

GRATTAN TOWNSHIP

Zoning Ordinance

The original Zoning Ordinance was adopted by the Grattan Township Board, and became effective June 20, 1990.

(This text is a compilation of the Zoning Ordinance, and it includes all amendments adopted through December 31, 2019.)

Township of Grattan
12050 Old Belding Road
Belding, Michigan 48809

GRATTAN TOWNSHIP ZONING ORDINANCE

AN ORDINANCE to establish zoning districts for the unincorporated portions of the Township of Grattan pursuant to the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, to set forth regulations, minimum standards and procedures for the use, size and protection of land and structures within such districts; to establish provisions for the enforcement of this Ordinance and to prescribe penalties for the violation thereof.

THE TOWNSHIP OF GRATTAN ORDAINS:

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ARTICLE 1
TITLE, PURPOSE, INTERPRETATION, AND SCOPE

1.01 SHORT TITLE

This Ordinance shall be known as the Grattan Township Zoning Ordinance.

1.02 PURPOSE

The purpose of this Ordinance is to establish zoning districts in the unincorporated portion of Grattan Township to meet the needs of the state’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and water and the congestion of population; to lessen congestion on public and private roads and streets and to provide emergency and regular access to facilities, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and to promote public health, safety, and welfare; within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation and additional uses of land may be encouraged, regulated or prohibited and for such purposes dividing the unincorporated portions of the Township into districts of such number, shape and area as deemed best-suited to carry out the provisions of this Ordinance; and for each such district designating or limiting the location, the height, number of stories and size of dwellings, buildings and structures that may hereafter be erected or altered, and the specific uses of which dwellings, buildings and structures may hereafter be erected or altered; the area of yards, courts and other open spaces, and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; and the maximum number of families which may be housed in buildings, dwellings and structures hereafter erected or altered.

1.03 INTERPRETATION AND CONSTRUCTION

- A. In their interpretation and application, any enforcement officer or agency, any court, any Township Board member, any Planning Commission member and any Board of Appeals member shall hold the provisions of this Ordinance to be the minimum acceptable standards and requirements adopted for the promotion of the health, safety, security and general welfare of the Township of Grattan.
- B. The following listed rules of construction apply to the text of this Ordinance:
 - 1. The particular shall control the general.
 - 2. 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.
 - 3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

4. 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.
5. A “building” or “structure” includes any part thereof.
6. The word “person” includes an individual, corporation, governmental unit or municipality, partnership, limited liability company, incorporated association, or any other similar entity or combination thereof.
7. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - (a) “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - (b) “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - (c) “Either...or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
8. Terms not herein defined shall have the meaning customarily assigned to them.
9. The masculine shall also mean the feminine and vice versa.
10. If a particular use or activity is not expressly authorized in the particular district involved (whether listed as a permitted use or with approval as a special land use), then it is not permitted or allowed within that district.

1.04 SCOPE

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

1.05 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF

No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, extended or altered except in conformity with the regulations and provisions of this Ordinance.

ARTICLE 2 DEFINITIONS

2.01 ACCESSORY STRUCTURE

A subordinate structure devoted to an accessory use and located on the same premises with a main structure. An accessory structure which is integrally attached to a main structure shall be considered part of the main structure.

2.02 ACCESSORY USE

A use naturally and normally incidental, customary, and subordinate to a principal use and located on the same lot with the principal use.

2.03 AGRICULTURAL PROCESSING

The processing, packaging, milling, collection, refinement, and storage of farm products, including collection centers for the distribution of farm products to wholesale and retail markets.

2.04 ALTERATION OF STRUCTURES

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

2.05 BASEMENT

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

2.06 BED AND BREAKFAST OPERATIONS

A use which is subordinate to the principal use of a dwelling unit as a single family dwelling unit in which transient guests are provided a sleeping room and board in return for payment. A bed and breakfast operation shall meet all of the requirements in Section 3.05.

2.07 BOARDINGHOUSE, ROOMING HOUSE

A dwelling having one kitchen and used to provide room and board for compensation to more than two persons.

2.08 BUILDING

A structure erected on-site, a mobile home or mobile structure, a premanufactured or precut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

2.09 BUILDING - HEIGHT OF

The vertical distance measured from the established grade to the highest point of the roof surface. Where a building is located on sloping terrain such that the grade at the front of the building is different than the grade at the rear of the building, the height shall be measured from a point located halfway between the front and rear wall of the building.

2.10 BUILDING INSPECTOR

The Grattan Township Building Inspector or such other person or official as is appointed by the Township Board to serve that function.

2.11 CAMP; CAMPGROUND (PUBLIC OR PRIVATE)

A facility for camping or staying overnight with sites for tents, trailers, and/or camping recreational vehicles, which is either open to the general public for a fee or is operated by a bona fide nonprofit organization, benevolent organization, church, or similar organization.

2.12 CANOPY

An unenclosed structure consisting of a roof, tarpaulin or cover supported by columns, posts or poles, and which provides or is intended to provide shelter to or for commercial activities, including but not limited to automobile or motor vehicle fueling, drive-in food service, or a car wash; or which provides shelter for parking or loading for commercial purposes.

2.13 COMMUNICATIONS TOWER

A public or private device used for the transmission and/or receipt of commercial wireless telecommunication services including radio, television, sonar, satellite, or other such communication signals. A communications tower is characterized by, but is not necessarily limited to, a narrow spire type metal structure anchored to a concrete pad which is permanently affixed to the ground. The tower is maintained in place by said anchorage and may include guy wires, expanded base, and/or other means for support of the tower. A communications tower may or may not be regulated by the Federal Communications Commission. This definition shall include all appurtenances of a communications tower, including buildings.

2.14 CONSTRUCTION YARDS

Areas used for the outdoor or indoor storage of building equipment, excavation equipment, machinery, vehicles, and supplies, including gravel, sand, topsoil, stones, and other similar materials used in the building, excavation, and/or construction trade.

2.15 CONTIGUOUS WETLAND

A wetland is a “contiguous wetland” when (a) it has a permanent surface water connection or other direct physical contact with an inland lake, a stream, a pond or a river; or (b) it has a

seasonal or intermittent direct surface water connection to an inland lake or stream, a pond or a river.

2.16 DAY CARE HOME

A private home (that is the bona fide permanent residence of the operator of the family day care home) in which from one to 12 minor children are received for care and supervision for periods of less than 24 hours a day for more than four weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption (as licensed or registered and regulated under the Child Care Organizations Act, Act No. 116 or the Public Acts of 1973, as amended).

- A. Family day care home shall include a day care home receiving from one to six minor children.
- B. Group day care home shall include a day care home receiving more than six but less than 12 minor children.

2.17 DISTRICT

A zoning district as listed or described in Article 5 of this Ordinance.

2.18 DOCK

A dock, pier, or similar structure or device.

2.19 DRIVEWAY

A driveway is an improved or unimproved drive, path, trail, or similar way extending from a public road or private road to a single building, dwelling, lot, or structure intended to provide ingress and egress for that single building, dwelling, lot, or structure. A driveway is located entirely upon the lot which it serves.

2.20 DWELLING

- A. A building used as a residence or sleeping place by one or more persons. Dwelling shall include, but is not limited to, one and two family units and multiple family dwellings or apartments.

2.21 ESSENTIAL PUBLIC SERVICES

Essential public services means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communications, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, electric substations, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of utility service by such utilities or municipal

departments or commissions or for the public health, safety or general welfare. Landfill operations are specifically excluded, as are buildings, water systems (public or private) serving more than three dwellings, and sewage systems (public or private) serving more than three dwellings.

2.21A EXCAVATION USE, LIMITED

The parking, storage and keeping of excavation vehicles and equipment of limited size, scope and extent on a parcel of land that is owned by and which is the full-time residence of the same person who is also the owner or lessee of the excavation vehicles and/or equipment kept thereon; such excavation vehicles and equipment are limited to those owned and used on a commercial or for-hire basis, but not including excavation vehicles or equipment used solely for farming purposes, nor including motor vehicles used solely for personal transportation purposes.

2.22 FAMILY

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

2.22A FARM

A parcel or parcels of land used for the cultivation, growing and harvesting of crops and/or the breeding and raising of livestock. A farm may consist of vacant land or it may consist of land, farm buildings and other facilities or structures used for farming purposes.

2.23 FARM PRODUCTS

Products such as but not limited to grains and feed crops, dairy and dairy products, fruits, vegetables, flowers, seeds, grasses, sod, trees and fodder.

2.24 FLOOR AREA

The area of all finished floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, decks, breezeways, carports, verandas, garages, unfinished attics, and attic floor areas with less than five vertical feet from the floor to finished ceiling. All basements, including walkout basements, are excluded.

2.25 FRONTAGE

For purposes of street or road frontage, that portion of a lot which fronts and abuts a lawful road or street. For purposes of lake, stream, or other water frontage, that portion of a lot which fronts and abuts the lake, stream, or other body of water.

2.26 GARAGE - PUBLIC

A building used for commercial repair or storage of vehicles.

2.27 GASOLINE SERVICE STATION

Shall mean any of the following:

- A. A building, structure or operation used for the sale of such customary automotive, travel or marine supplies as fuel (whether gasoline, diesel, kerosene or other fuel), lubricants, antifreeze, batteries, tires, convenience foods and/or related goods and/or similar accessories and/or the providing of such services as washing, waxing, tire repairs, light replacement, recharging of batteries and tune-ups. Major repair or refinishing of vehicles or marine equipment shall not be permitted.
- B. Any building, structure, business or commercial operation with a gasoline, diesel, kerosene or fuel pump or pumps for the sale of fuel (or the equivalent). Major repair or refinishing of vehicles or marine equipment shall not be permitted.
- C. A gas station.
- D. Any combination of the above.

(Amended by Ordinance No. 2019-003 on March 11, 2019).

2.28 GREENBELT

A planting or buffer strip at least 25 feet in width composed of deciduous and/or evergreen trees spaced not more than 30 feet apart and not less than one row of dense evergreen shrubs not less than three feet in height and spaced not more than five feet apart.

2.29 GREENHOUSE

A temporary or permanent enclosed area, enclosed structure or building used for the cultivation of plants.

2.30 HOME OCCUPATIONS

Occupations which are carried on in the home by resident members of the family, being clearly incidental and secondary to the principal residential use. A home occupation is an occupation or profession that is clearly a customary, incidental, and secondary use of a single family residential dwelling unit. A home occupation shall meet all of the requirements in

Section 3.14. Bed and breakfast operations are not considered home occupations and are regulated in Section 3.05. Instruction in a craft or fine art, within a dwelling, by a resident member of the family residing in the dwelling, shall be considered a home occupation and shall be subject to the requirements of Section 3.14.

2.31 HOTEL

A building in which transient lodging or boarding and lodging are offered to the public for compensation. Boardinghouses, motels, motor hotels, and apartments are excluded.

2.32 INSTITUTIONAL OR PUBLIC USES

Churches; schools teaching academic subjects; hospitals; convalescent and nursing homes; parks; nature centers; civic centers; noncommercial private clubs; noncommercial clubhouses and other noncommercial private club buildings for meetings, social events and similar purposes; fraternal organizations; libraries; nonprofit or charitable organizations providing emergency medical and/or rescue services; and governmental, fire department and law enforcement buildings and facilities (except correctional facilities).

2.33 INTENSIVE FARMING OPERATIONS

A concentrated livestock or poultry breeding, raising, holding, boarding, or feeding operation or business which meets any of the following criteria:

- A. A total of not less than 750 dairy cattle (all classes), 750 slaughter or feeder cattle, 1,800 swine (all classes), 100,000 poultry (all classes), 5,000 sheep or goats (all classes) or 200 horses (all classes).

2.34 JUNKYARD

A place where discarded, worn out, dilapidated, or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, processed, packed, disassembled or handled, including junk, house-wrecking, structural steel materials, salvage, and automobile wrecking enterprises.

2.35 KENNEL

Any lot or premises used for the keeping, sale, boarding, treatment or breeding of more than four dogs, cats or other household pets, or any combination thereof, where four or more of such animals are older than six months old.

2.36 LOT

A parcel of land, exclusive of any road or street right-of-way, separated from other parcels by legal description. Also, a lawful parcel of land adjoining a dedicated public street or lawful public road, and separated by other parcels by legal description, deed, site condominium boundary, or subdivision plat. The word "lot" shall also include "plot," "parcel," or "site condominium unit." In the case of development or use of land on the basis

of condominium ownership (i.e. site condominium), “lot” shall also include the portion of the condominium project designed and intended for separate ownership and use and land described in the master deed.

2.37 LOT AREA

The total horizontal area of a lot within lot lines or boundaries excluding areas within or under road or street rights-of-way, private road easements, lakes, or rivers.

2.38 LOT - CORNER

A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 145 degrees.

2.39 LOT COVERAGE

The percentage of a lot that is covered by buildings, structures, and impervious surfaces.

2.40 LOT - FRONT

That side of a lot other than a corner lot, abutting and having frontage on a street or right-of-way. The front of a lot abutting and having frontage on a lake or stream shall be that portion of the lot nearest the water.

2.41 LOT - FRONT SETBACK LINE

The distance from the road or street right-of-way or easement required to meet the front yard requirements of the respective zoning district, except for waterfront lots, where the rear yard extends to the road or street right-of-way or easement.

2.42 LOT LINES

The line that defines the boundaries of a lot or parcel of land.

- A. **Front Lot Line.** The line that separates the front yard from the road or street right-of-way or easement line or normal high water mark. In the case of a corner lot, the lines separating the lot from each road or street right-of-way or easement line.
- B. **Rear Lot Line.** The line that is opposite the front line. In the case of a corner lot, the rear lot line may be opposite either front lot line; but there shall be only one rear lot line. In the case of a lot with side lot lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 20 feet long, lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line.** Any lot line other than the front lot line or the rear lot line.

2.43 LOT OF RECORD

A parcel of land or a lot, the dimensions of which are shown on a document or map on file with the Kent County Register of Deeds records or in common use by Township or county officials, which actually exists as shown and was lawful (and of record with the Kent County Register of Deeds records) when created, or any part of such parcel or lot held in a record ownership separate from that of the remainder thereof.

2.44 LOT - THROUGH

A lot, other than a corner lot, having frontage on more than one street.

2.44A MARIJUANA

Also known as Marihuana, also known as Cannabis; shall have the meaning given to it in section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7105, as referred to in section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to marijuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or in the MMMA General Rules.

2.45 MASTER PLAN

The Master Plan, as amended, for Grattan Township.

2.45A MEDICAL USE OF MARIJUANA

The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA. The medical use of marijuana shall not be considered a commercial, personal service or retail use, farm or farm operation, agricultural use, processing or industrial use, or use similar to these uses or as any use except a home occupation conducted in accordance with the provisions of this Ordinance.

2.45B MEDICAL MARIJUANA DISPENSARY

Except as set forth below, any business, facility, structure, association, collective, cooperative, location or operation, whether fixed or mobile, whether profit or nonprofit, where medical marijuana is made available to, sold, used, grown, cultivated, processed, stored, dispensed, given, delivered or distributed by or to any of the following:

- A. A registered primary caregiver (as defined by MMMA, as amended).
- B. A registered qualifying patient (as defined by MMMA, as amended).
- C. Members of the public.

A medical marijuana dispensary shall also include any business, facility, association, collective, cooperative or operation, whether fixed or mobile, whether profit or nonprofit,

where medical marijuana is smoked, consumed or used by three or more persons simultaneously.

A medical marijuana dispensary shall not include the dispensation of medical marijuana by a primary caregiver personally dispensing to not more than five qualified patients in strict accordance with the MMMA, as amended, and the requirements of this Ordinance so long as not more than the lawful amount of medical marijuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable Township ordinances and applicable Michigan laws, rules and regulations.

A medical marijuana dispensary shall also not include smoking, consuming or use of medical marijuana by a primary qualifying patient in strict accordance with the MMMA, as amended, and the requirements of this Ordinance and other applicable Township ordinances and applicable Michigan laws, rules and regulations.

A medical marijuana dispensary shall also not include uses occurring in compliance with this Ordinance and all laws and rules of the State of Michigan at the following locations: a state-licensed health care facility, a state-licensed residential care facility for the elderly or infirmed, or a residential hospice care facility.

2.45C MICHIGAN MEDICAL MARIJUANA ACT

Public Act 2008, Initiated Law 1, as amended from time to time. Also referenced in this ordinance as the “MMMA.”

2.45D MMMA GENERAL RULES

The General Rules of the Michigan Department of Community Health, issued in connection with the MMMA, as amended from time to time.

2.46 MOBILE HOME

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, 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 “manufactured home” in this Ordinance.

2.47 MOBILE HOME LOT

A designated site within a mobile home park or development for the exclusive use of the occupants of a single mobile home.

2.48 MOBILE HOME PARK

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 housing community” in this Ordinance.

2.49 MODULAR HOME

A modular dwelling unit 24 feet or more in width, which meets all of the requirements of the Michigan Building Code adopted by Grattan Township and placed on a cement perimeter wall or basement. A building or occupancy permit may be issued by the Building Inspector for such unit as a single family residence.

2.50 MOTEL, TOURIST CABIN, MOTOR HOTEL

A building or group of buildings which has living or sleeping accommodations used primarily for transient occupancy and individual entrances from outside the building to serve each unit.

2.51 NURSERY

An unenclosed area used for the cultivation of flowers, trees, shrubs, bushes, or other plants which are sold or are intended to be sold on the lands where such cultivation takes place.

2.52 ORDINANCE

Wherever in the text of this Zoning Ordinance the phrase “this Ordinance” (whether Ordinance is capitalized or not) appears, it shall mean this, the Grattan Township Zoning Ordinance, as amended.

