private street.
- E. 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 right-of-way or within 20 feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
- F. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within 100 feet thereof.
- G. The location of any other buildings and structures located, or to be located, within 100 feet of the private street right-of-way.

- H. A fee and escrow deposit as established by the Township. **[Section 2.293 added 4/2/03]**

SECTION 2.29.4 DESIGN REQUIREMENTS. The following are design requirements for newly established or extended private streets:

A. Construction Specifications and Materials.

- 1. The specifications for surface and base materials and method of construction of private streets shall conform to the Kent County Road Commission standards for public local paved or gravel roads, as applicable, except that private street grades shall not exceed 10 percent.
- 2. Private streets providing access to five or fewer parcels may be constructed as a gravel road.
- 3. Private streets providing access to six or more parcels shall be constructed as a paved road.

B. Length of Private Streets.

- 1. No private street shall extend for a distance of more than 2,640 feet in length from the nearest public street right-of-way from which access is gained, as measured along the centerline of the private street to the furthest point of any private street, except as otherwise noted, without a second private street access complying with this section being provided to another public street.
- 2. The maximum length of a proposed private street may be exceeded if the Township Board, after recommendation of the Planning Commission, finds that at least one of the following conditions exists:
 - a. That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed private street plans.
 - b. That not allowing a longer private street would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the Township Board prior to confirming this finding.
 - c. That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the private street. Such access shall be

reviewed by the Fire Chief and the recommendation forwarded to the Planning Commission.

3. The Township Board, upon a finding that at least one of the above conditions exists, shall establish the maximum length of the proposed private street.

C. Right-of-Way/Easement Width; Other Requirements.

1. All private streets constructed after the effective date of this amendment shall have a recorded permanent right-of-way and easement with a minimum width of at least 66 feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
 2. Private streets in existence as of the effective date of this amendment whose right-of-way or easement width is less than 66 feet need not provide additional right-of-way or easement width for the existing portion of the street, provided the right-of-way width is sufficient to accommodate the required roadway and cleared area width. Such right-of-way width shall not be subsequently reduced so as to increase its noncompliance with these requirements.
 3. All private streets shall have access to a public street by a deed, easement, or other legal document. Any private street that intersects with another private street to provide access to the public street is considered to be part of a single private street system for purpose of this Ordinance.
- D. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Township engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than 150 feet, as measured along the right-of-way line thereof.
- E. The applicant shall provide written proof that the location of the intersection of the private street with the public road has been or will be approved by the Road Commission.
- F. Soil erosion and sedimentation control permits shall be obtained from the Road Commission, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
- G. All required State of Michigan permits shall be obtained.
- H. Design and construction plans shall be reviewed by the Township's engineer, planner, or attorney, as directed by the Township Board, prior to approval.

- I. The Township Board may require that the applicant comply with additional reasonable conditions relative to the design and construction of the private street. [Section 2.294 added 4/2/03]

SECTION 2.29.5 DRIVEWAYS.

- A. In this section, “back lot” means a lot which does not abut a public road, and to which access is provided or proposed by an easement connecting the lot to a public road. A “front lot” means property which abuts a public road and is crossed or is to be crossed by an easement to provide access to a back lot. A “back lot easement” means an easement, right-of-way, or similar arrangement to provide access from a back lot to a public street. A “driveway” means a vehicular access route to one or two back lots.
- B. Up to two back lots may be served by a driveway, located within a back lot easement with a minimum width of 66 feet. Back lots served by a driveway complying with this Ordinance shall not be required to have frontage on a public street. A driveway may serve up to two additional front lots contiguous to the driveway easement, without being considered a private road if the additional front lots abut a public street and have lot width measured along the public street equal to the minimum required in the zoning district.
- C. The number of back lot easements which may cross a front lot is limited as follows:
1. No more than one back lot easement is permitted for each front lot with public road frontage of 330 feet or less.
 2. For a front lot with a width of 660 feet or greater, one back lot easement may be located within each full 330 foot segment of public road frontage.
- D. If a front lot is divided, or easement created, it must be done to maintain compliance with this section, and the rest of this Ordinance, such as the requirements for required yards in Section 2.01.4.
- E. No building permit shall be issued until approval for a driveway has been granted by the Zoning Administrator under this Ordinance, and Kent County Road Commission as to connection with a public street.
- F. All back lot easements shall have assured legal access to a public street created by a deed, easement, or other legal document. Any back lot easement that intersects with a private street to provide access to the public street is to be considered part of the private street for purposes of this Ordinance.
- G. All new driveways shall have a minimum cleared width of 20 feet. All new driveways serving a single residence shall have a minimum travel surface width of ten feet, and all new driveways shared by more than one residence shall have a minimum travel surface width of 12 feet. Overhead branches shall be kept

trimmed to a height of at least 14 feet or as otherwise directed by the Fire Chief. The driveway shall have an improved gravel or paved surface that will provide access in all weather conditions. [Section 2.295 added 4/2/2003; amended 2/1/06]

SECTION 2.29.6 EXISTING PRIVATE STREETS.

- A. **In General.** A private street lawfully existing on January 6, 1993, may continue in existence and be maintained and used, though it may not comply with the provisions of this section. Such private streets shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
- B. **Addition of Lots or Parcels of Land to Existing Private Streets.**
1. For any private street lawfully existing on January 6, 1993, equal to or exceeding 1,040 feet in length, to which one or more additional lots or parcels are created or otherwise permitted access, the entire length of the existing private street shall be upgraded to comply with the applicable requirements of Section 2.294.
 2. For any private street lawfully existing on January 6, 1993, which is less than 1,040 feet in length and to which one or more additional lots or parcels are created or otherwise permitted access to the private street, then the entire length of the existing private street shall be constructed and maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, emergency vehicles in all weather conditions.
- C. **Extension of Private Streets.**
1. If a private street existing on January 6, 1993, is extended by the construction and use of an additional length of private street equaling or exceeding 500 feet, or if the street as extended will exceed 1,040 feet in length, then the entire private street, including the existing portion and the additional portion, shall comply with the applicable requirements of Section 2.294.
 2. If a private streets in existence on January 6, 1993, is extended for a distance of less than 500 feet, and as extended will be less than 1,040 feet in length, then the extension shall be constructed in the same manner as the existing portion of the private street, provided that the entire private street shall be maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
 3. A maintenance agreement complying with this section shall be provided at least for the lands to be served by the extension. [Section 2.296 added 4/2/03]

SECTION 2.29.7 MAINTENANCE AND REPAIRS.

- A. Private streets shall be maintained in a manner that complies with the provisions of this section.
- B. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All driveways and private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
- C. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.
- D. Private street maintenance or restrictive covenant agreements.
 - 1. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township Board with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township Board which shall provide for and assure that the private street shall be regularly maintained, repaired, and snowplowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.
 - 2. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Township Board prior to the issuance of the permit. **[Section 2.297 added 4/2/03]**

SECTION 2.29.8 ADMINISTRATION.

- A. In addition to receiving a special land use when required, no private road shall be constructed or extended, without obtaining a permit from the Township Board, upon demonstrating compliance with all requirements for the private road.
- B. The Building Inspector shall not issue a building permit for construction of any building or structure on a lot which is to be served by a new public or private street, an extended public or private street, a public or private street required to be upgraded to serve a new lot until the road has received a certificate of compliance. From the Township for any private street, or has received approval from Kent County Road Commission for any public street.

- C. In the alternative, building permits may be issued for up to 50 percent of the lots to be served by the new or extended private street, if:
1. A surface is installed that will permit a safe and unimpeded route of travel, as approved by the Township Fire Chief and engineers.
 2. A performance guarantee in an amount sufficient to guarantee completion of the private street, as determined by the Township and its engineers, is provided. Any performance guarantee is to be submitted and administered in accordance with Section 15.08 of this Ordinance.
 3. No certificate of occupancy shall be issued for any lots served by a newer or extended private street, until a certificate of compliance has been issued. **[Section 2.298 added 4/2/03]**

SECTION 2.30 CONSTRUCTION SITE ACCESS.

- A. A roadway and/or driveway shall be provided for emergency and fire department vehicles from the nearest available right-of-way to a construction site prior to any structural framing being done involving combustible materials.
- B. The roadway and/or driveway shall be reasonably level with a total cleared area of 14 feet in width and suitable for traverse by emergency and fire department equipment. Access of roadways and/or driveways must be maintained year-around to accommodate use of emergency and fire vehicles.

SECTION 2.31 STORAGE OF RECREATION EQUIPMENT.

- A. Recreational equipment may be located outside of an enclosed building on any lot within a residential district provided that the following requirements are met:
 1. In the R-1 and R-2 Districts, recreational equipment shall not be located in any front yard, or in any required side or rear setback. In the other zoning districts, recreational equipment shall not be located in any required setback area. This subsection is subject to subsection 2 below.
 2. On lots that have frontage on a lake, subsection 1 shall not prohibit the storage of boats owned by the owner of the lot in the front yard. In addition, boats owned by the owner of the lot may be stored in a side yard setback during the months of September through April, provided there is sufficient passage area for emergency personnel. In addition, on lakefront lots, recreational vehicles may be stored in the rear yard up to a point that is not less than five feet from the edge of the improved roadway.
 3. Recreational equipment shall not be used for living or housekeeping purposes unless within an approved campground. **[Section 2.31.A amended 12/3/03]**

4. Not more than three items of recreational equipment may be stored outside of a fully enclosed building. Multiple items in or on a single trailer are considered one item for this purpose. [Section 2.31.A.4 added 9/2/15]
- B. Where physical features of a property, such as, but not limited to, immovable structures, or a tree with a diameter of four inches or greater, prohibit a recreational vehicle from being parked in compliance with this section, the owner may apply to the Zoning Administrator for a permit to park the recreational vehicle on the lot. This permit shall be granted, provided that the following requirements are met: (2-16-99)
1. A 20-foot setback shall be maintained from the recreational vehicle to the edge of the street pavement or curb; or, if a sidewalk exists, the 20-foot setback shall be measured from the inside edge of the sidewalk.
 2. Parking approval, if granted by the Zoning Administrator, shall be effective for up to five years following the date of issuance. Additional approvals may be granted by the Zoning Administrator in accordance with this section.

SECTION 2.32 STORAGE AND REPAIR OF VEHICLES.

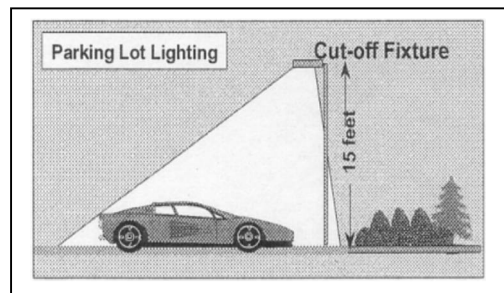
- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential district, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:
1. Procedures or projects exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out within a garage. Only one such period shall be permitted within a single 30-day period.
 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in any residential district to permit the open storage or parking outside of a building of semi-truck trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use in active, ongoing, daily construction activities being conducted on such lot, and except as provided below:
1. On a farm in the R-R District being used for active agriculture, the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers is permitted. All such trailers must be roadworthy and licensed, and actually used in connection with agricultural uses taking place on the farm.
 2. The owner of a semi-tractor and/or trailer rig may park not more than one tractor and not more than one trailer (including a set of tandem trailers

intended to be towed together) on property which he or she occupies as their principal residence if: (1) the property is at least two acres in area; (2) the tractor or trailer are parked at least a distance equal to the minimum setbacks from any property line; and (3) the tractor and trailer are roadworthy and possess current licenses for use on public highways. Upon request, the occupant of the property shall submit proof of licensing and road-worthiness, proof that he or she is the owner or lessee of the tractor or trailer, and proof that he or she possesses the necessary current commercial driver's license or similar license to operate the tractor and trailer. [Section 2.32.B amended 12/3/03]

- C. In the R-R and R-2 Districts it shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers for more than 20 days of any 30-day period. Such vehicles shall be parked so as to not block vision of drivers on or entering any adjacent street.
- D. In the R-1 District it shall be unlawful for the owner, tenant or lessee of any lot to permit the overnight open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers.

SECTION 2.33 EXTERIOR LIGHTING. (2-16-99)

- A. All lighting of a high intensity nature, intended to illuminate broad areas, shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent properties or roadways.



- B. Light poles for parking lots in nonresidential districts or multiple family and nonresidential uses in residential districts shall be limited to 15 feet in height and shall be provided with light cut-off fixtures that direct light downward.
- C. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.

SECTION 2.34 USES NOT OTHERWISE INCLUDED IN DISTRICT. A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the listed uses permitted by right or with special land use approval in that district. In making this determination, the Planning Commission shall consider the following:

- A. No use shall be considered as similar to one permitted in a district if the use is specifically listed as a use permitted by right or as a special use in any other district.

- B. In determining compatibility, the Planning Commission shall compare the characteristics of the use in question with the characteristics of those that are expressly permitted in the district. The characteristics to be considered shall include traffic generation, types of service offered, types of goods produced, methods of operation, and building characteristics.
- C. If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, it shall decide whether the proposed use shall be permitted by right, (including as a permitted accessory use), or subject to a special land use approval.
- D. If the Planning Commission determines that the proposed use is similar in nature with a use expressly permitted by right, the proposed use shall be subject to site plan review, if required by ordinance, and to any specific site design standards for the similar listed use, unless the Planning Commission determines that certain conditions are not applicable based on the nature of the proposed use. If the Planning Commission determines that the proposed use qualifies for consideration as a special land use, the use shall be subject to the special land use review and approval process before it is permitted. The proposed use shall comply with the special site design standards applicable to the use to which it is determined to be similar, unless the Planning Commission determines that certain conditions are not applicable based on the nature of the proposed use.
- E. A request for a determination by the Planning Commission under this section shall be submitted in writing and contain a full description of the proposed use, including size, location, traffic generation, types of services offered, types of goods produced, methods of operation, and building characteristics, and other characteristics of the use. Application shall be accompanied by a fee determined by resolution of the Township Board from time to time. If the request for a determination of similarity is to be considered separately, not in conjunction with other land use approval for which notice is given, then notice that the Planning Commission will be considering the request for determination shall be given by first class mail to all owners of property within 300 feet of the property in question at least 72 hours prior to the meeting. If the request for determination of similarity is to be considered in conjunction with a request for land use approval for which public notice is otherwise given (such as site plan, special land use, or planned unit development approval), separate notice of the request for determination of similarity is not required. [Section 2.34.A-E amended 12/3/03]

SECTION 2.35 ARTIFICIAL BODIES OF WATER.

- A. **Application.** This section applies to artificially-created bodies of water, which are called “ponds” in this section. This section applies to ponds which are created by the impoundment of surface waters or by excavation. It also applies to any increase in the size of an existing natural or artificial body of water.

B. Exclusions.

1. This section does not apply to swimming pools or landscape ponds in which the water is contained in a man-made liner, such as concrete or vinyl. (Provisions for swimming pools are made in Section 2.14 of this Ordinance.)
2. This section shall not apply to drainage facilities approved by the Township as part of a development provided that such facilities are not intended or permitted to be used for any recreational activity whatsoever. This section shall not apply to artificial bodies of water on golf courses limited in purpose to providing a water hazard and irrigation water, which are approved as part of a site plan for the golf course.

C. Process of Approval.

1. A pond with a surface area less than one-half of an acre may be approved by the Zoning Administrator by issuance of a zoning compliance permit upon compliance with this section and other applicable provisions of this Ordinance.
2. A pond with a surface area of one-half acre or greater may be permitted only with special land use approval upon compliance with the standards in this section and the general standards applicable to all special land uses with regard to impact on environment, the surrounding lands, and the public welfare.
3. Ponds may be approved in any zoning district in the Township.
4. Plans and applications for ponds shall contain the information generally required for a zoning compliance permit or a special land use application, as the case may be. In addition, the application or plan shall include the pond size, location, distance from property lines, and depth, grade of the land above and below water level, location and grades of areas to which excavated soils will be removed, and any proposed fencing. In addition, the applicant shall identify the sources of water being used to supply the pond (such as a stream impoundment, surface water runoff, or springs); any augmentation well; any method of water discharge, filtration, or treatment of the water. In case of a pond of one-half acre or more, the applicant may be required by the Township to prepare and submit a hydrogeological study prepared by a qualified consultant indicating the feasibility of the proposed method of filling, and the impact on water table, existing wells, wetlands, lands, lakes, and streams with the potential to be affected by the creation of the pond, including the impact of any augmentation well.

D. Standards for Ponds.

1. The property proposed for a pond shall have sufficient area so that after deducting the area of the pond, the property meets the minimum lot area requirements of the district of which it is located. In the case of a pond which is to be shared by more than one property, whether part of a site condominium, subdivision, by easement, or on some other basis, the area of the pond shall be excluded from the lot area of the lots which share the pond. If two or more lots share or have frontage on a pond, the provisions of this Ordinance regarding setbacks, identification of yards, and other provisions shall apply in the same manner as to a building lot located upon a natural body of water, including without limitation provisions related to riparian access in Section 2.27 of this Ordinance.
2. Unless the pond is encircled by a fence and gates meeting the same standards required for swimming pools by this Ordinance, the slopes or banks of the pond shall be constructed from the water's edge inward with a maximum slope of one foot of fall for each four feet of distance, until the pond reaches a depth of four feet.
3. At a minimum a pond shall maintain a setback of at least 50 feet from any adjacent property line. For a pond one-half acre or more in area being shared by more than one parcel, the property lines of those parcels may extend to or into the pond, (although land under water shall not be counted toward minimum lot area). For a pond one-half acre or more in area, the Township may also increase the minimum setbacks to achieve compliance with the standards for special land use approval.
4. The pond shall be constructed in accordance with applicable specifications of and with permits from, the Michigan Department of Environmental Quality, Kent County, and Courtland Township for its Storm Water Ordinance, and other applicable ordinances, laws and regulations.
5. No pond shall be used or maintained unless adequate measures are taken to insure that it will not cause the spread of disease, stagnation or otherwise create conditions dangerous or injurious to the public health.
6. No pond shall be wholly or partially emptied in any manner that would cause water to flow upon other property. Any discharge from a pond without a direct outlet to an established drain shall be of a design and diameter approved by the Township engineer. No pond shall be constructed and installed or maintained which either causes or contributes to the erosion of any adjacent or abutting nearby lands.
7. For ponds one-half acre in area or greater, the Township may regulate the activities and hours of use of the pond to achieve compliance with the standards for special land use approval.

8. There shall be a separation distance of at least 50 feet from the edge of the pond to any drain field area, but not less than the minimum separation distance required by the Sewage Disposal Regulations of Kent County. In the case of a pond one-half acre in area or more, the Township may impose additional requirements to insure the quality of the water is protected from sewage disposal facilities, including greater setbacks from the body of water, installation of community sewage disposal facilities, or provisions requiring connection to public sewer should it become available. This decision shall take into consideration the size of the pond, the number of properties which share use of it, lot sizes, soil conditions and similar factors, in order to protect the artificial body of water from pollution from sewage disposal systems in the same manner as would be desired for existing lakes or bodies of water.
9. After the pond is excavated, the property shall be restored by the placement of topsoil. Finished excavations shall be sloped to a gradient of not more than a 30 degree slope, and contoured to blend as nearly as possible with the natural surroundings. The finished grade shall not result in altering drainage patterns onto neighboring properties or substantial changes in grade at adjacent property lines.

E. Construction Schedule; Coordination with Provisions for Mineral Removal.

1. If a permanent artificial body of water will be created in conjunction with the removal and processing of mineral resources, then approval from the Township in accordance with the ordinance shall be required for both the artificial body of water and the mineral removal.
2. The Zoning Administrator or Township shall impose a construction schedule which shall include: (1) a specific deadline for completion after commencement which shall require that the excavation be performed with diligence and in a workmanlike manner; to discourage projects which are disruptive to the neighbors by being conducted in an episodic manner over a long period of time; (2) limits on times of excavation activities by hour of day and day of week as appropriate; (3) positive dust and erosion control measures, including prompt planting of groundcover on areas outside the pond which have been disturbed by the construction; (4) seasonal limitations on excavation to minimize erosion, dust, and sedimentation; (5) sequencing of the phases of excavation to minimize impacts to the construction on adjacent properties; (6) other conditions, restrictions and requirements for the construction process which will minimize the impact of the construction process on neighboring lands and the public. In addition, the Zoning Administrator may order the temporary cessation of construction activities or additional protective measures because of weather conditions creating risk of erosion, excessive dust, or other conditions.

3. The Township may require financial security in compliance with Section 15.08 of this Ordinance to insure the timely and proper completion of construction, or restoration in the event of abandonment, in an amount determined to be sufficient to compensate the Township for rectifying non-compliance or abandonment. The amount of security may be decreased with Township consent as construction progresses. [Section 2.35.A-E added 6/4/08]

SECTION 2.36 WIND ENERGY SYSTEMS.

- A. **Purpose.** The purpose of this section is to establish standards and procedures by which the installation and operation of wind energy systems shall be regulated in order to promote the safe, effective, and efficient use of wind energy.
- B. **Definitions.** The following definitions apply to this section:
 1. **Ambient Sound Level.** The amount of background noise at a given location prior to the installation of a WES(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB (A) weighted scale as defined by the American National Standards Institute.
 2. **Applicant.** The person, firm, corporation, company, limited liability corporation or other entity which applies for Courtland Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES.
 3. **Building Mounted WES.** A WES mounted or attached to a building, as defined by this Ordinance.
 4. **Interconnected WES.** A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
 5. **Nacelle.** In a wind turbine, the component which houses generating components, gearbox, drive train, and other components.
 6. **Rotor Diameter.** The cross-sectional dimension of the circle swept by the rotating blades of a WES.
 7. **Shadow Flicker.** The moving shadow, created by the sun shining through the rotating blades of a WES. The amount of shadow flicker created by a WES is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

8. **Total WES Height.**
 - a. **For a Tower Mounted WES.** The vertical distance measured from the ground at the base of a tower or pole mounted WES mounting system tower to the uppermost vertical extension of any blade or to the maximum height reached by any part of the WES.
 - b. For those building mounted WES which require special land use approval according to E, for purposes of determining minimum setback, “Total WES Height” shall be the vertical distance measured from the average grade of the building, as defined by this Ordinance, to the uppermost vertical extension of any blade or to the maximum height reached by any part of the WES. (For purposes of determining whether a building mounted WES qualifies for staff approval, or must obtain special land use approval, the WES is measured from the roof of the building as described in D and E, and this definition is not used for that purpose.)
 9. **Tower Mounted WES.** A WES mounted or attached to a tower, pole, or similar structure which is not a building.
 10. **WES Setback.**
 - a. For a tower mounted WES, the distance from the base of the structure or building upon which the WES is mounted to the nearest lot line, or other point from which a minimum setback is required.
 - b. For a building mounted WES which is required to obtain special land use approval according to E, the distance from the center of the rotor to the nearest lot line, or other point from which a minimum setback is required.
 - c. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.
 11. **Wind Energy System (WES).** “Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.
- C. **Standards for all Wind Energy Systems.** All wind energy systems shall comply with the following requirements:

1. **Sound Pressure Level.**

- a. Wind energy systems shall not exceed 55 dB (A), above ambient noise level as measured at any property line of the parcel containing the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. In the absence of such storm this sound pressure level shall not be exceeded for more than three continuous minutes in any hour of the day.
- b. Wind energy systems which are under single ownership or control and which involve more than one property shall be subject to the requirements of subsection 1.a above but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the wind energy system. In addition, the applicant shall provide modeling and analysis that will demonstrate that the wind energy system will not exceed the maximum permitted sound pressure.
- c. The applicant must also provide estimated noise levels which the WES will produce at the property lines of the parcel proposed for the WES at the time of a special use or building and zoning compliance permit application.
- d. A noise emission study of the proposed site and impact upon all areas within 300 feet of the property containing the proposed WES location may be required for a WES which requires special land use approval (at the applicant's cost) and submitted to the Township as part of the application for special land use approval.

2. **Setbacks for WES.**

- a. **All Tower Mounted WES.** The minimum setback for all tower mounted WES from a property line, public right-of-way, public easement, or overhead utility lines shall be 1.2 times the height of the WES.
- b. **Building Mounted WES - Permitted with Staff Approval.** A building mounted WES which qualifies for staff approval under subsection D shall be a minimum distance of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of the building. The distance shall be measured from the furthest outward extension of all moving parts.
- c. **Building Mounted WES – Special Land Use Required.** The minimum setback for a building mounted WES which requires special land use approval from a property line, public right-of-way,

public easement, or overhead utility line shall be 1.2 times the height of the WES.

d. The minimum setback or distance requirement may be reduced under either or both of the following circumstances:

(i) If the applicant provides a registered engineer's certification that the WES is designed to collapse, fall, curl or bend within a distance less than the required setback of the WES.

(ii) If the Building Inspector determines that a lesser setback will not be detrimental to adjoining properties. In making this determination the Building Inspector shall, at a minimum, take into consideration the type and location of the building containing the WES, the type of WES proposed, the installation requirements of the WES and the location of buildings or uses on the adjacent properties.

3. **Location.** A tower mounted WES accessory to a principal use must be on the same lot as the principal use.

4. **Shared WES Usage.** A WES may provide electrical power to more than one dwelling unit or building, provided (1) the dwelling units or buildings are located on property or properties that abut the property or properties on which the WES is located; and (2) all applicable standards must be met as applied only to the property on which the WES is located. (This restriction is not applicable to interconnected WES generating power only for the electrical grid, not an identified property.)