2.53 ORDINARY HIGH WATER MARK

The line between upland and bottomland that 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 distinctly different from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, the ordinary high water mark means the established high level.

2.54 OUTDOOR RECREATION AND ENTERTAINMENT FACILITIES

Parks, playgrounds, athletic grounds, golf courses, country clubs, riding stables or horse boarding facilities available to the public, ski areas, campgrounds, race tracks (including harness racing and motor racing), music festivals and performances, historical festivals and celebrations, arts and crafts displays and festivals; including buildings and other structures used for recreation, entertainment and as gathering places, for and in connection with any of such outdoor recreation uses and activities, together with associated uses including but not

limited to motor vehicle parking, the providing of refreshments and the sale of related merchandise and the providing of related services.

2.55 PLANNING COMMISSION OR COMMISSION

The Grattan Township Planning Commission.

2.55A PRIMARY CAREGIVER

“Primary caregiver” means a person who has agreed to assist with a qualifying patient’s medical use of marijuana, possessing the qualifications and registration as provided by the MMMA and MMMA General Rules.

2.56 PRINCIPAL OR MAIN USE OR STRUCTURE

The primary or predominant use or structure pertaining thereto of the premises.

2.57 PRIVATE ROAD OR STREET

“Private road” or “private street” means any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two or more parcels or two or more principal buildings, dwelling units, structures, or combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease, or an easement. Any and all extensions, additions, or branches of or to a private road shall be considered part of the private road that abuts the public road. A private road shall also include the following:

- A. An access serving one parcel if that parcel does not have the requisite amount of frontage on a public road as required by this Ordinance.
- B. Where two or more parcels or dwellings share or utilize a common access drive, even if each parcel has a required frontage on a public road.

2.58 PUBLIC SANITARY SEWER, PUBLIC SEWER, SANITARY SEWER, PUBLIC SANITARY SEWER SYSTEM

Shall mean a sanitary sewage system owned and operated by a governmental unit. Where a provision of this Ordinance references public sanitary sewer, public sewer, public sanitary sewer system, or sanitary sewer as being available, present, or similar term, public sanitary sewer or sanitary sewer shall be considered available, present, or similar term only if the lots or properties at issue are both within the government approved public sewer district and the Township Board has approved having each lot at issue being able to hook up to the sanitary sewer.

2.59 REPAIR - MAJOR

General repair, rebuilding, or reconditioning of engines or vehicles, collision service (including body repair and frame straightening), painting or upholstering, or vehicle steam cleaning and undercoating.

2.60 REPAIR - MINOR

Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two ton capacity; provided, however, there is excluded any repair or work included in the definition “Repair –Major.”

2.61 SETBACK

The minimum distance which a structure or building must be set back or located away from the relevant lot line or boundary line. The area comprising required building or structure setback is also described as a required yard.

2.62 SHORE STATION

A cradle or storage device for a boat or water vessel that has all of the following characteristics:

- A. Is not permanently affixed to the land or bottomlands of a lake.
- B. Is fully movable or portable.
- C. Is removed completely from the water during the winter.
- D. Does not have a rigid roof or walls.
- E. All portions of the device are located lakeside of the shoreline when in use during the boating season.

2.63 SIGNS

A device, structure, painting on a building, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service, or displaying or depicting other information.

- A. **Abandoned Sign.** A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity.
- B. **Billboard.** A sign advertising a use, activity, message, product, or service which is not conducted on the lot or parcel upon which the sign is located.
- C. **Construction Sign.** A sign which displays the name or names of principal contractors, architects, and lending institutions responsible for the construction on the site where the sign is placed.

- D. **Directional Sign.** A sign containing only the name and/or type of business, direction, distance or instructions for vehicular or pedestrian circulation to a specified use. A directional sign shall not contain advertising display copy.
- E. **Freestanding Sign.** A sign structurally separated from a building being supported by one or more poles or braces, or attached directly to the ground.
- F. **Nameplate.** A non-illuminated, on-premises sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- G. **Political Sign.** A sign used in connection with a local, state, or national election or referendum.
- H. **Portable Sign.** A sign not permanently affixed to the ground, a structure, or building.
- I. **Real Estate Sign.** A sign advertising the real estate upon which the sign is located for the purpose of offering the property for sale, lease, or rent.
- J. **Subdivision Identification Sign.** A sign identifying or recognizing a platted subdivision or residential development.
- K. **Temporary Sign.** A sign used solely to advertise a community event such as, but not limited to Bible school, school carnival, private garage sales, horse shows, etc.
- L. **Wall Sign.** A sign including painted, individual letter, and cabinet signs, and signs on a mansard which are attached parallel to and extending not more than 15 inches from the wall of a building.

2.64 SITE CONDOMINIUM SUBDIVISION

A division or development of land on the basis of condominium ownership which is not subject to the provisions of the Michigan Land Division Act, as amended. MCLA 560.101 *et seq.*

2.65 SITE DEVELOPMENT PLANS

A scale drawing which shows the location and dimensions of improvements upon a parcel of land, including buildings, driveways, parking area, landscaping, sidewalks, signs, sewage systems, water supply, drainage facilities and any other items that may be required herein. [See Article 17 of this Ordinance.]

2.66 STABLE - PRIVATE

A stable used only for housing not more than five horses owned by a person and used primarily by members of the family.

2.67 STABLE - PUBLIC

All stables other than private stables.

2.68 STATE-LICENSED RESIDENTIAL FACILITY

A structure constructed for the purposes that is licensed by the State of Michigan pursuant to the Adult Foster Care Facility Licensing Act (Act No. 218 of the Public Acts of 1979, as amended), or the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended) that provides resident services for persons under 24-hour supervision or care for persons in need of that supervision or care. A “state-licensed residential facility,” as defined by this section, shall not include adult foster-care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.

2.69 STORY

The portion of a building between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

2.70 STORY - HALF

The portion of a building between the eaves and ridge lines of a pitched roof whether or not used for dwelling purposes.

2.71 STREET OR ROAD

This shall mean either of the following:

- A. A dedicated and accepted public thoroughfare which is fully improved and maintained by either the Kent County Road Commission or the State of Michigan. The full easement or right-of-way width thereof shall be included in this definition.
- B. A private road approved pursuant to Section 3.25 of this Ordinance. The private road easement shall also be included in this definition.

2.72 STRUCTURE

Any constructed, erected, or placed material or combination of materials in or upon the ground having a fixed location, including but not limited to buildings, dwellings, radio towers, billboards, light posts, signs, swimming pools, storage bins (or the equivalent), animal enclosures other than fences, garages, sheds, accessory buildings, decks, platforms, patios, solar panels (or the equivalent), portable or movable vehicle carports or similar enclosures, satellite dishes, towers, windmills, gazebos, tennis courts and signs.

The following are excluded from the definition of “structure” (i.e. such items are not structures):

- A. Lawful fences, sidewalks, and paving on streets, driveways, or parking areas.

- B. Decks or patios, no portion of which is located:
 - 1. More than two feet above the ground (natural grade).
 - 2. Closer than five feet to any lot line, or
 - 3. Within 30 feet of the high water mark of any lake.
- C. Retention walls not over five (5) feet in height.
- D. Seawalls along a lake.

(Amended by Ordinance No. 2019-006 on August 12, 2019).

2.73 SWIMMING POOL

A structure used to hold water for swimming and aquatic recreation. Plastic, canvas or rubber portable pools temporarily erected upon the ground with less than two feet of water are excluded.

2.74 TEMPORARY USES

Parades, carnivals, outdoor concerts, rodeos, block parties, parade of homes events, or designer showcases or any similar use or event occurring on a temporary or sporadic basis in any residential or agricultural zoning district where 50 or more persons will attend or may be expected to attend. Such temporary use shall not include residential social events such as family gatherings, reunions, weddings and other such events, or traditional agricultural activities and events such as farm tours, hay rides on farms and fall harvest events on farms. Temporary uses shall not include uses which are of a permanent nature and as to which zoning approval has been obtained, nor shall temporary uses include those uses which are accessory to and normally associated with a permanent use or structure where such permanent use or structure is lawful and as to which all required zoning approvals have been obtained.

2.75 THEATRE - INDOOR

Any building used for the presentation of dramatic spectacles, shows, movies or other entertainment which has a roof completely sheltering actors, the screen and patrons and which is open to the public with or without charge.

2.76 THEATRE - OUTDOOR

Any place used for the presentation of dramatic spectacles, shows, movies or other entertainment open to the public with or without charge other than indoor theatres.

2.77 TOWNSHIP BOARD

The Grattan Township Board.

2.78 UNDERGROUND HOME

A residence with sides which are either partially or totally below grade designed as a complete living unit and meeting the requirements of a Special Use under Section 13.14 herein.

2.79 YARD

An open, unoccupied space on a lot, except as otherwise provided in this Ordinance. The depth of a required front yard or a required rear yard, and the width of a required side yard, shall be measured from the lot line or right-of-way line to the nearest main wall of the principal building or principal structure located on the lot.

2.80 YARD - FRONT

A yard extending across the full width of the front of the lot.

2.81 YARD - REAR

A yard extending across the full width of the rear of the lot.

2.82 YARD - SIDE

A yard between the principal structure and the side lot line and between the front and rear yards.

2.83 WATER BODY

Any body of water that has definite banks, a bed and visible evidence of a continued occurrence of water. Water bodies include, but are not limited to, lakes and ponds.

2.84 WATER COURSE

Any body of water that has definite banks, a bed and visible evidence of a continued flow. The flow may be visible throughout the year or may be intermittent and only visible during certain seasons of the year.

2.85 WETLAND

Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life. Wetland is sometimes commonly referred to as a bog, swamp or marsh. A wetland need not have standing water for support of vegetation, inasmuch as saturation of the soils below the surface of the ground may be sufficient for the support of wetland vegetation.

2.86 ZONING ADMINISTRATOR

The Grattan Township Zoning Administrator or such other person or official as is appointed by the Township Board to serve that function.

**ARTICLE 3
GENERAL PROVISIONS**

3.01 ACCESSORY STRUCTURES AND BUILDINGS

The following requirements shall be met:

- A. A permanent or temporary building or structure not devoted to a principal use shall not be constructed, maintained or used unless such building or structure is accessory to a principal building or principal farming use located or being conducted on the same lot, except:
 - 1. On a waterfront lot or a lot within the R-L District, one such building is permitted as of right if it does not exceed 150 square feet in size and it is set back a minimum of 30 feet from all property lines and 50 feet from the high water mark.
 - 2. One building located on property directly across a public or private road from a lot improved with a dwelling to which the building is accessory, or buildings used for bona fide agricultural purposes, may be permitted by the Planning Commission as special land uses in accordance with Article 13 and Section 13.21.

- B. Accessory buildings are prohibited in front yards except as otherwise provided in this Ordinance.
 - 1. On a lot or parcel of land that has frontage on a lake or stream, not more than one accessory building may be located between a dwelling and the street. Such accessory building shall satisfy all building setback requirements.
 - 2. Except for the small-size accessory structure or building permitted by subsection I of this section to be located between a lake or stream and the principal dwelling, no accessory building or portion thereof shall be located between the waters of a lake or stream and the principal dwelling on the lot or parcel, nor shall any accessory building or part thereof be located closer to a lake or stream than the lakeside basement wall or foundation of the principal dwelling.
 - 3. No accessory building shall be located between a street and a dwelling on a lot or parcel of land that has no frontage on a lake or stream, unless all of the following requirements are complied with:
 - (a) The land is located in the A-1 and A-2 Agricultural District or the R-R Rural Residential District.
 - (b) The lot or parcel of land is at least five acres in area.

- (c) If an accessory building will be actively used for bona fide farm and agricultural purposes (as determined by the Zoning Administrator), it shall be set back at least 75 feet from the street right-of-way. All other accessory buildings shall be set back at least 300 feet from the street right-of-way.
- C. Accessory buildings and structures shall satisfy all setback requirements for principal dwellings. In the case of a nonconforming lot, the setback requirements of Section 4.04 shall be satisfied.
- D. Accessory buildings and structures shall be used for only those uses which are normally incidental and subordinate to the permitted principal use.
- E. No accessory building shall be closer than ten feet to another accessory building or closer than ten feet to a principal building. Such distance between an accessory building and another accessory building or between an accessory building and a principal building shall be measured from the point on each building that is closest to any point on the other building.
- F. Accessory buildings shall be located at least 20 feet from any public or private road right-of-way line.
- G. No accessory structure shall be used for dwelling purposes.
- H. No accessory structure in a residential district on a lot less than 20,000 square feet in size shall have an area greater than the first floor area of the principal dwelling.
- I. Not more than one accessory structure or building shall be located on a lot or parcel of land between the waters of a lake or stream and the principal dwelling on the lot or parcel of land. No such accessory structure or building shall exceed eight feet in height nor have more than 150 square feet of floor area. An accessory structure or building located between a body of water and a principal dwelling shall not be located closer than ten feet to a side lot line, nor be located within 30 feet of the high water mark.
- J. **Setbacks from Bodies of Water.** Except where a greater setback is required by this Ordinance and except for docks, pump houses under 30 inches in height, and temporary boat shore stations meeting all other applicable ordinances and legal requirements, no accessory structure in any district shall be installed, located, kept, stored, or maintained in any zoning district within 30 feet of the normal high water mark of any lake, stream, or body of water. Except for a boardwalk through a wetlands which does not exceed 24 inches in height above the wetland/ground and which has been approved by all applicable State of Michigan agencies, no deck, patio, sidewalk, boardwalk, or similar structure located above or higher than ground level (i.e., natural grade) shall be located within 30 feet of the normal high water mark of any lake, stream, or body of water. No deck, patio, sidewalk, boardwalk, or similar structure shall cantilever or be built over any lake, stream, or body of water or

be constructed or located closer to a lake, stream, or body of water than the normal high water mark.

- K. **Docks, Shore Stations, and Sea Planes.** Seasonal docks and moveable boat shore stations that comply with all other applicable ordinances and other requirements are permitted as an accessory use in all districts and shall not be subject to the setback requirements otherwise provided in this Ordinance, except that no dock shall be placed or maintained within ten feet of the side lot line, as extended perpendicular to the shore of a lake or other body of water. No boat shore station or boat cradle shall be located within two feet of a side lot line as extended perpendicular to the shore of a lake or other body of water. Such setback requirement for docks and boat shore stations shall not apply, however, to the common boundary line between two lots or parcels of land that share a joint dock or joint boat shore station. No permanent dock shall be installed or utilized and all docks shall be removed from the body of water during the time period from December 15 through March 15. No bubbler or other device which utilizes air, wind, water current, or other effect shall be used during the winter on, in, or under any lake to keep ice from forming or to keep open water to protect a dock, retention wall, or similar item or structure. No sea plane shall be stored or kept overnight on a lake, at a dock in a lake, or on the shoreline of a lake, nor shall any lake be utilized for a sea plane landing more than once during any calendar week except pursuant to a bona fide emergency search, rescue, or fire emergency.
- L. Greenhouses having an area of less than 150 square feet, measured at the outside walls or other outside boundaries, shall be considered accessory structures and uses only if they are incidental and subordinate to a principal use on the same premises, and if all other applicable requirements of this Ordinance are satisfied.
- M. A gazebo shall be considered an accessory building or structure.
1. Not more than one gazebo may be located on a vacant lot or on a parcel of land between the waters of a lake or stream and the principal dwelling on the lake or parcel of land. No such gazebo shall exceed a height of 12 feet (from natural grade) nor have more than 155 square feet of floor area or area located under the roof. No gazebo shall be located within 30 feet of the high water mark of the lake or stream, nor shall it be located within 20 feet of a side lot line. Notwithstanding the preceding, however, if a lot has 150 feet of frontage or more on a lake or stream and is at least two acres in size, the one permitted gazebo located on the vacant lot or on the parcel of land between the waters of the lake or stream and the principal dwelling may have a height not to exceed 16 feet (from natural grade) and shall have not more than 260 square feet of floor area or area located under the roof. For any such permitted gazebo which is between 12 and 16 feet in height and has a floor area or area located under the roof of between 155 square feet and 260 square feet, the gazebo shall be located at least 50 feet away from the high water mark of the lake or stream and shall not be located within 30 feet of a side lot line.

2. The setback reductions for nonconforming lots specified in Section 4.04 shall not apply to gazebos.
 3. No gazebo shall have side walls (any of which exceed 40 inches in height), kitchen facilities, or sleeping quarters. Window screening is permitted.
- N. The following shall be applicable for accessory structures in the R, R-L, and R-R Zone Districts:

	Sheds	Other Accessory Buildings
R	No more than one shed. Cannot exceed 150 square feet of floor area.	No more than one accessory building (in addition to the permitted shed).
R-L	No more than one shed. Cannot exceed 150 square feet of floor area.	No more than one accessory building (in addition to the permitted shed).
R-R	No more than one shed. Cannot exceed 150 square feet of floor area.	On a lot less than two acres in size – no more than one accessory building (in addition to the permitted shed). On a lot two acres or more in size – no more than two accessory buildings (in addition to the permitted shed).

3.02 HORSES

No horse or horses shall be kept on a lot or parcel of land less than four acres in size.

3.03 AREA OR SPACE REQUIRED

No lot, parcel, yard, setback area, court, parking area, or other space shall be reduced to less than the minimum required under this Ordinance. No lot or other area shall be further reduced if already less than the minimum. Property and bottomlands located under a lake or stream shall be excluded from lot area or dimension calculations for purposes of determining minimum lot area and dimension requirements pursuant to this Zoning Ordinance. Setbacks shall be measured from the nearest line of the public street right-of-way, private road easement or access easement or right-of-way. Lands located within a public street right-of-way, private road easement or access easement or right-of-way shall be excluded from lot area or lot dimensions for purposes of determining minimum lot area, lot frontage, lot width and other dimension requirements of this Ordinance.

3.04 BASEMENT DWELLINGS

The use of any basement as a dwelling is prohibited. Any dwelling without a full floor above grade level shall be considered a basement dwelling. An underground home approved pursuant to Section 13.14 is not considered a basement dwelling.

3.05 BED AND BREAKFAST OPERATIONS

Bed and breakfast establishments as defined in Section 2.06 may be permitted as a special use in all agricultural and residential districts if the Planning Commission finds that all of the following conditions are met.

- A. Not more than 25 percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms (based on a submitted floor plan of the proposed operation).
- B. The dwelling unit in which the operation takes place shall be the principal residence of the operator, and said operator shall live on the premises while the operation is active.
- C. There shall be no separate cooking facilities used for the bed and breakfast stay.
- D. Sufficient off-street parking shall be provided in addition to that required for residential purposes at the rate of one space per bed and breakfast sleeping room and shall be in accordance with Section 15.06.
- E. All bed and breakfast operations shall also meet the provisions required for home occupations (see Section 3.14).

3.06 CATEGORIES OF BUSINESSES OR USES NOT DESIGNATED

When the district into which a business or use belongs is not stated in this Ordinance, the Zoning Administrator may request the Planning Commission to make such determination at its next regular meeting or at a special meeting called for the purpose of making the determination into which district it shall be placed and such use shall then be permitted as a special use and the procedure for special uses shall be followed.

3.07 CORNER LOT

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

3.08 DRIVEWAYS

An approved driveway permit shall be obtained from the State Highway Department or the County Road Commission and submitted to the Building Inspector prior to the issuance of a building permit.

3.09 ESSENTIAL PUBLIC SERVICES

It shall be lawful for public utilities, municipal departments or commissions to erect, construct, alter or maintain underground or overhead gas, electrical, steam or water distribution or transmission systems, collection, communication supply or disposal systems, including poles and towers, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes,

police equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for the public health, safety and general welfare, in any zone, area or use district of the Township; provided that the erection or construction of any or all above-grade construction consisting of necessary buildings and structures therefor shall be designed and erected to conform harmoniously with the general architecture and plan for such district in which it is to be erected and shall be subject to the approval of the Planning Commission as hereafter stated.

The Planning Commission is hereby granted the power to permit as a special use any public service corporation, contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building, or a structure for the aforesaid public utility purposes in any permitted district to a greater height or of a greater area than the district requirements herein established; and to permit the location in any use district of a public utility building or structure providing such Planning Commission shall find such use, height, area, building or structure necessary for public convenience and service, provided that such public building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality and a different suitable location is not readily available. A building permit shall be required before commencing any installation.

The following shall require special use approval from the Planning Commission:

- A. Any public water system or private water system serving three or more dwellings or lots.
- B. Any public sewage system or private sewage system serving three or more dwellings or lots.
- C. Any windmill or other wind generating device which produces electricity or power and is over 30 feet tall or provides electricity or power for a business, dwelling, or other customer end use located outside of the lot or parcel where the device is located.

3.10 MEASUREMENT OF REQUIRED YARDS; PROJECTIONS INTO REQUIRED YARDS; REQUIRED BUILDING SEPARATIONS

- A. A required front yard shall be measured from the nearest street right-of-way line or nearest easement line to the nearest main wall of the principal building or structure located on the lot; provided, however, that the required front yard of a waterfront lot shall be measured from the ordinary high water mark of the adjacent body of water to the nearest main wall of the principal building or structure located on the lot. A required rear yard shall be measured from the rear lot line or nearest street right-of-way line or nearest easement line to the nearest main wall of the principal building or structure located on the lot.

- B. A required side yard shall be measured from the side lot line or nearest street right-of-way line or nearest easement line to the nearest main wall of the principal building or structure located on the lot.
- C. Common architectural features such as cornices, bay windows (or windows without foundations), chimneys, pilasters, gutters, roof overhangs and similar features may project a maximum of one and one-half feet into a required front, side or rear yard.
- D. No principal building or principal structure shall be closer than ten feet to another principal building or principal structure, irrespective of whether one principal building or principal structure is located on a parcel of land different from the parcel on which the other principal building or structure is located. The measurement of such minimum required distance between a principal building or structure and another principal building or structure shall be measured from the point on each building or structure that is closest to any point on the other principal building or structure.

3.11 GASOLINE SERVICE STATION ON OTHER THAN CORNER LOCATIONS

No permit shall be granted for the construction or operation of a gasoline service station on other than a corner location unless the land upon which such station is situated has a minimum frontage on a street of at least 140 feet.

3.12 GREENBELTS

A greenbelt shall be required in the side and/or rear yards of any commercial or industrial use which abuts a residential district or use. The greenbelt may be part of the side or rear yard. Adjacent residential property owners may waive the greenbelt requirements or request a fence in place of the greenbelt. Such waivers or requests shall be in writing.

3.13 HEIGHT EXCEPTIONS

- A. **All Districts.** The height requirements of all districts may be exceeded by parapet walls not more than four feet in height, chimneys, silos and farm barns and storages, roof-mounted television and radio antennae, or water towers, provided they are located not less than the same distance as their height from any adjoining property and meet all other applicable requirements of this Ordinance.
- B. In the industrial district, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other accessory necessary structures are permitted provided they are located not less than the same distance as their height from any adjoining property and meet all other applicable requirements of this Ordinance.
- C. In the R, R-L and R-R Districts, no accessory building shall exceed a height of 16 feet except as follows:
 - 1. An accessory building in the R, R-L and R-R Districts may have a height not exceeding 18 feet if either of the following subsections are met:

- (a) An accessory building may have a maximum height of 18 feet if it is located on a lot which is at least one acre in area, if the accessory building will not be located within 50 feet of any lot line and if the Zoning Administrator determines that the accessory building will not unreasonably obstruct the view of or from adjacent or nearby lands. If the Zoning Administrator determines that the accessory building will unreasonably obstruct the view of or from adjacent or nearby lands, the property owner shall have 30 days to apply for a special land use as provided in subsection (b) below. If the Zoning Administrator approves the accessory building, no building permit for the accessory building shall be issued for at least 30 days thereafter; in such a case, the Township shall give notice of the Zoning Administrator's decision, by the mailing of a written notice of the same to the owners of lands within 300 feet of the lands as to which the decision has been made, as the names and addresses of such owners are shown in the Township tax rolls. For a period of 20 days following the mailing of such notice, such owners may file with the Planning Commission a written appeal of the Zoning Administrator's decision, and in the event such an appeal is timely filed, the Planning Commission shall consider such decision and affirm, reverse or modify it.
 - (b) If subsection (a) cannot be met, an accessory building in the R, R-L and R-R Districts may nevertheless have a height exceeding 16 feet, but not exceeding 18 feet, if such height is approved by the Planning Commission as a special land use pursuant to Article 13.
2. In addition to the above, if the lot is located in the R-R Zoning District and the lot is at least two acres or more in size, the lot shall be permitted one accessory building with a maximum height of 24 feet if the accessory building will not be located within 50 feet of any lot line and if the Zoning Administrator determines that the accessory building will not unreasonably obstruct the view of or from adjacent or nearby lands.
- D. Notwithstanding the requirements of this section, no water tower, communications tower or any other tower exceeding 100 feet in height (except electrical transmission towers and farm silos) shall be installed, constructed or maintained within the Township until and unless a special land use authorizing such tower is approved by the Planning Commission pursuant to Article 13 of this Ordinance.
- E. A non-farm accessory building located in the A-1 or A-2 Zoning District may have a height not exceeding 20 feet if it is located on a parcel of land of at least one acre in area and may have a height not exceeding 24 feet if it is located on a parcel of land of at least three acres in area.

3.14 HOME OCCUPATIONS

Home occupations which are carried on in the home by resident members of the family, being clearly incidental and secondary to the principal residential use, are permitted in all districts. A home occupation shall comply with all of the following requirements; provided, however, that a medical use of marijuana home occupation shall comply with Section 3.14A and those provisions of this Section 3.14 that are required to be complied with under the terms of Section 3.14A.

- A. Be conducted entirely within a dwelling.
- B. Does not change the character of the building in which it is conducted.
- C. Is carried on only by the residents of the dwelling plus not more than two nonresidents.
- D. Displays not more than one sign less than four square feet in size relating to such home occupation.
- E. No article is sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.
- F. Has no exterior storage of materials, equipment or products.
- G. Creates no nuisance due to heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or any other disturbances at any time resulting from such occupation.
- H. Does not create a hazard of fire, explosion, radioactivity or any other dangerous condition.
- I. Provides a minimum of one off-street parking space in addition to that required for the principal residence.

3.14A MEDICAL USE OF MARIJUANA

- A. A registered primary caregiver, operating in compliance with the MMMA General Rules, the MMMA and the requirements of this section, shall be permitted as a home occupation, as regulated in this Section 3.14A. Nothing in this section or in this Ordinance is intended to grant, nor shall this section or this Ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing marijuana not in strict compliance with the MMMA and the MMMA General Rules. Also, since federal law is not affected by the MMMA or the MMMA General Rules, nothing in this section or in this Ordinance is intended to grant, nor shall this section or this Ordinance be construed as granting, immunity from criminal prosecution under federal law. The MMMA does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized

by federal authorities under the Federal Controlled Substances Act or any other applicable federal legislation.

- B. The following standards and requirements shall apply to the location at which the medical use of marijuana is conducted by a primary caregiver. These requirements shall supersede and replace the general standards in Section 3.14B of the Ordinance, except where such provisions are expressly incorporated by reference herein.
1. The medical use of marijuana shall comply at all times and in all circumstances with the MMMA and the MMMA General Rules, as they may be amended from time to time.
 2. A registered primary caregiver must be located outside of a 1,000-foot radius from any school, school grounds, school playing field or other school property used for instruction of children in grades kindergarten through twelfth grade.
 3. Not more than one registered primary caregiver shall be permitted to operate at one property. The primary caregiver shall be a full-time resident of the home.
 4. The medical use of marijuana shall be conducted entirely within the dwelling or attached garage, and shall not be conducted in whole or in part in an accessory building.
 5. No sign shall be permitted which in any way identifies the home occupation, or indicates that the medical use of marijuana is taking place on the premises, whether by word, image or otherwise, nor shall any vehicle having such a sign be parked anywhere on the premises.
 6. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marijuana, there shall be no use of material or equipment not generally associated with the normal ownership, use, and maintenance of a dwelling.
 7. Distribution of marijuana or use of items in the administration of marijuana shall not occur at or on the premises of the primary caregiver. Marijuana and associated permitted items shall be delivered to the qualifying patients associated with the primary caregiver only at the qualifying patient's residence or elsewhere. No qualifying patient shall visit, come to or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marijuana.
 8. No person other than the primary caregiver for a qualifying patient shall deliver marijuana to that qualifying patient. The primary caregiver shall personally deliver the marijuana to his or her qualifying patient.

9. All medical marijuana shall be contained within the primary caregiver's dwelling (except when being lawfully delivered by the primary caregiver to the primary caregiver's qualifying patient at the qualifying patient's home) and in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver. Any person under 18 years of age shall not have access to any medical marijuana.
10. No on-site consumption or smoking of marijuana shall be permitted within the dwelling (or on the lot or parcel) of a primary caregiver except for any lawful medical marijuana consumption by the primary caregiver himself or herself if he or she is a registered qualifying patient and in full compliance with the MMMA.
11. No medical marijuana shall be grown, processed or handled at, from or through the dwelling of the primary caregiver beyond that which is permitted by law for the qualifying patients of the primary caregiver.
12. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the home in which electrical wiring, lighting or watering devices that support the cultivation, growing, or harvesting of marijuana are located.
13. If a room with windows is utilized as a growing location for marijuana, plants shall be located or windows covered so that no marijuana plant is visible from outside of the dwelling. Any lighting shall be shielded, without alteration to the exterior of the home, to prevent ambient light spillage that may create a distraction for adjacent properties.
14. No growing, processing, smoking or use of marijuana shall occur out-of-doors. All medical marijuana growing, processing and handling shall occur entirely within the dwelling.
15. No sale or distribution of merchandise or products shall be conducted on, within or from the dwelling or residential premises (including the lot or parcel involved) of the primary caregiver apart from the permitted quantity of medical marijuana itself.
16. That portion of a home where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Zoning Administrator or other authorized official, to ensure compliance with applicable requirements.
17. The property and home shall be open for inspection upon request by the Zoning Administrator, Building Official and law enforcement officials, for determining compliance with all applicable laws and rules.

18. The home in which the medical use of marijuana is being conducted shall comply with subsections 3.14A, B, F, G and H.
- C. The medical use of marijuana as a home occupation shall be permitted only with the prior issuance of a Township permit.
1. A permit shall be issued by the Zoning Administrator or other authorized official upon submission of an accurate and complete application for such permit, on a form provided by the Township, and following review by the Zoning Administrator to determine compliance with this Ordinance, the MMMA and the MMMA General Rules. The application fee or other charge, if any, shall be determined by resolution of the Township Board.
 2. The application for permit shall include the name and address of the applicant; the address of the property; proof that the applicant makes the dwelling his or her full-time residence, such as driver's license, voter registration records, or similar records; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in any cultivation and processing operation, and a description of the location at which the use will take place within the dwelling or attached garage; and such other information as the Zoning Administrator determines to be necessary to demonstrate compliance with the requirements of this Section 3.14A.
 3. The use shall be maintained in compliance with the requirements of this Section 3.14A, and all other applicable conditions and limitations. Departure from such conditions and limitations shall be grounds for revocation of the permit and other lawful action. Upon revocation of the permit, the applicant shall not engage in the activity unless and until a new permit is granted.
 4. Information treated as confidential under the MMMA, including the 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 not be distributed or otherwise made available to the public, and shall not be subject to disclosure under the Freedom of Information Act.
- D. Medical use of marijuana was not permitted prior to adoption of this section, and accordingly any such use shall not qualify as a nonconforming use.
- E. A qualifying patient's use of his or her home for the cultivation of or other lawful activity relating to medical Marijuana for solely personal use shall comply with all applicable requirements of the MMMA, the MMMA General Rules and Subsections 3.14A.B.6 and 8 through 11.

- F. It shall be unlawful for a person to purchase or otherwise obtain medical marijuana from any person or source other than the primary caregiver who is authorized under the MMMA to provide medical marijuana to that person.

3.15 INSTITUTIONAL USES

Institutional uses, as a special use, may be located in any district upon approval by the Planning Commission as a special use as provided in Section 13.05.

3.16 LAKE ACCESS AND FRONTAGE

The following restrictions are intended to limit the number of users of lake or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

- A. In all zoning districts, there shall be at least 80 feet of lake or stream frontage as measured along the normal high water mark of the lake or stream for each single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.
- B. Any multiple-unit residential development in any zoning district that shares a common lake or stream front area or frontage may not permit lake or stream use or access to more than one single family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 80 feet of lake or stream frontage in such common lake or stream front area, as measured along the normal high water make line of the lake or stream.
- C. Any multiple-unit residential development shall have not more than one dock for each 80 feet of lake or stream frontage, as measured along the normal high water mark of the lake or stream, in any zoning district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.
- D. The above restrictions shall apply to all lots and parcels on or abutting any lake or stream in all zoning districts, regardless of whether access to the lake or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- E. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is authorized pursuant to a special use approval (and meets the requirements of the zoning district involved) or a planned unit development (PUD) approval.
- F. The lake access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.

- G. Refer to other applicable Township ordinances for other keyhole development regulations.
- H. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake or stream shall be used to permit access to the Lake or stream for more than one single family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use (and meets the requirements of the zoning district involved) or as a planned unit development (PUD).
- I. The minimum water frontage requirements of this section shall be doubled if the property involved is not served with public sewer or if more than 50 percent of the water frontage of the property involved is comprised of or adjoins a wetland as defined by Michigan law.
- J. If a property is located within a zoning district where the minimum lot width requirement is greater than 80 feet, the minimum water frontage requirements of subsections A, B, and C hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.
- K. Refer to the Grattan Township Dock and Boat Ordinance and other applicable Township ordinances for other applicable requirements.

3.17 LOT WIDTH; FRONTAGE

- A. The minimum lot width required in each zoning district shall be maintained across the entire length/depth of the lot or parcel, except as provided in subsection B, below.
- B. All lots shall have frontage on a public street or on a private road approved pursuant to Section 3.25 for a distance equal to or greater than the minimum lot width specified for the district in which the lot or parcel of land is located. Lots abutting a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than 33 feet of such frontage), provided, however, that a special land use is obtained pursuant to Article 13, and further provided that the lot width at the front setback line, (or the rear setback line in the case of waterfront lots) and beyond shall satisfy the minimum lot width requirement of the district in which the lot or parcel of land is located.
- C. For all lots or parcels abutting or having frontage on a lake or stream, each lot or parcel shall have frontage on the lake or stream, as measured at the normal high water mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.
- D. For the purposes of this section, the measurement of lot width and frontage shall exclude all street or road rights-of-way or easements.
- E. Where property is located on opposite sides of a public road or public street right-of-way and is in common ownership, the property shall not be considered to be one lot

or parcel but shall be deemed separate lots or parcels. Furthermore, the land on each side of the public road or street shall meet all applicable requirements specified by this Ordinance for an individual lot or lots.

3.18 MOBILE HOMES, MOTOR HOMES AND TRAILER CAMPERS

Except in trailer camps licensed and supervised by a duly authorized government agency, no mobile home, motor home or trailer camper shall be used for more than ten days in any one year without a permit from the Zoning Administrator (or designated Township official) as provided herein.