5. **Rotor Clearance.**

a. Blade or rotor arcs created by a tower mounted WES shall have a minimum of 20 feet of clearance over and from any structure, adjoining property or tree.

b. The blade or rotor arcs created by a building mounted WES shall have a minimum clearance of eight feet above the roof or be designed in the determination of the Zoning Administrator so the blade or other moving parts do not present a safety hazard to any person on the roof.

6. **Shadow Flicker.** The Planning Commission or Zoning Administrator may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and reasonable measures such as screening to eliminate or minimize the shadow flicker may be required.

7. **Construction Codes and Interconnection Standards.** A WES shall comply with the following:
 - a. All applicable state construction and electrical codes of Courtland Township and building permit requirements.
 - b. Federal Aviation Administration requirements.
 - c. The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended.
 - d. The Michigan Tall Structures Act, Public Act 259 of 1959, as amended.
 - e. The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.
8. **Safety Requirements.**
 - a. Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
 - b. To prevent unauthorized access, tower mounted WES must provide one or more of the following as required by the Planning Commission or the Zoning Administrator:
 - (i) Tower climbing apparatus shall not be located within 12 feet of the ground.
 - (ii) A locked anti-climb device shall be installed and maintained.
 - (iii) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.
 - c. All WES shall have lightning protection.
 - d. If a tower is supported by guy wires, the wires shall be clearly visible to height of at least eight feet above the guy wire anchors.
9. **Signs.**
 - a. Each tower mounted WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include a warning about high voltage and emergency phone numbers.

- b. A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.
10. **Electromagnetic Interference.** WES shall be designed, constructed and operated so as not to cause radio and television interference.
 11. **Maintenance.** All WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
 12. **Distribution Lines.** All distribution lines from the WES shall be located and maintained underground, both on the property where the WES will be located and off-site. This requirement may be waived if it is determined that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
 13. **Color.** A WES shall be painted a non-obtrusive light environmental color such as a beige or gray color that is non-reflective. No striping of color or advertisement shall be visible on the blades or tower.
 14. **Lighting.** Artificial lighting shall not be installed on a WES, except to the minimum extent required by the Federal Aviation Administration or other applicable authority.

D. **Wind Energy Systems Permitted with Staff Approval.** Any (1) tower mounted WES with a total WES height no more than 60 feet; or (2) any building mounted WES for which the highest extension of the rotor or other part of the WES does not exceed 15 feet above the highest point (excluding chimneys) of the building to which it is attached shall be a permitted use in all zoning districts. The proposed installation shall be reviewed and approved by the Zoning Administrator and building official, subject to the requirements of subsection C above and the following:

1. **Permit Required.** A zoning compliance permit, and all applicable building, mechanical, and electrical permits shall be obtained from Courtland Township before installation. The following information is required upon application for a WES permit under this subsection D:
 - a. Name of property owner(s) and address.
 - b. An accurate drawing showing the proposed location of the WES, property lines, existing building(s), proposed WES setback, right-of-way lines, public easements, and overhead utility lines and the distance from the WES to principal buildings on adjacent lots.
 - c. The proposed type and height of the WES to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total

rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

- d. If the applicant intends to install an interconnected WES the applicant may be requested to provide documentation that the applicable utility company has or will approve the proposed interconnection.
- e. Other relevant information as may be reasonably requested by the Zoning Administrator.

2. A zoning compliance permit shall be conditional upon compliance with all applicable state construction and electrical codes, Courtland Township building permit requirements, and all manufacturers' installation instructions.

E. **Wind Energy Systems Requiring Special Land Use Approval.** Any (1) tower mounted WES with a total WES height more than 60 feet; or (2) any building mounted WES for which the highest extension of the rotor or other part of the WES exceeds 15 feet in height above the highest point (excluding chimneys) of the building to which it is attached may be allowed only as a special use in all zoning districts. Approval is subject to the following regulations and requirements of this section and also the general special land use review procedures and standards of Chapter 12 of this Zoning Ordinance:

- 1. **Application Requirements.** In addition to the special land use application form an applicant for a WES required to obtain special land use approval shall provide the following information as part of the application:
 - a. The proposed type and height of the WES to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
 - b. If the applicant intends to install an interconnected WES the applicant may be required to provide documentation that the applicable utility company has or will approve the proposed interconnection.
- 2. **Site Plan Requirements.** A site plan for a WES for which a special use is required shall include the following items with or on the site plan:
 - a. All requirements for a site plan contained in Chapter 11 herein.
 - b. Dimensions of the area purchased or leased which is to contain the WES.

- c. Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
 - d. Specific distances from the WES structures to all other buildings, structures, and above ground utilities which are on the parcel or parcels upon which the WES is proposed to be located and on abutting parcels.
 - e. Land uses within 300 feet of the parcel.
 - f. Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
 - g. All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
 - h. Security measures proposed to prevent unauthorized trespass and access.
 - i. Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
 - j. Additional information as required by Chapter 12, Special Land Uses, of this Ordinance or as may be required by the Planning Commission.
 - k. The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.
3. A WES, except for building mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road if there is provided means of safe access for emergency vehicles.
 4. **Maintenance Program Required.** The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.
 5. **Decommissioning Plan Required.** The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.

6. **Siting Standards and Visual Impact.**
 - a. A WES shall be designed and placed in such a manner to minimize adverse visual, shadow flicker, and noise impacts on neighboring areas.
 - b. A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.
7. **Inspection.** Courtland Township shall have the right upon approving any WES to inspect the premises on which the WES is located at all reasonable times with prior notice to the property owner (except in case of emergency) in order to insure compliance with Township Ordinance and any conditions of approval. Courtland Township may hire a consultant to assist with any such inspections at the applicant’s cost.
8. **Performance Guarantee.** If a special use is approved pursuant to this section, the Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to Courtland Township in order to ensure full compliance with this section and any conditions of approval.
9. **Issuance of Permit.** A special use permit shall be conditioned upon compliance with all applicable construction and electrical codes, Courtland Township building permit requirements, and all manufacturers’ installation instructions. **[Section 2.36.A-D added 5/5/10]**

**SECTION 2.37 SPECIFIC STANDARDS FOR MEDICAL MARIHUANA
ENTERPRISE.**

A. Purpose and Findings; Definitions.

1. **Findings.** It is not the intent of this Ordinance to prohibit any use or activity allowed by the Michigan Medical Marihuana Act (the “Medical Marihuana Act”), Initiated Law 1 of 2008, MCL 333.26421, et seq., but to enact regulations which address the land use effects of places used by primary caregivers for the cultivation, processing, sale, or distribution of medical marihuana. The regulations in this Ordinance are intended to ensure that such places are not covertly used for unlawful purposes not authorized by the Medical Marihuana Act, and to ensure that these places do not create or cause adverse effects that might contribute to the blighting or downgrading of the surrounding area. The Township finds that these operations are commercial in character, and should be directed toward areas which are zoned for commercial types of uses. This Ordinance regulates the locations at which caregivers may operate, and is not intended to apply to a qualifying patient under the Medical Marihuana

Act, unless a patient is acting also as a primary caregiver. This Ordinance is also not intended to apply to a primary caregiver who possesses or cultivates marihuana solely for the purpose of assisting not more than one qualifying patient who makes their permanent residence in the same single family dwelling as the primary caregiver.

2. **Definitions.** For the purposes of this section, the words and phrases as contained herein shall have the same meanings as set forth in the Medical Marihuana Act and the regulations promulgated thereunder by the State of Michigan Department of Community Health.
3. **Marihuana Facility.** A marihuana facility as defined and regulated by Public Act 281 of 2016 does not constitute a medical marihuana enterprise, and shall not be permitted as such an enterprise. [Section 2.37.A.3 added 10/4/17]

B. **Application; Information Submission.** Any person proposing to establish a medical marihuana enterprise shall apply or and obtain a zoning compliance permit, in addition to any site plan approval or building permit application, as applicable. In addition to the information and any documents required for site plan approval, a person seeking to establish a medical marihuana enterprise shall also submit the following:

1. A floor plan of the premises showing the following:
 - a. The location of any service counter, demonstrating that there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
 - b. Location of all overhead lighting fixtures, along with demonstration that sufficient minimum interior illumination will be provided.
 - c. Identification of any portion of the premises to which patrons will not be permitted.
 - d. Identification of the use of each room or other area of the premises.
 - e. Identification of the area(s), if any, that will be used for the cultivation of marihuana, and the total floor area that will be used for this purpose. For each caregiver associated with the medical marihuana enterprise, five separate enclosures meeting the requirements of subsections C.5 and D.5.b shall be provided.
 - f. An outdoor lighting plan, along with demonstration that sufficient exterior illumination will be provided.
 - g. Proof that each of the maximum of two caregivers operating at the medical marihuana enterprise has been issued a registry identification card to serve as a registered primary caregiver. Any

information submitted regarding qualified patients shall be obscured or deleted from any record retained by the Township.

- h. A description, including number, power requirements, types of chemicals, water use and disposal methods for watering, and all other details regarding the plumbing, mechanical, electrical and structural facilities, if any, which will be installed for the purpose of cultivating marihuana on the premises.
- i. Information treated as confidential under the Michigan Marihuana Act, including the associated primary caregiver, registry identification card, and any information about qualifying patients associated with that primary caregiver which is received by the Township shall be maintained separate from the public information submitted in support of the application, shall be kept confidential, and shall not be subject to disclosure under the Freedom of Information Act. The public record for review shall indicate only that proof of the registration has been submitted.

C. **Standards for Approval.** Any building, structure or lands proposed to be used for a medical marihuana enterprise shall comply with the following provisions:

- 1. **Location.** A medical marihuana enterprise shall be located only on a lot in a LC - Light Commercial District, C - General Commercial District or LI - Light Industrial District, with frontage on Wolverine Boulevard/Northland Drive or M-57/14 Mile Road. The property shall have frontage on those roads for a distance equal to the minimum required frontage in the zoning district and shall have their primary means of access to those roads.
- 2. **Spacing.** A medical marihuana enterprise shall not be located or operated:
 - a. Within 500 feet of another medical marihuana enterprise.
 - b. Within 500 feet of a church, synagogue, mosque or other place of religious worship, or a park, playground, library or licensed daycare facility.
 - c. Within 1,000 feet of any school, to ensure community compliance with the federal “Drug-Free School Zone” requirements.
 - d. Within 150 feet of any dwelling measured from the nearest points of the two buildings.

For a, b and c above, measurement of distances shall be made by extending a straight line from the property line of the medical marihuana enterprise to the nearest property line occupied by such other use.

3. **Limitation on Number of Caregivers and Plants.** Not more than two primary caregivers shall engage in activities permitted under the Medical Marihuana Act at a medical marihuana enterprise.
4. **Building Permits.** All necessary building, electrical, plumbing, mechanical and/or other permits shall be obtained, including as necessary for any equipment, wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana.
5. **Marihuana Plants and Storage. [Subsection 2.37.C.5 amended 10/4/17]**
 - a. Marihuana plants shall be kept in an enclosed, locked area consisting of a closet, room or other comparable, stationery and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver associated with that area. Marihuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed from ground level or from a permanent structure, and they are grown within a stationery structure that is enclosed on all sides, except for the base, by chain link fencing, wooden slats, or similar material that prevents access by the general public and that is anchored, attached or fixed to the ground and equipped with functioning locks or other security devices that restrict access only to the registered caregiver with whom that area is associated.
 - b. Marihuana, usable marihuana, and marihuana infused products shall be kept in an enclosed, locked area consisting of a closet, room, or fully enclosed and roofed area located within the principal building, and equipped with locks or other security devices that permit access only by the primary caregiver with whom that area is associated.
 - c. A separate enclosure for marihuana, marihuana plants, usable marihuana, and marihuana infused products shall be provided for each patient with whom that caregiver is associated. Marihuana, usable marihuana, and marihuana infused products, not including marihuana plants, shall be located within the primary building on the property. If located in a room with windows, shielding materials shall be employed, without alteration of the exterior of the building, to prevent the escape of light, or the observation of the exterior from the exterior of the building.

6. **Fire and Hazardous Material Storage.** Any portion of the building where energy usage and heat exceeds typical residential or light commercial use, such as a grow room, and areas for storage of any chemicals, such as herbicides, pesticides and fertilizers shall be subject to prior approval by the Fire Department and Building Inspector to ensure compliance with applicable standards, and inspection thereafter to ensure continued compliance.
7. **Equipment.** No equipment or process shall be used in growing, processing or handling marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside the building. No equipment or process shall be used which creates visual or audible interference with any radio, television or similar receiver of the premises or which causes fluctuation of electrical line voltage off the premises.

D. Operational Requirements.

1. **Age Requirement Regulations.**
 - a. No persons under the age of 18 shall be permitted in a medical marihuana enterprise at any time, unless the person is a registered qualifying patient and is accompanied by a parent or legal guardian.
 - b. It shall be the duty of the primary caregiver of each medical marihuana enterprise to ensure that an attendant is stationed at each public entrance to the business at all times during the business's regular business hours and to post notice at the entrance to the premises stating no person under 18 years of age is permitted on the premises, except as provided in subsection D.1.a above. It shall be the duty of the attendant to not allow any person under the age of 18 years to enter the medical marihuana enterprise, except as allowed by this section.
2. **Hours of Operation.** Hours of operation of a medical marihuana enterprise shall be not longer than 8:00 a.m. to 8:00 p.m.
3. **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 medical marihuana enterprise for the purpose of determining compliance with this Ordinance and other applicable laws. Access shall be granted at any time during regular business hours and at other times upon reasonable notice.
4. **Exterior Requirements.** The merchandise or activities of the medical marihuana enterprise shall not be visible from any point outside the business.

5. **Interior Structural Requirements.**

- a. The interior of the premises shall be configured in such a manner that there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
- b. Each separate enclosure provided for each patient with whom a caregiver is associated shall have an area not greater than reasonably necessary to support the cultivation of not more than 12 individual marijuana plants, and shall be located in a separate locked area that is not accessible to the general public. The separate enclosure shall have solid walls extending from the floor to a solid fixed ceiling.
- c. The interior premises shall be equipped with 24-hour electronic, video surveillance equipment, sufficient in nature and scope to deter and detect unlawful theft of marijuana from the premises. Surveillance shall be actively monitored or archived and safeguarded for a sufficient time and manner so that it may be reviewed in the event of an incident.

6. **Standards of Conduct.** The following standards of conduct shall be adhered to on the premises of the medical marijuana enterprise by all employees, managers, officers and agents of any medical marijuana enterprise:

- a. Marijuana shall not be consumed on the premises by the primary caregiver, qualifying patient, or any other person.
- b. The possession, use, or sale of alcohol or controlled substances shall not be permitted on the premises.
- c. 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.
- d. A registered primary caregiver associated with the property shall be on duty at all times that the business is open to the public.
- e. All doors to public areas on the premises shall remain unlocked during business hours.
- f. All activity of the medical marijuana enterprise, including but not limited to the cultivation, dispensing and sale of medical marijuana, shall be performed indoors. Provided, however, medical marijuana may be grown outdoors in compliance with the

requirements of the Michigan Medical Marihuana Act.
[Subsection 2.37.D.6.f amended 10/4/17]

- g. The sale of items used in the administration of marihuana shall not be permitted on the premises, except to qualifying patients associated with the primary caregiver.
- h. A medical marihuana enterprise shall be operated in compliance with the applicable rules promulgated by the Michigan Department of Community Health or other state agency.

7. **Other Regulations, Permits or Licenses.** The provisions of this section do not waive or modify any other provision of this Ordinance, any other ordinance of the Township, or any county, state or federal law or regulation.

E. Proof of Continued Registration; Revocation of Permit.

- 1. Not less than annually after approval of the zoning compliance permit, the operator shall provide proof to the Township of renewal of the registered identification card for each primary caregiver associated with the premises.
- 2. If a different primary caregiver becomes associated with the medical marihuana enterprise, that primary caregiver shall, before transfer of responsibility, produce proof of registration to the Township. The confidentiality of that proof of registration shall be maintained in the manner provided for information submitted in connection with an original application.
- 3. A zoning compliance permit shall be revoked following notice and hearing if the caregiver associated with the medical marihuana enterprise ceases to be registered, is convicted of illegally possessing, selling or providing marihuana or other controlled substance, or for violation of the operational or other requirements of the Zoning Ordinance or conditions of approval.

F. **No Prior Nonconforming Use.** Prior to adoption of the ordinance which provided for medical marihuana enterprises, such uses were not lawful within the Township. Accordingly, no medical marihuana enterprise or similar use shall be treated as a lawful nonconforming use.

G. **Not Home Occupation.** A medical marihuana enterprise shall not be allowed or established as a home occupation, and shall not be considered as a use similar to a home occupation, or any other use permitted by right or special land use in this Ordinance for purposes of Section 2.34.

H. **No Immunity from Prosecution.** No provision of this Ordinance is intended to grant, nor shall any such provision be construed as granting, immunity from prosecution for the cultivation, sale, consumption, use, distribution or possession

of marihuana which is not in compliance with the Medical Marihuana Act, or the applicable rules of the Michigan Department of Community Health. Inasmuch as federal law is not affected by the Medical Marihuana Act or this Ordinance, no provisions or ordinance is intended to grant, nor shall any such provisions be construed as granting, immunity from prosecution under the laws of the United States. The Medical Marihuana Act and this Ordinance does not protect qualifying patients, primary caregivers, or others from federal prosecution or from seizure of their property by federal authorities under the Federal Controlled Substances Act, in cases in which such statute may apply.

- I. **Savings Clause/Severability.** Should any provision of this section be declared, by a court of competent jurisdiction, to be preempted by the Medical Marihuana Act or to be otherwise invalid or unenforceable under state, county or federal law, such declaration shall not affect the validity of any other provision of this section, which shall remain fully enforceable. **[Section 2.37.A-I added 7/6/11]**

SECTION 2.38 FARM BUILDINGS. Farm buildings are permitted on farms subject to the following:

- A. A farm building is permitted only on lands which are being used as a farm as defined by this Ordinance.
- B. A farm building may be constructed and used without regard to the presence of a principal building on the lot.
- C. The farm building shall comply with the provisions of this chapter pertaining to accessory buildings.
- D. Construction or enlargement of a farm building is permitted only upon issuance of a zoning permit by the Zoning Administrator. The applicant for a zoning permit for a farm building shall provide written proof that the farm on which the building is to be located is being used for the commercial production of farm products intended to be marketed and sold at a profit, resulting in gross income from farming operations on that property of at least \$3,500 per year. The Zoning Administrator may accept equivalent written proof that the property will be put to bona fide use for commercial production of farm products.
- E. A farm market or roadside stand shall be subject to site plan review for compliance with all applicable yard, parking, access and other requirements. No farm market or roadside stand shall be constructed until a building permit has been issued therefor, unless exempt according to the Stille Derossett-Hale Construction Code Act.
- F. A proposed building which does not meet the qualifications of a “farm building” may be constructed as an accessory building in compliance with the provisions made for such buildings, if there is a principal building located on the parcel, and in compliance with all provisions made for accessory buildings. **[Section 2.38.A-F added 2/1/12]**

SECTION 2.39 PROHIBITION OF MARIHUANA FACILITIES.

- A. Public Act 281 of 2016 (“Act 281”) legalized and provided for state licensing of certain defined marihuana facilities, including growers, processors, provisioning centers, safety compliance facilities and secure transporters (“marihuana facilities”). Section 205 of Act 281 provides that a “marihuana facility shall not operate in a municipality unless a municipality has adopted an ordinance that authorizes that type of facility.” The Township of Courtland has determined that marihuana facilities should not be permitted in the Township for policy reasons including public safety, law enforcement concerns, and the amount of commercial and industrial land available. The purpose of this Section 2.39 is to specifically provide that no land use specified in the Zoning Ordinance shall be construed to include a marihuana facility.
- B. A marihuana facility as defined in Act 281 shall not be permitted within the Township. Such facilities shall not be construed to fall within the definition of any land use permitted by right of special land use approval in the Township, including but not limited to a farm, roadside stand, farm building, other agricultural use, home occupation, accessory use, commercial greenhouse or nursery (whether operated on a wholesale or retail basis) removal of natural resources, medical, executive, business, professional or office of any kind, clinic of any kind, personal service establishment, retail store or use, outdoor sale, laboratory, open air business, commercial storage warehouse, truck and transportation business, research and development facility, wholesale establishment, facility for the manufacture, compounding, processing, packaging, warehousing, or treatment of food stuffs or pharmaceuticals, or commercial storage warehouse facility.
- C. In addition to the above, a marihuana facility as defined and licensed by Act 281 does not constitute a medical marihuana enterprise, as defined by this Ordinance. Medical marihuana enterprises as defined by this Ordinance provide for the conduct of operations of caregivers, as defined and regulated by the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.
- D. A marihuana facility shall not be permitted under Section 2.34 of this Ordinance “Uses Not Otherwise Included In District,” or replacement provision of like import.
- E. The Zoning Board of Appeals shall not have jurisdiction to consider a use variance to allow a marihuana facility. **[Section 2.39 added 10/4/17]**

**CHAPTER 3
MAPPED DISTRICTS**

SECTION 3.01 DISTRICTS. The Township of Courtland is hereby divided into the following districts:

| ABBREVIATION | DISTRICT NAME | ORDINANCE CHAPTER |
|---------------------|--|--------------------------|
| R-R | Rural Residential | Chapter 4 |
| R-1 | Single Family Residential | Chapter 5 |
| R-2 | Two Family and Multiple Family Residential | Chapter 6 |
| LC | Light Commercial [Added 4/6/05] | Chapter 7A |
| C | General Commercial [Added 4/6/05] | Chapter 7B |
| LI | Light Industrial | Chapter 8 |
| PUD | Planned Unit Development | Chapter 9 |
| C-PUD | Commercial Planned Unit Development [Added 6/1/05] | Chapter 9A |
| MHC | Manufactured Housing Community District [Description amended 4/4/01] | Chapter 10 |

SECTION 3.02 ZONING MAP.

A. The locations and boundaries of the districts are hereby established as shown on a map, as the same may be amended from time to time, entitled “The Zoning Map of Courtland Township, Kent County, Michigan,” which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
 6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.
- B. Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the district to which it attaches. If a vacated area is bordered by two different districts, the area is divided along a line half way between them according to the adjacent district, unless the Township Board shall otherwise designate.

SECTION 3.03 AREAS NOT INCLUDED WITHIN A DISTRICT. In every case where land has not been included within a district on the zoning map, such land shall be in the R-R District.

CHAPTER 4
R-R RURAL RESIDENTIAL DISTRICT

SECTION 4.01 DESCRIPTION AND PURPOSE. This district is intended for residential and farm uses, including other uses generally associated with agriculture, and related non-residential uses. The overall purpose of this district is to preserve the rural residential character of the lands within this district.

SECTION 4.02 PERMITTED USES. Land and/or buildings in the R-R District may be used for the following purposes as permitted uses:

- A. Farms.
- B. Roadside stands with less than 200 square feet of sales area for produce grown on the premises.
- C. Farm buildings, in compliance with this Ordinance and upon issuance of a zoning compliance permit.
- D. Single family dwellings, including single family dwellings located on a farm. **[Section 4.02.A-D amended, C-J renumbered 2/1/12]**
- E. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in Section 16 of the Township Zoning Act.
- F. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions in Section 16g of the Township Zoning Act. **[Section 4.02.E-F, formerly subsections C-D, amended 12/3/03]**
- G. Home occupations in accordance with the requirements of Section 2.15.
- H. Radio and television transmitting buildings and towers.
- I. Schools, churches, libraries, parks, playgrounds and community center buildings.
- J. Single family site condominium projects.
- K. Accessory buildings, structures and uses customarily incidental to any permitted or special land use.
- L. Group day-care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in and subject to the conditions provided in Section 16g of the Township Zoning Act. **[Section 4.02.L, formerly subsection J, amended 12/3/03]**

SECTION 4.03 SPECIAL LAND USES. Land and/or buildings in the R-R District may be used for the following purposes following review by Planning Commission and approval by the Township Board as a special land use as regulated by Chapter 12: **[Section 4.03 opening paragraph amended 10/6/93]**

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
- B. Roadside stands with more than 200 square feet of sales area for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal of natural resources:
 - 1. As defined and subject to Chapter 12A and Public Act 113 of 2011.
 - 2. Drinking water or other materials not defined or subject to Chapter 12A or Act 113 of 2011 in accordance with the standards of Section 12.07.D of this Ordinance. **[Section 4.03.D amended 2/3/16]**
- E. Public or private campgrounds.
- F. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- G. Warehousing, bulk storage, and transport of propane, liquid petroleum, fuel oil, and similar fuels in a form ready for distribution to consumers in the Township and surrounding areas for household use, not including storage of gasoline, diesel fuel, or fuels used for vehicular propulsion, or unrefined hydrocarbon products. **[Section 4.03.G amended 7/2/14]**
- H. Towers in excess of 50 feet in height for commercial wireless telecommunication services, and related equipment and accessory structures. (11-5-97)
- I. Group and commercial day care homes and facilities. (11-5-97)
- J. Barn event venue. **[Added 3/4/2020]**

SECTION 4.04 DISTRICT REGULATIONS. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| | |
|-------------------------------------|--|
| FRONT YARD | 50 feet |
| SIDE YARD | Residential buildings - 20 feet total/10 feet minimum |
| | Non-residential buildings - 60 feet |
| REAR YARD | 50 feet |
| BUILDING HEIGHT | 35 feet or 2½ stories |
| LOT COVERAGE | 25% |
| MINIMUM LOT AREA | 2 acres |
| MINIMUM LOT WIDTH | 165 feet |
| MINIMUM DWELLING UNIT FLOOR AREA | 960 square feet UFA/700 square feet UFA on the ground floor |

CHAPTER 5
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 5.01 DESCRIPTION AND PURPOSE. This district is primarily intended for residential uses and for single family dwellings with frontage on a lake. It is also intended for certain areas within the Township which were developed in past years with smaller lots and frontages, and for areas having access to public sanitary sewers. Certain related non-residential uses are also provided.