- A. A mobile home may be used outside of a licensed mobile home park as a single family dwelling within the A, R, R-L and R-R Zoning Districts provided all the standards provided in Section 3.52 are met.
- B. No travel trailer camper, motor home or tent shall be used as a dwelling save within a licensed trailer camp.

3.19 MOBILE HOMES - LIMITED TRAILER PERMIT FOR MIGRANT LABOR

- A. An owner, purchaser or operator of 40 acres or more land used solely for raising, harvesting and marketing agricultural products may file a petition with the Planning Commission requesting a special use permit for the right of occupancy for not to exceed three house trailers for not more than ten consecutive calendar months of the calendar year, if such trailer or trailers are to be used solely for migrant labor. Said petition shall give and allege as true all information required by the form provided for such purpose including the following:
 - 1. Name, address and telephone number of the present record title owner of the premises constituting said farm (or in the event the petition is for a trailer permit as provided in Section 3.20, the premises where the trailer(s) is situated).
 - 2. Tenant's name, address and telephone number.
 - 3. The legal description of lands constituting said farm.
 - 4. The months for which the use of such trailer, or trailers, are desired.
 - 5. A sketch showing the location of the proposed site of the trailer relative to street or road and house number or legal description where no house number is available.
 - 6. The make, width and length of the trailer(s) and its vehicle license number, if any.
 - 7. That such trailer(s) contains at least 75 square feet for each occupant.

8. That no trailer(s) will be placed nearer than 30 feet from any other trailer or residence.
 9. That said trailer(s) is not less than eight feet wide and is 20 feet or more in length and is provided with two exits spaced a sufficient distance apart to insure a safe means of escape in case of fire.
 10. Statement showing that proper toilet and sanitary facilities are available for use, that no fire hazard will be created, and that no overcrowding within said trailer(s) will result from the use of the same for residence purposes at the location desired.
- B. If the Planning Commission finds the alleged facts to be true and if the above requirements are met, it shall issue a special use permit for use of said trailer, or trailers, for not to exceed ten successive calendar months of the calendar year said petition is filed. Said permit shall be good only for the trailer(s) specified and for the location designated thereon. A fee to be established by the Township Board shall be paid at the time of application for each said trailer.

3.20 TEMPORARY DWELLING PERMITS

- A. A permit for the temporary occupancy or use of a mobile home outside of an approved and licensed mobile home park for use as a temporary dwelling for the occupants of a dwelling damaged by fire, weather, wind, snow or storm may be granted by the Zoning Administrator. The permit shall not be issued unless all of the following requirements are met:
1. The mobile has a water system and a septic tank system which meet the requirements of the Kent County Health Department. A written certificate from said department showing such compliance shall be filed with the Township before any use or occupancy is made of the mobile home.
 2. The mobile home contains at least 720 square feet of finished livable space.
 3. The mobile home shall not be located within the front setback area and shall be located at least ten feet from all side and rear lot lines.
 4. The temporary mobile home shall be located on the same lot as the damaged dwelling.
 5. The Zoning Administrator shall revoke the permit at any time if the usage violates any of the requirements outlined in this Ordinance or any conditions or requirements placed upon the use by the Zoning Administrator. If a permit is revoked, the mobile home must be vacated and removed from the property within 45 days or it constitutes a violation of the Ordinance and is subject to the penalties outlined in Article 19 of this Ordinance.

6. The period of time allowed by the temporary permit shall not exceed one year. A temporary permit may be renewed for the same unit or location with the written approval of the Zoning Administrator for a maximum of up to one additional one-year time period provided that the permanent dwelling is in the process of substantial construction on the same lot as the temporary mobile home.
 7. The Township Board shall establish the fee for such permits.
 8. The Township may require that the owner(s) of the lot involved deposit a monetary sum with the Township equal to the estimated cost and expenses of removing the mobile home from the lot and disposing of the same. The Township shall establish the amount of such escrow payment. The property owner(s) may submit one or more written estimates from contractors for the costs of such removal to the Township for consideration, and the Township may consult with the Township engineer regarding the amount of escrow to be required from the property owner(s).
 9. The temporary mobile home shall be removed within 45 days of the date of issuance of an occupancy permit for the permanent dwelling. No new dwelling shall be occupied prior to the issuance of a written certificate of occupancy by the Township.
 10. A permit hereunder shall not be issued by the Zoning Administrator until and unless all owners of the lot involved (as well as any and all mortgage beneficiaries) sign a written agreement with the Township (with terms and conditions that are acceptable to and approved by the Township) to implement the requirements of this subsection A.
 11. A permit for the temporary occupancy and use of a mobile home located outside of an approved and licensed mobile home park as a temporary dwelling for disabled or infirm members of the same family (“dependent occupancy permit”) may be issued by the Zoning Administrator. The disabled or infirm members of the family shall include only those persons meeting the relationship test of the Internal Revenue Service for dependent tax exemptions.
 12. The terms “disabled” or “infirm” shall include all persons who have obtained a certification signed by a licensed physician stating that the individual is incapable of caring for himself or herself.
- B. The dependent occupancy permit shall not be issued unless all of the following requirements are met:
1. The mobile home shall be located on the same lot occupied by the principal dwelling. The area to be associated with the mobile home shall be identified.

2. The period of time allowed by the permit shall not exceed one year. A permit may be renewed for the same unit or location with the written approval of the Zoning Administrator for up to one additional one-year time period provided that all conditions of the dependent occupancy permit are met.
 3. The temporary dwelling shall be removed within 45 days after the disability no longer exists or the disabled or infirm person leaves the premises.
 4. The fee to be paid for the issuance of a permit for temporary occupancy or use of a mobile home shall be established by the Township Board. If a permit is allowed to be renewed for an additional year, an additional fee will be collected.
 5. The Zoning Administrator shall revoke the permit at any time if the usage violates any of the requirements outlined in this Ordinance or any conditions or requirements placed upon the use by the Zoning Administrator. If a permit is revoked, the mobile home must be vacated and removed from the property within 45 days or it constitutes a violation of the Ordinance and is subject to the penalties outlined in Article 19 of this Ordinance.
 6. A permit hereunder shall not be issued by the Zoning Administrator until and unless all owners of the lot involved (as well as any and all mortgage beneficiaries) sign a written agreement with the Township (with terms and conditions that are acceptable to and approved by the Township) to implement the requirements of this subsection B.
 7. The Township shall require that the owner(s) of the lot involved deposit a monetary sum with the Township equal to the estimated cost and expenses of demolishing the prior existing dwelling, removing all construction and demolished items from site and returning the land to its natural state. The Township shall establish the amount of such escrow payment. The property owner(s) may submit two or more written estimates from contractors for the costs of such demolition, disposal of demolished materials and reclamation to the Township for consideration, and the Township may consult with Township engineer regarding the amount of escrow to be required from the property owner(s). The Township shall also require escrow funds to cover any legal or administrative costs.
- C. A permit for the temporary occupancy of an existing dwelling on a lot may be issued by the Zoning Administrator while a new second dwelling is being built or constructed on the same lot. The permit shall not be issued unless all of the following requirements are met:
1. The existing dwelling must be located on the same lot as the new dwelling that will be constructed.

2. The period of time allowed by the temporary permit shall not exceed 18 months.
3. The prior or existing dwelling shall be removed within 45 days of the date of issuance of an occupancy permit for the new dwelling. The new dwelling shall not be occupied prior to the issuance of a written occupancy permit by the Township.
4. A permit hereunder shall not be issued by the Zoning Administrator until and unless all owners of the lot involved (as well as any and all mortgage beneficiaries) sign a written agreement with the Township (with terms and conditions that are acceptable to and approved by the Township) to implement the requirements of this subsection C.
5. The fee to be paid for the issuance of a permit hereunder shall be established by the Township Board.
6. The Township may require that the owner(s) of the lot involved deposit a monetary sum with the Township equal to the estimated cost and expenses of demolishing the prior existing dwelling, removing all construction and demolished items from site and returning the land to its natural state. The Township shall establish the amount of such escrow payment. The property owner(s) may submit one or more written estimates from contractors for the costs of such demolition, disposal of demolished materials and reclamation to the Township for consideration, and the Township may consult with the Township engineer regarding the amount of escrow to be required from the property owner(s). The Township shall also require escrow funds to cover any legal or administrative costs incurred.
7. The Zoning Administrator shall revoke the permit at any time if the usage violates any of the requirements outlined in this Ordinance or any conditions or requirements placed upon the use by the Zoning Administrator. If a permit is revoked, the mobile home must be vacated and removed from the property within 45 days or it constitutes a violation of the Ordinance and is subject to the penalties outlined in Article 19 of this Ordinance.

3.21 MOVING OF STRUCTURES

The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met. A performance bond may be required by the Township Board prior to such moving.

3.22 MULTIPLE USES OF BUILDINGS

Where any part of any building is used for residential purposes and the remainder thereof is used for any nonresidential purposes, the part occupied as a dwelling shall conform to all

requirements of the R District. Land or buildings used for nonresidential purposes shall be excluded in determining whether the requirements for the residential use are met.

3.23 ON-SITE SEWAGE TREATMENT FACILITIES

Unless provided otherwise in this Ordinance, if a proposed structure is not served by a public sewer, an approved permit for the necessary on-site facilities shall be obtained from the County Health Department and submitted to the Township, together with a diagram with dimensions showing the location and size of the facilities, prior to the issuance of a zoning permit and building permit. Mobile home parks must meet all rules for sanitary sewage treatment facilities established by the Michigan Department of Public Health and the Kent County Health Department.

3.24 PRINCIPAL USE

Only one principal use shall be made of a lot, except as otherwise specifically permitted. A single family dwelling shall constitute a principal use, and only one single family dwelling shall be permitted on a lot. Only accessory uses to the one principal use are permitted in addition to the one principal use.

3.25 PRIVATE ROADS AND DRIVEWAYS

A. **Legislative Purpose.** The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, maintenance, extension, relocation, and use of private roads to assure the following:

1. That private roads are designed with such width, surface, and grade to assure safe passage and maneuverability of private vehicles and police, fire, ambulance, and other safety vehicles.
2. That private roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
3. That private roads will be constructed so as to protect against or minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
4. That private roads are properly maintained.

B. **Definitions.** The following definitions shall apply to this section:

1. “Driveway” means an improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling, or structure intended to provide ingress and egress.
2. “Private Road” means any undedicated path, trail, or road that provides or is intended to provide the primary means of ingress and egress to two or more parcels or two or more principal buildings, dwelling units, structures, or

combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease, or an easement. Any and all extensions, additions, or branches of or to a private road shall be considered part of the private road that abuts the public road. A private road shall also include the following:

- (a) An access serving one parcel if that parcel does not have the requisite amount of frontage on a public road as required by this Ordinance.
- (b) Where two or more parcels or dwellings share or utilize a common access drive, even if each parcel has the required frontage on a public road.

C. **Special Use Required.** No private road shall be constructed, extended, upgraded to serve additional parcels, or relocated after the effective date of this section unless a special use permit pursuant to Article 13 has been obtained from the Planning Commission. The following procedures shall also be followed for private road, special use requests:

1. The application shall include a written description of the proposed development to be served by the private road and a site plan in conformance with Article 17. The site plan shall also include adequate topographic information to determine the feasibility of the proposed roadway site.
2. In reviewing the special use application, the Planning Commission shall consider the requirements contained in Article 13 as well as the impact of the proposed development on adjacent properties; whether the health, safety and general welfare of persons or property using or affected by the private road will be adequately protected; and whether any precedent that may be later claimed because the private road was allowed in the circumstances under consideration will adversely affect the land use plan of Grattan Township.
3. If the proposed private road is to be located in the A-1 or A-2 District, the Planning Commission shall also determine that the following conditions are met before granting a special use permit:
 - (a) The area to be served by the private road is poorly suited for agricultural production due to existing soil conditions, slope, or due to the presence of natural vegetation such as woodlots, brushland, and wetlands. The Planning Commission, in making its determination, may consider factors such as, but not limited to, past and present uses of the parcel, past productivity, and the difficulty in making the parcel suitable for farming.
 - (b) There will be a minimal likelihood of conflicts arising between the uses served by the private road and the surrounding agricultural activities.

D. **Permits Required.** Upon approval of the special use permit, if the applicant desires to construct a private road, the applicant shall apply for a private road construction permit (“permit”) with the building inspector upon payment of an application fee established by the Township Board. The application for such permit shall provide all of the following information:

1. The name(s) of the owner(s) and any other parties having any legal interest in the private road and property that abuts the private road.
2. A site plan, drawn to scale, prepared by a registered engineer, showing the precise location, grade, route, elevation, dimensions, and design of the private road and any proposed extensions thereto, existing or proposed curb cuts and the location and distance to any public streets that the private road is to intersect.
3. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
4. The location of all existing and proposed public utilities, including but not limited to water, sewer, telephone, gas, electricity, and television cable, to be located within the private road 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.
5. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within 100 feet thereof.
6. The location of any buildings and structures, located or to be located within 100 feet of the private road right-of-way.
7. A proposed maintenance agreement as defined below.
8. The building inspector and Zoning Administrator shall have the right to enter upon the property where the private road is or will be located to conduct such inspections as may be necessary to enforce this section.

E. **Standards for Private Roads.** No private road construction permit shall be issued unless the plans, maintenance agreement, and proposed construction comply with the standards in this section.

1. **Minimum Standards for All Private Roads.**

- (a) All private roads shall have a recorded permanent right-of-way with a minimum width of at least 66 feet, including 66 feet of frontage on a public road or another private road approved pursuant to this section. The right-of-way shall also expressly permit public and private utilities to be installed and maintained within the right-of-way.

- (b) The area in which the private road is to be located shall have a minimum cleared width of 28 feet (except for private roads serving two or fewer lots, where only 16 feet need be cleared), which clearing shall always be maintained. The private road shall be at least 14 feet wide and shall be constructed of a minimum sub-base of 12 inches of sand and six inches of finished compacted gravel (MDOT 22A) on the top thereof.
- (c) Any private road that terminates at a dead-end shall have means for vehicle turnaround, either by use of a cul-de-sac with a minimum radius of 40 feet or continuous-loop private road system, both of which must be constructed in accordance with the standards set forth in this section. Notwithstanding the preceding, if a private road serves no more than one residential dwelling or one parcel of land, the vehicle turnaround shall be built to the standards reasonably approved by the Township in the private road review process and such turnaround shall, regardless of the design chosen, function as the equivalent of a cul-de-sac with a radius of 40 feet so as to ensure safe turning and access for fire-fighting and emergency equipment, as well as conventional vehicles.
- (d) No private road shall extend for a distance of more than 2,640 feet in length from the nearest public street right-of-way as measured along a straight line perpendicular to the public road or more than 4,000 feet in length as measured along the centerline of the private road, without a second direct access thereto being available from the public street.
- (e) Any private road exceeding 800 feet, as measured from the nearest edge of the public road right-of-way to the center of the furthest cul-de-sac or road end, shall provide for a vehicle turn-out for the parking of emergency vehicles and equipment, and shall meet the following requirements;
 - i. Shall be constructed of the same materials as the road surface.
 - ii. Shall be located along the shoulder of the private road at intervals not to exceed 800 feet.
 - iii. Shall be an area of at least 40 feet long and 12 feet wide.
 - iv. Shall be maintained in a usable condition year-round, free of snow and debris.
 - v. Shall not be used for parking or storage of non-emergency vehicles, equipment or any item.

- (f) The road surface shall have a minimum crown of .02 of one foot from the centerline of the private road to the outside edge thereof.
- (g) A six inch gravel shoulder shall be provided on each side of the private road surface with a minimum width of two feet, containing a slope of 0.22 of one foot from the outside edge of the road surface to the toe of the slope.
- (h) The maximum longitudinal road grade shall not exceed 6 percent, provided that the Township engineer may allow up to a 10 percent grade, provided that the applicant produces written justification satisfactory to the Planning Commission that an increase in the road grade will not adversely affect public safety or the design of the road system(s) and the Planning Commission approves the steeper grade.
- (i) The layout of all private roads and the intersections of private roads with other public or private roads 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.
- (j) The minimum distance between intersections of public and/or private road rights-of-way shall be not less than 300 feet as measured along the centerlines thereof and not to exceed two private road rights-of-way per one-quarter mile; provided, however, that such minimum spacing distance requirements shall not apply to private roads which serve two or fewer parcels, principal dwellings, or combination thereof, unless the Planning Commission determines that public safety requires such spacing. The purpose of these regulations is to protect the public health, safety, and welfare and to preserve agricultural land and the rural character of the Township.
- (k) The private road shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Township engineer to ensure adequate drainage and runoff. For private roads serving two or fewer lots, this subsection shall not apply but the drainage must still be adequate and reasonable.
- (l) The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township engineer and any other agency having jurisdiction thereof.
- (m) The private road shall be given a name, and street signs shall be installed in accordance with the standards and approval of the county road commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three inches high.

Private roads serving two or more dwellings shall have a standard stop sign where the private road abuts the public road.

- (n) A person or persons shall not erect, construct, place or maintain any speed control bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction on any private road designed to limit access or control vehicular speed.
- (o) **Indemnity.** The applicant for a private road construction permit, all owners of the private road, all those who utilize the private road, and all persons securing a building permit to construct a building served by the private road all agree that, by applying for and securing a permit for building a building that utilizes the private road, they shall indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless from any and all claims, causes of action, costs, or damages for personal injury and/or property damage arising out of the use of the private road or the failure to properly construct, maintain, repair, and/or install a private road or any appurtenances thereto. The owner/applicant shall place a copy of the preceding paragraph on each deed as a deed restriction for any parcels serviced by the private road before each parcel is sold and shall insert the preceding paragraph into the maintenance agreement and shall run with the land and shall bind all purchasers of properties benefited by the private road.
- (p) **Maintenance Agreement.** The applicant(s) and/or owner(s) of the proposed private road right-of-way or private road shall provide the Township Clerk with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein or other documentation satisfactory to the Township Clerk that shall provide for and assure that the private road shall be regularly maintained, repaired, and snowplowed so as to assure that the private road is safe for travel at all times and the cost thereof paid for. The applicant(s) agree that, by filing an application for and receiving a permit under this section, they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road 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 and approved by the Township Clerk (after consultation with the Township attorney) prior to issuance of the permit and the recording of the maintenance agreement.

The agreement shall indicate that the owners of all properties benefited by the private road shall be jointly and severally liable and responsible for maintaining the entire length of the private road so

that it is, at all times, in compliance with this Ordinance and all applicable Township standards and requirements. The agreement shall provide that it is enforceable by the Township Board at its option. Additionally, the agreement shall provide that, if the private road is not maintained to the requirements of this Ordinance, all of the owners of parcels utilizing or benefited by the private road shall be deemed to have consented to a special assessment district being created by the Township Board to maintain or upgrade the private road. Or, alternately, the Township Board, at its option, can improve and maintain the road so that it meets the requirements of this Ordinance; and the Township Board can charge the owners of all parcels that utilize or are benefited by the private road for the reasonable costs thereof with such costs secured by either placing a lien on the benefited properties or by placing the costs on the tax roll.

- (q) Upon completion of construction of the private road, the applicant(s)/owner(s) shall remove and properly dispose of any and all trees, shrubs, construction debris, and rubbish.
2. Private roads servicing or intending to provide access to three or four parcels, lots, principal buildings, dwelling units, or combinations thereof shall satisfy the following requirements:
 - (a) The minimum standards set forth in subsection E.1 shall apply.
 - (b) The private road width shall be at least 18 feet wide.
 3. Private roads servicing or intending to provide access to five to ten parcels, lots, principal buildings, dwelling units, or combinations thereof shall satisfy the following requirements:
 - (a) The private road shall satisfy the standards set forth in subsection E.1, above.
 - (b) The private road shall be paved to a width of 22 feet, with a minimum of one and three-fourths inches of bituminous aggregate meeting Michigan MDOT Specification 1100T, as amended. If the private road is to include a storm sewer system, the minimum width of the private road surface, including valley gutters, shall be 26 feet.
 4. No private road shall be permitted to service or provide access to more than ten parcels, lots, principal buildings, dwelling units, or combinations thereof, except that developments, containing parcels having frontage on both a private road and public street may be allowed to service or provide access to up to two additional parcels, lots, principal buildings, dwelling units, or combinations thereof providing that all driveways are accessed by the private road.

5. To summarize, private road widths and materials shall conform to the following:

Standards	Serving 1 or 2 Parcels or Lots	Serving 3 or 4 Parcels or Lots	Serving 5 to 10 Parcels or lots
Width	14 feet	18 feet	22 feet, but if the private road is to include a storm sewer system, the minimum width of the road surface, including valley gutters, shall be 26 feet.
Materials	Road surface may be gravel, but shall be constructed of a minimum sub-base of 12 inches of sand and six inches of finished compacted gravel (MDOT 22A) on the top thereof.	Road surface may be gravel, but shall be constructed of a minimum sub-base of 12 inches of sand and six inches of finished compacted gravel (MDOT 22A) on the top thereof	Road surface may be minimum of one and three-fourths inches of bituminous aggregate meeting MDOT Specification 1100T, as amended, on top of a six inches compacted gravel subbase.

- F. **Certificate of Compliance.** Upon completion of construction of the private road, the building inspector and Township engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this section. If the private road is required to be constructed in accordance with subsection E.3, the applicant(s), at the applicant(s)' expense, shall provide the building inspector with a set of "as-built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit.

If the completed private road does not satisfy the requirements of the permit or this section, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in the Zoning Ordinance.

- G. **Fees.** Fees for the permits required hereunder shall be set by the Township Board, from time to time, by resolution. Additionally, the Township Board shall require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner or other professional review the private road

plans, specifications, and maintenance agreements and to do the necessary inspections. All costs associated with the private road shall be paid prior to final approval being granted, with the unused balance of the escrow account returned upon final approval.

- H. **Maintenance of Private Road.** Upon completion of the construction, improvement, relocation, or extension of a private road, the applicant(s)/owner(s) shall maintain, repair, and snowplow the private road right-of-way to always comply with the requirements of this Ordinance and in such a manner as to assure that the private road is safe for travel at all times.
- I. **Permits for Building on Private Roads.** No building permit shall be issued for any principal building, dwelling, or structure the primary access to which is to be provided by a private road unless a private road construction permit has been issued by the building inspector and unless the road has either been completed in accordance with the approved permit (and a certificate of compliance has been issued) and this section or the applicant(s) for the building permit or owner(s) of the private road right-of-way have provided the Township Clerk with a performance bond in an amount determined by the Township Board to be sufficient to ensure construction of the private road in full compliance with the private road permit within one year from the date of issuance of the building permit.
- J. **Approval by the Road Commission.** No private road construction permit shall be issued for a private road until the applicant(s) has/have presented the building inspector with either an approved private road permit by the county road commission or a letter from the county road commission indicating that no private road permit from the county is required at that location.
- K. **Disclosure.** The owner/applicant shall place the following statement on each deed as a deed restriction for any parcels serviced by the private road before each parcel is sold: “This property does not abut or front on a public road. The development served by the private road shall not exceed ten parcels, lots, principal buildings, or dwelling units, (with the exception that up to two additional parcels, principal buildings, dwelling units, or combinations thereof may be served as provided elsewhere in this section). If a road or street does abut or service the property, it is private and is not required to be maintained by any governmental unit. There may be additional costs borne by the landowners.”
- L. **Maintenance and Repairs.**
 - 1. Private roads shall be maintained in a manner that complies with the provisions of this section.
 - 2. All driveways and private roads 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 roads shall be

continuously maintained in such a way that they are readily accessible to and useable by emergency vehicles in all types of weather.

3. All costs for the maintenance and repair of the private road shall be the responsibility of the property owners or condominium association served by the private road.
4. The owners of the parcels or lots that utilize or are benefited by a private road shall be deemed to be jointly and severally liable and responsible for maintaining the entire length of the private road to the standards of this section.

M. **Planned Unit Developments.** If the private road is proposed as part of a planned unit development (PUD) project, the provisions of this section regarding private road standards may be modified for the PUD project by the Planning Commission at its sole discretion for good cause shown.

N. **Performance Guarantee.**

1. The Township Board may, as a condition of the private road construction permit application approval process, require the applicant(s) to post a cash bond, a bank letter of credit, or other security in order to ensure compliance with the requirements of this section.
2. The amount of the bond or security to be submitted, if required, shall be equal to the total estimated cost for completing construction of the private road as approved by the Township Board.
3. The bond, escrow, or unspent portions thereof, will be returned to the applicant(s) by the Township Board upon completion of the private road to the standards required by this section.

O. **Conflict with Other Ordinances.** To the extent that any other ordinances regulate the subject matter regulated by this section, the ordinances shall be construed together, if possible, and the remedies of the ordinances shall be cumulative. Where the provisions of any other ordinance conflict with the provisions of this section, this section shall prevail and its terms shall control. If any part of this section conflicts with any other part, it shall be administratively appealed to the Township Zoning Board of Appeals for a final determination of intent. The remainder of this section shall remain in full force and effect.

P. **Effect.** This section shall apply to all private roads constructed from and after the effective date of this section. In addition, if an existing private road is extended after the date of this section by an increase in its length for the purpose of providing access to one or more additional principal buildings, dwellings, parcels, or structures, the provisions of this section shall thereupon apply to the entire length of such private

road; that is, to both the part of such private road existing on the effective date of this section and the part of such road laid out or constructed after such effective date.

Further, if after the date of this section, one or more additional principal buildings, dwellings, parcels, or structures are created, built, or erected along (or are so situated as to be given access by) an existing private road, the provisions of this section shall thereupon apply to the entire length of such existing private road; that is, to both the part of such private road existing on the effective date of this section and the part of such road where parcels or buildings are created or constructed after such effective date of this section.

- Q. **Additional Parcels.** No lot or parcel of land shall be added to or along a private road and no existing lot or parcel with frontage on a private road shall be split or divided unless a special land use is obtained pursuant to this section or, if a special land use has already been approved for such private road, no land split or division along the private road shall occur unless and until the Planning Commission approves an appropriate amendment to the existing special land use. If additional lots or parcels are added to or along a private road or if a lot or parcel fronting on a public road is split or divided, then the entire length of the private road (that is, the total distance from the point where the private road intersects the public street to the very end of the private road) shall be upgraded or improved so that all requirements of this section are fully complied with, based on the total number of lots or parcels of land then fronting on the private road.
- R. **Uses Not Permitted.** Private roads may be utilized for residential or agricultural purposes. No private road may be used for commercial, business, industrial, or mercantile uses or purposes. Notwithstanding such prohibition, commercial, business, industrial, or mercantile facilities or operations may utilize service drives or shared driveways.
- S. **Time Limits.** Each private road shall be under substantial construction within one year after the date the private road is approved as a special land use. If this requirement is not satisfied, the Planning Commission may grant an extension of such period of time (except that in the case of planned unit developments, such an extension may be granted only by the Township Board), provided however, that reasonable evidence is submitted, so as to document the fact that the construction or other development of the private road has encountered unforeseen difficulties but is then ready to proceed to completion. Should these requirements not be satisfied within any period of one year after the special land use for the private road has been approved, the private road permit and the special land use for the private road shall be deemed null and void.
- T. **All Lots Created Shall Utilize the Private Road.** Where a private road is proposed to serve fewer than all of the lots to be created out of a given lot or parcel, the Planning Commission can require that all resulting lots utilize the private road so that no lots have a driveway or other access onto a public road apart from the approved private road.

- U. **Parcel Size and Configuration.** Pursuant to the approval of a private road as a special use, the Planning Commission can require that proposed lot boundaries and sizes be altered (but not less than the minimum required by this Ordinance) if it is determined by the Planning Commission that such alterations are required to meet the standards required for site plan and special use approval.

3.26 RAZING OF BUILDINGS

No building shall be razed until a permit has been issued by the Building Inspector. A cash bond or irrevocable letter of credit in an amount to be established by the Township Board for each 1,000 square feet of the floor area or fraction thereof may be required. The applicant shall complete the razing within six months. The applicant shall comply with such reasonable conditions as to health and safety as the Building Inspector may require. Such conditions shall include, but are not limited to, the filling of holes and the proper disconnection of utilities.

3.27 REAR DWELLING PROHIBITED AS RESIDENCES

Except for seasonal farm migrant housing approved by the Department of Agriculture and the Planning Commission pursuant to Section 3.19 and except for temporary occupancy approved pursuant to Section 3.20 no building in the rear of a principal building on the same premises shall be used for residential purposes.

3.28 ROADSIDE STANDS

Roadside stands where items related to customary agricultural operations are sold may be permitted in the A-1, A-2 or R-R Districts provided that the minimum lot size is three acres and that the minimum setback shall be 50 feet from all property lines. At least 50 percent of the items shall be produced on the same premises or on land which is part of the same farm operation. A zoning compliance permit shall be first obtained from the Zoning Administrator. All permanent and other agricultural signs shall comply with the requirements of Chapter 16.

3.29 SATELLITE DISH OR ANTENNAS

Any freestanding satellite dish or antenna shall meet all requirements for accessory buildings. Satellite dishes not exceeding one meter in diameter for residential use and not exceeding two meters in diameter for commercial, industrial and agricultural uses are exempt from the requirements of this section.

3.30 SITE CONDOMINIUMS

Pursuant to the authority of Section 141 of the Condominium Act, Public Act 59 of 1978, as amended, all site condominium subdivisions shall meet the following requirements and procedures.

- A. All site condominium subdivisions shall require site plan approval by the Planning Commission in accordance with Article 17. In addition to the information required in Article 17, the following information shall also be included for site plan review:
 - 1. A condominium subdivision plan as required in Section 66 of the Condominium Act.
 - 2. All information as required by the applicable provisions of the Grattan Township Subdivision Regulations, as amended.
 - 3. Documented proof of review by the Kent County Road Commission, Drain Commissioner, Health Department, Michigan Department of Transportation and the Michigan Department of Natural Resources.
- B. All site condominium subdivisions shall meet the requirements of the zoning district in which it is located, including minimum lot size, minimum setbacks and minimum floor area. Furthermore, all site condominium subdivisions shall be approved by the Kent County Drain Commissioner with regard to drainage, detention/retention ponds, water runoff, and similar matters.
- C. All site condominium subdivisions shall meet the applicable requirements of the Grattan Township Subdivision Regulations, as amended, except that private roads meeting the requirements of Section 3.25 of this Ordinance shall be permitted.
- D. The Grattan Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act. The master deed must ensure that Grattan Township will not be responsible for maintenance or liability of the nondedicated portions of the subdivision and that all private roads will be properly maintained, that snow removal will be provided and that there is adequate access and turnaround for emergency vehicles. Responsibility for the maintenance of storm water retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas must be clearly stated.
- E. The Grattan Township Clerk shall be furnished with two copies of all “as-built” drawings for review by the Township engineer for compliance with all Township ordinances prior to the issuance of any building permits. Fees for this review shall be established by the Township Board.

3.31 SWIMMING POOLS

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

- A. Pools may be installed in the side or rear yards of a lot in residential and agricultural districts and may be permitted as a special use in the front yards of waterfront lots. Motels and hotels may install pools in the front yard.

- B. Notwithstanding Section 3.36.B, a good-quality fence not less than four feet in height shall be required to encircle all swimming pools, or such other safety barrier as the Zoning Administrator determines is reasonable. The fence support posts thereof shall be constructed in a permanent manner and in such a way as to last for the duration of such pool. Such posts shall be spaced at intervals of not less than eight feet. The fence, where required, shall entirely enclose the pool.
- C. Every gate or other opening in the fence shall be designed and maintained to prevent entry of persons except as permitted by the owner.
- D. Pools shall meet all setback requirements for principal dwellings. Pool fences shall be set back from bodies of water by a distance at least as great as the minimum setback required for principal dwellings from bodies of water.
- E. Pools may not occupy more than 40 percent of the area of the yard. In computing such area, all other accessory structures shall be excluded.
- F. If a public water supply system is available, only public water shall be used to supply water for such pool.
- G. The inlet of the water supply system shall be above the overflow level of the pool and fitted with an antisiphon device.
- H. Such pool shall be chemically treated in a manner sufficient to maintain bacterial standards established by the provisions of the Department of Health relating to public swimming pools.

3.32 TEMPORARY FACILITIES

Temporary accessory structures for uses incidental to construction work may be allowed by permit by the Building Inspector after issuance of a building permit for the proposed structure. The temporary permit shall specify the location of the temporary accessory structures and shall terminate six months after the date of its issuance. The Building Inspector may renew the permit if he finds that construction of the principal structure has been progressing in a reasonable manner. In any event, the temporary facility and all debris shall be removed within 15 days after completion or abandonment of the work.

3.33 TRAFFIC VISIBILITY ACROSS CORNER

No fence, structure or planting over 30 inches in height shall be planted or erected on the street side of a line drawn between two points each being 20 feet from the intersection of the rights-of-way of two intersecting streets.

3.34 TRAVEL TRAILERS

No travel trailer, camper, motor home or any similar vehicle shall be stored on any lot unless there is a principal building that meets the requirements of this Ordinance except as specifically provided in this Ordinance.

3.35 VEHICLES, STORAGE OF

Storage or parking of inoperable, junk, or unlicensed vehicles, including but not limited to automobiles, trucks, boats, snowmobiles, motorcycles, or ATVs, but excluding operable farm equipment and operable construction equipment, shall be in accordance with all other applicable Township ordinances.

3.36 WALLS AND FENCES

- A. **Walls and Fences.** Not more than four feet in height and as to which not more than 25 percent of the area is of opaque material are permitted in all districts, except as otherwise expressly permitted or regulated in this section or in Article 12, pertaining to industrial uses. Solid walls not more than five feet in height or fences not more than six feet in height shall be permitted only in the side yard or the rear yard in any district; provided, however, that solid walls or fences shall not be permitted in any yard that abuts a street right-of-way, nor shall any such solid wall or fence be located in a rear yard or a side yard that does not meet the minimum requirements of the district within which it is located.
- B. No fence, other than a bona fide agricultural fence in the A-1 and A-2 Agricultural District, shall be located within 30 feet of the high water mark of a lake or stream. In a residential district, no fence exceeding three feet in height shall be located closer to the shore of a lake or other body of water than the distance between the high water mark of the body of water and the foundation wall of the dwelling located on the parcel of land on which the fence is located. In the case of lots or parcels on which no dwelling is located, no fence exceeding three feet in height shall be located closer to the high water mark of the body of water than is the foundation of the nearest dwelling on an adjoining lot or parcel of land.
- C. The maximum height provisions for fences stated in subsections A and B of this section may be exceeded, or the restrictions on their locations may be lessened if a special land use having such effect is obtained under the terms of Article 13.
- D. All fences and walls shall be maintained in good condition and reasonable repair at all times, and shall not be placed or maintained so as to present a safety hazard.

(Amended by Ordinance No. 2019-006 on August 12, 2019).

3.37 CONSTRUCTION TIME LIMITS

Once construction or installation has begun regarding a building or structure, such building or structure shall be finished and an occupancy permit shall be issued in accordance with all other applicable Township ordinances.

3.38 MODEL HOMES

Model homes and temporary construction offices for developments are permitted during the period of development or construction in any zoning district only as a special use. The Planning Commission may attach reasonable conditions to the granting of a special use permit including time limitations for such use.