SECTION 5.02 USES PERMITTED BY RIGHT. Land and/or buildings in the R 1 District may be used for the following purposes as permitted uses:

- A. Single-family dwellings.
- B. State licensed residential family care facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in Section 16 of the Township Zoning Act.
- C. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions provided in Section 16g of the Township Zoning Act. **[Section 5.02.B-C amended 12/3/03]**
- D. Home occupations in accordance with the requirements of Section 2.15.
- E. Schools, churches, libraries, parks, playgrounds and community center buildings.
- F. Single family site condominium projects.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.
- H. Group day care homes with no more than 12 minor children, located in the principal residence of the operator, as defined in and subject to the conditions provided in Section 16g of the Township Zoning Act. **[Section 5.02.H amended 12/3/03]**

SECTION 5.03 SPECIAL LAND USES. Land and/or buildings in the R-1 District may be used for the following purposes, following review by Planning Commission and approval by the Township Board as a special land use as regulated by Chapter 12: **[Section 5.03, opening paragraph, amended 10/6/93]**

- A. Removal of natural resources:
 - 1. As defined and subject to Chapter 12A and Public Act 113 of 2011.

- 2. Drinking water or other materials not defined or subject to Chapter 12A or Act 113 of 2011 in accordance with the standards of Section 12.07.D of this Ordinance. [Section 5.03.A amended 2/3/16]
- B. State licensed residential group care facilities.
- C. Group and commercial day care homes and facilities.
- D. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

SECTION 5.04 DISTRICT REGULATIONS. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| | |
|----------------------------------|---|
| FRONT YARD | Single family dwellings with lake frontage - 50 feet, measured from the shoreline to the building line of the main building |
| | Single family dwellings without lake frontage - 50 feet |
| SIDE YARD | Single family dwellings - 20 feet total/10 feet minimum |
| | Non-residential buildings - 60 feet |
| REAR YARD | Lots with lake frontage - 20 feet measured from the public or private road right-of-way |
| | Lots without lake frontage - 50 feet |
| BUILDING HEIGHT | 35 feet or 2½ stories |
| LOT COVERAGE | 30% |
| MINIMUM LOT AREA | Single family dwellings - 13,500 square feet with public sanitary sewer service |
| | Single family dwellings- 2 acres without public sanitary sewer service (4-2-97) |
| | Non-residential uses - 2 acres |
| MINIMUM LOT WIDTH | Lots with public sanitary sewer service - 85 feet |
| | Lots without public sanitary sewer service - 165 feet (4-2-97) |
| MINIMUM DWELLING UNIT FLOOR AREA | Single family dwellings - 960 square feet UFA/700 feet on the ground floor |

CHAPTER 6
R-2 TWO FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 6.01 DESCRIPTION AND PURPOSE. This district is intended for residential uses, and related non-residential uses. The overall purpose of this district is to provide additional housing opportunities while preserving the overall rural residential character of the district and the Township.

SECTION 6.02 USES PERMITTED BY RIGHT. Land and/or buildings in the R 2 District may be used for the following purposes as permitted uses:

- A. Two-family dwellings. **[Section 6.02.A deleted, subsequent paragraphs renumbered 9/2/15]**
- B. State licensed residential facilities which provide resident services for six or less persons, as defined and subject to the conditions provided in Section 16 of the Township Zoning Act. **[Section 6.02.C amended 12/3/03]**
- C. Family day care homes with no more than six minor children, located in the principal residence of the operator, as defined and subject to the conditions provided in Section 16g of the Township Zoning Act. **[Section 6.02.D amended 12/3/03]**
- D. Home occupations in accordance with the requirements of Section 2.15.
- E. Radio and television transmitting buildings and towers.
- F. Schools, churches, libraries, parks, playgrounds and community center buildings.
- G. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses.
- H. Group day-care homes with no more than 12 minor children, located in the principal residence of the operator, as defined and subject to the conditions provided in Section 16g of the Township Zoning Act. **[Section 6.02.I amended 12/3/03]**

SECTION 6.03 SPECIAL LAND USES. Land and/or buildings in the R-2 District may be used for the following purposes, following review by the Planning Commission and approval by the Township Board as a special land use as regulated by Chapter 12: **[Section 6.03, opening paragraph, amended 10/6/93]**

- A. Multiple-family dwellings.

- B. Roadside stands for sale of produce grown on the premises.
- C. Removal of natural resources:
 - 1. As defined and subject to Chapter 12A and Public Act 113 of 2011.
 - 2. Drinking water or other materials not defined or subject to Chapter 12A or Act 113 of 2011 in accordance with the standards of Section 12.07.D of this Ordinance. **[Section 6.03.C amended 2/3/16]**
- D. Public or private campgrounds.
- E. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

SECTION 6.04 DISTRICT REGULATIONS. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

| | |
|--------------------|--|
| FRONT YARD | 50 feet |
| SIDE YARD | Two family dwellings - 20 feet total/10 feet minimum |
| | Multiple family dwellings - 30 feet |
| | Non-residential buildings - 60 feet |
| REAR YARD | 50 feet |
| BUILDING HEIGHT | 35 feet or 2½ stories |
| LOT COVERAGE | 25% |
| MINIMUM LOT AREA | 2 acres |
| | Multiple family dwelling - 2 acres for first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed four (4) units per acre |
| MINIMUM LOT WIDTH | 165 feet |
| MINIMUM FLOOR AREA | Two family dwellings - 750 square feet UFA per unit/700 feet per unit on the ground floor |
| | Multiple family dwellings - 750 square feet UFA per unit |

**CHAPTER 7
REPEALED**

[Ch. 7 repealed 4/6/05]

CHAPTER 7A
LC – LIGHT COMMERCIAL DISTRICT

SECTION 7A.01 DESCRIPTION AND PURPOSE. This district is intended to accommodate uses which can provide office and personal services for visitors to, and residents of, Courtland Township. These uses are of moderate intensity and conducted indoors, and could be located in proximity to residential districts if appropriately designed.

SECTION 7A.02 PERMITTED USES. Land and/or buildings in the LC District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 11, and subject to specific standards provided in Chapter 12, if applicable:

- A. Office buildings for any of the following occupations:
 - 1. Executive, business administrative, professional, accounting, drafting, and other similar professional activities.
 - 2. Medical and dental offices and clinics.
 - 3. Veterinary clinics, provided all activities are conducted indoors, and if overnight boarding is limited to animals receiving veterinary care.
- B. Banks, credit unions, savings and loan associations.
- C. Personal service establishments conducting services on the premises, including barber and beauty shops.
- D. Fitness centers with a total floor area less than 5,000 square feet.
- E. Catering establishment, pet shop including grooming services, medical or dental laboratories.
- F. Churches.
- G. Schools.
- H. Buildings, structures, and uses accessory to permitted uses.
- I. Medical marihuana enterprise, subject to the specific standards of Section 2.37.
- J. Funeral homes and mortuary establishments. **[Section 7A.02 amended entirely 9/2/15]**

SECTION 7A.03 Land and/or buildings permitted in the LC Light Commercial District may be used for the following purposes, following review by Planning Commission and approval by the Township Board as a special land use as regulated by Chapters 12 and 12A:

- A. Removal of natural resources:
 - 1. As defined and subject to Chapter 12A and Public Act 113 of 2011.
 - 2. Drinking water or other materials not defined or subject to Chapter 12A or Act 113 of 2011 in accordance with the standards of Section 12.07.D of this Ordinance. [Section 7A.03 added 2/3/16]

SECTION 7A.04 SITE DEVELOPMENT REQUIREMENTS. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor conduct of business or storage of goods or materials is prohibited.
- B. A maximum of one driveway per street shall be permitted per principal use, or collective principal use, as defined in Section 2.03.A. A second driveway may be permitted provided that such drive is constructed and permitted to share access with an adjoining principal use or existing lot within the same zoning district. The Planning Commission may permit additional driveways, if justified by a professional traffic study provided by the applicant or owner indicating the need for such additional driveways.
- C. Parking areas shall be screened from the street by screening consisting of, at a minimum, a three foot high continuous obscuring screen comprised of plant material, berming, screen walls or fences, or any combination of these elements.
- D. Parking lots and driveways providing access to corner lots shall be required to gain sole access from the lesser traveled of the two intersecting streets. For the purposes of this paragraph, “lesser traveled” shall mean the street having the lowest daily traffic volume, or as may be determined by the Planning Commission where traffic count information is not available or was counted more than two years prior to the date of the application submission.
- E. Lighting fixtures for parking lots shall be no higher than 15 feet and shall be provided with cutoff light fixtures so as to minimize the amount of light extending into areas outside of the parking lot.
- F. **Table of District Regulations.** The following dimensional requirements shall be met:

| | |
|-------------------|--|
| FRONT YARD | Minimum setback of 40 feet. |
| | The entire required front yard, except for necessary entrance drives, shall be landscaped. |
| SIDE YARD | Side abutting residential districts or uses – 25 feet |
| | Side abutting other districts – 10 feet Street sides of a corner lot – 40 feet |
| REAR YARD | 25 feet |
| LOT COVERAGE | 40% |
| BUILDING HEIGHT | 35 feet or 2 ½ stories |
| MINIMUM LOT AREA | One acre |
| MINIMUM LOT WIDTH | 200 feet |

[Ch. 7A added 4/6/05; Section 7A.04.F amended 10/5/16]

CHAPTER 7B
C – GENERAL COMMERCIAL DISTRICT

SECTION 7B.01 DESCRIPTION AND PURPOSE. This district is intended to accommodate uses which can provide general commercial services for visitors to and residents of Courtland Township, including auto-related uses which would ordinarily be incompatible with the character of residential districts.

SECTION 7B.02 PERMITTED USES. Land and/or buildings in the C District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 11, and subject to specific standards provided in Chapter 12, if applicable:

- A. Any use permitted by right in the LC District.
- B. Fitness centers.
- C. Retail stores, conducted entirely inside an enclosed building. (Outdoor sales may be approved as an open air business.)
- D. Restaurants, which do not include drive through facilities.
- E. Establishments renting equipment, furnishing or goods intended for customary household use, in a completely enclosed building. (Outdoor storage may be approved as an open air business.)
- F. Retail sales at auction in a completely enclosed building. (Outdoor sales area may be approved as an open air business.)
- G. Private clubs, fraternal organizations, and lodge halls.
- H. Dry-cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- I. Commercial child care centers.
- J. Buildings, structures, and uses accessory to permitted uses.
- K. Laboratories (experimental, film or testing).
- L. Trade or industrial schools.
- M. Medical marihuana enterprise, subject to the specific standards of Section 2.37.
- N. Commercial greenhouses and nurseries.

- O. Funeral homes and mortuary establishments.
- P. Hotels and motels.
- Q. Theaters and places of public assembly.
- R. Vehicle wash establishments.
- S. Veterinary hospitals and animal clinics.
- T. Bowling alleys and other indoor recreational facilities. **[Section 7B.02 amended entirely 9/2/15]**

SECTION 7B.03 SPECIAL LAND USES. Land and/or buildings in the C General Commercial District may be used for the following purposes following review by Planning Commission and approval by the Township Board as a special land use as regulated by Chapter 12:

- A. Commercial kennels.
- B. Open air businesses.
- C. Commercial storage warehouses.
- D. Warehousing, bulk storage, and transport of propane, liquid petroleum, fuel oil, and similar fuels, not including gasoline, used by consumers in the Township and surrounding areas.
- E. Towers in excess of 50 feet in height for commercial wireless telecommunication services, and related equipment and accessory structures.
- F. Contractor's showrooms and storage yards, subject to the special land use standards applicable to open air business, to the extent any portion of the operation is located outdoors.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Restaurants with drive-through facilities.
- I. Vehicle service stations and body shops.
- J. Removal of natural resources:
 - 1. As defined and subject to Chapter 12A and Public Act 113 of 2011.
 - 2. Drinking water or other materials not defined or subject to Chapter 12A or Act 113 of 2011 in accordance with the standards of Section 12.07.D of this Ordinance. **[Section 7B.03.J amended 2/3/16]**

SECTION 7B.04 SITE DEVELOPMENT REQUIREMENTS. No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.
- B. A maximum of one driveway per street shall be permitted per principal use, or collective principal use, as defined in Section 2.03.A. A second driveway may be permitted provided that such drive is constructed and permitted to share access with an adjoining principal use or existing lot within the same zoning district. The Planning Commission may permit additional driveways, if justified by a professional traffic study provided by the applicant or owner indicating the need for such additional driveways.
- C. Parking areas shall be screened from the street by screening consisting of, at a minimum, a three-foot high continuous obscuring screen comprised of plant material, berming, screen walls or fences, or any combination of these elements.
- D. Parking lots and driveways providing access to corner lots shall be required to gain sole access from the lesser traveled of the two intersecting streets. For the purposes of this paragraph, “lesser traveled” shall mean the street having the lowest daily traffic volume, or as may be determined by the Planning Commission where traffic count information is not available or was counted more than two years prior to the date of the application submission.
- E. Lighting fixtures for parking lots shall be no higher than 15 feet and shall be provided with cutoff light fixtures so as to minimize the amount of light extending into areas outside of the parking lot.
- F. **Table of District Regulations.** The following dimensional requirements shall be met:

| | |
|-------------------|--|
| FRONT YARD | Minimum setback of 40 feet |
| | The entire required front yard, except for necessary entrance drives, shall be landscaped. |
| SIDE YARD | Side abutting residential districts or uses – 25 feet |
| | Side abutting other districts – 10 feet |
| | Street sides of a corner lot – 40 feet |
| REAR YARD | 25 feet |
| LOT COVERAGE | 40% |
| BUILDING HEIGHT | 35 feet or 2 ½ stories |
| MINIMUM LOT AREA | One acre |
| MINIMUM LOT WIDTH | 200 feet |

[Ch. 7B added 4/6/05; Section 7B.04 amended 10/5/16]

CHAPTER 8
LI – LIGHT INDUSTRIAL DISTRICT

SECTION 8.01 DESCRIPTION AND PURPOSE. This district is intended to accommodate wholesale, warehousing, light manufacturing, storage, and other industrial-related uses which have minimum potential impact on surrounding property.

SECTION 8.02 PERMITTED USES. Land and/or buildings in the LI District may be used for the following purposes as permitted uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 11:

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Research and development facilities, including production activities.
- D. Wholesale establishments.
- E. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations.
- F. Laboratories (experimental, film, or testing).
- G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- H. Trade or industrial schools.
- I. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- J. Contractor’s showrooms and storage yards.
- K. Accessory buildings, structures, and uses.
- L. Medical marihuana enterprise, subject to the specific standards of Section 2.37. [Section 8.02.L added 7/6/11]

- M. Body shops [Section 8.02.M added 9/2/15]

SECTION 8.03 SPECIAL LAND USES. Land and/or buildings in the LI District may be used for the following purposes, following review by Planning Commission and approval by the Township Board as a special land use as regulated by Chapter 12: [Section 8.03, opening paragraph, amended 10/6/93]

- A. Lumber and planing mills. [Section 8.03.A deleted, subsequent paragraphs renumbered, 9/2/15]
- B. Metal plating, buffing, and polishing.
- C. Commercial storage warehouses.
- D. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- E. Junk yards, salvage yards.
- F. Adult uses.
- G. Warehousing, bulk storage, and transport of propane, liquid petroleum, fuel oil, and similar fuels, not including gasoline, used by consumers in the Township and surrounding areas. [Section 8.03.H added 1/3/96]
- H. Towers in excess of 50 feet in height for commercial wireless telecommunication services, and related equipment and accessory structures. (11-5-97)
- I. Oil and gas structures. [Section 8.03.J added 7/2/14]
- J. Removal of natural resources:
 - 1. As defined and subject to Chapter 12A and Public Act 113 of 2011.
 - 2. Drinking water or other materials not defined or subject to Chapter 12A or Act 113 of 2011 in accordance with the standards of Section 12.07.D of this Ordinance. [Section 8.03.J added 2/3/16]

SECTION 8.04 SITE DEVELOPMENT REQUIREMENTS. No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following requirements are met and maintained in connection with such building, structure, or enlargement.

- A. The outdoor storage of goods or materials shall be screened from the view from the street or from abutting properties.
- B. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and on-site parking of vehicles.

| | |
|-------------------|--|
| FRONT YARD | 100 feet |
| | The first 35 feet of the front yard area, except for necessary entrance drives, shall be landscaped. |
| SIDE YARD | Side abutting residential districts or uses - 75 feet |
| | Side abutting other districts - 50 feet |
| | Street side of a corner lot - 50 feet |
| REAR YARD | Abutting residential districts or uses - 100 feet |
| | Abutting other districts - 50 feet |
| LOT COVERAGE | 50% |
| BUILDING HEIGHT | 40 feet |
| MINIMUM LOT AREA | 1 Acre |
| MINIMUM LOT WIDTH | 150 feet |

**CHAPTER 9
PLANNED UNIT DEVELOPMENTS**

SECTION 9.01 DESCRIPTION AND PURPOSE.

- A. The purpose of a planned unit development (PUD) is to permit greater flexibility in development than is generally possible under standard district regulations. It is further intended to promote the preservation of significant natural features, the efficient use of land, a harmonious variety of housing choices, and the integration of open space, and necessary commercial and community facilities.
- B. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance. These provisions are intended to result in land development substantially consistent with the underlying zoning, except as otherwise noted.

SECTION 9.02 QUALIFYING CONDITIONS.

- A. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all affected properties.
- B. The property which is the subject of a PUD application must be a minimum of five contiguous acres in total area and may be located within any district.
- C. To be considered as a PUD the proposed development must fulfill at least one of the following conditions:
 - 1. The PUD contains two or more separate and distinct uses, for example, single family and multiple family dwellings;
 - 2. The PUD site exhibits significant natural features, as defined by Section 1.19, which will be preserved as a result of the PUD plan. (4-2-97)
 - 3. The PUD is designed to preserve in perpetuity at least 40 percent of the total area of the site in active agriculture or open space, which otherwise would have been included as building lots. (4-2-97)

SECTION 9.03 REVIEW PROCEDURES.

A. Sketch Plan Approval.

1. To be considered as a PUD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this chapter.
2. Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least 45 days prior to the date of first consideration by the Planning Commission.
3. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 9.06.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the approximate density and type of proposed housing units within each phase and for the total PUD.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Ten copies of a sketch plan meeting the requirements of Section 11.04.B.
4. In addition, unless the Zoning Administrator, with the concurrence of the Planning Commission, determines that it is not necessary, all applicants shall submit a “parallel plan” which demonstrates the number of dwelling units that could be developed on the land under its existing zoning, without any variance or use of any cluster development option. The parallel plan shall include at least the following information:
 - a. Date, north arrow, and scale, (not more than one inch to 100 feet).
 - b. Location and dimensions of streets and driveways, and computation of total area included in rights-of-way.
 - c. Lot layout, dimensioned to show lot area and width.

- d. Location of all public or private utilities and improvements that would be necessary to serve a development 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 detention or retention basins, community sewage treatment systems, and community water supply systems.
 - e. The location of all septic tanks and drainfield areas, and replacement areas, and water well locations. The applicant shall submit proof that the proposed septic tank, drainfield and water well location for each lot will be approved, or has been approved, by the Kent County Health Department.
 - f. The parallel plan shall illustrate and dimension all areas having 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. Such areas shall be assumed to be unusable for roads, driveways, or residential buildings, unless the applicant proves to the satisfaction of the Planning Commission that these areas could be developed lawfully, practically and cost effectively.
 - g. Each lot shown on the parallel plan shall meet the minimum requirements for the zoning district in which it is located, including satisfaction of minimum lot width and area, without variance. The applicant shall demonstrate that there is sufficient buildable area on the property that a building with a footprint at least equal to a one-story home meeting the minimum requirements for floor area could be constructed, in full compliance with all setback requirements under the zoning ordinances, and that a septic system and well, and replacement areas (if applicable), could be installed and safely used for that unit.
 - h. The parallel plan shall include roads which meet the standards for public roads, unless the applicant meets the burden of demonstrating that the parallel plan will meet the standards for approval of a special land use for private roads. The applicant shall demonstrate that the layout of rights-of-way provide for a practical, workable, and cost efficient provision for utilities, including storm water management and other facilities necessary to serve the development. **[Section 9.03.A.4 amended 12/3/03]**
5. The Planning Commission shall conduct a public hearing prior to considering the proposed sketch plan. Notices of the public hearing shall be given as provided in Section 15.09 of this Ordinance. **[Section 9.03.A.5 amended 8/2/06]**

6. The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the sketch plan. The Township Board shall conduct a public hearing prior to considering approval of the sketch plan. Notices of the public hearing shall be given as provided in Section 15.09 of this Ordinance. The Township Board shall review the sketch plan in accordance with the requirements of this ordinance and deny, approve, or approve with conditions the sketch plan. **[Section 9.03.A.6 amended 9/2/15]**

B. Final Site Plan Approval.

1. After receiving approval of a sketch plan from the Planning Commission, the applicant shall within one year submit a final site plan to the Planning Commission.
2. The final site plan may be for either the entire project or for one or more phases.
3. Applications for final site plan approval for PUDs shall be submitted to the Zoning Administrator at least 45 days prior to the date of first consideration by the Planning Commission.
4. The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - b. Written documentation that the proposal meets the standards of Section 9.06.
 - c. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase.
 - d. A completed application form, supplied by the Zoning Administrator, and an application fee.
 - e. Ten copies of a final site plan for the phase for which approval is requested, meeting the requirements of Section 11.05.A.1-4. (10-19-93)
5. Failure to submit a final site plan for approval within the one year period shall void the previous sketch plan approval and a new application shall be

required to be submitted and approved in accordance with these provisions.

6. The Planning Commission shall review the final site plan to determine if the final site plan is substantially identical to the sketch plan previously approved and otherwise satisfies all requirements of this Ordinance. The Planning Commission shall deny, approve, or approve with conditions, the final site plan.
7. If the final site plan submitted differs from the preliminary sketch plan with respect to an increase in number of units, decrease in open space, or any other change which is significant, the Planning Commission shall conduct another public hearing (upon notice as provided for the sketch plan), and in this case, shall make a recommendation to the Township Board to deny, approve, or approve with conditions, the final site plan. The Township Board shall review the revised final plan in accordance with the requirements of the ordinance and deny, approve, or approve with conditions, the final site plan. [Section 9.03.A-B.7 amended 12/3/03]
8. Changes in the final site plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

SECTION 9.04 PERMITTED USES.

- A. The following uses may be permitted, either singly or in combination, in accordance with the applicable PUD requirements:
 1. Single-family detached dwellings.
 2. Two-family dwellings, provided that such units make up no more than 20 percent of the total number of residential dwelling units in the total PUD.
 3. Multiple-family dwellings, provided that such units make up no more than 30 percent of the total number of residential dwelling units in the total PUD.
 4. Permitted uses in the C General Commercial District, subject to the standards noted for non-residential uses in the PUD and the requirements of the C District.

SECTION 9.05 SITE DEVELOPMENT REQUIREMENTS.

A. Residential Uses.

1. The maximum number of dwelling units permitted shall be determined by the designation of the Master Plan for the property in which the PUD is proposed. If the PUD lies in more than one future land use category the

number of dwelling units shall be calculated on a proportionate basis.
[Section 9.05.A.1 amended 1/3/96]

2. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the net developable area, which shall be determined by subtracting the following from the total site area: (1) lands used or dedicated for public or private easements and road rights-of-way; (2) areas with slope of 20 percent or greater, regulated and unregulated wetlands, and flood plains, unless the applicant can prove by the parallel plan that such areas would not limit the number of building lots or the construction of roads or other facilities in a development which does not use a PUD or cluster development option. [Section 9.05.A.2 amended 12/3/03]
3. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall comply with the requirements of the underlying zone district, except as may be provided in Section 9.05.D. [Section 9.05.A.3 amended 1/3/96]
4. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 9.05.C.

B. Non-Residential Uses.

1. All non-residential uses allowed in the PUD, shall occupy no more than 10 percent of the PUD project's developable area.
2. All such uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
3. Such uses shall be permitted only if they will not materially alter the residential character of the neighborhood and/or the PUD.
4. All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
5. Buildings designed for non-residential uses shall be constructed according to the following requirements:
 - a. If the entire PUD contains fewer than 20 dwelling units, 72 percent of these units must be constructed prior to construction of any non-residential use.
 - b. If the PUD contains more than 20 dwelling units, 50 percent of these units shall be constructed prior to the construction of any non-residential use.

C. **Open Space.**

1. Any open space provided in the PUD shall meet the following considerations and requirements:
 - a. Open space may be established to separate use areas within the PUD.
 - b. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
 - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
 - e. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
 - f. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
 - g. If the PUD is proposed adjacent to land which is determined to be likely to be used for active agriculture, open space shall be arranged to provide a buffer area of at least 50 feet along the property line adjacent to such agricultural use. **[Section 9.05.C.g amended 12/3/03]**

D. **Residential Cluster Development Regulations.** The PUD may be approved as a residential cluster development in accordance with the following regulations. Residential cluster developments are not intended simply as a means to reduce lot sizes. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed.

1. **Qualifying Conditions.** In addition to the provisions of Section 9.02, residential cluster developments shall also comply with the following:

- a. The minimum development size shall be 40 acres. The Planning Commission and Township Board may consider a lesser development size if the proposed project substantially forwards the intent of the residential cluster development regulations. (4-2-97)
- b. The applicant must demonstrate that the property proposed for such cluster development contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would otherwise be developed but which is preserved as a result of the residential cluster development.

2. **Development Regulations.**

- a. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission and Township Board, but in no case shall be less than the following: (4 2 97)

| | |
|--------------|-------------------------------|
| Lot size | 25,000 square feet |
| Front yard | 25 feet |
| Side yard | 20 feet total/10 feet minimum |
| Rear yard | 20 feet |
| Lot coverage | 25% |
| Lot width | 110 feet |

- b. Land not proposed for development, but used for the calculation of overall density, shall be designated on the PUD plan and considered open space and shall be deed restricted or otherwise held as open space in perpetuity. Open space shall be subject to the requirements of Section 9.05.C.
- c. The total development density of the residential cluster development shall not exceed one dwelling unit per two acres, based on the density calculation of Section 9.05.A.2. **[Section 9.05.D.2.c amended 1/3/96]**
- d. Minimum floor area and height regulations for dwelling units shall conform to the R-R Rural Residential District requirements.
- e. No two-family, multiple family, or commercial uses shall be permitted as part of the residential cluster development.
- f. **Density Bonuses for Utility Services.** If the provisions of this Ordinance are satisfied, the Township Board may permit an increase in the number of dwelling units if public water or sewer systems, or both, are provided to the development:

- (1) Up to a 25 percent increase in the number of dwelling units may be permitted if all of the dwelling units within the PUD are served by a public water system.
- (2) Up to a 50 percent increase in the number of dwelling units may be permitted if all of the dwelling units within the PUD are served by a public sewer system.
- (3) If both public sewer and water systems are provided to serve all dwelling units within the PUD, the Township Board may permit up to a 100 percent increase in the total number of permitted dwelling units.
- (4) For the purposes of this section, a public water system shall be defined as: (a) a water distribution system owned and operated by the Township of Courtland or other governmental entity; or (b) a privately-owned community water system if a public water system is not available to the PUD, as determined by the Township.
- (5) For purposes of this section, a public sewer system means a sewer owned and operated by the Township of Courtland or other governmental entity. **[Section 9.05.D.2.f amended 7/2/14]**

3. **Review Standards.** The following review standards will be used by the Planning Commission and Township Board in their consideration of a residential cluster development. Before such developments may be approved the Township Board shall find:

- a. That the residential cluster development does not substantially alter the character of the general neighborhood in which the development is proposed;
- b. That the location of the buildings of the residential cluster development do not unduly impact other single family uses in the vicinity of the proposed development;
- c. That the residential cluster development preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate that the land preserved would otherwise be capable of development under the existing zoning;
- d. That the residential cluster development can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use. To this end the Planning Commission and/or Township Board may specify

what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the residential cluster development. Such additional information may also include the following provisions related to the objective of groundwater protection.

- (1) The Planning Commission and/or Township Board may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the Kent County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard. (11 5 97)
- (2) The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the PUD. Such additional studies may be required by the Planning Commission and/or Township Board where one or more of the following conditions are present:
 - (a) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the PUD is to be placed, or on lots or parcels within a one mile radius of the PUD site;
 - (b) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one mile radius of the PUD site;
 - (c) Existing licensed landfills (active or inactive) within a three mile radius of the PUD site.
 - (d) Industrially used or zoned sites within a one mile radius of the PUD site.
 - (e) If the PUD is proposed to contain more units than demonstrated by the parallel plan, the Township

must make a separate finding that the benefits of the provision of open space, preservation of natural features or land which can be used for agriculture, provision of water and/or sewer utilities, or similar features which promote the purposes of this Ordinance in the Master Plan, are sufficiently significant to justify the additional units which would be permitted by use of the PUD approach.

- (f) Existing residential development within a one mile radius of the PUD site that equals or exceeds a gross density (total acres divided by number of dwelling units) of one unit for every one and one-half acres.
 - (g) Existing agricultural development totaling more than 500 acres within a one mile radius of the PUD site. [Section 9.05.D.3.a-g amended 4/2/97]
[Section 9.05.D.3.e-g amended 12/3/03]
- E. All electric and telephone transmission wires shall be placed underground.
 - F. Parking is required in accordance with Chapter 13.
 - G. Signs are permitted in accordance with the requirements of Chapter 13. The least intensive district in which the use is permitted shall be used in determining sign requirements.

SECTION 9.06 APPROVAL STANDARDS. The Planning Commission shall consider and find that the following have each been satisfied before granting approval of any PUD.

- A. The standards of Section 11.06.
- B. The standards of Section 12.03.A.1.a-d.
- C. The requirements of this chapter.

SECTION 9.07 RECREATIONAL TRAILS. In connection with any development approved under this chapter, the Township may require the dedication of right-of-way for public recreational trails, or may require dedication at a future time on request of the Township, along: (1) the entire frontage of the proposed development along existing public streets; or (2) through the interior of the development, in open space areas or adjacent to internal public or private roadways, or at another location.

- A. **Procedures.** As part of its review of a planned unit development, the Planning Commission shall specifically consider whether a right-of-way for recreational trails along or through the proposed development would achieve the public purposes of promoting bicycle and pedestrian trails throughout the Township, providing a network of non-motorized trails to connect neighborhoods with other

neighborhoods, schools, parks, churches, shopping, services, and other trail systems, and in general providing a safe means of pedestrian use and non-motorized transportation throughout the Township. If the Planning Commission determines that recreational trails are necessary to achieve these public purposes, it shall approve an appropriate location for such trails. In making this determination, the Planning Commission shall consider, in addition to other relevant factors, all of the following:

1. Vehicle traffic likely to be generated by the proposed development.
 2. Pedestrian, bicycle and other non-motorized traffic likely to be generated by the proposed development.
 3. The importance of the required recreational trails to provide a safe means for access to schools, churches, parks, shopping, other trail networks, and other amenities.
 4. The location of the development and the proposed recreational trail to provide connectivity to planned routes for recreational trails.
 5. The cost of construction of the required recreational trails.
 6. The fair market value of any right-of-way or easement required to be dedicated for the recreational trails.
- B. The Planning Commission shall provide the developer with a reasonable opportunity at a Planning Commission meeting to provide the developer's position with respect to the need for recreational trails.
- C. Dedication of right-of-way for recreational trails may not be required if the Township specifically determines that the location of the development is such that the standards described in subsection A above do not weigh in favor of construction of recreational trails, or that the location is one at which there is no reasonable likelihood of a recreational trail becoming part of an interconnected trailway system.
- D. The Township Board shall review and consider the Planning Commission's report and recommendation concerning recreational trails and make a final determination based upon the preceding standards of this section, as part of final approval for a planned unit development under this chapter. Based upon the recommendation of the Planning Commission and its own findings, the Township Board shall decide what right-of-way for recreational trails, if any, are to be required for the development. **[Section 9.07 added 8/7/13]**

**CHAPTER 9A
COMMERCIAL PLANNED UNIT DEVELOPMENTS**

SECTION 9A.01 DESCRIPTION AND PURPOSE.

- A. The purpose of this commercial planned unit development chapter is to provide a flexible mechanism for the development of commercial property through design, provision for shared parking, shared access, restrictions on uses, and other factors which will make the development compatible with the surrounding area, and a well-designed and attractive and usable part of the community. This chapter is available only for commercial development. Mixed commercial use developments which may qualify under Chapter 9 remain an option for commercial and mixed commercial development.
- B. This C-PUD device is also intended to provide a mechanism by which a comprehensive plan for layout, traffic circulation, entrances, design, and similar factors can be approved in order to provide standards for development of a commercial project in stages or by different property owners.
- C. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance. They are intended to result in land development substantially consistent with the underlying commercial zoning, except as otherwise noted.
- D. A commercial planned unit development is referred to in this chapter as a “C-PUD”.

SECTION 9A.02 QUALIFYING CONDITIONS.

- A. The property proposed under this chapter shall be in a LC Light Commercial or C General Commercial District. An application for rezoning to such a district may be considered in conjunction with an application for C-PUD.
- B. The site proposed for the C-PUD shall consist of a minimum of two acres, unless the Township finds:
 - 1. That the property is isolated from other commercial uses by streets, natural features, or distinct property ownership; and
 - 2. Consideration of the project as a C-PUD would promote the purposes of this chapter.

SECTION 9A.03 REVIEW PROCEDURES.

- A. The application materials and procedures and rules for approval and amendment shall be the same as provided for Chapter 9, except as provided below.
- B. The development plan shall contain the features and information needed to demonstrate compliance with this chapter.
- C. The Township may request additional information necessary to address the standards for approval under this chapter, and may waive information if not useful toward the Township’s review and decision.
- D. A “parallel plan” is not required.

SECTION 9A.04 PERMITTED USES.

- A. The uses permitted in the underlying LC Light Commercial or C General Commercial Zoning District by right or with special land use approval shall be eligible to be included within a C PUD. Uses listed as permitted only with special land use approval shall satisfy the express minimum standards set forth for that special land use, unless the Township determines that the PUD is designed to provide equivalent or better design or development features than provided for that special land use.
- B. In order to promote compatibility with the existing or future neighboring development, a C-PUD may specify and restrict permitted uses. The C PUD approval may also require additional site plan review or special land use approval for future development parcels.

SECTION 9A.05 SITE DEVELOPMENT REQUIREMENTS. A C-PUD shall, at a minimum, satisfy the following standards:

- A. **Setbacks/Unit Area.**
 - 1. No minimum setback from individual property boundary lines or minimum lot area is required within the planned unit development. However, the site shall meet the requirements of this subsection.
 - 2. There shall be a landscaped area across each street side of the C PUD with a width of at least 40 feet. This area shall not be used for buildings or parking areas, and shall be unoccupied, except for permitted light poles, signs, landscaping and access driveways.
 - 3. There shall be a minimum ten-foot green/landscaped area around the remainder of the perimeter of the site. This area shall not be used for buildings or parking areas, and shall be unoccupied, except for permitted light poles, signs, landscaping and access driveways.

4. No building shall be closer than 25 feet from a side lot line abutting a residential district or existing use, or 15 feet from a side lot line adjacent to a non-residential zoning district. No building shall be closer than 25 feet from any rear lot line. For purposes of these sections, the side and rear lot line shall be determined by applying the definitions in the Zoning Ordinance to the entire C-PUD site as if it were a single parcel.
- B. **Access to Site.** Access to the site shall be consistent with the “Access Management Guidelines” of the Courtland Township Master Land Use Plan, as may be amended from time to time. In particular, the access to the C-PUD shall be designed with the goals of:
1. A maximum of one driveway for the C-PUD.
 2. In the case of a PUD located on two intersecting streets, access to that street which will promote traffic safety and neighborhood compatibility.
 3. Providing by easement for adjacent properties to use shared access for future development.
- C. **Landscaping and Site Design.** Site development features and landscaping shall be provided which promotes the “Site Development and Landscape Guidelines” of the Courtland Township Master Plan, as amended from time to time.
- D. **Lighting.** Lighting fixtures for parking lots shall be no higher than 15 feet and shall be provided with a cutoff light fixture so as to minimize the amount of light extending into areas outside of the parking lot.
- E. **Parking.** The number of parking spaces and layout and dimensions of parking areas shall be as provided in Chapter 13 of the Zoning Ordinance. Shared parking areas are permitted. In considering the sufficiency of parking, the Township shall take into account the range of possible uses within the C-PUD, and may impose conditions upon uses as necessary to ensure that minimum parking requirements are satisfied.
- F. **Signs.** Signs are permitted as provided for in Chapter 13 of the Zoning Ordinance for the C General Commercial District. The Township may approve an increase in maximum size of free-standing signs for a multi-tenant development utilizing a shared sign for the occupants of the C-PUD, up to the maximum which would be permitted for separate signs.
- G. **Utilities.** All electric and telephone transmission wires shall be placed underground.
- H. **Private Streets.** The Township recognizes that the policy considerations that require public streets as a general rule for residential development are not the same for commercial development, if private streets in a C-PUD are properly designed and maintained. Accordingly, the Planning Commission may approve

private streets for the purpose of internal circulation within a C-PUD, or to adjacent commercial property. Private streets shall not be approved if they provide the principal means of access to residential properties. Approved private streets shall meet the design requirements and provisions for maintenance in Chapter 2.

- I. **Sidewalks.** The Planning Commission may require sidewalks within a C PUD in order to improve pedestrian access and safety throughout the development, and neighboring properties or uses. In deciding whether to require sidewalks, the Township shall consider the number, location, and types of uses of buildings proposed within the C-PUD, the expected pedestrian and vehicular traffic, and the relationship of the C-PUD with surrounding and nearby properties.
- J. **Storm Water.** A storm water management plan complying with the Township Storm Water Management Ordinance shall be submitted. The applicant shall impose a storm water operations and maintenance agreement in compliance with the ordinance and subject to Township approval.
- K. **Construction and Phasing.** The Planning Commission may impose reasonable limitations upon construction activities, including limitations upon the opening of grades, hours of construction, and other conditions in order to promote capability with adjacent properties, and to minimize noise, traffic disruption, sedimentation, run-off or other effects of construction activities.

SECTION 9A.06 APPROVAL STANDARDS. The Township shall consider and find that each of the following have been satisfied before granting approval of any C PUD.

- A. The requirements of this chapter.
- B. To the extent not inconsistent with the requirements of this chapter, the standards of Section 11.06.
- C. With respect to any proposed special land use, the standards of Section 12.03.A.1.a-d.

SECTION 9A.07 RECREATIONAL TRAILS. The provisions of Section 9.07, Recreational Trails, which is applicable to planned unit developments, shall be applied to commercial planned unit developments in the same manner. **[Section 9A.07 added 8/7/13]**

[Ch. 9A added 6/1/05]

CHAPTER 10
MHC – MANUFACTURED HOUSING COMMUNITY DISTRICT

SECTION 10.01 DESCRIPTION AND PURPOSE. The manufactured housing community district is intended to provide regulations for manufactured housing communities and to provide for additional variety in housing opportunities and choices.

SECTION 10.02 PERMITTED USES. Land, buildings and structures in the MHC District may be used for the following purposes as permitted uses, unless otherwise provided in this Ordinance.

- A. State-licensed manufactured housing communities, as regulated by Sections 10.04 through 10.06 of this Ordinance.
- B. Family day care homes.
- C. State-licensed residential family care facilities; provided that such facility is not located closer than 1,500 feet from an existing or proposed similar state-licensed residential facility, including group care facilities, but not including state-licensed residential facilities caring for four or less minors.
- D. Accessory buildings, structures and uses.

Site plan approval for all permitted uses shall be in accordance with the requirements of Chapter 11, except for manufactured housing communities, which shall be subject to the site plan provisions of Section 10.06.

SECTION 10.03 SPECIAL LAND USES. Land and/or buildings in the MHC District may be used for the following purposes following review by the Planning Commission and approval by the Township Board as a special land use as regulated by Chapter 12:

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- B. State-licensed residential group home care facilities.

SECTION 10.04 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.

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 (“AASHTO”).
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:

| | |
|--------------------------------------|---------|
| One-way, no parking | 16 feet |
| Two-way, no parking | 21 feet |
| One-way, parallel parking, one side | 23 feet |
| One-way, parallel parking, two sides | 33 feet |
| Two-way, parallel parking, one side | 31 feet |
| 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:
 - a. 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.
 - b. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
 - c. 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 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. Improved 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. All 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:
 - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
 - b. 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.
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:
 - a. 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.
 - b. 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.
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 10.04.J of this chapter.

2. Required Distances Between Homes and Other Structures.

- a. 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:
 - (1) 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.
 - (2) 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.
 - (3) Ten feet from either of the following:
 - (a) The parking space on an adjacent home site.
 - (b) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - (4) Fifty feet from permanent community-owned structures, such as either of the following:
 - (a) Club houses.
 - (b) Maintenance and storage facilities.
 - (5) One hundred feet from a baseball or softball field.
 - (6) Twenty-five feet from the fence of a swimming pool.
- b. 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.

- c. Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, enclosed carports or garages, or similar structures shall be set back the following minimum distances:
 - (1) Ten feet from the edge of an internal road.
 - (2) Seven feet from a parking bay off a home site.
 - (3) Seven feet from a common sidewalk.
 - (4) Twenty-five feet from a natural or man-made lake or waterway.
- d. 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:
 - (1) 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.
 - (2) Roof overhangs shall be set back four feet or more from the edge of the internal road.

3. Setbacks From Property Boundary Lines.

- a. Homes, permanent buildings and facilities, and other structures shall not be located closer than 50 feet from the property boundary line of the community.
- b. 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 use, the community shall be required to provide landscape screening along the boundary abutting the residential use.
- 2. If the community abuts a non-residential development, it need not provide screening.

3. In all cases, however, a community shall provide landscape 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 at planting 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. Manufactured housing communities shall provide open space in accordance with the following requirements:
 - a. A community that contains 50 or more home sites shall not have 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 recreational uses.
2. Community recreation uses with the required open space may include, but are not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
3. 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.
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:
 - a. 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.
 - b. 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.
 - c. Any such single-family dwellings permitted under this section shall comply in all respects with the requirements of single-family dwellings in the R-1 Single Family Residential District.

L. Signs.

1. There shall be a maximum of one sign per road frontage with an entrance which shall bear only the name of the community.
2. 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.
3. One sign, not exceeding 32 square feet in area shall be permitted for the first entrance provided to the community.
4. 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.

- O. Compliance with Americans with Disabilities Act. To the extent applicable, the community shall comply in all respects with the Americans with Disabilities Act, 42 USC § 12101, *et seq.* and the administrative rules promulgated thereunder.

SECTION 10.05 MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES; OPERATION OF COMMUNITIES.

- A. **Home Size.** Manufactured homes within a community shall not contain less than 920 square feet, as measured by the outside dimensions, nor have an outside width of less than 13 feet.
- 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 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.
- 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 have 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 10.06 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 (1"=50') for property under three acres and at least one inch equals 100 feet (1"=100') 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.
 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.

[Ch. 10 amended in its entirety 4/4/01]

**CHAPTER 11
SITE PLAN REVIEW**

SECTION 11.01 PURPOSE. The purpose of this chapter is to provide for consultation and cooperation between the applicant and the Township in order that the applicant may accomplish planned objectives in the utilization of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development may be completed with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity. **[Section 11.01 amended 8/7/13]**

SECTION 11.02 SITE PLANS REVIEWED.

- A. The Zoning Administrator shall not issue a zoning compliance permit for any new or expanded building, structure or use until a final site plan has been reviewed and approved, as required by this section.
- B. Approval by the Courtland Township Planning Commission is required for the following:
 - 1. Any new building, structure or use in the non-residential districts.
 - 2. Any permitted use in the residential and agricultural districts, except single or two-family dwellings located on individual lots within developments which have been approved, if applicable.
 - 3. Site condominiums.
 - 4. Act 177 Cluster Developments.
 - 5. An alteration of an existing building, structure or site improvement resulting in both an increase in the gross floor area of the building by 20 percent or more, and of a scope that would call for five or more additional parking spaces (whether such spaces are present or not).
 - 6. Planned unit developments.
 - 7. Special land uses in any district.
 - 8. As otherwise required in this Ordinance.
- C. A final site plan shall be reviewed and approved by the Township Zoning Administrator in the following circumstances:
 - 1. An alteration of an existing building, structure or site improvement resulting in either an increase in the gross floor area of the building of less

than 20 percent, or of a scope that the expansion would call for less than five additional parking spaces (whether such spaces are present or not).

2. Construction of a building or structure which is accessory to a principal use or building.
3. A change in use from one permitted use to another permitted use, not accompanied by any increase in the exterior dimensions of the building, or any change to parking or circulation.

The Zoning Administrator shall apply the same standards, and have the same powers and duties as provided in this chapter for review by the Planning Commission. The Zoning Administrator may, in his/her sole discretion, in consultation with the chair of the Planning Commission and/or supervisor, refer requests for site plan approval to the Planning Commission, even if such site plans are eligible for staff approval.

- D. The following buildings, structures and uses are exempt from the requirement of site plan approval under this Ordinance, but shall require a zoning permit and all applicable building and similar permits:
 1. A single family or two-family dwelling, and permitted accessory structures, located within a development which has been approved by the Township.
 2. Farm buildings, except farm markets which are subject to Planning Commission review.
- E. The Planning Commission or Zoning Administrator may, in their discretion, waive some or all of the materials or information required to be submitted with the site plan application, provided the information submitted is sufficient to allow appropriate review and verification that the standards of this chapter and the Zoning Ordinance have been satisfied. **[Section 11.02.A-E amended 8/7/13]**

SECTION 11.03 APPLICATION PROCEDURES.

- A. An application for site plan review by the Planning Commission shall be submitted at least 45 days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit it to the Planning Commission. **[Section 11.03.A amended 8/7/13]**
- B. An application for either a preliminary or final site plan review shall consist of the following:
 1. Ten copies of the preliminary or final site plan.
 2. A completed application form, as provided by the Township.

3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
4. A legal description, including permanent parcel number, of the entire property, which is the subject of the site plan review.
5. Other materials as required in this chapter.

SECTION 11.04 REVIEW PROCEDURES.

A. Preliminary Site Plan Review. [Section 11.04.A deleted, subsequent subsections renumbered, 9/2/15]

1. If desired by the applicant, a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
2. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator.
 - a. Small scale sketch of properties, streets and use of land within one half mile of the area.
 - b. A site plan at a scale of not more than one inch equals 100 feet (1"=100') showing any existing or proposed arrangement of:
 - (1) Existing adjacent streets and proposed streets.
 - (2) Lots.
 - (3) Parking lots and access points.
 - (4) Proposed buffer strips or screening.
 - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - (6) Location of any signs not attached to the building.
 - (7) Existing and proposed buildings.

- (8) General topographical features including contour intervals no greater than two feet. [Section 11.04.B.b.8 amended 12/3/03]
 - (9) All buildings and driveways within 100 feet of all property lines. [Section 11.04.B.2.b(9) added 10/6/93]
- c. A narrative describing:
- (1) The overall objectives of the proposed development.
 - (2) Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - (3) Dwelling unit densities by type, if applicable.
 - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
 - (5) Proposed method of providing storm drainage.
3. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this chapter.

SECTION 11.05 FINAL SITE PLAN REVIEW.

- A. If desired by the applicant, a final site plan may be submitted for review without first receiving approval of a preliminary site plan. Final site plans shall include the following information, unless deemed unnecessary by the Zoning Administrator:
- 1. Legal description of the property, including permanent parcel number.
 - 2. Small scale sketch of properties, streets and use of land within one half mile of the area.
 - 3. A narrative describing the items indicated in Section 11.04.B.2.c. [Section 11.05.A.3 amended 10/6/93]
 - 4. Ten copies of a site plan at a scale not to exceed one inch equals 100 feet (1"=100'). The following items shall be shown on the plan:
 - a. Date of preparation/revision.
 - b. Name and address of the preparer.

- c. The topography of the site at a minimum of two-foot intervals and its relationship to adjoining land. **[Section 11.05.A.4.c amended 12/3/03]**
 - d. Existing man-made features.
 - e. Dimensions of setbacks, locations, heights and size of buildings and structures.
 - f. Street rights-of-ways, indicating proposed access routes, internal circulations, and relationship to existing rights-of-ways.
 - g. Proposed grading.
 - h. Location and type of drainage, sanitary sewers, storm sewers, and other utilities.
 - i. Location and type of fences, landscaping, buffer strips, and screening.
 - j. Location and type of signs and on-site lighting.
 - k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 13.
 - l. Easements, if any.
 - m. Dimensions and number of proposed lots.
 - n. All buildings and driveways within 100 feet of all property lines. **[Section 11.05.A.4.n added 10/6/93]**
- B. The Planning Commission, prior to granting approval of a final site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.
- C. The Planning Commission shall approve, deny, or approve with conditions, the final site plan based on the purposes, objectives and requirements of this Ordinance, and specifically, the standards of Section 11.06. **[Section 11.05.C amended 12/3/03]**

SECTION 11.06 SITE PLAN REVIEW STANDARDS.

- A. The Planning Commission shall review the preliminary and final site plan and approve, approve with conditions, or deny the application based on the purposes,

objectives and requirements of this Ordinance, and specifically, the following considerations when applicable: [Section 11.06.A amended 8/2/06]

1. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access points.
3. The arrangement of public or common ways for vehicular and pedestrian circulation and their connection to existing or planned streets in the area shall be planned to operate in the safest and most efficient means possible.
4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
5. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or nearby bodies of water. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Sheriff's Department.
7. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

9. Off-street parking and loading areas shall be provided where required, with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
10. The general purposes and spirit of this Ordinance and the Master Plan of the Township. **[Section 11.06.A.1-10 renumbered 10/6/93]**

SECTION 11.07 APPROVED SITE PLANS.