3.39 DIVISION OF PARCELS OR LOTS

No lot or parcel (platted or unplatted) shall be divided, split, or subdivided unless said action meets this Ordinance and all other applicable Township ordinances.

3.40 LOT WIDTH-TO-DEPTH RATIO

In all zoning districts, the depth of all lots created of record after the adoption of this Ordinance shall not exceed four times the width of the lot. For purposes of this section, the measurement for lot width shall be taken along the frontage on the public street or other approved road. The measurement for depth, for purposes of this section, shall be taken from the street or road frontage to the point of the lot located farthest from the street or road frontage. The Planning Commission may permit, as a special land use, a lot with a depth greater than four times the width of the lot, as measured in the manner stated above, if the Planning Commission determines that the area in which the lot is located is not suitable for future development because of the presence of wetlands or severe topography or if such lot or parcel is located in a flood plain. In addition, as to lands in the A-1 and A-2 Agricultural District, the Planning Commission shall approve such a special land use only if it determines that the following conditions have been satisfied:

- A. The parcel is poorly suited for agricultural production due to existing soil conditions, slope, or the presence of natural vegetation, such as woodlots, brushland, and wetlands. The Planning Commission, in making its determination, may consider facts such as, but not limited to, past and present uses of the parcel, past productivity, and the difficulty in making the parcel suitable for farming, including the presence of highly erodible land, as defined by the Conservation Service (or successor).
- B. There will be a minimal likelihood of conflicts arising between the residential use and the surrounding agricultural activities.
- C. The permitting of the residential use in the circumstances under consideration will not adversely affect the long-term plans and development policies of Grattan Township.

3.41 LOT COVERAGE

Except as expressly permitted otherwise in this Zoning Ordinance, no more than 50 percent of the surface area of any lot or parcel in any zoning district shall be covered in total by buildings, structures, streets, or paved surface areas. Additionally, no more than 30 percent of any parcel or lot in any zoning district shall be covered by buildings.

3.42 DAY CARE HOMES

- A. Family day care homes shall be permitted by right in any district that permits any residential dwellings.
- B. Group day care homes shall be permitted by special land use in any district that permits any residential dwellings, as regulated in Section 13.19.

3.43 STATE-LICENSED RESIDENTIAL FACILITIES

- A. State-licensed residential facilities serving six or fewer persons shall be permitted by right in any district that permits any residential dwellings.
- B. State-licensed residential facilities serving more than six persons shall be permitted by special land use in any district that permits any residential dwellings, as regulated in Section 13.20.

3.44 RESIDENTIAL USES IN COMMERCIAL DISTRICTS

Residential uses shall not be permitted in the commercial districts; provided, however, that a residential use or a combined residential-commercial use may be permitted in a commercial district if a special land use is obtained from the Planning Commission under the terms of Article 13. If such a special land use is granted, all use (other than the residential use prohibition), dimension, sign and other applicable requirements of the commercial district shall apply to the residential use or the combined residential-commercial use.

3.45 TEMPORARY USES

No temporary use shall occur in any zoning district unless and until a temporary use permit has been issued by the Township. The following requirements shall apply:

- A. All applications for a temporary use permit shall be filed with the Township at least 90 days prior to the commencement date of the proposed temporary use. This 90-day period can, however, be shortened in the discretion of the Zoning Administrator or the Planning Commission, for good cause shown by the applicant.
- B. The Township Zoning Administrator may issue a temporary use permit if all of the requirements of subsection C are satisfied. If the Zoning Administrator determines that a proposed temporary use could have a major impact on the neighborhood or area involved, or if the administrator determines that a hearing should be held before a temporary use permit is issued, because of the scope or likely impact of the proposed temporary use, then the Zoning Administrator shall refer the temporary use application to the Planning Commission for final approval or denial, in whole or in part. An applicant may appeal the Zoning Administrator’s denial of a temporary use permit application to the Planning Commission. If a temporary use permit application is referred to the Planning Commission, it shall hold a hearing on the application, complying with all hearing and notice requirements of Article 13.
- C. A temporary use permit shall not be granted by the Zoning Administrator or by the Planning Commission unless all of the following requirements are satisfied:

1. **Nuisance, Hazardous Features.** The temporary use shall not result in any hazard or nuisance to adjacent lands or the uses thereof, nor otherwise be contrary to the public health, safety or welfare of the Township.
 2. **Traffic and Circulation.** The temporary use shall not create hazardous vehicular or pedestrian traffic conditions on or adjacent to the location of the temporary use, nor result in vehicular traffic in excess of the capacities of the streets serving the property. A temporary use permit shall not be issued if the Zoning Administrator or Planning Commission determines that the proposed use will:
 - (a) Unreasonably interfere with the use of a street for vehicular travel.
 - (b) Unreasonably interfere with the view of, access to or use of property adjacent to the street serving the proposed temporary use.
 - (c) Cause a violation of any state laws or local ordinances.
 - (d) Reduce the effectiveness of or access to any utility pole, street lighting, sign or other traffic control device.
 3. **Public Facilities and Services.** Adequate utilities, drainage, refuse management, sanitary facilities, emergency services and access and other necessary facilities and services shall be available for the proposed temporary use.
 4. **Natural Environment.** The proposed temporary use shall not have a substantially adverse impact on the natural environment.
 5. **Suitability of the Site.** The site of the proposed temporary use shall be suitable for such temporary use, giving consideration to possible flood hazards, storm water drainage, soils and other conditions which may constitute a danger to life, health or property.
 6. **Building, Electrical and Other Codes.** The temporary use and all associated temporary improvements, including but not limited to tents, stands, temporary electrical systems, temporary heating systems and temporary lighting systems shall comply with all applicable provisions of the Township Building Code, Electrical Code and other applicable codes adopted or amended from time to time.
- D. A temporary use shall be permitted only for such period of time as is practical, given all of the circumstances. In no case shall a temporary use permit be issued for a period in excess of 18 days during any 12-month period, nor shall any property be used for a temporary use in excess of 18 days during any 12-month period.
- E. In connection with the approval of any temporary use, the Township may impose additional reasonable terms and conditions.

- F. The Township may revoke or suspend a temporary use permit at any time upon the failure of the owner or any operator of the use to comply with the requirements of this Ordinance, the conditions imposed upon the issuance of any such temporary use permit or any other applicable provisions of state law or local ordinance.
- G. A temporary use shall not include a permanent structure or permanent building.

3.46 CONSTRUCTION OF ACCESSORY BUILDINGS

Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure; provided, however, that such requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building and in compliance with Section 3.32, so long as the period of construction does not exceed one year.

3.47 ADDITIONAL REQUIREMENTS FOR COMMERCIAL ZONES

The following requirements shall apply to all uses, buildings, structures and properties located within the C-1 and C-2 Commercial Districts:

- A. No canopy, drive-through window or drive-through service shall be permitted or utilized unless approved by the Planning Commission as a special land use pursuant to Article 13.
- B. Notwithstanding Section 4.04, no building shall be built or expanded for business or commercial uses on a nonconforming lot unless a special land use is approved by the Planning Commission pursuant to Article 13. All required setbacks shall be complied with unless the Planning Commission, pursuant to a special land use approval, permits a reduction of the required setbacks.
- C. Buildings and structures for commercial or business use shall be compatible with other area buildings in appearance and construction materials, as determined by the Planning Commission pursuant to the site plan review process of Article 17 for site development plan review or Article 13, if a special land use is required.

3.48 LAND DIVISIONS

- A. No lot, parcel of land, or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other minimum requirements of the Grattan Township Zoning Ordinance. All land divisions, lot splits, or property boundary reconfigurations of platted lots and unplatted parcels of land shall comply with all applicable requirements of the Grattan Township Zoning Ordinance and the Michigan Land Division Act.
- B. No land division, lot split, creation of an access easement, or reconfiguration of property boundary lines shall occur unless and until a land division permit has been

obtained from the Grattan Township Zoning Administrator or such other person as may be designated for such purpose by resolution of the Township Board. No permit for a land division shall be issued unless and until the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, parcels of land, or access easements, fully complies with the requirements of the Grattan Township Zoning Ordinance and all other applicable Township ordinances. Fees for a land division permit shall be established from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application for such permit is accompanied by a survey prepared by a registered land surveyor or engineer showing all resulting lots or parcels of land, easements (if any), and legal descriptions thereof. The Township may waive the requirement of a survey, for good cause shown by the applicant. No permit for division of a platted lot or lots, shall be issued unless and until such land division is approved by the Township Board. No platted lot shall be partitioned or divided into more than four parcels of land.

3.49 CERTAIN LARGE SCALE RESIDENTIAL DEVELOPMENTS

Certain large scale residential developments (being those which include 11 or more lots, parcels or site condominium units in the R-R Rural Residential District and those greater than that permitted in A-1 or A-2 Zoning Districts) shall be developed only as planned unit developments (“PUD”). The regulating of such development on a PUD basis will enable the Township to control and moderate the size, scope and impact of such development, in accordance with the Township Master Plan and the purposes of the Ordinance. The requirements of this section shall apply whether such development involves simple land divisions, platted subdivisions, site condominium units or any other type of land division, conveyance or development resulting in a number of lots, parcels, site condominium units or other land divisions greater than that permitted in the A-1 or A-2 Zoning Districts, or more than ten as provided in the R-R Zoning District.

3.50 CHANNELS AND CANALS

No channel, canal or similar waterway or device shall be dug, constructed, dredged, enlarged or created out of or that connects to any lake in the Township. Nor shall the size or surface area of any lake be increased by digging, dredging or excavation upland from the ordinary high water mark of the lake; provided, however, that this section shall not apply to the following:

- A. Any lawful dredging occurring on existing lake bottomlands which are lakeward of the ordinary high water mark of the lake.
- B. Lawful dredging upland from the ordinary high water mark of a lake so as to create not more than two boat wells (i.e., a mooring area for boats) so long as the water surface area dredged, excavated or otherwise created does not exceed 25 feet in width along the lake frontage and 20 feet of depth from the ordinary high water mark of the lake.

- C. The lawful creation or enlargement of a pond which does not abut or connect into an existing lake.
- D. The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements, so long as such channel or canal is not enlarged or expanded.

3.51 COMMUNICATIONS ANTENNAS AND TOWERS

Freestanding radio, television or microwave antennas or towers are permitted in all zoning districts, except as stated below, and only on compliance with all of the following requirements:

- A. The antenna shall be permanently secured to a stable foundation.
- B. No portion of the antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.
- C. No freestanding antenna shall exceed a height of 75 feet above grade (except that a freestanding antenna for amateur radio purposes shall not exceed a height of 90 feet above grade), or have any other dimension exceeding ten feet (except that this dimensional requirement shall not apply to amateur radio antennas), including its mounting structure, except that freestanding antennas or towers exceeding such height or other dimension may be permitted by the Planning Commission as a special land use under Article 13.
- D. An antenna or tower shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the depth of the required rear or side yard setback, whichever is the greater.
- E. An antenna not exceeding a height of ten feet, as measured from its foundation, may be mounted on the roof of a principal or accessory building; provided, however, that a television antenna may be mounted on the roof of a principal or accessory building so long as the antenna does not exceed a height of 15 feet as measured from its foundation; and provided further, that an amateur radio antenna may be mounted on the roof of a principal or accessory building so long as it does not exceed a height of 20 feet, as measured from its foundation.
- F. All antennas must be grounded to protect against damage from lightning.
- G. An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
- H. Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antenna may be approved by the

Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such special land use for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Township's legitimate purposes in regulating such amateur radio antennas.

- I. Antennas and towers for commercial communications services, including cellular telephone antennas and towers, shall be approved only as special land uses under the terms of Article 13.

3.52 DWELLING REQUIREMENTS

All dwellings shall comply with the following standards:

- A. It complies with the following minimum square footage requirements:
 - 1. A one-story house without full basement shall have a minimum first floor area of 720 square feet.
 - 2. A one-story house or a split-entry house with a full or walkout basement shall have a minimum first floor area of 600 square feet.
 - 3. A two-story house with or without a full basement shall have a minimum first floor area of 600 square feet. A two-story house shall be one having two full stories above the grade.
 - 4. Multiple family dwellings shall have a minimum floor area of 480 square feet per unit.
 - 5. Its minimum width shall be 24 feet for at least 75 percent of its length, measured between the exterior part of the walls having the greatest length. It shall also comply in all respects with the Township Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are more restrictive than those imposed by the Township Building Code, then, and in that event, such federal or state standards or regulations shall apply. Any exterior addition shall be of the same construction and materials as the original structure.
- B. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that the

dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

- C. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- D. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- E. The dwelling contains a storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to, or of better quality than, the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling but not less than 80 square feet.
- F. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors, with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- G. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within, and connected to, said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the

United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.
- J. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

3.53 GRADE LIMITS

Sand, dirt and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would, in the opinion of the Zoning Administrator, do any of the following:

- A. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- B. Increase the height of a building or structure so as to unreasonably decrease the view on one or more adjoining properties of a lake, stream or natural vista or create a situation which is incompatible with the surrounding uses; or
- C. Present a safety hazard to children or pedestrians.

Any party aggrieved by the decision of the Zoning Administrator under this section may appeal that determination to the Zoning Board of Appeals within the time limits and procedures specified in Article 18 of this Ordinance.

(Amended by Ordinance No. 2019-006 on August 12, 2019).

3.54 RAILINGS ON RETAINING WALLS AND SIMILAR ITEMS

If a retaining wall, earth buildup or other structure or condition is created within 100 feet of a residential dwelling and has on one or more sides a drop of more than 30 inches, the Zoning Administrator shall have the discretion to require the installation and maintenance of a railing, fence or other restraint device to prevent children and others from falling, if the Zoning Administrator determines that such a restraint is reasonably necessary for safety. Any party aggrieved by such a determination by the Zoning Administrator may appeal that decision to the Zoning Board of Appeals pursuant to the time limits and procedures specified in Article 18 of this Ordinance.

(Amended by Ordinance No. 2019-006 on August 12, 2019).

3.55 CERTAIN RETAINING WALLS AND EARTH BUILDUPS SHALL CONSTITUTE STRUCTURES

- A. If the natural grade within 20 feet of a building (whether existing or under construction) is built up and is partially or wholly retained or kept in place by a retaining wall, retention wall, landscaping timbers, or similar items in order to allow access to a door, entry, or exit for the building, such buildup and retaining items shall be deemed a structure for purposes of setback requirements.
- B. Retaining walls located between a lake and a dwelling shall have either incorporated landscaping to partially screen the view of the retaining wall from the lake or have a rock, brick or similar façade on the surface facing the lake.
- C. No retaining wall shall exceed five (5) feet in height. With special land use approval by the Planning Commission, a retaining wall may exceed five (5) feet in height, but the Planning Commission may attach reasonable conditions to any such special land use approval.

(Amended by Ordinance No. 2019-006 on August 12, 2019).

3.56 LOTS PARTIALLY OUTSIDE TOWNSHIP BOUNDARIES

In cases where a lot lies partially outside of the Township's boundaries, if a proposed lot, building, structure, or use would not satisfy the minimum area, dimensional, and street frontage provisions of this Ordinance with respect to that part of the lot located within the Township, then the minimum provisions of this Ordinance shall be applied with respect to the lot, building, structure, or use as if the entire lot were located within the Township, provided, however, that the entire lot shall comply with the minimum area, width, and frontage requirements of this Ordinance, and provided further that if access to the lot is provided at a location outside the Township boundaries, then such access shall be subject to the approval of the Planning Commission prior to the issuance of a zoning permit or building permit by the Township. For purposes of this section, the Township boundaries shall not be deemed to be a lot line.

3.57 WATERFRONT SETBACKS IN ALL ZONING DISTRICTS

For the purpose of establishing uniform setbacks from surface water features in the Township and to ensure that adequate yard space is provided on lots and parcels abutting surface water features, the minimum front yard setback for a principal structure located on a lot or parcel abutting any water body or watercourse shall, in all zoning districts, be measured from the ordinary high water mark of the water body or watercourse. In circumstances where a water body or watercourse includes, is abutted by or is near wetlands that are defined as contiguous wetlands under this Ordinance, the minimum front yard setback for a principal structure shall be measured from the upland boundary of the

contiguous wetlands. The minimum front yard setback shall be as prescribed in the applicable zoning district.

3.58 LIMITED EXCAVATION USE

- A. In the A-1, A-2 and R-R Zoning Districts, a limited excavation use which existed as of January 1, 2007 (except as stated in subparagraph 6 of this subsection A) shall be allowed to continue as a permitted use under the terms and subject to the conditions of this subsection A.

Limited parking, storage and keeping of excavation vehicles and equipment of limited size, scope and extent, owned (or leased) by a person who is also the owner and a full-time resident of the parcel of land where the vehicles and equipment are located, and used by the owner for off-site excavation on a commercial or for-hire basis, shall be permitted as follows:

1. Permitted excavation and equipment of limited size, scope and extent shall include backhoes, bulldozers, dump trucks, small-size or small-scale cranes, loading and unloading equipment and other similar vehicles and equipment used on a commercial or for-hire basis on lands other than where the excavation vehicles and equipment are parked, stored or kept.
2. Such parking, storage and keeping of such excavation vehicles and equipment shall take place only on a parcel of land owned and resided on by the person or persons who owns, leases or has other rights to use vehicles and equipment.
3. The parking, storage and keeping of such excavation vehicles and equipment shall be permitted only on a parcel of land of at least three acres in area. The property shall be located on a public road and any driveway utilized by any equipment or vehicles associated with the business must come directly off the public road.
4. The persons who are engaged in the commercial or for-hire business that conducts the parking, storing and keeping of such excavation vehicles and equipment shall be only the persons who live on the parcel of land where such activity occurs, and their immediate family members, plus not more than one other person.
5. Such parking, storage and keeping of excavation vehicles and equipment shall take place only within an entirely enclosed building, except as follows:
 - (a) Outdoor parking, storage and keeping of such excavation vehicles and equipment that was occurring as of January 1, 2007, may continue until September 1, 2009, after which date they must be parked, stored and kept only within a fully-enclosed building, under

the Terms and Conditions subject to exceptions stated in this subparagraph (a).

- i. Such building may be a then-existing building, a new building or an enlarged existing building.
 - ii. If it is a new building that is not a replacement of an existing building, the building may not be located within 100 feet of a public street right-of-way, nor within 500 feet of a school, nor within 800 feet of a lake or any channel or canal thereof, nor within 100 feet of any property boundary line; provided, however, that the Planning Commission may permit a building to be otherwise located, if such other location is approved as a special exception use under subsection C, but in any event, the applicable accessory building provisions of Section 3.01 and the applicable accessory building provisions of the zone district shall be complied with.
 - iii. If the new building is a replacement of an existing building that is removed, the replacement building may be at the same location as the building that was removed. In such a case, the new building may be up to 10 percent larger in area and up to 10 percent greater in height than the former existing building, subject to applicable accessory building provisions of Section 3.01 and those of the zone district; provided, however, that the Planning Commission may permit a larger replacement building, or one having a greater height, if approved as a special exception use under subsection C.
 - iv. The above-stated requirement that such excavation vehicles and equipment be located in an enclosed building not later than September 1, 2009 notwithstanding, such excavation vehicles and equipment may, for convenience, be parked out of doors overnight for not more than two consecutive days; provided, however, that the Planning Commission may permit such overnight convenience parking to occur for a greater number of consecutive days if approved as a special exception use under subsection C.
6. Persons engaged in operating an active farm, but who also own and use excavation vehicles and equipment on a commercial or for-hire basis, as defined in Section 2.21A (whether or not such persons were engaged in a limited excavation use as of January 1, 2007), may engage in the parking, storing and keeping of excavation vehicles and equipment as permitted under the terms of this section, if such parking, storage and keeping of such excavation vehicles and equipment takes place only in any of the already-existing farm buildings located on the farm property (and such existing

buildings need not satisfy the building placement requirements otherwise stated in this section); provided, however, that if it is desired to construct a new building, a replacement building or an enlargement of an existing building, the provisions of paragraph 5 of this subsection A shall apply, including the provision authorizing the approval of a special exception use by the Planning Commission under subsection C.

7. All owners of property on which such excavation vehicles and equipment are parked, stored or kept shall annually register with the Township a list of all of such vehicles and equipment, on a form supplied by the Township. The registration form shall include, among other matters, an accurate listing of the persons then engaged in the commercial use involving the parking, storage and keeping of excavation vehicles and equipment, and also the family relationship among each of those persons, except with respect to a permitted non-immediate family employee or participant.

The owners or other applicants shall also pay a registration fee in an amount established by the Township Board.

The Township will provide a written notification by U.S. mail to each property owner subject to this requirement, but failure to provide the notice shall not absolve an affected person from compliance with the registration requirement. Initial registration shall be completed not more than 30 days after the date of mailing of the notification.

Each owner shall renew his or her registration, using a form supplied by the Township, on or before April 1 of each succeeding year, beginning the year after the year of initial registration. The registration renewal form, shall include, as applicable, the information set forth on the original registration form. Registration and renewal forms filed after the above-stated deadlines shall be subject to an increased registration fee in an amount determined by the Township Board.

The failure to timely register or to timely renew a registration shall be a violation of this Ordinance.

8. No vehicles or equipment shall be parked (whether permanently or temporarily) within a public or private street right-of-way.
9. All vehicles and equipment shall be licensed and in good repair and condition at all times.
10. Any limits, requirements, or conditions imposed by a prior court order, Township variance, or Township special land use approval for the property precluding, limiting, or regulating an excavation business or equipment shall remain fully valid, unchanged, and binding according to their terms.

11. Vehicles and equipment containing any toxic or hazardous goods, materials, chemicals or substances are not allowed.
12. There shall be no contamination or pollution of the surface waters or ground waters caused by or as a result of the parking or storage of the vehicles and/or equipment.
13. No signs shall be permitted, nor shall the location be advertised or publicized as a place for the parking, storage or keeping of such vehicles or equipment.
14. No partially assembled or disassembled vehicle or piece of equipment shall be kept outdoors on the property (that is, outside of a fully-enclosed lawful accessory building), nor shall there be any pile or other accumulation of dirt or aggregate in excess of 100 cubic yards in total.
15. There shall be no serious adverse effects on the subject land, or on adjacent or other lands or on public or private streets, caused by or as a result of the parking or storage of the excavation vehicles and equipment. If this subsection 14 is deemed violated in the opinion of the Zoning Administrator, the use shall cease and all equipment and vehicles shall be removed from the property unless the use is approved as a special land use. The determination by the Zoning Administrator may be appealed to the Zoning Board of Appeals.
16. A limited excavation use which existed before January 1, 2007 in the R-R zoning district and which is otherwise permitted under the terms of this subsection A shall be permitted to continue only upon the condition that all owners of the subject property prepare, sign and record with the county register of deeds no later than 60 days after the effective date of this subsection A (or no later than such other date in 2007 as may be permitted in writing by the Township Zoning Administrator), a restrictive covenant providing that the permitted parking, storage and keeping of such excavation vehicles and equipment shall occur on a temporary basis only and shall be available only to and for the subject land, and to no other users or owners and that, further, upon the sale, conveyance, devise, descent, transfer or distribution of the subject land, whether in whole or in part, to any other owner or owners, such parking and storage of excavation vehicles and equipment shall no longer be lawful and shall in that event be a violation of this Ordinance, subject to applicable penalties prescribed herein. The form and content of the restrictive covenant shall be subject to the approval of the Township attorney, consistent with the terms of this subsection A, prior to recording. After the recording of the approved restrictive covenant, a recorded copy thereof shall be promptly submitted to the Township office. The restrictive covenant shall remain in effect at all times during the parking and storage of the above-described vehicles and equipment.

- B. In the A 1 and A 2 Zoning Districts, a limited excavation use which did not exist as of January 1, 2007 shall be permitted only if the use is approved as a special land use by the Planning Commission, upon the following terms and conditions:

Limited parking, storage and keeping of excavation vehicles and equipment of limited size, scope and extent, owned (or leased) by a person who is also the owner and a full-time resident of the parcel of land where the vehicles and equipment are located, and used by the owner for off-site excavation on a commercial or for-hire basis, shall be permitted as follows:

1. For purposes of this subsection B, permitted excavation and equipment of limited size, scope and extent shall include backhoes, bulldozers, dump trucks, small-size or small-scale cranes, loading and unloading equipment and other similar vehicles and equipment used on a commercial or for-hire basis on lands other than where the excavation vehicles and equipment are parked, stored or kept.
2. Such parking, storage and keeping of such excavation vehicles and equipment shall take place only on a parcel of land owned and resided on by the person or persons who owns, leases or has other rights to use vehicles and equipment.
3. The parking, storage and keeping of such excavation vehicles and equipment shall be permitted only on a parcel of land of at least five acres in area. The property shall be located on a public road and any driveway utilized by any equipment or vehicles associated with the business must come directly off the public road.
4. The persons who are engaged in the commercial or for-hire business that conducts the parking, storing and keeping of such excavation vehicles and equipment shall be only the persons who live on the parcel of land where such activity occurs, and their immediate family members, plus not more than one other person.
5. Such parking, storage and keeping of excavation vehicles and equipment shall take place only within an entirely enclosed building.
6. All owners of property on which such excavation vehicles and equipment are parked, stored or kept shall annually register with the Township a list of all of such vehicles and equipment, on a form supplied by the Township. The registration form shall include, among other matters, an accurate listing of the persons then engaged in the commercial use involving the parking, storage and keeping of excavation vehicles and equipment, and also the family relationship among each of those persons, except with respect to a permitted non-immediate family employee or participant.

The owners or other applicants shall also pay a registration fee in an amount established by the Township Board.

The Township will provide a written notification by U.S. mail to each property owner subject to this requirement, as to those cases of which the Township has knowledge, but failure to provide the notice shall not absolve an affected person from compliance with the registration requirement. Initial registration shall be completed by not later than August 1, 2007, as to those property owners engaging in a limited excavation use as of that date (and which commenced after January 1, 2007).

Each owner shall renew his or her registration, using a form supplied by the Township, on or before April 1 of each succeeding year, beginning the year after the year of initial registration. The registration renewal form, shall include, as applicable, the information set forth on the original registration form. Registration and renewal forms filed after the above-stated deadlines shall be subject to an increased registration fee in an amount determined by the Township Board.

The failure to timely register or to timely renew a registration shall be a violation of this Ordinance.

7. The accessory building (or buildings) on the property where any equipment or vehicles will be stored shall not be located within 100 feet of a public street right-of-way, nor within 500 feet of a school, nor within 800 feet of a lake or any channel or canal thereof, nor within 100 feet of any property boundary line; provided, however, that the Planning Commission may permit such accessory building (or buildings) to be otherwise located if such other location is approved as a provision in the special land use.
8. No vehicles or equipment shall be parked (whether permanently or temporarily) within a public or private street right-of-way.
9. All vehicles and equipment shall be licensed and in good repair and condition at all times.
10. Any limits, requirements, or conditions imposed by a prior court order, Township variance, or Township special land use approval for the property precluding, limiting, or regulating an excavation business or equipment shall remain fully valid, unchanged, and binding according to their terms.
11. Vehicles and equipment containing any toxic or hazardous goods, materials, chemicals or substances are not allowed.
12. There shall be no contamination or pollution of the surface waters or ground waters caused by or as a result of the parking or storage of the vehicles and/or equipment.

13. No signs shall be permitted, nor shall the location be advertised or publicized as a place for the parking, storage or keeping of such vehicles or equipment.
 14. No partially assembled or disassembled vehicle or piece of equipment shall be kept outdoors on the property (that is, outside of a fully-enclosed lawful accessory building), nor shall there be any pile or other accumulation of dirt or aggregate in excess of 100 cubic yards in total.
 15. There shall be no serious adverse effects on the subject land, or on adjacent or other lands or on public or private streets, caused by or as a result of the parking or storage of the excavation vehicles and equipment. If this subsection 14 is deemed violated in the opinion of the Zoning Administrator, the use shall cease and all equipment and vehicles shall be removed from the property. The determination by the Zoning Administrator may be appealed to the Zoning Board of Appeals.
 16. In considering and approving the special land use, the Planning Commission may impose terms, conditions and limitations, including, but not limited to, the number, size and type of permitted excavation vehicles and equipment and other requirements.
- C. As to those matters stated in subsection A as being eligible for approval as special exception uses, the Planning Commission may approve such special exception uses in accordance with the terms of this subsection.
1. Such special exception use shall be applied for on a form provided by the Township. The application shall include such information as will enable the Planning Commission to have full knowledge of the facts pertaining to the application, including an accurate drawing, with dimensions, showing the property lines, the locations of buildings, a description of the excavation vehicles and equipment involved and other relevant information. The Planning Commission may request such other information as may be reasonably necessary for reaching a decision on the application.
 2. The application for special exception use shall be considered by the Planning Commission at a public meeting, but a public hearing shall not be required. No special public notice shall be required. Any application fee shall be as determined by the Township Board.
 3. In determining whether to grant a special exception use, the Planning Commission shall consider the following matters, among others:
 - (a) Whether the result of the requested modification would still be reasonably consistent with the intent and purposes of Section 3.58.
 - (b) Whether the requested modification is reasonably necessary as a result of one or more characteristics of the land that cannot readily be

changed or accommodated by the property owner, or whether the modification would serve to relieve an unreasonable hardship.

- (c) Whether the requested modification would have serious adverse effects on adjacent or other lands or public or private streets.

- D. Except as permitted pursuant to subsections A and B, above, no excavation business, contractor's yard, or similar use or business shall occur anywhere in the Township except in the I-Industrial Zoning District as provided in Article 12.

3.59 STORAGE OF BOATS, RECREATIONAL VEHICLES, ETC. IN FARM BUILDINGS

The Zoning Administrator may approve the temporary storage of boats, boat trailers, snowmobiles, off-road vehicles and other recreational vehicles, antique motor vehicles and other motor vehicles in existing farm barns or other existing bona fide farm buildings in the A-1 and A-2 Districts, if such existing farm barns or other existing bona fide farm buildings are no longer used, or if they are only partially used, for farming or farming-related purposes, in accordance with this section.

- A. An applicant shall apply for the above-stated storage use on an application form provided by the Township and completed and signed by the applicant.
 - 1. Among other matters, the application form shall include the name and address of the applicant, the address and legal description of the subject land, a drawing of the subject land and the location of the existing barn or other qualified building, the distances from the proposed storage building to the property boundary lines, the adjacent streets, the entrance drive into the property and the other buildings on the subject land and the adjacent lands.
 - 2. The application shall also specify the date of construction of the farm building in which the proposed storage would occur, and shall describe the current or former farm use of the building that qualifies the building for the storage use.
 - 3. The applicant shall pay the application fee established by the Township Board.
 - 4. The applicant shall submit other information reasonably requested by the Zoning Administrator, bearing on the application and the likely effects of the proposed storage use.
 - 5. The initial application form shall be completed and submitted to the Township by not later than August 1, 2007. Each applicant shall submit a renewed application, using an application form supplied by the Township, on or before April 1 of each succeeding year, beginning the year after the year of initial application.

- B. The storage activity shall be operated by only the owner or owners of the land where the barn or other qualified building is located. A person desiring to store the permitted items need not be an owner of the land or have any interest therein.
- C. The permitted storage shall take place only in a fully-enclosed building. No repairs, maintenance or other work on any such boats, boat trailers, snowmobiles, off-road vehicles and other permitted equipment shall take place, except that the owner of the land may repair, maintain or otherwise work on his or her own such equipment, to the same extent as otherwise permitted in the district in which the land is located.
- D. An adequate off-street parking area shall be provided for the parking of motor vehicles that are used in the transporting of the stored items to and from the property.
- E. The permitted storage shall occur only in buildings lawfully existing on January 1, 2006, and also originally constructed and used for farming purposes. Such storage in a new building or a building constructed for a use other than farming shall not qualify for the storage use.
- F. The permitted storage shall be carried out only in a safe and non-hazardous manner. The application shall disclose whether gasoline or other fuel will be kept in the tanks of any stored boats or other stored vehicles; provided, however, that the mere presence of gasoline in the tanks of boats and other stored vehicles shall not, of itself, be deemed an unsafe or hazardous condition, for purposes of this section.
 - 1. A copy of each application shall be forwarded by the Zoning Administrator to the Township fire chief, for review and comment prior to consideration of the application by the Zoning Administrator. If the fire chief (or the chief's designee) notes any condition (other than the normal presence of gasoline in the tank of a stored boat or other stored vehicle) that is or may become hazardous or dangerous, the chief shall so inform the Zoning Administrator.
 - 2. In submitting the application, the applicant shall be deemed to have granted the Zoning Administrator, the fire chief (or other representative of the fire department), reasonable access to the property for the purpose of determining whether the proposed storage would comply with the provisions of this section.
- G. The storage use shall be conducted so as to have no serious adverse effect upon adjacent or nearby lands.
- H. In approving the storage use, the Zoning Administrator may authorize one non-illuminated sign to be placed on the subject property, for the purpose of informing the public of the availability of the permitted temporary storage. The sign may be two-sided; each side of the sign shall not be greater than four square feet in area and the sign shall be no higher than four feet, measured from the grade at the base of the sign. The sign shall be located at least 20 feet away from all property lines. The sign may also be subject to other conditions, as determined by the Zoning Administrator.

- I. The provisions of this section shall not prohibit non-commercial storage of the vehicles and equipment described in this section, as to the property owner's own vehicles and equipment, and such other storage carried out only as a courtesy or accommodation to the property owner's acquaintances and which qualifies as an accessory use under Section 3.01 of this Ordinance.

3.60 PORTABLE STORAGE CONTAINERS

A temporary storage unit, known as a portable storage container (PSC), and sometimes called a portable on-demand storage unit, may be temporarily delivered, placed, used and removed in any zoning district, but only in compliance with the provisions of this section.

- A. A PSC is a box-like container typically delivered by truck to a location, to serve as a means of temporarily storing household or other personal goods and items. A PSC may be placed temporarily on a lot or parcel of land for the storage of household or other goods, items or objects that are proposed to be moved to another location or that are being stored temporarily during building remodeling or for other purposes requiring temporary storage of such items outside the dwelling or other building in which there were originally located.
- B. Except as stated in subsection C of this section, a PSC may remain on a property not longer than 30 consecutive days in any 12-month period commencing on the date when the PSC is first placed on the property; provided, however, that the person using the PSC may apply to the Township Zoning Administrator for approval of a PSC remaining on a property for a greater period of time and, if the person using the PSC demonstrates a sufficient need, the Zoning Administrator may approve the use of the PSC for a greater period of time, subject to such reasonable conditions as may be imposed by the Administrator.
- C. If a PSC is being used for storage of goods and objects during the remodeling or reconstruction of a building on the property, the PSC may remain on the property not longer than 90 days in any 12-month period, commencing on the date when the PSC is first placed on the property; provided, however, that the person using the PSC may apply to the Township Zoning Administrator for approval of a PSC remaining on a property for a greater period of time and, if the person using the PSC demonstrates a sufficient need, the Zoning Administrator may approve the use of the PSC for a greater period of time, subject to such reasonable conditions as may be imposed by the Administrator.
- D. No more than two PSCs may be placed on a lot or parcel at any one time, except that the zoning administrator may approve a greater number for a stated period of time, upon a showing of reasonable necessity therefor by the property owner.
- E. A PSC shall be placed no closer than ten feet from any public or private street right-of-way, nor closer than ten feet from any property line.