- A. Upon approval of the preliminary and final site plans, the chair of the Planning Commission shall sign two copies thereof. One signed copy shall be made a part of the Commission's files and one copy shall be returned to the applicant. Upon approval of the final site plan, the chair of the Planning Commission shall sign three copies thereof. One signed copy shall be made part of the Township's files; one shall be forwarded to the Building Inspector for review of the building permit application; and one copy shall be returned to the applicant.
- B. Each development shall be under construction within one year after the date of approval of the final site plan, except as noted below. **[Section 11.07.A-B amended 8/2/06]**
 1. The Planning Commission may grant one six-month extension provided the applicant applies for such extension prior to the date of the expiration of the final site plan.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, but is then ready to proceed.
 3. Should neither of the aforementioned provisions be fulfilled or a six-month extension has expired without construction underway, the final site plan approval shall be null and void.
- C. Amendments to an approved final site plan may occur only under the following circumstances:
 1. The holder of a valid final site plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 2. If the site plan was approved by the Zoning Administrator, the Zoning Administrator may approve changes to the site plan, provided the site plan as amended still meets the qualifications for Zoning Administrator review. Otherwise, minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as approved by the Planning Commission. The Zoning Administrator may, in his/her sole discretion, in consultation with the chair of the

Planning Commission and/or supervisor, refer requests for site plan amendment to the Planning Commission, even if such amendment would qualify for Zoning Administrator approval. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change: **[Section 11.07.C.2 amended 8/7/13]**

- a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten feet.
 - c. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
 - d. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
 - e. Changes in floor plans, which do not alter the character of the use.
 - f. Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design.
 - g. Changes required or requested by the Township for safety reasons shall be considered a minor change.
3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

SECTION 11.08 ACT 177 CLUSTER DEVELOPMENT PURPOSE AND INTENT. Sections 11.08 through 11.12 are adopted for the purpose of implementing Act 177 of the Public Acts of Michigan of 2001 (“Act 177”). In Act 177, the State Legislature mandated that townships which meet certain qualifying conditions (as does Courtland Township) must provide for clustered residential housing at the developer’s option. The provisions for Act 177 Cluster Developments are in addition to provisions made for planned unit developments under Chapter 9 of the Zoning Ordinance. **[Section 11.08 added 12/4/02]**

SECTION 11.09 QUALIFYING CONDITIONS. Land may be developed as an Act 177 Cluster Development only if all of the following conditions are satisfied:

- A. The subject land is in the R-R, R-1, or R-2 Zoning District (subject to the density provisions below);
- B. The applicable zoning regulations 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 at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system;

- C. Construction of an Act 177 Cluster Development shall not depend upon the extension of public sanitary sewer or public water to the land, unless the development of the land without the exercise of the Act 177 Cluster Development option would also depend on extension of these utilities; and
- D. The Act 177 Cluster Development option provided pursuant to this article shall not have previously been exercised with respect to the same land. **[Section 11.09 added 12/4/02]**

SECTION 11.10 USES PERMITTED.

- A. In the R-R and R-1 Districts, only detached single family dwellings, state licensed family care facilities, family day care homes, home occupations, and accessory buildings, structures and uses are permitted.
- B. In the R-2 District, only two family dwellings, state licensed residential family care facilities, family day care homes, home occupations, and accessory buildings, structures and uses are permitted by right. Multiple family developments may be permitted in an Act 177 Cluster Development, only if separately approved as a special land use.
- C. An Act 177 Cluster Development may be a site condominium, subdivision, or land division if sufficient divisions are available. **[Section 11.10 added 12/4/2002.]**

SECTION 11.11 SPECIAL APPLICATION AND REVIEW PROCEDURES.

- A. Except as otherwise provided in this section, the application shall be reviewed in accordance with Chapter 11.
- B. Except for the additional information required by this section, the application materials shall be as required for preliminary site plan approval (if desired by applicant) and final site plan approval under Chapter 11. If an Act 177 Cluster Development is proposed as a subdivision, then the applicant must also submit information in the content and form required by the Township Land Division Ordinance.
- C. In addition to the application materials otherwise required by Chapter 11, an application for an Act 177 Cluster Development shall include the following:
 - 1. A parallel plan, which demonstrates the number of dwelling units that could be developed on the land under its existing zoning, without PUD approval or any variance. The parallel plan shall include at least the following information:
 - a. Date, north arrow and scale. The scale of the drawing shall not be more than 1"=100'.

- b. Location and dimensions of streets and driveways, and computation of total area included in rights-of-way.
 - c. Lot layout, dimensioned to show lot area and width.
 - d. Location of all public or private utilities and improvements that would be necessary to serve a development 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.
 - e. If development under the parallel plan would require the use of septic tanks, drain fields and/or water wells, the location of all septic tanks and drain field areas, and water well locations. The applicant shall submit proof that the proposed septic tank, drain field and water well location for each lot would be approved, or has been approved, by the Kent County Health Department.
 - f. The parallel plan shall illustrate and dimension all land, with 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.
2. A copy or excerpt of the legal instrument that would provide for preservation of open space. At a minimum, the legal instrument shall:
- a. Indicate the proposed permitted use of the undeveloped open space.
 - b. 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 Township.
 - c. Provide for maintenance of the undeveloped open space by its owners or co-owners.
3. The site plan for an Act 177 Cluster Development shall also include the following information:
- a. 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 development, including building lots, street rights-of-way, drainage and other facilities needed for the development.

- b. The total number of acres proposed to remain in a perpetually undeveloped state, the number of acres proposed to be for development, and the percentage of each, as compared to the total site acreage.
 - c. The location of all proposed lots and proposed building envelopes and the lot area and width of each lot, and a demonstration that the minimum front, side and rear yard building setbacks of the district can be satisfied. The number of proposed lots on the site development plan shall not exceed the number of lots on the parallel plan, as approved by the Township.
4. A sketch or aerial photograph of adjacent lands, showing all natural features and improvements on those lands. **[Section 11.11 added 12/4/02]**

SECTION 11.12 STANDARDS OF REVIEW.

A. **Maximum Number of Lots.** The maximum number of lots in an Act 177 Cluster Development is the maximum number of complying, feasible lots which could be developed on the land in question if each lot met the minimum requirements of the zoning district in which it is located, as determined by the Township based on the parallel plan. In making this determination, the following standards apply:

- 1. Regulated wetlands and areas of slope greater than 20 percent shall be assumed to be unusable for roads, driveways, or residential buildings. If a parallel plan shows roads, driveways, or residential buildings in such areas, the applicant has the burden of proving that these areas could be developed lawfully, practically and cost effectively.
- 2. Each lot shall meet the minimum requirements for the zoning district in which it is located, including satisfaction of minimum lot width and area, without variance. The applicant shall demonstrate that there is sufficient buildable area on the property that a building with a footprint at equal to a one story home meeting the minimum requirements for floor area could be constructed, in full compliance with all setback requirements and other zoning ordinances, and that a septic system and well (if applicable) could be installed and safely used for that unit.
- 3. The parallel plan shall include roads within the development which meet the standards for public roads, unless the applicant meets the burden of demonstrating that the parallel plan would meet the standards for approval of a special land use for private roads. The applicant shall demonstrate that the layout of rights-of-way provide for a practical, workable, and cost efficient provision for utilities, including storm water management and other facilities necessary to serve the development.

B. **Required Open Space.** At least 50 percent, but no more than 60 percent, of the land proposed for an Act 177 Cluster Development shall remain in a perpetually

undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument. The following areas shall not constitute open space:

1. The area within all street rights-of-way.
2. Any easement for overhead utility lines.
3. The area within a platted lot, site condominium unit or metes and bounds parcel intended to be occupied by a structure not permitted to be located in open space.
4. Off-street parking areas.
5. Detention and retention ponds.
6. Any area devoted to public or common community sewage disposal systems.
7. Any golf course.
8. Bodies of water.

C. **Standards for Open Space.** The following standards shall apply to the required open space:

1. 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 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
2. Open space shall be located so as to preserve the most significant natural resources, natural features, scenic or wooded areas, bodies of water, wetlands or agricultural land on the site, or to serve as a buffer for neighboring property owners or public rights-of-way. Location of open space shall be located to give preference to buffering of neighboring properties and public rights-of-way. Landscaping and screening may be required if deemed appropriate by the Township to create or supplement a buffer between adjacent properties.
3. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, agricultural use or other similar use, if determined by the Township to enhance the open area.
4. The open space shall be available for all residents of the development (subject to reasonable rules and regulations), and located to be reasonably accessible to residents.

5. 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. If open space does abut a lake or stream, the legal instrument governing the common area shall make provision, satisfactory to the Township, that there will be full compliance with Township regulations governing minimum frontage for each residential unit which utilizes the body of water, and the common space shall not be utilized as a device to avoid Township regulation of water access.
 6. All or part of required open space may be dedicated to the public, upon approval of the Township. The Township retains sole discretion whether to accept land proposed to be dedicated to the Township.
 7. No buildings, structures, or improvements may be located in the designated open space, except structures or improvements approved by the Township which promote the purposes of the open space, such as playground or athletic equipment, or agricultural structures within open space designated for agricultural use.
- D. **Compliance with Zoning District.** The development of lands under this article shall otherwise comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, including compliance with setback and yard size requirements for each lot.
- E. **Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable.
- F. **Required Width.** Each lot in the R-R and R-2 Districts shall have a minimum lot width of 110 feet. Each lot in the R-1 District shall have a minimum lot width of 110 feet for lots without public sanitary sewer service, and 85 feet for lots with public sanitary sewer service. A reduction in lot width shall not excuse compliance with setbacks for buildings to be located on the lots.
- G. **Grading.** Grading within the clustered development shall comply with the following requirements:
1. To preserve the natural appearance of the land, grading shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded.
 2. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, unless approved by the Township based on a finding that the disturbance enhances the open space.
 3. Grading shall be planned and carried out to avoid erosion, pollution, flooding or other adverse effects upon the land.

- H. **Streets.** All streets shall be public, unless private streets are separately approved by the Township as a special land use pursuant to this Ordinance.
- I. **Legal Instrument.** The legal instrument preserving open space shall do so in a manner which complies with the Ordinance and Act 177 in an effective and practical manner. The Township attorney must review and approve the legal instrument prior to recording.
- J. **Other Laws.** The development of an Act 177 Cluster Development 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 11.12 added 12-4-02]

SECTION 11.13 RECREATIONAL TRAILS. In connection with any approval of any site plan for a development approved under this chapter, the Township may require the dedication of public right-of-way for recreational trails, or may require dedication at a future time on request of the Township, along: (1) the entire frontage of the proposed development along existing public streets; or (2) through the interior of the development, in open space areas or adjacent to internal public or private roadways, or at another location.

- A. **Procedures.** As part of its review of a development, the Planning Commission shall specifically consider whether recreational trails are necessary along or through the proposed development in order to achieve public purposes of promoting bicycle and pedestrian trails throughout the Township, providing a network of non-motorized trails to connect neighborhoods with other neighborhoods, schools, parks, churches, shopping, services, and other trail systems, and in general providing a safe means of pedestrian use and non-motorized transportation throughout the Township. If the Planning Commission determines that recreational trails are necessary to achieve these public purposes, it shall determine the appropriate location for such trails. In making this determination, the Planning Commission shall consider, in addition to other relevant factors, all of the following:
 1. Vehicle traffic likely to be generated by the proposed development.
 2. Pedestrian, bicycle and other non-motorized traffic likely to be generated by the proposed development.
 3. The importance of the required recreational trails to provide a safe means for access to schools, churches, parks, shopping, other trail networks, and other amenities.
 4. The location of the development and the proposed recreational trail to provide connectivity to planned routes for recreational trails.
 5. The cost of construction of the required recreational trails.

6. The fair market value of any right-of-way or easement required to be dedicated for the recreational trails.
- B. The Planning Commission shall provide the developer with a reasonable opportunity at a Planning Commission meeting to provide the developer's position with respect to the need for recreational trails.
 - C. Dedication of right-of-way for recreational trails may not be required if the Planning Commission specifically determines that the location of the development is such that the standards described in subsection A above do not weigh in favor of construction of recreational trails, or that the location is one at which there is no reasonable likelihood of a recreational trail becoming part of an interconnected trailway system. **[Section 11.13 added 8/7/13]**

CHAPTER 12
SPECIAL LAND USES; PERFORMANCE STANDARDS
FOR SPECIFIC PERMITTED USES
[Title amended 9/2/15]

SECTION 12.01 PURPOSE. Special land uses are those uses of land which are not essentially incompatible with uses permitted in a district, but possess characteristics or location qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, overburdening public services and facilities, and conflicts with adjacent uses of land. The purpose of this chapter is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special land uses. The criteria for decision and requirements provided for under the provisions of the chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the special land use under consideration. In addition, this Chapter includes specific performance standards and requirements for certain uses which are permitted in the zoning districts, with site plan approval. **[Section 12.01 amended 9/2/15]**

SECTION 12.02 APPLICATION AND REVIEW PROCEDURES.

- A. An application for permission to establish a special land use shall be submitted in accordance with the following procedures:
1. Applications for a special land use shall be submitted at least 45 days prior to the next Planning Commission meeting through the Township Clerk who will review the application for completeness, then transmit it to the Planning Commission.
 2. A valid application for a special land use approval shall consist of the following:
 - a. Ten copies of a site plan meeting the requirements of Section 11.05.A.4.
 - b. A completed application form, as provided by the Township.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
 - d. A legal description, including permanent parcel number, of the entire property which is the subject of the special land use.
 - e. A statement with regard to compliance with the criteria required for approval in Section 12.03, and other criteria imposed by this Ordinance affecting the special land use under consideration.

f. Other materials as required by the Planning Commission.

B. Public Hearing.

1. Upon receipt of a valid application for a special land use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the special land use application.
2. Notice of the public hearing shall be given as provided in Section 15.09 of this Ordinance. **[Section 12.02.B.1-2 amended 8/2/06]**
3. The Planning Commission and Township Board shall review the application for a special land use and make a determination on the application in accordance with:
 - a. The site plan and other materials submitted in relation to the special land use application.
 - b. The standards for approval stated in Section 12.03.
 - c. Other standards contained in this Ordinance which relate to the special land use under consideration.
4. The Planning Commission shall recommend the special land use application to the Township Board with its approval, approval with conditions, or a denial.
5. If denied, the Planning Commission and Township Board, in its minutes, shall state the reasons for such denial and provide the applicant with a copy.

SECTION 12.03 BASIS OF DETERMINATION.

- A. Prior to approval of a special land use application, the Planning Commission and Township Board shall insure that the standards specified in this section, as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the special land use under consideration.
1. The Planning Commission and Township Board shall review the particular circumstances of the application under consideration in terms of the following standards, and shall approve a special land use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
 - a. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

- b. The special land use shall not change the essential character of the surrounding area.
 - c. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, smoke, fumes or glare.
 - d. The special land use shall not place demands on public services and facilities in excess of current capacity.
- B. The Township Board may impose conditions with the approval of a special land use which are necessary to insure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the special land use application and shall be enforced by the Zoning Administrator.

SECTION 12.04 APPROVAL TERM AND EXPIRATION.

- A. A special land use approval shall be valid for one year from the date of approval, unless approval is revoked as provided in Section 12.05, or the special land use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six consecutive months, in which case the approval shall be deemed expired as of the end of such period of six consecutive months and thereupon shall no longer be valid. **[Section 12.04.A amended 10/6/93]**
- B. If, by the end of this one-year period, the special land use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the special land use shall be deemed expired and no longer valid. The Planning Commission may, upon application, without further public hearing, grant an extension of this one-year period for a period to expire not more than three years following the initial approval, upon determination that there has been no change in conditions in the area which would result in a change in the approval or conditions imposed on the special land use. **[Section 12.04.B amended 9/2/15]**
- C. A special land use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.
- D. Reapplication for approval of an expired special land use approval shall be considered in the same manner as the original application.

SECTION 12.05 REVOCATION OF SPECIAL LAND USE APPROVAL.

- A. If the applicant fails to comply with any of the applicable requirements in this chapter, any conditions placed on the approval by the Township Board, or any other applicable provisions of this Ordinance the Township Board shall so notify the applicant of the applicable infractions. If these infractions are not corrected within the stated time, the Township Board may revoke the special land use approval and all rights associated with said use shall cease.
- B. Prior to revoking a special land use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 12.02.B.
- C. Following the public hearing, the Planning Commission shall make a recommendation to the Township Board regarding the special land use. Such recommendation may be that the special land use shall be modified, shall be revoked, or that it shall remain in effect with all of the original conditions and requirements. If such recommendation is that the special land use be modified, the Planning Commission shall include in its recommendation the conditions, requirements, or other matters as to which modification is recommended. The Township Board shall thereafter determine whether the special land use shall be modified, revoked or remain in effect without change. If the conditions and requirements of the special land use are not modified, and if the applicant is not in compliance therewith, the applicant shall be given a reasonable period of time, as determined by the Township Board, in which to correct any violations so as to cause the special land use to be fully in compliance with all of the established conditions and requirements. **[Section 12.05.C amended 10/6/93]**
- D. Notwithstanding the provisions of this section, the Township may enforce the correction of any violation of this Ordinance through the provisions of Section 15.08.

SECTION 12.06 EXISTING SPECIAL EXCEPTIONS. Uses of land and/or development projects granted special exception status by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements, and conditions of the special exception are met.

SECTION 12.07 SPECIFIC SPECIAL LAND USE STANDARDS; PERFORMANCE STANDARDS FOR SELECTED PERMITTED USES. The following special land uses or land uses permitted by right shall be subject to the requirements of the district in which they are located, in addition to all the applicable conditions, standards and regulations as are cited in this Ordinance. The following uses have such conditions, standards or regulations: **[Section 12.07 opening paragraph amended 9/2/15]**

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling

goods directly related to the primary use, and other similar uses integral to the main use.

- B. Roadside stands with more than 200 square feet of sales area for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal of water for drinking water purposes or other materials which are not subject to Chapter 12A or Public Act 113 of 2011. **[Section 12.07.D amended 2/3/16]**
- E. Public or private campgrounds.
- F. Multiple family dwellings.
- G. State licensed residential group care facilities.
- H. Group and commercial day care homes and facilities.
- I. Funeral homes and mortuary establishments.
- J. Hotels and motels.
- K. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
- L. Restaurants with drive-through facilities.
- M. Vehicle service stations, excluding body shops.
- N. Vehicle wash establishments, either self-serve or automatic.
- O. Open air businesses.
- P. Veterinary hospitals, animal clinics, and commercial kennels.
- Q. Bowling alleys.
- R. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- S. Body shops.
- T. Lumber and planing mills.
- U. Metal plating, buffing, and polishing.

- V. Commercial storage warehouses.
- W. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- X. Junk yards/salvage yards.
- Y. Adult uses.
- Z. Warehousing, bulk storage, and transport of propane, liquid petroleum, fuel oil, and similar fuels, not including gasoline, used by consumers in the Township and surrounding areas. **[Section 12.07.Z added 1/3/96]**
- AA. Towers in excess of 50 feet in height for commercial wireless telecommunication services, and related equipment and accessory structures. (11-5-97)
- BB. Oil and gas structures. **[Section 7.07.BB added 7/2/14]**

Specific Special Land Use Standards, for Special Land Use (List Details).

- A. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the main use.
 - 1. The use shall be located on property with direct access to a public street.
 - 2. Any outdoor activity areas shall be set back a minimum of 50 feet from any residential district or use.
 - 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
 - 4. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
 - 5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least 50 feet from any lot line.
- B. Roadside stands with more than 200 square feet of sales area for sale of produce grown on the premises.
 - 1. A five foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
 - 2. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or driveway.

3. No lighting shall be provided for any such use.
 4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
1. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
 2. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or driveway.
 3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
 4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- D. Removal and processing of drinking water and other materials not subject to Chapter 12A or Public Act 113 of 2011.

The Township shall not approve such use until the following information is provided and the Township finds that the proposed use will not unduly impact surrounding properties and the Township in general, in accordance with the following.

1. The size of the property from which such materials are to be removed.
2. The amount of such materials which is to be removed.
3. The purpose of such removal.
4. The effect of such removal on adjoining property; all removal activities shall be set back a minimum of 100 feet from any adjoining residential district or use.
5. The effect of such removal in causing a safety hazard, creating erosion.
6. The effect of such removal on the environment and the natural topography, and the potential destruction of any natural resources.
7. Potential traffic congestion and problems because of trucks or other vehicles or means utilized to haul and transport the materials removed.

8. Any change of the natural contour of the land, both during operations and at the time of abandonment, shall be maintained in a safe condition.
 9. No business or industrial buildings or structures of a permanent nature shall be erected, except where such building is a permitted use within the district in which the extraction activity is located.
 10. No storage or truck parking shall be located within 200 feet of any adjacent residence or within 50 feet of any other adjacent property.
 11. All of the operation shall be screened with an evergreen screen planting on any side adjacent to residentially occupied property.
 12. If applicable, the property shall be restored by the placement of topsoil where feasible; and all excavations shall be sloped to a gradient with not more than a 30 degree slope and the contour be caused to blend as nearly as possible with the natural surroundings.
 13. All truck operations shall be directed away from residential streets and utilize county primary roads wherever possible.
 14. The Township may require such bond as deemed necessary to insure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained.
 15. The applicant shall secure all necessary permits from Township, county and state authorities.
- E. Public or Private Campgrounds.
1. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
 2. The applicant shall secure all necessary permits from Township, county and state authorities.
 3. Minimum lot area shall be five acres.
 4. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
 - a. All commercial uses allowed shall occupy no more than 5 percent of the lot for building and parking areas.
 - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.

- c. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

F. Multiple Family Dwellings.

1. All dwelling units in the building shall have a minimum of 750 square feet per unit.
2. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
3. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
4. Buildings shall not be constructed closer than a distance equal to one and one-half times the height of the taller building.
5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

G. State Licensed Residential Group Care Facilities.

1. Such facilities shall not be located closer than 1,500 feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four or less minors.

H. Group and Commercial Day Care Homes and Facilities.

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four feet nor more than six feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of 1,200 square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the Township Board if public open space is available within 500 feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

I. Funeral Homes and Mortuary Establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

2. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.
 3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
 4. No waiting lines of vehicles shall extend off-site or onto any public street.
 5. Access driveways shall be located no less than 25 feet from the nearest part of the intersection of any street or any other driveway.
- J. Hotels and Motels.
1. Minimum lot area shall be four acres and minimum lot width shall be 200 feet.
 2. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
 3. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
- K. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
 2. Main buildings shall be set back a minimum of 100 feet from any residential property line.
 3. For uses exceeding a seating capacity of 250 persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
 4. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or any other driveway.
- L. Restaurants with Drive-Through Facilities.
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to

interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

2. In addition to parking space requirements, at least three parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
4. Access driveways shall be located no less than 25 feet from the nearest part of the intersection of any street or any other driveway.

M. Vehicle Service Stations, Excluding Body Shops.

1. Minimum lot area shall be one acre and minimum lot width shall be 250 feet.
2. Pump islands shall be a minimum of 15 feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five feet is maintained, and further provided that the fascia of such canopy is a minimum of ten feet above the average grade.
7. Access driveways shall be located no less than 25 feet from the nearest part of the intersection of any street or any other driveway.
8. Where adjoining residentially zoned or used property, a solid wall or fence, six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

N. Vehicle Wash Establishments, Either Self-Serve or Automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of 15 stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two stacking spaces at the entrance and one space at the exit.
2. Vacuuming activities, if outdoors, shall be at least 100 feet from any residential district or use property line. Wash bays for self-service establishments shall be located at least 50 feet from any residential district or use property line.
3. Should self-service wash bays be located with openings parallel to an adjacent street, they shall be screened by a solid wall or fence, six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
4. Only one access driveway shall be permitted on any single street. All access driveways shall be located no less than 25 feet from the nearest part of the intersection of any street or driveway.
5. Where adjoining residentially zoned or used property, a solid wall or fence, six feet in height shall be erected along any common lot line. Such fence shall be continuously maintained in good condition.
6. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.

O. Open Air Businesses.

1. A five foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
2. The lot area used for parking, display, or storage shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
3. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or driveway.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

- P. Veterinary Hospitals, Animal Clinics, and Commercial Kennels.
1. Buildings, dog runs, and/or exercise areas, or any other area where animals are kept shall be set back 100 feet from any property line.
- Q. Bowling Alleys.
1. The principal and accessory buildings and structures shall be located no closer than 100 feet to any residential district or use property line.
 2. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.
 3. Access driveways shall be located no less than 50 feet from the nearest part of the intersection of any street or driveway.
- R. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
 2. Any such building shall comply with the yard setback requirements of the district in which it is located.
- S. Body Shops.
1. The principal and accessory buildings and structures shall not be located within 100 feet of any residential district or use property line.
 2. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.
 3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
 4. Inoperative vehicles left on the site shall, within 48 hours, be stored within an enclosed building, or in an area screened by an opaque fence not less than six feet in height. Such fence shall be continuously maintained in good condition.
 5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
 6. Access driveways shall be located no less than 25 feet from the nearest part of the intersection of any street or driveway.

7. Where adjoining residentially zoned or used property, a solid wall or fence, six feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

T. Lumber and Planing Mills.

1. The principal and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.

U. Metal Plating, Buffing, and Polishing.

1. The principal and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.

V. Commercial Storage Warehouses.

1. Minimum lot area shall be two acres.

2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-2 District.

3. Parking and circulation:

a. One parking space shall be provided for each ten storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.

b. Two parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.

c. One parking space shall also be required for every 20 storage cubicles, up to a maximum of ten spaces, to be located adjacent the rental office, for the use of customers.

d. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

| Lane/Aisle | Aisle/Lane Width (ft.) | | # Lanes/Aisles Required | |
|--------------|------------------------|------------------------------|-------------------------|---------|
| | One-Way | Two-Way (each lane or aisle) | One-Way | Two-Way |
| Parking Lane | 10 | 10 | 1 | 1 |
| Access Aisle | 15 | 12 | 1 | 2 |

- e. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
- W. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- 1. The principal and accessory buildings and structures shall not be located within 200 feet of any residential district or use property line.
- X. Junk Yards/Salvage Yards.
- 1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
 - 2. The site shall be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site.
 - 3. No portion of the storage area shall be located within 200 feet of any residential district or use property line.
 - 4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two non-transparent gates not exceeding 48 feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
 - 5. Stored materials shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
 - 6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
 - 7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
 - 8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.

9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of 20 foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. The property shall include at least six acres.
14. All fences shall be setback a minimum of 50 feet from any residential district or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Township Board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

Y. Adult Uses.

1. The lot or parcel on which the use is located shall not be closer than 1,000 feet from any residential district or use, school, church, or park, as measured from the nearest part of the each lot line.
2. The use is not located within a 1,000 foot radius of any other such use, as measured from the nearest part of the each lot line.

Z. Warehousing, bulk storage, and transport of propane, liquid petroleum, fuel oil, and similar fuels, not including gasoline, used by consumers in the Township and surrounding areas.

1. All federal and state requirements for construction, location, installation, containment areas, and similar matters shall be satisfied. All necessary permits shall be obtained and submitted to the Township prior to construction.

2. The Planning Commission shall determine that vehicles entering and leaving the proposed site will not cause unreasonable danger to traffic.
 3. The proposed site shall abut a state highway or county primary road.
 4. Retail sales shall not be permitted.
 5. No storage shall take place closer than 100 feet from any property line, or a greater distance if required by applicable state or federal regulations. No storage of explosive, volatile, or toxic chemicals in gaseous form shall be closer than 250 feet from any existing dwelling, school, hospital, or place of public assembly.
 6. Accessory buildings, if any, shall be approved by the Planning Commission in connection with the special land use approval.
 7. Fencing, lighting, security, and other appropriate conditions, which may be more stringent than, but not inconsistent with, federal or state requirements may be imposed.
 8. Outdoor storage of empty tanks for sale or lease to the public shall be prohibited in the R-R District and shall be subject to all applicable requirements of the C and LI Districts.
 9. The site shall be designed so as to permit easy access by emergency vehicles.
 10. Total liquid storage capacity on the proposed site shall not exceed 75,000 gallons in the C and I Districts, and 50,000 gallons in the RR District.
[Section 12.07.Z amended 1/3/96]
- AA. Towers in excess of 50 feet in height for commercial wireless telecommunication services, and related equipment and accessory structures. (Amended 11-5-97)
1. Antennas and other equipment for commercial wireless telecommunication services shall be required to locate on any existing approved tower within a one mile radius of the proposed tower unless one or more of the following conditions exists:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within a three mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
2. Any proposed tower for commercial wireless telecommunication services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
 3. Towers for commercial wireless telecommunication services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
 4. Any part of the structures or equipment placed on the ground pertaining to the tower for commercial wireless telecommunication services shall comply with the following setbacks:
 - a. **Residential Districts.** The Planning Commission shall not approve any tower for commercial wireless telecommunication services located such that any part of which is located within 200 feet of any residential district lot line.
 - b. **Nonresidential Districts.** Any part of a commercial wireless telecommunication services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than 25 feet from any adjacent lot line or main building, nor less than 200 feet from any residential district lot line.

- c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
5. The Planning Commission may require such structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
6. Towers for commercial wireless telecommunication services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
7. Towers for commercial wireless telecommunication services which are abandoned or unused shall be removed, along with any associated structures or equipment, within 12 months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One three month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.

BB. Oil and Gas Structures.

1. No oil and gas production facility or structure, including any processing or sweetening facility, except access roads and pipelines, for the processing, treatment, or transport of any gas or oil containing hydrogen sulfide in a concentration exceeding .1 parts per million (ppm) shall be constructed, located, or used within 1,300 feet of an existing dwelling, commercial or other non-residential building or structure located and occupied on property adjacent to or separate from the property for which the special use permit is sought; access roads and pipelines shall not be located within 600 feet of an existing dwelling, commercial or other non-residential building or structures located and occupied on property adjacent to or separate from the property for which the special use permit is sought. Such distance shall be measured from the exterior of the perimeter of the facility, access road, or pipeline proper, and not the boundary of the property on which it is located or to be located.
2. No oil and gas structure, except access roads and pipelines, for the processing, treatment, or transport of hydrogen sulfide in a concentration exceeding .1 parts per million (ppm) shall be constructed, located or used within 1,300 feet of an existing subdivision, apartment buildings, residential developments, mobile home parks, residential uses whose occupants are relatively immobile and which are hard to quickly and efficiently evacuate such as hospitals, nursing homes, residential care centers, or other land uses that involve dense population; access roads, and pipelines shall not be located within 600 feet of such uses and structures. The distance shall be measured from the exterior of the perimeter of the

facility, access road, or pipeline proper, and not the boundary of the property on which it is located or to be located.

3. In addition to the bulk, area, and minimum lot size requirements of this chapter, the minimum lot size for a hydrogen sulfide sweetening facility or other similar process facility for the removal or treatment of hydrogen sulfide shall be ten acres, with minimum lot width of 400 feet, measured at the narrowest point between lot lines.
4. All oil and gas processing or sweetening facilities having buildings, plant, equipment and/or machinery located above ground, will be screened from view from all nearby roads, dwellings and commercial uses by vegetation or berm, or a combination of both, placed near or at the perimeter boundary of the project site.
5. Any oil and gas production structure or pipeline including processing or sweetening facilities, that will treat or process natural gas or oil not containing hydrogen sulfide in a concentration exceeding .1 parts per million (ppm) does not have to meet the requirements of subparagraphs 1 and 2 of this paragraph, provided, however, that such facility shall not be closer than the applicable front yard setback under this chapter for the district in which any adjacent dwelling, building, or structure is located, and provided, further, that the oil and gas production use or structure meets all other standards and criteria for a special use permit set forth in this Ordinance.
6. In the case of a bulk storage facility, all tanks and other storage facilities, pumps and other equipment shall be completely enclosed within a berm to minimize the visual impact on adjacent land uses.
7. All lights or other illumination devices shall be shaded and/or screened by the vegetation, berm and/or by other apparatus such that direct glare is not visible beyond the perimeter boundary of the property.
8. The project site shall be secured to prevent pedestrians and other unauthorized persons from gaining access to the project site.
9. All emissions and/or effluent discharges from the oil and gas processing or sweetening facility shall meet or exceed all applicable state and federal air pollution, surface and ground water quality standards. All hazardous wastes shall be transported off-site by a Michigan licensed industrial waste hauler and disposed of in a properly licensed landfill. Tanks constructed of steel or other material approved in accordance with federal and state law shall be used for storage of all liquid materials, including brine, except that lined mud pits may be allowed for emergency backup purposes, provided that after the emergency has ceased the materials will be hauled off site within forty eight hours. Sulfur, once separated from natural gas, shall be

incinerated and technology which chemically changes the sulfur to its elemental form, or other form suitable for resale, or more advanced technology recognized by the American Petroleum Institute or American Gas Association and approved by the Township shall be used.

10. Sweetening plants shall be fitted with a warning siren audible for one mile in all directions on a calm (no wind) day, which is triggered to sound when air concentrations of hydrogen sulfide exceed 10 ppm within the project site. The siren shall be periodically tested and maintained on a regular basis during the life of the plant.
11. Odors shall not be detectable by normal human senses under normal operating conditions at a distance of 1,300 feet from an oil and gas processing or sweetening facility.
12. The applicant shall submit a site and facility reclamation plan to restore the property to its original or nearly original condition, and capable of being completed within one year of the cessation of the operations of the project. **[Subsection BB added 7/2/14]**

CC. Barn event venue.

1. **Purpose and Intent.** The purpose of this special land use is to allow for continued productive use of historic, landmark buildings which were originally constructed for agricultural purposes. The preservation of such buildings has a public benefit to the Township in maintaining rural character and the agricultural tradition of the Township. In addition, while location on an operating farm is not required, adaptation of farm buildings can enhance and financially support existing bona fide farm operations for the benefit of the rural character and promotion of agriculture within the Township.

In order to preserve compatibility with the neighborhood and the road system, and in recognition of a lack of public water, sewer and other public services, the operation of barn event venues is permitted on a seasonal basis, with limited days and hours of operation, and other appropriate requirements. In recognition of the setting, the venue is not intended to allow the same hours of operation, attendance, music and other features better suited to a banquet facility located in a commercial area.

2. **Application.** In addition to a site plan as required by Chapter 11 and other application materials required by this Ordinance, an application for a barn event venue shall include the following:
 - a. A narrative describing the plan for the operation of the business, including types of events, catering, alcohol service, proposed days and hours of operation, supervision by responsible parties, and

other information necessary or useful to demonstrate compliance with the intent and purposes of this special land use and the requirements imposed herein.

- b. A written report by a qualified engineer, architect or builder stating at least a preliminary conclusion that the building proposed is in, or can be brought into, compliance with all building, electrical, mechanical and structural requirements applicable to a place of public assembly.
- c. Confirmation from the Kent County Road Commission that a commercial driveway permit can be issued to provide access to the venue and parking area.
- d. Verification of the date or approximate date upon which the building proposed for the use was constructed. This requirement may be waived if it is obvious that the building was constructed in or prior to 1965.

3. **Requirements.** In addition to the general requirements for special land use approval, the following specific requirements apply to a barn event venue:

- a. **Existing Building.** The building proposed as the barn event venue shall have originally been constructed at the proposed location for farming or agricultural purposes in or before 1965. This requirement may be reduced or waived if the barn is located on property which has been used for bona fide agricultural operations which have generated not less than an average of \$10,000 in annual gross revenue over the ten past years. This also does not prevent remodeling or reinforcement of an existing building, or the limited construction of accessory buildings in support of the main venue, as permitted herein.
- b. **Minimum Parcel Size.** The size and capacity of the buildings, parking area, and sanitation facilities shall be capable of safely handling the events on the property. The barn event venue shall be located on a parcel of no less than 10 acres.
- c. **Operation by Occupants or Bona Fide Farm.** The person who operates the barn event venue shall either (1) have a primary residence on or immediately adjacent to the property; or (2) shall operate on the property a bona fide agricultural operation that has generated, or in the case of new operations, is demonstrated to be expected to generate not less than \$10,000 in annual gross revenues, exclusive of revenues from the barn event venue. This is

not intended to prevent the use of caterers or others to perform functions under the supervision of the operator of the business.

- d. **Food Service.** Food and beverage service shall be provided by caterers, and not at a full-scale kitchen on the premises. This is not intended to prevent installation of warming, storage, cooling or other equipment to assist the caterers in their operation.
- e. **Alcohol Service.** Alcohol service must be provided by licensed caterers or alcohol service companies with appropriate traveling liquor license and liquor liability insurance. The operator shall ensure that all such companies are licensed and insured. No alcohol is allowed on the venue without a licensed and insured bartender on site.
- f. **Seasons and Timing of Events.**
 - (i) Events shall be held only between May 15 and October 15.
 - (ii) Events shall be held only on Fridays, Saturdays and Sundays, with events on not more than two days during that three-day period.
 - (iii) All events on Fridays and Saturdays shall be completed by 10:00 p.m., and on Sunday by 7:00 p.m., and all guests shall vacate the premises by that time. Alcohol service shall stop at least 30 minutes before those times. The maximum duration of the event, not including set up and clean up, shall be eight (8) hours. The Township may impose more restrictive days and hours of operation if appropriate to protect neighboring properties or land use.
 - (iv) With prior approval of the Zoning Administrator, who may defer to the Planning Commission for approval, events on up to three additional days per year may be permitted, subject to the other restrictions on the use.
- g. **Attendees.** The maximum number of attendees on the premises at one time shall be not more than 200, or such lesser number specified by the Township, subject to the further limitation of the maximum capacity of the buildings as permitted by the Michigan Building Code and available parking. The Township may also impose supplemental restrictions, such as a limit prohibiting more than one event with an attendance greater than a specified number of persons in any weekend or limiting the number of events in a weekend.

- h. **Amplified Music.** Any speakers for amplified music or announcements shall be permitted only inside a fully enclosed building or structure. Amplified music may not be played later than the ending time for alcohol service specified above and shall comply with all Township Noise Ordinance requirements. Subwoofers are prohibited.

- i. **Parking.** Off-street parking shall be provided as shown on the site plan submitted with the special land use application. The minimum number of spaces shall be one for each three persons allowed within the maximum occupancy loads, plus five spaces. The Township may impose a maximum number of permitted vehicles, and shall require appropriate screening, fencing or other landscaping, and shall prohibit the parking of vehicles within a specified distance from the right-of-way line of adjacent streets and provide other regulations to assure that vehicles are arranged in a safe manner, consistent with neighboring lands and uses. Any temporary banners, sawhorses, cones or other devices used to mark parking areas and direct traffic will be installed no more than 4 hours before an event and removed no later than 12 hours after an event. No parking whatsoever shall occur on public roads, even if permitted by Road Commission regulations, and violation of this requirement shall constitute grounds for revocation of the special use permit.

- j. **Parking Surface.** Barn event venue parking areas may have a grass surface if maintained in a dust and mud free condition. For more permanent parking, the provisions of this Ordinance shall control, except that the Township may grant a parking modification with respect to the amount of parking area required to be paved, and allow (or require) parking on gravel, crushed concrete, grass, and similar areas, upon finding that paved parking would result in unnecessary amounts of paved parking area for the particular needs of the proposed use and that adequate parking for the business on non-paved areas as clearly designated on the site plan, is safe, and is compatible with adjacent or nearby properties. Dust and mud conditions shall, in all events, be controlled and avoided.

- k. **Lighting.** Small lantern lights not over eight feet above ground may be used to supplement existing lights. Additional exterior lighting shall only be in compliance with the Zoning Ordinance and shall require the approval of the Township Zoning Administrator. No lighting shall shine onto adjacent properties. Supplemental exterior lighting shall only be used during scheduled events.

- l. **Temporary Structures.** Any tent or other temporary structure which is constructed in addition to the existing buildings and structures, so as to accommodate an event, shall be installed no more than 48 hours before an event and shall be dismantled and removed no more than 48 hours after an event.
- m. **Signage.** One permanent sign shall be permitted in the same manner as allowed for permitted non-residential uses in the district.
- n. **Toilets and Lavatory Facilities.** Toilets and lavatory facilities shall be provided in accordance with the Michigan Building Code and applicable health department regulations, including handicap accessibility when required, but in no event shall less than two separate toilets and lavatory facilities be provided. The applicant may use portable facilities which, if used, shall be located as shown on the site plan.
- o. **Trash and Refuse.** All trash and refuse resulting from events will be removed no later than 48 hours after an event. No dumpster or similar commercial trash receptacle shall be located on the property.
- p. **Responsible Party.** The operator of the event, or an employee, shall be physically on the site at all times while the event is taking place, including clean up, and until all guests, caterers, disc jockeys, and others have left the premises. The responsible person shall have full authority to require compliance with this Ordinance and all conditions of operation, including the authority to end the event and order all persons off the premises. The applicant shall designate to the Township a responsible party with cellular or other phone contact who may be reached during the course of an event.
- q. **Setback Requirements.** All buildings, structures, and tents on the site, and any areas which will be improved for outdoor use, such as an area for a wedding ceremony, shall be set back not less than 125 feet from any property line. The Township may reduce this minimum setback to not less than 50 feet if it determines that any existing residences or future building sites on adjacent properties are located such that a separation is equivalent to a 125-foot setback for the barn event venue is achieved.
- r. **Traffic Control and Security.** If necessary, to ensure that traffic entering or exiting the property moves promptly and safely into and out of the parking area, personnel shall be supplied by the property owner to direct traffic. Also, security personnel shall be provided by the property owner to the extent necessary to ensure good order and safety are maintained during all events.

- s. **Auxiliary Structures.** It is the intention of this section that significant additional buildings generally not be constructed to support the barn event venue. Auxiliary structures connected with the barn event venue, such as gazebos, pavilions and restroom facilities, may be constructed as shown on the site plan. Auxiliary structures constructed to support the barn event venue shall not exceed a total area of 1,200 square feet.
 - t. **Noise.** A barn event venue business, and all uses, events, programs or activities connected with the business, shall not create, assist in creating, continue or permit the continuation of any excessive or unnecessarily loud disturbances.
 - u. **Compliance with Laws and Regulations; Permits and Insurance.** All required federal, state, county and local permits for each use, event, program or activity, shall be secured and maintained by the applicant, including but not limited to the following:
 - (i) Buildings, including but not limited to barns, shall not be used in the business until documentation is provided to the Township from a certified architect or engineer that the building so used is structurally sound and safe for the proposed activity. In addition, all buildings used in the business shall be inspected by and shall pass inspection by the Township building trade inspectors for all proposed uses of the building for the business.
 - (ii) Kent County or MDOT driveway permits for ingress and egress from the site.
 - (iii) All buildings and structures shall be kept in compliance with applicable building and construction codes.
4. **Additional Requirements.** The Township Zoning Administrator shall be expressly authorized to impose additional conditions and limitations upon the operation of the business concerning traffic, traffic patterns, parking arrangements, noises and disturbances and other operational aspects based on experience with the operation.
5. **Transfer of Ownership.** To assure continued compliance with this Ordinance and the conditions of special land use approval, notification of all transfers of property associated with a barn event venue special land use shall be given to the Township Zoning Administrator prior to any such land transfer, and the new owner shall acknowledge in writing all conditions of the ordinance and special land use approval. If not done, the special land use shall expire on the transfer of ownership.

6. **Violations.** Violation of the conditions of this section or of an approving resolution for a special land use shall constitute a violation of the Township Zoning Ordinance. Repeated or serious violations of the conditions of the approving resolution are grounds for revocation of the special land use, following notice and public hearing by the Planning Commission, with a recommendation for final decision by the Township Board. The requirements of this section all be incorporated into the approving resolution for the special land use and compliance herewith shall be a continued requirement for operation of the special land use. As a condition of special land use approval, the property owner shall be responsible for compliance with the conditions of this special land use approval, regardless of whether violations are actually committed by employees, contractors, guests or others.

**CHAPTER 12A
MINING OF NATURAL RESOURCES**

SECTION 12A.01 PURPOSE. The purpose of this chapter is to establish special land use standards for the extraction of valuable natural resources consistent with Act 113 of 2011 (“Act 113”), which are incorporated as Section 205(3) through (7) of the Michigan Zoning Enabling Act (“MZEA”). In addition, this chapter establishes exemptions and abbreviated procedures for the removal of small amounts of materials and the removal of materials related to building projects.

It is the legislative intent of the Township that the purpose of this chapter is to balance the interests of the owners of lands containing valuable mineral interests and of the public in the extraction of these resources, with the interests of neighboring property owners and the public by identifying and avoiding very serious consequences resulting from large scale operations, as provided by Public Act 113. The detailed requirements for review and approval are intended for large scale, ongoing commercial operations which are expected to continue for a prolonged period of time. It is further the intention of this Chapter to clarify and liberalize the provisions of prior Township ordinance with respect to small scale removal operations of limited quantity which are operated only on an occasional short term basis, and not to unduly burden such small scale activities.

SECTION 12A.02 APPLICABILITY.

- A. The provisions of this chapter apply to the extraction, by mining, of natural resources including the removal of topsoil, sand gravel, and stone designated as permitted with special land use approval in the zoning district regulations. For purposes of this chapter, “natural resources” includes but is not limited to topsoil, sand, gravel, rock, peat, marl, coal and other minerals, which are removed by the process of mining and which are considered valuable within the meaning of Act 113, but not including oil and gas, or water intended for drinking water.
- B. Activities protected by the Right to Farm Act are not subject to Chapter 12A.

SECTION 12A.03 PROCEDURES AND STANDARDS FOR APPROVAL.

- A. Natural resources extraction activities subject to Act 113 shall be reviewed in accordance with the procedures applicable to special land use approval in Chapter 12 of the Township Zoning Ordinance, including public hearing and recommendation by the Planning Commission, final action by the Township Board, and the provisions for term of approval, expiration, and revocation.
- B. The standards upon which an application for natural resource extraction are to be evaluated shall be as set forth in this Chapter 12A, including but not limited to

Sections 12A.07 and .11, and not the general standards for approval of a special land use set forth in Section 12.03 of the ordinance.

- C. Special land use approval for any artificial body of water to be created shall be considered in conjunction with the special land use request for the natural resource extraction activities. The standards for any such artificial body of water shall be as set forth in the specific provisions of this Ordinance for creation of artificial bodies of water, except that the general standards for approval of the special land use in Section 12.03 of this Ordinance shall not apply.

SECTION 12A.04 SMALL OPERATIONS AND BUILDING PROJECTS.

A. Relocation Within the Same Property.

- 1. The excavation and relocation of up to 1,000 cubic yards of natural resources at any one time from one part of a property to another part of a property under common or related ownership, without utilizing any public street or crossing the lands of any other person, is a permitted activity not requiring prior approval. Such operations which will exceed 1,000 cubic yards of activity shall be permitted upon obtaining a zoning compliance permit from the Zoning Administrator.

- B. **Small; One Time Operations – Removal Off Site.** In any zoning district, a one-time extraction and removal from the site of up to 1,000 cubic yards of natural resources is permitted for a property under contiguous common ownership upon obtaining a zoning compliance permit from the Zoning Administrator. Sketches and calculations may be required to verify the location and amount of materials to be extracted and removed. The zoning compliance permit shall specify the date of commencement and completion, which shall not exceed 30 days from start to finish and which may not be extended, renewed or repeated for the same property, the location of removal, and other conditions consistent with this section.

- C. **Preparation of Building Site.** The removal of up to 3000 cubic yards of natural resources may be permitted without special land use approval to the extent necessary to prepare a site for a development, building or other improvement for which a building permit has been issued or site plan, PUD, or other approval has been received. The extraction and removal operation may be commenced only after issuance of a building permit, or after site plan, PUD or other approval has been received. Approval of extraction and removal may be given by the Zoning Administrator or the Planning Commission as part of a site plan, PUD or similar approval. If the project is not one which requires site plan, PUD or other approval, the request to extract and remove materials shall be subject to separate site plan review by the Zoning Administrator, who may refer the matter to the Planning Commission, in accordance with the procedures and standards set forth in this Ordinance, and the specific standards for such operations set forth in this subsection.

1. The applicant shall submit drawings and other materials demonstrating the need to excavate and remove the proposed amount of material from the site to prepare it for a building site. Grading or other drawings and calculations shall be submitted to verify the location and amount of materials proposed to be extracted and removed.
2. If approved, the zoning compliance permit or other approval shall specify a commencement date and a completion date for natural resources extraction activities, which shall not be later than 180 days after removal of materials has commenced. After that time, no further materials may be removed from the site.
3. It shall constitute a violation of the Zoning Ordinance if a building, road or other improvement is not commenced and under substantial construction within 210 days after commencement of the removal of materials from the site.
4. The deadlines in this subsection may be extended by the Zoning Administrator upon presentation of convincing proof that the removal of materials, or commencement of building has been delayed by unexpected weather conditions, which shall not include delays due to normal seasonal changes.

D. **Small and Occasional Operations.** This Ordinance does not require approval for small scale removal operations of limited quantity which are operated only on an occasional short term basis, for purposes such as livestock bedding, property and road maintenance, fill for building and similar activities. In enforcing this Ordinance the Township shall exercise reasonable discretion with respect to the quantities of material which trigger requirements for higher levels of review and approval, taking into account actual estimated quantity, duration, whether the operation is advertised and available to the public, location, and similar factors.

E. **Operational Requirements.** All operations conducted under subsections A through D of this section shall comply with the following requirements as applicable:

1. Stockpiles of materials, or excavation areas with steep slopes which are determined to require protection by the Zoning Administrator shall be fenced by temporary fencing, at least four feet in height.
2. Extraction operations shall not take place before the hour of 7:00 a.m. nor continue past the hour of 7:00 p.m., Monday through Friday. From Labor Day through the following third Friday in June, trucking to and from the site shall not occur before the hours of 9:00 a.m., or between the hours of 2:30 p.m. and 4:30 p.m.
3. No processing or separation of materials on site shall be permitted, and no materials shall be brought on site for storage or processing.

4. Activities shall be conducted in compliance with the Township Noise Ordinance.
5. The Zoning Administrator or Planning Commission may designate specified routes which must be used to haul materials from the site, and for returning trucks to avoid congested areas, residential areas, or to preserve the roadbed.
6. Extraction shall not occur within 75 feet of any occupied dwelling, or within 50 feet of any property line. In the case of removal activities related to building site preparation, the Zoning Administrator or Planning Commission may approve a lesser setback for extraction activities if necessary to prepare the building site and, if proper measures are taken to assure the stability of neighboring properties, and prevent erosion during and following excavation.
7. If operations otherwise permitted in this section will result in creation of an artificial body of water as regulated by Section 2.35 of this Ordinance, then special land use approval must be obtained for that body of water in accordance with the procedures and standards set established by this Ordinance.
8. Within 90 days after completion of operations permitted under this section, areas disturbed shall be restored and reclaimed in accordance with the standards for final grades, placement of topsoil and reseeded provided in this Ordinance for large scale mineral removal operations.
9. As a condition of issuance of a zoning compliance permit for operations under this section, the Zoning Administrator shall be permitted to inspect the site upon reasonable notice and may request trucking or other records to verify the amount of materials removed from the site. In addition, the Zoning Administrator may order a temporary cessation or modification of operations in case of conditions of high wind or rainfall which causes unacceptable conditions of dust or runoff.

SECTION 12A.05 SPECIAL LAND USE. Any extraction and removal of natural resources not permitted under Section 12A.04 shall be permitted only with special land use approval as provided in this chapter.

SECTION 12A.06 WAIVER OF APPLICATION REQUIREMENTS; INDEPENDENT REVIEW.

- A. The Township may waive application requirements based on features such as estimated volume, location and expected duration, if plainly not necessary or relevant to review of the site in question.
- B. The Township may retain independent experts to assist with the review and verification of the information provided in evaluation of the need and existence of

natural resources, environmental impact analysis, or other aspects of the application, the expense of which shall be charged against the escrow established and maintained by the applicant.

SECTION 12A.07 DETERMINATION OF NEED FOR AND EXISTENCE OF VALUABLE NATURAL RESOURCES.

- A. Review of an application for extraction of natural resources requires determination that there is a “need for the natural resources” and that the natural resources are “valuable,” within the meaning of Section 205 of the MZEA. This section prescribes the application materials and standards required to address these requirements.

- B. **Definitions.**
 - 1. The phrase “need for the natural resources,” shall represent the phrase included in Section 205(4) of the MZEA: “Need for the natural resources by the person or in the market served by the person.” “Need for the natural resources” shall mean a demonstrable need for a commercially meaningful quantity of the natural resources proposed to be excavated on the applicant’s property. Demonstrating such a need shall require the applicant to show either of the following in relation to the natural resources on applicant’s property: a commercial need for the natural resources to satisfy a current and ongoing requirement by an active business operated principally by the applicant using the natural resources in the production of a final product for sale that is different than the natural resources; or a present commercial need by purchasers of such natural resources from the applicant’s property.

 - 2. For purposes of this definition of need for the natural resources:
 - a. “Commercial need” in relation to applicant’s property will only be deemed to exist to the extent, if any, that the need for the natural resources cannot otherwise be met within the commercial market.

 - b. “Commercially meaningful quantity” shall mean that quantity, taking into consideration the quality and type of natural resources, that a person who is experienced and knowledgeable in the industry would require as a condition to expending the time and financial resources necessary to commence and operate a mining enterprise that is expected to be profitable for a sustained period of time.

 - c. “Commercial market” means that geographic area within which there would be a commercial demand for the natural resources from the applicant’s property, considering factors including, but not limited to: the transportation expenses and other factors relevant to cost; and the actual or available alternative supply of

the natural resources from active mining sites and vacant land classified to permit mining within the Township, as well as other active mines, quarries, and vacant land classified for such purpose located elsewhere that could provide an alternative supply to meet such demand in whole or part.

3. Whether there are “valuable” natural resources on the applicant’s property, is determined based on whether the applicant can receive revenue and reasonably expects to operate at a profit if the natural resources are extracted.
4. The application submitted by the applicant shall provide written documentation and evidence describing in detail and making the requisite demonstration with regard to each of the determinations that there is a need for the natural resources, the duration of that need, and that they are valuable.
5. The application shall also include a listing of all existing sources of the natural resources within a 15-mile radius of the site, indicating location, and estimated amount of materials available.

SECTION 12A.08 ENVIRONMENTAL IMPACT ANALYSIS. An environmental impact analysis shall be submitted at the time of application that includes both base information on the site prior to such activity and the anticipated impact of such operations on the site, surrounding area and the community as a whole. The required studies, which shall be undertaken by professionals whose education, certification and experience are consistent with the credentials needed to conduct the studies and analyze the results, are as follows:

- A. **Hydrogeological Study.** This shall include a complete assessment of the potential impacts on any surface or ground water resources both on-site and off-site. It shall identify the location in relation to watersheds and floodplain areas and identify natural site drainage and impact on wetlands within the area. It shall also identify the depth of groundwater and aquifers within the area of the operation and provide data on water quality for all such resources. Where the applicant proposes the development of a lake or where ponds or basins may exceed five or more acres, such studies shall include the use of monitoring wells in order to estimate the impact on other surface water or ground water resources in the area. The studies shall also include the applicant’s approach to spill containment (containment and spill response plans) from any vehicles and equipment utilizing or located on the site.
- B. **Topographic and Geological Analysis.** This shall include the existing contours and proposed contours consistent with site plan review application requirements. Earth changes proposed throughout the term of the operation shall be presented with estimates of the type, quantity and quality of the material to be extracted, including overburden. Soil borings shall be taken to a depth equal to the depth of the proposed extraction, with frequency of spacing sufficient to allow for

reasonable interpretation and verification of such quantity and quality of the material. The Township may request that additional borings be taken where additional interpretation or verification is needed. Final contours shall be included within the required reclamation plan, but interim earth change data will also be required as part of the annual review, (when applicable) in order to evaluate the consistency of the activity with this initial analysis. This analysis shall include mitigation related to erosion, filling and potential sedimentation of any basins created by such activities.

- C. **Noise/Vibration Study.** This shall include data on existing noise levels and sources of vibration in and around the site prior to any such operation and the anticipated impacts of such activity on any properties and roadways within the area of the operation. A complete listing of all proposed equipment to be utilized within the operation shall be submitted with information on the proposed location and noise/vibration impacts of the equipment.
- D. **Traffic Impact Study.** This shall include a complete analysis of the existing road system and the proposed truck haul routes for the operation. This shall include all state and local roads and the efforts made by the applicant to control use of such roadways that are not designated as part of the haul route. Information shall include traffic counts and level of service capabilities of the roadways to support such increased loads, and historical accident data within at least two miles of the site.
- E. **Air Quality Analysis/Dust Control.** This shall include a complete analysis of the impacts associated with particulate matter generated by the operation and the techniques utilized to mitigate such release.
- F. **Endangered Species Impact.** This shall include a complete listing of all threatened and endangered wildlife (plants and animals) that may be impacted by the mining operation.
- G. **Economic and Property Valuation Studies.** This shall include economic studies related to impacts upon the adjoining properties and the community as a whole, including residential property valuation and the compatibility with, or negative impacts to, other land uses, including agriculture.
- H. **Other Studies.** The Township may require the submission of additional studies or information as it determines, in its sole reasonable discretion, is needed to properly evaluate whether the proposed operation satisfies the standards for special exception use approval, to be charged against the escrow account established by the applicant.

SECTION 12A.09 SITE PLAN. A site plan shall be submitted showing the layout of the site containing the information required for final site plans by Township ordinance, including any additional information required to address the provisions of review and approval for natural resources removal, including but not limited to:

- A. Location of any processing areas.
- B. Plans showing the planned phasing and reclamation.
- C. Berming and landscaping.
- D. A reclamation and phasing plan, demonstrating compliance with requirements of this Ordinance.
- E. If applicable, the information required by this Ordinance for approval to create an artificial body of water.

SECTION 12A.10 STANDARDS FOR REVIEW AND APPROVAL

- A. The application for special land use approval for natural resources removal shall not be approved unless the applicant satisfies its burden of showing that the following standards for approval have all been satisfied:
 - 1. That there are valuable natural resources located on the relevant property, as defined by the MZEA and in accordance with this Ordinance.
 - 2. That there is a need for the natural resources by the applicant or in the markets served by the applicant, as defined by the MZEA and in accordance with this Ordinance.
 - 3. That no very serious consequences would result from the extraction of the natural resources in consideration of all the following factors, as applicable:
 - a. The relationship of extraction and associated activities with existing land uses.
 - b. The impact on existing land uses in the vicinity of the property.
 - c. The impact on property values in the vicinity of the property and along the proposed hauling routes serving the property, based on credible evidence.
 - d. The impact on pedestrian traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - e. The impact on other identifiable health, safety and welfare interests in the Township.
 - f. The overall public interest in the extraction of the specific natural resources on the property.

- B. If applicable, the specific standards for approval of an artificial body of water, but not including the general special land use standards of Chapter 12.
- C. The applicant shall, in addition, demonstrate compliance with any applicable state or federal laws and regulations.

SECTION 12A.11 DESIGN AND OPERATIONAL STANDARDS

A. **Berm.**

1. Except as needed for egress, areas under active excavation, storage areas, and processing areas shall be completely surrounded by an earthen berm not less than eight feet in height above both the mean level of the nearest adjacent public road and above the elevation at which excavation will commence. Suitable ground cover shall be planted on the berm to prevent erosion. Evergreen plantings may be required at the top of the berm for additional screening and control of noise and dust. Provisions for continued maintenance and replacement of ground cover and trees shall be required, which may include financial security.
2. The Township may approve alternatives to berming on one or more sides of the property if there exists and is maintained at all times thickly forested existing standing timber owned or controlled by the operator with an average height of 20 feet or more and depth of 50 feet or more. In such case, the setbacks established for the berming shall be applied to the limits of excavation.
3. Berms shall remain in place until extraction and removal activities inside them are completed, and shall be removed as part of the restoration of the site.

B. **Setback.** The inside edge of the berm within which removal, processing and storage activities are to take place shall be located a minimum of 200 feet from interior property lines of owned or leased properties being used in the operation, and 150 feet from any adjacent public or private right-of-way.

C. **Limited Grading Setback; Removal of Berms.** Temporary grading activities as necessary to achieve final reclamation grades and remove berms following operations may extend to within 100 feet of interior property boundary lines on a schedule approved by the Township, but such activities outside the bermed setback area may be no longer than 30 days in duration for each area being reclaimed, unless a longer time is permitted based on the extent of grading required.

D. **Residence Setback.** At the time of application, the areas which are proposed for active mining operations shall be located a minimum of 400 feet from residences which are in existence at that time, measured between the nearest point of the residence and the area of excavation.

E. **Service Roads.**

1. All roads shall be located within the berm, except for the access route connecting with the public right-of-way.
2. The connection to the public right-of-way shall be by the most direct route, subject to setback requirements.
3. The entrance and exit to the public road shall be 200 feet from any residence on either side of the public road at the time of construction; provided, however, that if this requirement cannot be met with respect to existing residences across from the entrance, the Township may approve an alternate location which complies with this requirement as nearly as possible.
4. The entrance road shall be paved with asphalt or concrete such that all points of the road which are within a straight line distance of 300 feet from the public right-of-way and interior property lines are paved.

F. **Processing.** Processing areas shall be at a location which must be approved in advance by the Township. In general, they should be located as near as possible to the center of the site, as low as possible in elevation, and as far away as possible from neighboring residences. In the case of a planned long term operation, the Township may require that processing equipment and operations, such as separators or crushers, be within an enclosed building or structure. Processing is permitted only for materials extracted on site, and materials may not be brought on site for processing.

G. **Off Site Materials.** No soils, bonding materials, demolished concrete or asphalt, or other materials may be brought onto the site for processing, storage, mixing or disposal.

H. **Stock Piles.** Stock piles will be kept below the level of the berms.

I. **Hours.** Extraction operations shall not take place before the hour of 7:00 a.m. nor continue past the hour of 7:00 p.m., Monday through Friday. From Labor Day through the following third Friday in June, trucking to and from the site shall not occur before the hour of 9:00 a.m., or between the hours of 2:30 p.m. and 4:30 p.m. The approving resolution may authorize or allow the Zoning Administrator to authorize limited Saturday activity.

J. **Fencing.** A four foot wire fence or equivalent will be required around active excavation areas.

K. **Burning Prohibited.** No burning of trees or brush cleared from the site is permitted.

L. **Lighting.** Lighting on the site is prohibited, except for lights on vehicles.

- M. **Haul Route.** The haul route for trucks leaving and returning to the site shall be approved by the Township, and in general shall be chosen as the most direct route to a county primary road, avoiding areas of existing residential development, and taking into account sight distance and other safety factors.
- N. **Rubbish Disposal.** A dumpster or other suitable sealed container shall be provided for disposal of paper, trash, rubbish or other materials, so that they do not collect or blow about or away from the site.
- O. **Sanitary Facilities.** Sufficient portable toilets or other on site sanitary facilities shall be provided for workers.
- P. **Unusual Conditions; Special Instructions.** The Zoning Administrator may order a temporary cessation or modification of operations in case of conditions of high wind or rainfall which causes unacceptable conditions of dust or runoff.
- Q. **Other.** The Township may impose other reasonable limitations on the operation to address adverse impacts as identified by Act 113.

SECTION 12A.12 RECLAMATION

- A. **Submission of Reclamation Plan.** A reclamation plan shall be submitted with the application materials which shall include the following:
 - 1. A map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses being contemplated for the land, future lakes and roads, such other matters as matters as may evidence the bona fide nature of the reclamation/rehabilitation plans and the fact that the land will not be rendered unusable by the proposed mining activities.
 - 2. The number of acres and the location and phasing of areas to be operated after commencement of operations through completion. No more than 25 acres shall be cleared and actively mined at any one time. The area used for stockpiling and processing excavated material shall not be counted for purposes of this limitation. The Township may waive this limitation upon a showing of good cause and that the waiver will not have a material adverse impact upon the surrounding area. The Planning Commission may consider the relationship of this acreage limitation to the volume of material represented in the monthly volume reports submitted to the Township.
- B. **Timing.** Reclamation or rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within nine months after termination of mining or excavation activity. Inactivity for a nine month consecutive period shall

constitute, for this purpose, termination of mining activity, unless an extension is granted by the Planning Commission upon a showing of good cause and that the extension will not have a material adverse impact upon the surrounding area.

C. Reclamation Standards. The following standards shall apply to reclamation:

1. All excavations shall be either to a water producing level with a depth at the bottom of not less than 12 feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-toxic, non-flammable and non-combustible solids. A lesser depth may be approved if soil conditions, maintenance standards or other measures will be put in place to prevent the growth of aquatic weeds.
2. Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
3. Any artificial bodies of water created shall comply with the applicable provisions of this Ordinance for such bodies of water.
4. Surface that is not permanently submerged shall be graded and back-filled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
5. The banks of all excavations shall be sloped to the water line in a water producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three foot horizontal.
6. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements shall be completed within two years of termination of mining or excavation operations. When used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.
7. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. The Township may require the seeding and plantings to conform with the standards and specifications adopted by the soil conservation district and as may be amended hereafter.
8. Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed 12 months thereafter, shall remove all structures, buildings, stock piles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.

- D. **Financial Security.** Financial security shall be furnished the Township insuring proper rehabilitation reclamation of mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be an amount established by the Township in consultation with its engineer, and not less than \$5,000 per acre proposed to be mined or excavated in the following 12 month period and which has not previously been reclaimed or rehabilitated in accordance with this Ordinance. Mined areas resulting in a water depth of three feet or more shall be deemed to be reclaimed areas to within 15 feet of any shore line thereof and to the extent of the shore line where the same has been sloped as required by ordinance, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the annual review (if applicable), for adjustment in compliance of the foregoing requirements by the Zoning Administrator of the Township or such other official as may be designated by the Township Board. Such financial guarantee may be in the form provided by this Ordinance, in a form acceptable to the Township.

SECTION 12A.13 MONITORING

- A. For operations continuing for more than eighteen months, the developer/operator shall submit to the Zoning Administrator annual reports including the following:
1. The volume of extracted material hauled from the site, and the number of truck trips.
 2. A progress report on the location and number of acres mined in the past year and the location and number of acres reclaimed in the past year. The report shall also identify the location and number of acres projected to be mined and to be reclaimed in the following year.
 3. Copies of any reports required by any other review agency at the county, state or federal level. The Zoning Administrator shall forward copies of the annual report to the members of the Planning Commission, along with a listing of any complaints, violations or citations given to the developer/operator by the Zoning Administrator, or any other Township official and a description of how each such incident was resolved.
- B. The Zoning Administrator shall monitor the operation to assure compliance with the terms of this Ordinance and any conditions imposed thereunder. The operator/developer shall allow the Zoning Administrator such access to the site as the Zoning Administrator reasonably determines is needed in order perform this monitoring function. The Zoning Administrator may refer to the Planning Commission any questions or disputes that arise regarding interpretation of the terms of the special land use approval.
- C. The operator/developer shall pay an annual review fee to defray all or a portion of the cost incurred by the Township in reviewing the annual report and in

monitoring the operation. The annual review fee, and timeframe for collection and disbursement, shall be established by resolution of the Township Board.

- D. The Planning Commission may modify or enhance conditions of approval, consistent with the specific standards of this Ordinance, to address operational issues which are identified in the annual report.

[Ch. 12A added 2/3/16]

CHAPTER 13
DISTRICT REGULATIONS - PARKING AND SIGNS

SECTION 13.01 PARKING – GENERAL REQUIREMENTS.

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front yard.
- B. Off-street parking for all non-residential districts and uses shall be either on the same lot or within 300 feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- C. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
- D. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be constructed with an asphalt or concrete binder, gravel, or compacted earth so as to provide a durable and dustless service, and shall occupy no greater than 33 percent of the required front yard.
- E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this chapter.
- F. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- G. Two or more buildings or uses may collectively provide the required off-street parking.
- H. A reduction from the required number of parking spaces may be permitted if it is determined that the requirements of this chapter would result in an unneeded number of spaces based on documentation the applicant provides based on factors such as unique use, experience with other types of uses and similar reliable factors. In the alternative, construction of a portion of the required number of parking spaces may be deferred to a later date if the following conditions are met:
 - 1. Areas proposed for deferred parking shall be shown on the site plan and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.

2. If any building of improvement is proposed to be constructed within a deferred parking area, the change shall be subject to site plan review to determine if an adequate number of parking spaces will be provided, based upon the factors as described in this subsection.
- I. In order to limit excess areas of pavement that cause increased volumes of stormwater runoff and other adverse aesthetic impacts, the number of parking spaces provided shall not exceed the minimum standards of this chapter by more than 10 percent unless a greater number is specifically approved. The decision whether to approve such additional parking will be based on documentation provided by the applicant that such additional parking is necessary for the operation of the proposed use. The following and similar factors shall be considered when reviewing a request for excess parking: (a) the type of use proposed; (b) the layout of the proposed buildings; (c) the number of employees; (d) examples of similar existing uses; and (e) the likely frequency, seasonality and duration of any need for additional parking. Non-paved alternate parking surfaces and other conditions may be required for excess parking areas.
 - J. Parking of semi-truck tractors and trailers, and commercial vehicles exceeding one and one-half tons shall be prohibited in the R-1 District.

[Section 13.01, subsections H and I are amended and subsection J is re-lettered, by Ord. No. 2021-03Z]

SECTION 13.02 PARKING LOT DESIGN STANDARDS.

- A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

| Parking Pattern | Two-Way Aisle Width | One-Way Aisle Width | Parking Space Width | Parking Space Length |
|------------------------|----------------------------|----------------------------|----------------------------|-----------------------------|
| Parallel Parking | 18 Ft. | 12 Ft. | 9 Ft. | 25 Ft. |
| 30-75 degree angle | 24 Ft. | 12 Ft. | 9 Ft. | 21 Ft. |
| 76-90 degree angle | 26 Ft. | 15 Ft. | 9 Ft. | 18 Ft. |

- B. Minor adjustments of the dimensions prescribed in this section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots and drive areas shall be surfaced with concrete or asphalt. An alternate surface may be approved if determined that the purpose of ensuring a safe, properly drained, durable, dustless and quiet surface, while limiting unnecessary stormwater runoff, can be achieved with an alternate surface. Alternate surfaces may include, but shall not be limited to gravel, crushed stone, spaced pavers, products that allow grass to grow within the supporting space, or other alternate or innovative surfaces. Durable grass surfaces may be permitted

for seasonal and limited uses. In determining whether to permit alternate parking surfaces, factors to be considered include:

1. The duration and frequency of use of all or some part of the parking area;
2. The seasonality or limited use of the parking area;
3. Proximity of adjacent properties and the necessity to limit or eliminate dust or noise;
4. Topographical and soil conditions;
5. Ability to maintain safe access and emergency vehicle access in conditions of rain or snow;
6. Ability and need to clear snow; and
7. Other similar factors.

The Township may, by express condition of approval, permit the use of alternate surfaces on a trial basis, and require replacement with concrete or asphalt surfaces in case of an increase in the intensity of use unsatisfactory performance of alternate surfaces. This provision for alternative surfaces shall be available for all parking and maneuvering spaces in which paving or hard surface is expressly required by this ordinance, not including private roads.

- D. All parking lots shall be constructed to permit proper drainage and prevent puddling of water within the lot. Drainage shall be in accordance with the requirements of Courtland Township and the Kent County Drain Commission. Parking lot design shall be encouraged to incorporate islands, perimeter areas, and areas between parking rows and parking bays to drain and cleanse stormwater runoff to eliminate or reduce the need for large scale detention pond areas.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent residential districts or uses.

[Section 13.02 C and D amended by Ord. No. 2021-03Z]

SECTION 13.03 OFF-STREET PARKING REQUIREMENTS.

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.

- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one parking space.

| USE | PARKING SPACE PER UNIT OF MEASUREMENT |
|--|--|
| Residential | |
| Single family dwellings | Two for each dwelling unit |
| Two family dwellings | Two for each dwelling unit |
| Multiple family dwellings | Two for each dwelling unit, plus one additional space for each two units |
| Institutional | |
| Group day care homes and group foster care homes | One space for each four clients, plus one space for each employee |
| Churches, theaters, assembly areas, auditoriums, gymnasiums | One space for each four seats or each eight feet of pew length or one space for and each three persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Schools, elementary and middle | Two spaces for each three employees, plus amount required for auditorium or gymnasium seating |
| Schools, secondary, trade, industrial, and institutions of higher learning | One space for each eight (8) students, plus one and one-half spaces for each classroom, plus amount required for auditorium or gymnasium seating |
| Commercial | |
| Vehicle wash establishments (self service or automatic) | One space for each five stalls |
| Beauty/barber shop | Three spaces for each chair |
| Bowling alleys | Four spaces for each bowling lane plus required spaces for each accessory use |
| Assembly halls without fixed seats | One space for each three persons allowed within the maximum occupancy load established by any applicable codes or ordinances |
| Restaurants - without drive-through facilities | One space for each 100 square feet of usable floor area or one space for each two persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Restaurants with drive-through facilities | One space for each 100 square feet of usable floor area or one space for each one and one-half persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater |
| Vehicle service stations | One space for each service stall, plus one space for each pump island, plus one space for each of the maximum number of employees on the premises at any one time |

| USE | PARKING SPACE PER UNIT OF MEASUREMENT |
|--|--|
| Personal service establishments not otherwise specified | One space for each 50 square feet of usable floor area |
| Furniture, appliance and household goods retail sales | One space for each 1,000 square feet of usable floor area |
| Funeral homes and mortuary establishments | One space for each 50 square feet of usable floor area |
| Open air businesses | One space for each 200 square feet of indoor usable floor area plus one space for each 1,000 square feet of outdoor display area |
| Retail stores not otherwise specified | One space for each 200 square feet of usable floor area |
| Video rental stores | One space for each 100 square feet of usable floor area plus one space for the maximum number of employees on the premises at any one time |
| Hotels and motels | One space for each guest room, plus required spaces for any accessory uses |
| Offices | |
| Banks, credit unions, savings and loan associations and other similar uses | One space for each 150 square feet of usable floor area plus three spaces for each non-drive through automatic teller machine |
| Medical and dental offices and clinics | One space for each 75 square feet of waiting room area plus one space for each examining room, dental chair, or similar use area |
| Offices not otherwise specified | One space for each 300 square feet of usable floor area |
| Industrial | |
| Manufacturing, processing, and research establishments and Industrial uses not otherwise specified | One space for each 1,000 square feet of gross floor area plus those spaces required for offices located on the premises |
| Warehouses and wholesale establishments | One space for each 2,000 square feet of gross floor area plus those spaces required for offices located on the premises |

SECTION 13.04 OFF-STREET LOADING REQUIREMENTS.

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the LC Light Commercial District and C General Commercial District all loading spaces shall be located in the rear yard in the ratio of at least ten square

feet per front foot of building and shall be computed separately from off-street parking requirements.

- C. Loading spaces for non-residential uses in residential districts shall be located in the rear yard in the ratio of at least five square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. LI District.
 - 1. In the LI District at least one loading space shall be provided. All loading spaces shall be at least ten feet by 50 feet, or a minimum of 500 square feet in area. A minimum 14 foot clearance height shall be provided.
 - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

SECTION 13.05 SIGNS – INTENT.

- A. The sign regulations of this chapter are intended to protect and further the health, safety, and welfare of the residents of Courtland Township; to maintain and improve the appearance of Courtland Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

SECTION 13.06 SIGNS – DEFINITIONS.

- A. **Awning.** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. **Awning Sign.** A sign affixed flat against the surface of an awning.
- C. **Balloon Sign.** A sign composed of a non-porous bag of material filled with air.
- D. **Banner Sign.** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. **Billboard.** A sign which advertises an establishment, product, service, or activity not available on the lot on which the sign is located, other than a political sign or sign described in Section 13.09.
- F. **Directional Sign.** A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- G. **Freestanding Sign.** A sign supported on poles not attached to a building or wall.

- H. **Government Sign.** A temporary or permanent sign erected by Courtland Township, Kent County, or the state or federal government.
- I. **Ground Sign.** A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- J. **Marquee.** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- K. **Marquee Sign.** A sign affixed flat against the surface of a marquee.
- L. **Mural.** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- M. **Placard.** A sign which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
- N. **Political Sign.** A sign pertaining to a pending election for a local, state or federal office, ballot question or other matter upon which governmental action may be taken, or other matter of non-commercial, social or religious interest.
- O. **Portable Sign.** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- P. **Projecting Sign.** A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 36 inches from the face of the building or wall.
- Q. **Reader Board.** A portion of a sign on which copy is changed manually, or electronically subject to the requirements of this Ordinance.
- R. **Roof Line.** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- S. **Roof Sign.** A sign erected above the roof line of a building.
- T. **Sign.** A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- U. **Wall Sign.** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of the wall to which it is attached.
- V. **Window Sign.** A sign installed inside a window and intended to be viewed from the outside. [Section 13.06 amended entirely 2/1/17]

SECTION 13.07 GENERAL SIGN PROVISIONS.

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building and/or sign permit, provided the following signs shall not require a permit:
 - 1. Directional signs of six square feet in size or less.
 - 2. Government signs.
 - 3. Placards.
 - 4. Window signs.
 - 5. Political signs.
 - 6. Any additional signage permitted by Section 13.09.
- B. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- C. Unless different size and height standards are provided herein for particular signs, signs shall not exceed six square feet in area each or six feet in height in residential and agricultural districts, or 27 square feet in area or six feet in height in commercial districts. Unless different size and height standards are provided herein for particular signs, signs along state highways and county primary roads (as designated by the Kent County Road Commission) may be up to 32 square feet in area or six feet in height.
- D. All signs shall be located a minimum of 15 feet from any side or rear property line.
- E. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
- F. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- G. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- H. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.

- I. No commercial vehicles, which the Zoning Administrator determines to have the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available. In making this determination, the Zoning Administrator shall consider whether the vehicle is licensed and operated, whether it is a necessary part of the business, and similar features.
- J. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, nor any moving pictures or representations, nor, except with respect to a reader board as permitted herein, shall the images on the sign change electronically.
- K. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- L. Balloons, balloon signs, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or its merchandise on display shall be prohibited.
- M. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- N. No sign attached to a building shall be erected above the roof line of that building.
- O. The erection and maintenance of billboards, or the use of any parcel of land for such purpose, is prohibited; provided, however, that this section shall not apply to billboards which were lawfully erected in accordance with the zoning or other ordinances in effect at such time.
- P. Portable signs and temporary signs are prohibited, except for political signs and signs permitted during the duration of certain events pursuant to Section 13.09 of this Ordinance. All portable or temporary signs shall be of a size and construction that will not pose a danger to the public during periods of high winds or other weather. Portable signs shall be securely anchored.
- Q. All ground, wall and freestanding signs may include reader boards subject to the following:
 - 1. The reader boards shall occupy not more than 1/3 of the area of the sign.
 - 2. If the reader board contains electronically changeable copy, it shall display a static message in words and pictures, such as prices, time and temperature, or advertising information which may be changed electronically not more often than once every 20 seconds. The electronic message shall change instantaneously, and shall not flash, scroll or move, and shall be equipped with an automatic dimmer for night time hours.

- R. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- S. Directional signs are permitted subject to the following restrictions:
 - 1. A directional sign may contain a logo of an on premise establishment, but no advertising copy.
 - 2. No such sign shall exceed six square feet in area or four feet in height.
 - 3. Directional signs shall be limited to traffic control functions only.
- T. Signs shall not exhibit:
 - 1. Obscene content which appeals to an average person’s prurient interest, depicts or describes sexual conduct in a blatantly offensive way and, taken as a whole, lacks serious literary, artistic, political or scientific value.
 - 2. Portrays sexual or excretory organs or activities.
 - 3. Includes grossly offensive language that is a public nuisance or constitutes “fighting words.”
 - 4. Depicts unclothed sexual organs or female breasts.
- U. In addition to the signs permitted by this Ordinance, one additional sign may be displayed on residential property. The sign shall not exceed an area of four square feet, but otherwise shall be subject to the provisions of Section 13.07 of this Ordinance.
- V. Signs not permitted by this Ordinance are prohibited. **[Section 13.07 amended entirely 2/1/17]**

SECTION 13.08 EXEMPTED SIGNS.

- A. The following signs shall be exempt from the provisions of the Courtland Township Zoning Ordinance, except for the provisions of Section 13.07:
 - 1. Government signs.
 - 2. Historical markers.
 - 3. Window signs.
 - 4. Memorial signs or tablets.
 - 5. Murals.

6. Signs not visible from any street.
7. Signs for essential services.
8. Placards of less than two square feet.
9. Signs with address, owner, or occupant name, of up to two square feet in area attached to a mailbox, light fixture or exterior wall.
10. Flags or insignia of any nation, state, Township, community organization, or educational institution.
11. Political signs. [Section 13.08.A.11 added 2/1/17]

SECTION 13.09 ADDITIONAL SIGNAGE PERMITTED DURING DURATION OF CERTAIN EVENTS.

- A. While a premises is being actively marketed for sale, and until two days after the sale is consummated or the property is no longer for sale, one sign per frontage shall be permitted on the premises which is for sale, in addition to signs otherwise permitted by this Ordinance. These signs are subject to Section 13.07.
- B. Two days prior to and while a garage, estate sale, or farm market sale is ongoing, and until two days after the event has concluded, one sign per frontage shall be permitted on the premises where the event is taking place, in addition to signs otherwise permitted by this Ordinance. These signs are subject to Section 13.07.
- C. After a building permit has been issued for an improvement on the premises and construction activity has begun, and while construction is ongoing and until two days after a certificate of occupancy has been issued, one sign per frontage shall be permitted on the premises under construction in addition to signs otherwise permitted by this Ordinance. These signs are subject to Section 13.07.
- D. After land use approval has been given and construction is ongoing for a subdivision, site condominium, or other development containing more than four sites, and until 2/3 of the sites within that development have been sold, one sign per frontage is permitted on the premises in addition to signs otherwise permitted by this Ordinance. These signs shall be subject to Section 13.07, except that they may be up to 27 square feet in area each.
- E. In a commercial district, and on properties in residential districts which are lawfully devoted to non-residential uses, during a special event such as a sale, festival, dinner, play, signup or other special event not exceeding seven days in duration, one sign per frontage shall be permitted on the premises in addition to signs otherwise permitted by this Ordinance. The sign may be installed not more than two days before the event commences and shall be removed not more than two days after it is completed. These signs are subject to Section 13.07, except

that signs up to 27 square feet in area are permitted for lawful non-residential uses in residential district. [Section 13.09 added 2/1/17]

SECTION 13.10 NONCONFORMING SIGNS, ILLEGAL SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES.

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- D. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than 50 percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within 30 days of receipt of written notice by the Zoning Administrator.
- F. A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the district in which the property is located. [Former Section 13.09 renumbered to Section 13.10 on 2/1/17]

SECTION 13.11 SIGNS – UNITS OF MEASUREMENT.

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
- D. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall. **[Former Section 13.10 renumbered to Section 13.11 on 2/1/17]**

[Former Section 13.11, Sign Regulations Applicable to All Districts, repealed 2/1/17]

SECTION 13.12 DISTRICT SIGN REGULATIONS.

- A. Signs in each district shall be subject to the following regulations:

| R-R, R-1, R-2, AND MHC DISTRICTS - PERMITTED SIGNS | |
|--|---|
| Ground signs for residential subdivisions, manufactured housing communities, multiple family complexes, schools, farm markets or other non-residential uses allowed in the district | |
| Number | One per major entrance |
| Size | No greater than 32 square feet |
| Location | Minimum of 15 feet from any side or rear property line |
| Height | No higher than six feet |
| Wall signs for home occupations, day care and congregate living facilities | |
| Number | One per lot or parcel |
| Size | No greater than four square feet |
| Location | On wall of house facing street, unilluminated |
| Wall signs for non-residential uses | |
| Number | One per street frontage |
| Size | No greater than 5 percent of the wall area to which the sign is affixed |
| Location | On wall of building facing street |
| C - COMMERCIAL DISTRICT - PERMITTED SIGNS | |
| Ground signs | |
| Number | One per lot or parcel, except that only one ground sign or one freestanding sign shall be permitted per lot or parcel |
| Size | No greater than 50 square feet for each sign allowed |
| Location | Minimum of five feet from the front property line, minimum of 15 feet from the side or rear property line |
| Height | No higher than six feet |

| | |
|---|---|
| Wall signs | |
| Number | One per street frontage |
| Size | No greater than 10 percent of the wall area to which the sign is affixed. |
| Location | On wall of building facing street |
| C - COMMERCIAL DISTRICT - PERMITTED SIGNS | |
| Freestanding signs | |
| Number | One per lot or parcel, except for parcels with two or more public street frontages equaling or exceeding 300 feet shall be permitted two signs, which may be either freestanding or ground signs, or a combination, each of which must meet the other regulations applicable to the sign. |
| Size | One and one-half square feet for each one foot of lot frontage up to a maximum of 50 square feet, for each sign allowed |
| Location | Minimum of 15 feet from any property line |
| Height | No higher than 20 feet |
| LI - LIGHT INDUSTRIAL DISTRICT - PERMITTED SIGNS | |
| Ground signs | |
| Number | One per lot or parcel |
| Size | No greater than 32 square feet |
| Location | Minimum of five feet from the front property line, minimum of 15 feet from the side or rear property line |
| Height | No higher than six feet |
| Wall signs | |
| Number | One per street frontage |
| Size | No greater than 5 percent of the wall area to which the sign is affixed |
| Location | On wall of building facing street |

CHAPTER 14
ZONING BOARD OF APPEALS

SECTION 14.01 CREATION AND MEMBERSHIP.

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in the Zoning Act, and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.
- B. The Zoning Board of Appeals shall consist of five members appointed as provided in the Zoning Act. The term of each member shall be three years and until a successor has been appointed and has qualified. Members of the Zoning Board of Appeals who are also members of the Township Board or the Planning Commission shall have terms limited to their respective terms on the Township Board or the Planning Commission, as the case may be, or limited to such lesser period of time as may be determined by resolution of the Township Board at the time of appointment of such members. **[Section 14.01.B amended 10/6/93]**
- C. **Alternate Members.**
1. The Township Board may appoint not more than two alternate members to the Zoning Board of Appeals for the same term as regular members. If two alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.
 2. An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.
 3. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- D. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.
- E. A member shall be disqualified from a vote in which there is a conflict of interest.

SECTION 14.02 JURISDICTION. (2-16-99)

- A. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance, and may make decisions on any other special questions on which the Board is authorized to pass and in exercising all of its powers the Zoning Board of Appeals shall apply the standards of Section 14.04.
- B. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.
- C. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance.
- D. The Zoning Board of Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the language of this Ordinance.

SECTION 14.03 PROCEDURE ON APPEAL.

- A. An appeal from any order, requirements, decision, or determination of any administrative official or body shall be taken within 30 days by the filing with the Township Clerk of a Notice of Appeal, specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers consisting of the record upon which the action appealed was taken.
- B. Upon such appeal, or upon receipt of a request for an interpretation of the Zoning Ordinance, or request for a variance, the Zoning Board of Appeals shall hold a public hearing. Notice of the public hearing shall be given as provided in Section 15.09 of this Ordinance. **[Section 14.03.A-B amended 8/2/06]**

SECTION 14.04 STANDARDS OF REVIEW.

- A. **Non-Use Variance.** A non-use variance is a variance concerned with area, height, setback, lot coverage, or similar characteristics of a structure or use. Non-use variances also include the enlargement of nonconforming uses or alteration of nonconforming structures. A non-use variance may be granted only when all of the following conditions are found to be met:
 - 1. That strict compliance with the Ordinance would either (1) prevent improvement of the property in a manner which is reasonable customary and consistent with other properties in the area, or (2) cause practical

difficulty in strict compliance with the Ordinance, resulting in significant or unjustified expense, destruction or demolition of attractive features of the property, or similar reasons.

2. That relief would not be a substantial detriment to adjacent property or change the essential character of the area, and would not materially impair the purposes of this Ordinance or the public interest.
3. That the practical difficulty complained of was not created as a result of any action taken by the applicant or predecessors in interest to the property which was unlawful, or which could have been reasonably foreseen to create difficulty in complying with the ordinance for future improvements.
4. That the variance is requested to address exceptional and extraordinary circumstances or conditions applying to the property itself, such as:
 - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary; or
 - d. by reason of the use or development of the property immediately adjoining the property in question.
5. That the variance requested is the minimum necessary to address the practical difficulty complained of. If the Zoning Board of Appeals finds that a variance is justified, but that the extent of the variance requested is greater than necessary to address practical difficulty, the Zoning Board of Appeals may approve a lesser variance than applied for.

B. Use Variance. A use variance is a request for permission for a use of land which the Zoning Ordinance would otherwise prohibit for the property in question. A use variance may be granted only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that all of the following conditions are met:

1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located.
2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally

apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

- a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. exceptional topographic conditions;
 - c. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary; or
 - d. by reason of the use or development of the property immediately adjoining the property in question.
3. That the proposed use will not alter the essential character of the neighborhood.
 4. That the undue hardship complained of was not created by the applicant or any predecessor in interest to the property in question.
 5. That the variance requested is the minimum variance necessary to address the undue hardship complained of. If the Zoning Board of Appeals finds that the variance is justified, but that the extent of the variance requested is greater than necessary to address practical difficulty, the Zoning Board of Appeals may approve a lesser variance than applied for. **[Section 14.04.A-B amended 12/3/03]**
- C. Prior to the Zoning Board of Appeals hearing on a request for a use variance, the Zoning Board of Appeals may request that the Planning Commission consider such request and that the commission forward a report to the Zoning Board of Appeals as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.

SECTION 14.05 DECISIONS OF THE ZONING BOARD OF APPEALS.

- A. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it. The following is necessary for approval:
 1. The concurring vote of a majority of the full authorized membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of an of an administrative official or body, or to decide in favor of the applicant on any matter upon which it is required to pass under, or to grant any non-use variance.

2. The affirmative vote of two-thirds of the full authorized membership of the Zoning Board of Appeals shall be necessary to approve a use variance. **[Section 14.05.A.1-2 amended 8/2/06]**
- B. Any decision of the Zoning Board of Appeals shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Zoning Board of Appeals, unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of the public health, safety, or welfare and shall so certify on the record. (2-16-99)
 - C. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
 1. Description of the applicant's request.
 2. The Zoning Board of Appeal's motion and vote.
 3. A summary or transcription of all competent material and evidence presented at hearing; and,
 4. Any conditions attached to an affirmative decision.
 - D. A decision of the Zoning Board of Appeals shall be final. However, a person aggrieved by a decision of the Zoning Board of Appeals may appeal to the Circuit Court as provided in the Zoning Act and by law. **[Section 14.05.D amended 8/2/06]**
 - E. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.
 - F. **Period of Validity.** Period of Validity. No variance granted by the Zoning Board of Appeals shall be valid for a period longer than one year from the date of issuance if not used. However, the Zoning Board of Appeals may grant an extension or extensions for a period not to exceed three years from the date of original approval if it determines that the original circumstances involved with the variance have not changed such that the standards for a variance would no longer be satisfied, or different conditions of approval would be appropriate. **[Section 14.05.F amended 9/2/15]**

SECTION 14.06 RESUBMISSION.

- A. No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one year period from the date of the original application unless the Zoning Board of Appeals finds that at least one of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

SECTION 14.07 STAY OF PROCEEDINGS.

- A. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order.
- B. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

CHAPTER 15
ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, who shall be appointed by the Township Board.

SECTION 15.02 DUTIES OF THE ZONING ADMINISTRATOR.

- A. This Ordinance shall be enforced by the Zoning Administrator and Building Inspector who shall, in no case, issue any building permit nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this Ordinance, except under written order of the Board of Appeals or a court of competent jurisdiction.
- B. **Violations.** The Zoning Administrator shall investigate any alleged violation of this Ordinance as may be discovered. If a violation is found to exist, the Zoning Administrator may serve written notice upon the owner to cease said violation. If the owner fails to act diligently to correct the violation within the time provided by the Zoning Administrator, the Zoning Administrator shall serve notice upon the owner, notify the Township Board, and prosecute such violator to terminate said violation before a court of proper jurisdiction. The giving of notice and opportunity to cure the violation is not mandatory, and the lack of such notice shall not provide any defense to an action to enforce the Zoning Ordinance. **[Section 15.02.B amended 9/2/15]**
- C. **Inspections.** The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with. The Building Inspector shall inform the Zoning Administrator of any violations of the Zoning Ordinance observed during building enforcement activities. **[Section 15.02.C amended 9/2/15]**
- D. **Records.** The Zoning Administrator and Building Inspector shall keep records of all inspections, applications, applications and permits issued, with a notation of all special conditions involved. They shall file and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

SECTION 15.03 ZONING COMPLIANCE AND BUILDING PERMITS.

- A. No principal, accessory, or farm building or structure, whether constructed on a permanent foundation or otherwise, and without regard to whether a building permit is required according to applicable Township building code requirements, shall be erected, moved, placed, reconstructed, extended, or enlarged or altered

unless such activity is performed in accordance with the zoning compliance permit issued by the Zoning Administrator pursuant to the Township Zoning Ordinance. A zoning permit shall not be required for dog houses, swing sets, or other similar minor structures not used for storage or occupancy, but such structures shall comply with all applicable provisions of the Zoning Ordinance. In addition, no building or structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered unless such activity is performed in accordance with a building permit issued pursuant to the Township Building Code, unless such structure is exempt from obtaining a building permit according to the Township Building Code or State Construction Code Act. Application for a zoning compliance permit shall be filed by the owner or an agent of the owner and shall state the intended use of the structure and other land. The application shall be accompanied by building plans and specifications, a plot plan, a site development plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance. **[Section 15.03.A amended 2/1/12]**

- B. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a zoning compliance or building permit. In the event a building permit is also required by the building code of the Township, then said fee shall be credited toward the building permit required by the building code of the Township.
- C. A zoning compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance. All zoning compliance permits shall expire one year from their date of issuance.
- D. A copy of all approved building permits shall be sent to the assessor.
- E. Zoning compliance permit shall not be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance and/or state and Township subdivision regulations.
- F. The Zoning Administrator shall have a reasonable period of time, not to exceed 30 days to review all plans and specifications prior to taking appropriate action thereon.
- G. The Zoning Compliance permit and building permit shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.

SECTION 15.04 CERTIFICATE OF OCCUPANCY. No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a certificate of occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township.

Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the certificate of occupancy. A record of all certificates of occupancy shall be kept on file in the Township. A copy shall be sent to the Township Assessor. Where a building permit is not involved, a fee as established by the Township Board from time to time shall be charged for each permit.

SECTION 15.05 ZONING ORDINANCE AMENDMENTS.

A. Initiation.

1. An amendment to the zoning map, which is a part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed, or by a person authorized in writing by the property owner to submit such application.
2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

B. Procedure for Changes.

1. Applications for Zoning Ordinance map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials:
 - a. A legal description of the property to be affected by a proposed change to the zoning map; or a typewritten copy of the proposed text amendment, including specific references to the portions of the existing ordinance section and language.
 - b. A drawing or map showing, at a suitable scale, the property to be changed by an amendment to the zoning map and the location of properties within one-half mile of the property affected by such amendment.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold a public hearing. Notice of the public hearing shall be given as provided in Section 15.09. **[Section 15.05.B.2 amended 8/2/06]**
3. The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the

Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary. The notice for such hearing to be the same as required by the Planning Commission public hearing for the same matter.

- C. **Resubmission.** Whenever a proposed zoning map or text change has not been approved by the Township Board, the Planning Commission shall not reconsider such map or text change for at least one year following the date of the original application unless the Planning Commission finds that at least one of the following conditions exist:
1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 2. That new conditions or circumstances exist which change the nature of the original request.

SECTION 15.06 SCHEDULE OF FEES.

- A. No action shall be taken on any application for any variance, ordinance amendment, site plan review, special land use, or any other review required by this Ordinance by the Township Board, Planning Commission, or Board of Appeals, unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.
- B. Where structures have begun construction or are occupied before any required approval is granted, the fees for such application approval shall be doubled. Payment of such fees shall not relieve any person from fully complying with the requirements of this Ordinance.

SECTION 15.07 PENALTIES.

- A. **Penalties.**
1. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance per se.
 2. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and other remedies 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 Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of

one week following the issuance of a citation for a first offense shall all be considered separate first offenses.

3. Each day during which any violation continues shall be deemed a separate offense.

B. **Procedure.** The Township Board and/or Township Supervisor may institute mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. [Section 15.07.A-B amended 3/5/96]

SECTION 15.08 PERFORMANCE GUARANTEES.

A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond, cashier's check, letter of credit, or other suitable security, in an amount determined to be necessary to insure compliance with the Ordinance or conditions of approval. [Section 15.08.A amended 9/2/15]

B. Such performance guarantee shall be deposited with the clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance bond or cashier's check shall be forfeited.

C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.

D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.

SECTION 15.09 NOTICE REQUIREMENTS.

A. **Notice Required.** Notice of public hearing on certain actions by zoning officials and bodies is required by the Zoning Act and this Ordinance, and this section sets forth the requirements for notice. If the Zoning Act is amended such that any provision of this section does not comply with or exceed the requirements of such amended law, then the provisions of law shall control. For the different types of review and approval provided for in this Ordinance, notice shall be given as follows:

1. **Planned Unit Development - (Chapter 9).** Notice by both publication and mailing in accordance with subsections B and C.

2. **Public Information Meeting on Site Plan Review - (Chapter 11).** Notice by mailing only in accordance with subsection C.
3. **Special Land Use - (Chapter 12).** Notice by both publication and mailing in accordance with subsections B and C.
4. **Action of the Zoning Board of Appeals on Appeals; Interpretations and Variances - (Chapter 14).** Notice by both publication and mailing in accordance with subsections B and C. (Mailing not required for appeal or interpretation not involving a specific parcel.)
5. **Rezoning of an Individual Property, or Ten or Fewer Adjacent Properties - (Chapter 15).** Notice by both publication and mailing in accordance with subsections B and C.
6. **Text Amendment of Zoning Ordinance, Not Involving Rezoning of Any Identified Property - (Chapter 15).** Notice by publication only in accordance with subsection B below.
7. **Rezoning of Eleven or More Adjacent Properties - (Chapter 15).** Notice by publication only in accordance with subsection B below.

For purposes of determining whether or not mailing is required for rezoning (and also for the required text of notice), each contiguous parcel or parcels under common ownership, not divided by a public road, shall be considered to be one parcel.

- B. **Notice by Publication.** If notice of public hearing is required, it shall be published in a newspaper of general circulation in the Township one time not less than 15 days prior to the date of the public hearing.
- C. **Notice by Mail or Personal Delivery.**
 1. Notice of public hearing shall be mailed or given by personal delivery to the owners of property for which a request or action is being considered, not less than 15 days before the date of the public hearing. Notice to neighboring property owners and occupants shall be mailed or given by personal delivery not less than 15 days before the date of public hearing to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property. Notice shall be addressed to the respective owners at the address given on the last confirmed assessment roll, as supplemented by any changes processed and reflected on the tax records by the Township subsequent to that time. If an occupant's name is not known, the term "occupant" shall be used. Notice shall be given to owners or occupants of property located outside of Courtland Township, if within the above notification radius.

2. Notice given by mail shall be complete when placed in United States Mail, with first class postage prepaid. Notice by personal delivery shall be complete by delivering the notice to the person entitled to the notice, or by leaving it with a person of suitable age and discretion at that person's residence, or affixing it to the front door of that person's residence.

D. **Contents of Notice.** Notices of public hearings on zoning actions shall include at least the following information:

1. A general description of the land use or change proposed, and the type or types of zoning approval being considered.
2. An identification of the property that is subject to the request. Except for re-zoning of 11 or more adjacent properties, the notice shall include a listing of all existing street addresses within the property. If the request pertains to a proposal for rezoning of 11 or more adjacent properties, the notice need not include a listing of all existing street addresses within the property, but shall include identification of the general location of the request. Street addresses need not be created and listed if no such addresses exist for the property. If there are no street addresses, other means of identification may be used.
3. A statement of when and where the request will be considered.
4. A statement that written comments may be received addressed to the Township Clerk, at the Township Hall, prior to the meeting, or delivered to the body conducting the hearing at the time of the hearing.
5. In case of a proposed amendment to the text of the Zoning Ordinance or a rezoning, notification that the proposed Ordinance amendment is on file with the Township for review during regular Township Hall business hours.

E. **Additional Notice to Public Utilities, Railroads and Airports.** In addition to other notices required, notice of any amendment to the text of the Zoning Ordinance, or re-zoning of property (regardless of number of properties involved), shall be given by mail at least 15 days prior to the hearing to each electric, gas, and pipeline public utility company, each telecommunication service provider, any railroad operating within the Township, and the airport manager of any airport that has registered its name and mailing address with the clerk of the Township for the purpose of receiving such notices of public hearing.

- F. **Authorized Officials.** The Township Zoning Administrator, supervisor and clerk are each authorized to give notice of public hearing, in compliance with this Ordinance and the Zoning Act, without prior approval of the reviewing body. However, in their discretion, or at the direction of the reviewing body, these officials may or shall defer the giving of notice until the application has first been considered by the reviewing body. Appropriate written proof of the giving of notice shall be prepared and maintained in the Township files. **[Section 15.09.A F added 8/2/06]**

CHAPTER 16
TITLE, PURPOSE, SCOPE AND LEGAL BASIS

SECTION 16.01 TITLE. This Ordinance shall be known and may be cited as the “Courtland Township Zoning Ordinance.”

SECTION 16.02 PURPOSE.

- A. This Ordinance is based upon the Courtland Township Master Land Use Plan and is designed to promote the public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to conserve natural resources and energy, to meet the needs of the state’s citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. [Section 16.02.A amended 10/6/93]
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

SECTION 16.03 SCOPE.

- A. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party.
- B. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

SECTION 16.04 LEGAL BASIS. This Ordinance is enacted pursuant to the Zoning Act.

SECTION 16.05 REPEAL. Any ordinance or any provision of any ordinance inconsistent with the terms hereof shall be and is hereby repealed. This Ordinance replaces Ordinance No. 20 of the Ordinances of Courtland Township, adopted September 1, 1984, as amended.

SECTION 16.06 SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance which shall be in effect.

SECTION 16.07 EFFECTIVE DATE. This Ordinance shall be effective January 6, 1993.