- F. Any signage or other writing or graphic material on a PSC shall be limited to the name, address and telephone number of the provider of the PSC. Such signage or other writing or graphic material shall not include any advertising, logotype or slogan that refers or pertains to any service or product other than the PSC or the person or business entity that provided the PSC.
- G. A PSC shall not be used for the storage of any toxic or hazardous materials.
- H. A PSC used in an agricultural or residential district shall be used only for the storage of personal goods and property, but shall not be used for the storage of commercial goods, business inventory, or personal property not associated with the dwelling on the lot or parcel on which the PSC is placed.

3.61 CERTAIN PROHIBITED LAND USES

- A. Land uses, activities, structures, enterprises or purposes that are contrary to or which violate federal or state laws, county ordinances, this Ordinance or other Township ordinances are prohibited.
- B. No zoning approval, permit, variance, rezoning, site plan approval or zoning compliance permit shall be issued or granted by the Township for any use, activity, enterprise, structure or building that is illegal under Michigan law or federal law.
- C. No medical marijuana dispensary, grower operation (as defined by Michigan law), provisioning center (as defined by Michigan law), secure transporter (as defined by Michigan law), safety compliance center (as defined by Michigan law), processing facility or similar facility, use or business shall occur, be established, be conducted or be present within Grattan Township.
- D. The following applies to certain marijuana (marihuana) establishments and facilities:
 - 1. The following words, terms and phrases, when used in this Subsection D, shall have the meanings ascribed to them in this Subsection D, except where the context clearly indicates a different meaning:
 - (a) *IHRA* means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 *et seq.*
 - (b) *Marihuana establishment* means that term as defined in the MRTMA.
 - (c) *Marihuana facility* means that term as defined in the MMFLA.
 - (d) *MMFLA* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.

- (e) *MMMA* means the Michigan Medical Marihuana Act, 2008 IL 1, as amended.
- (f) *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.

2. MARIHUANA ESTABLISHMENTS AND FACILITIES PROHIBITED

- (a) Pursuant to Section 6 of the MRTMA, marihuana establishments are prohibited within the boundaries of the Township.
- (b) Marihuana facilities are also prohibited within the boundaries of the Township.

3. RIGHTS UNAFFECTED BY THIS ORDINANCE

- (a) This Subsection D shall not affect the rights or privileges of any individual or other person under Section 5 of the MRTMA.
- (b) This Subsection does not affect the rights or privileges of a marihuana facility outside of the Township to engage in activities within the Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
- (c) This Subsection does not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
- (d) This Subsection does not affect the rights or privileges of any individual or other person under the IHRA.
- (e) This Subsection does not affect the rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

(Amended by Ordinance No. 2019-006 on August 12, 2019).

3.62 SOLAR PANELS

- A. **Purpose.** Grattan Township desires to promote the effective and efficient use of solar energy collection systems (i.e. solar cells, collectors or panels and other solar energy collection systems or equipment) subject to reasonable regulations. It is the intent of the Township to permit these systems under certain circumstances by regulating the siting, design and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of solar energy collectors. Building-mounted and ground-mounted solar energy collectors shall comply with the provisions of this section.

B. Criteria for the Use of all Solar Energy Equipment.

1. Residential solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
2. Solar energy equipment shall be repaired or replaced or completely removed within nine (9) months of becoming nonfunctional and/or at the end of the lease. Any ground disturbance from the removal of a ground mounted unit must be restored to its original condition or better within that nine month time period.
3. Each system shall conform to applicable industry standards including those of NEC 2014, as amended, and conform to the latest updated version.

C. Application For Sketch Plan Review. An applicant who seeks to install building-mounted solar energy equipment over 500 square feet in area shall submit an application to the Township for sketch plan review and approval by the Planning Commission. The application shall include:

1. Photographs of the property's existing conditions.
2. Renderings or catalogue cuts of the proposed solar energy equipment.
3. A certificate of compliance demonstrating that the solar energy system has been tested and approved by Underwriters Laboratories (UL) or other approved independent testing agency. Proof of compliance with the National Electrical Code (Article 690 Solar Photovoltaic Systems, as amended) shall also be provided to the Township.
4. A sketch plan to indicate where the solar energy equipment is to be installed on the property.
5. A description of any screening to be provided for building or wall-mounted solar energy equipment.
6. Any fee(s) to be determined by the Township Board from time to time.

D. The following are exempt from Township approval requirements for Solar Panels:

1. The installation, use or presence of solar panel(s):
 - (a) On a building, with solar panels having a total area equal to or less than 500 square feet.
 - (b) For ground-mounted solar panels, with a total area per lot of 5,000 square feet or less of solar panels.

2. Repair and replacement of existing lawful solar energy equipment, provided that there is no expansion of the size or coverage area of the solar energy equipment.
3. Temporary use in agricultural or power-outage situations.

E. **Building-Mounted Solar Energy Collector Requirements.** A building-mounted solar energy collector shall be a permitted accessory use on buildings in all zoning districts, subject to the following requirements:

1. Sketch plan review and approval by the Planning Commission is required of all building-mounted solar energy collectors which in total aggregate over 500 square feet in area.
2. Solar energy collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located, and shall not project beyond the eaves of the roof.
3. Solar energy collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township prior to installation and such certification shall be subject to the Township building official's approval.
4. Solar energy collectors that are roof-mounted, wall-mounted or are otherwise attached to a building or structure shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township prior to installation. Such proof shall be subject to the Township building official's approval and compliance with the National Electrical Code and other applicable codes.
5. Solar energy collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached.
6. Solar energy collectors shall not be mounted on a building wall that is parallel to or visible from an adjacent public right-of-way.
7. The exterior surfaces of solar energy collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
8. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township prior to installation. The Township building official may inspect the completed installation to verify

compliance with the manufacturer's directions, the National Electrical Code and any other applicable codes.

9. Solar energy collectors, and the installation and use thereof, shall comply with the state's construction code, the electrical code and other applicable Township codes.
10. The total area of solar panels on any building shall not exceed 1,000 square feet. Notwithstanding such limitation, the total area of solar panels on any building used for bona fide agricultural or farm uses shall not exceed 5,000 square feet.

(Amended by Ordinance No. 2019-007 on August 12, 2019).

F. **Large Solar Energy Collector Systems.** In the event that the total area of all solar energy collectors on a lot exceeds 10,000 square feet, regardless of whether the solar energy collectors are owned, leased or operated by a public or private utility, homeowner or other person or entity, and regardless of whether the electricity or heat produced is used solely on site or is transmitted for use elsewhere, then special land use approval is required. If the total area of all solar energy collectors on a lot is over 500 square feet in total area but does not exceed 10,000 square feet in total area, then special land use approval is not required but sketch plan review and approval by the Planning Commission is required.

1. Ground-mounted solar energy collectors shall be located only as follows, if there is a building on the property:
 - (a) They may be located in the rear yard and the side yard, but not in the required rear yard setback or in the required side yard setback unless permitted by the Planning Commission in its approval of the special land use.
 - (b) They may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use but, in any event, they shall not be located in the required front yard setback.
 - (c) If there is a building on the property, set backs will be applicable per zoning requirements for structures for the zoning district involved.
2. Ground-mounted solar energy collectors shall not exceed sixteen (16) feet in height, measured from the ground at the base of such equipment.
3. Solar energy collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township with the special land use application and shall be subject to site development plan review.

4. Solar energy collectors shall be installed, maintained and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted to the Township with the special land use application. The special land use, if granted, shall be subject to the Township building official's inspection to determine compliance with the manufacturer's directions.
5. The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light.
6. Ground-mounted solar energy collectors, and the installation and use thereof, shall comply with the Township construction code, the electrical code and other applicable codes.
7. Screening vegetation is required where perimeter fencing abuts residential lands, parks, trails, or other non-commercial properties or agriculture land.
8. Solar energy equipment shall be repaired or replaced or completely removed within nine (9) months of becoming nonfunctional and/or at the end of the lease. Any ground disturbance from the removal of a ground mounted units must be restored to its original condition or better within that nine month time period.
9. Any special land use approval may include terms and conditions in addition to those stated in this subsection.

(Amended by Ordinance No. 2019-002 on March 11, 2019).

- G. Farmland preservation. No ground-mounted solar energy collectors or collection system shall be installed or utilized on any land that is subject to a farmland conservation easement, the loss of development rights (or a PDR agreement) or any farmland preservation program unless approved by the Planning Commission as a special land use and the Township Board also approves such ground-mounted solar energy collectors or collection system by a vote of at least two-thirds of all of the members of the Township Board. Such restriction shall not apply to any farmland simply because it is in the PA 116 farmland preservation program of the State of Michigan.

(Amended by Ordinance No. 2019-007 on August 12, 2019).

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

Should a parcel or lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot or parcel in violation (or anyone else with an interest in the property

in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected and the parcel or lot complies fully with this Ordinance (and any applicable court order or judgment). The prohibition contained in this Section shall also apply to any zoning request, application or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot or parcel involved. The prohibition contained in this Section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order or judgment) and shall be in addition to any other penalties, sanctions or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or judgment).

(Adopted by Ordinance No. on 003-2017 on October 17, 2017).

ARTICLE 4
NONCONFORMING USES, STRUCTURES, AND LOTS

4.01 PURPOSE AND SCOPE

This article regulates nonconforming uses, structures, and lots to protect the public health, safety, and welfare. Nonconforming uses, structures, and lots may be used, continued, resumed, restored, reconstructed, extended, enlarged, or substituted only as expressly provided by this article. The terms below shall be defined as follows:

- A. **Nonconforming Use.** A use of land, a building, or a structure that was lawful prior to the effective date of this Ordinance or of any amendment to this Ordinance but that is no longer a permissible use under the terms of this Ordinance as enacted or amended. Such uses are also sometimes called a “lawful non- conforming use.”
- B. **Nonconforming Structure.** A building or structure that was lawful prior to the effective date of this Ordinance or of any amendment to this Ordinance but that, under the terms of this Ordinance as enacted or amended, is no longer a permitted building or structure because it does not comply with the requirements of this Ordinance regarding the height, required front, rear or side yard building setback(s), minimum building or structure floor area, maximum building or structure height, maximum area of a lot occupied by buildings or structures, required building or structure location on a lot, or other required dimensions or characteristics of the building or structure. Such structures are also sometimes referred to as a "lawful nonconforming structure."
- C. **Nonconforming Lot.**
 - 1. A lot that was platted or otherwise lawfully of record prior to the effective date of this Ordinance or of any amendment to this Ordinance but that, under the terms of this Ordinance as enacted or amended, does not comply with the minimum lot area, minimum lot width, maximum lot width-to-depth ratio, minimum required street frontage, minimum water body frontage, minimum lot access requirements or other minimum lot requirements of the zoning district in which the lot is located. Such lots are also sometimes referred to as a "lawful nonconforming lot."
 - 2. If a nonconforming lot is combined with another lot, the nonconforming lot shall no longer be a lawful nonconforming lot unless the newly created lot has a lot area of at least 7,500 square feet. If a nonconforming lot is divided, split or otherwise reduced in area, the lot shall no longer be a lawful nonconforming lot and shall be deemed unlawful and unusable.
- D. An illegal use, structure or lot shall not be deemed or considered to be nonconforming or lawfully nonconforming, and cannot be used.

4.02 NONCONFORMING USES

Except where specifically provided to the contrary and subject to the provisions of this article, a nonconforming use may be continued even though such use does not conform to the provisions of this Ordinance or any amendments thereto.

- A. A nonconforming use shall not be enlarged, expanded, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance. A nonconforming use shall not be increased in intensity or scope.
- B. A nonconforming use shall not be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use on the effective date of adoption or amendment of this Ordinance.
- C. A nonconforming use may be extended throughout any parts of a building designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- D. A nonconforming use that occupies multiple buildings or structures shall not be expanded by the construction of additional buildings or structures.
- E. An existing building or structure that is devoted to a nonconforming use shall not be enlarged or expanded.
- F. Parking and loading areas that serve a nonconforming use may be improved but may not be extended or enlarged.
- G. A nonconforming use may be changed to another nonconforming use as a special land use by the Planning Commission pursuant to the general standards and procedures specified in Article 13. In making its determination, the planning commission shall also find that the new use would decrease the degree of nonconformance and would not adversely affect adjacent property owners of the public health, safety, or welfare. Whenever a nonconforming use is changed to a more conforming use, such use shall not thereafter revert to the prior nonconforming use.
- H. If a nonconforming use is discontinued for a period of one year or more, it may not thereafter be continued. A nonconforming use, if changed to a use permitted in the zoning district in which it is located, shall not revert to the prior nonconforming use.

4.03 NONCONFORMING STRUCTURES

Except where specifically provided to the contrary and subject to the provisions of this article, a nonconforming structure may be maintained and continued even though such structure does not conform to the provisions of this Ordinance or any amendments thereto.

- A. A nonconforming structure may not be expanded, enlarged or altered in a manner or to an extent that increases its nonconformity; provided, however:
1. That the Planning Commission may approve as a special land use, pursuant to the general standards and procedures specified in Article 13, the expansion, enlargement or alteration of a nonconforming structure that is used for a conforming use, where the expansion, enlargement or alteration of the structure increases its nonconformity, if in approving the special land use, the Planning Commission finds the following:
 - (a) There is no practical possibility of obtaining more land so as to more fully accommodate the expansion, enlargement or alteration of the nonconforming structure.
 - (b) The proposed expansion, enlargement or alteration cannot reasonably be located on the lot such that further nonconformity would be avoided.
 - (c) The proposed expansion, enlargement or alteration of the nonconforming structure would not adversely affect adjacent properties or the character of the neighborhood.
 - (d) The nonconforming structure that is proposed to be expanded, enlarged or altered is used for a conforming use, and the portion thereof that is to be expanded, enlarged or altered would be used for a conforming use as well.
 2. The special land use authorized in subsection A. 1 of this section may include, but is not limited to, the expansion, enlargement or alteration of a nonconforming structure that increases the nonconformity of the structure as to any one or more of the following:
 - (a) The depth of the required front yard building setback.
 - (b) The depth of the required rear yard building setback.
 - (c) The width of a required side yard building setback, or the widths of both required side yard building setbacks.
 - (d) The minimum required floor area of a building.
 - (e) The maximum permitted height of a building or structure.
 - (f) The maximum area of a lot or parcel of land that may be occupied by buildings, structures and impervious surfaces.

- B. Should a nonconforming structure be moved, for any reason, it shall thereafter fully conform to the regulations for the zoning district in which it is located after it is moved.
- C. Repairs and maintenance work that are required to keep a nonconforming structure in sound condition may be made. Structural changes may not be made.
- D. A nonconforming structure that is damaged by the elements, public enemy, or other casualty may be rebuilt or restored to its size prior to such damage if the cost of such restoration and repair does not exceed 50 percent of the replacement cost of the structure that was damaged. The Zoning Administrator shall make such determination regarding the degree of damage.

4.04 NONCONFORMING LOTS

- A. A nonconforming lot may be used for all principal uses and accessory uses permitted in the zoning district in which it is located, without authorization from the Planning Commission, if all of the following conditions are met:
 - 1. If the minimum lot area is 7,500 square feet.
 - 2. If, in the case of a nonconforming lot on which there is a principal building or structure, the front yard building and structure setback is at least 30 feet.
 - 3. If, in the case of a nonconforming lot on which there is a principal building or structure, each side yard building and structure setback is at least 10 feet.
 - 4. If, in the case of a nonconforming lot on which there is a principal building or structure, the rear yard building and structure setback is at least 20 feet.
 - 5. If all off-street parking requirements are complied with.
 - 6. If the maximum lot coverage of all structures is not greater than 30 percent of the lot area.
- B. A nonconforming lot that does not comply with all of the conditions stated in subsection A may nevertheless be used for all principal uses and accessory uses permitted in the zoning district in which it is located, if authorized by the Planning Commission as a special land use, pursuant to the general standards and procedures specified in Article 13. In approving the special land use, the Planning Commission shall find that:
 - 1. There is no practical possibility of obtaining more land.
 - 2. The proposed use cannot reasonably be located on the lot such that the minimum requirements are complied with.

3. The proposed use will not adversely affect adjacent properties or the character of the neighborhood.
 4. In the case of a nonconforming lot on which there is, or is proposed to be, a principal building or structure, the width (either currently or proposed) of both side yard building setbacks, taken together, shall be at least 15 feet, with one side yard being at least five feet wide (either currently or as proposed).
 5. The Planning Commission may limit the height of a building on such a lot.
- C. The maximum building height of a building that is located on a nonconforming lot shall be 24 feet, or such greater height as may be determined on the basis of two feet of additional building height for each one foot of one existing side yard building setback in excess of ten feet, up to a maximum building height of 35 feet (but if the existing side yard building setbacks are each in excess of 10 feet, then the narrowest side yard building setback shall be used in the above-stated calculation); provided, however, that the Planning Commission may permit a building height of up to 35 feet, without regard to the above-stated formula, as a special land use, if the Planning Commission determines that the proposed building height would not adversely affect adjacent properties or land uses or the character of the neighborhood; and provided further, that the calculation under the above-stated formula shall utilize the method of measurement of a side yard building setback as stated in Section 3.10.
- D. Except in the case of platted lots that comply with subsection A, in all zoning districts, if two or more lots or combination of lots or portions of lots are located adjacent to each other or have contiguous frontage and are held or owned in the same or single ownership of record, and if all or part of such lots do not satisfy the minimum requirements for lot width, lot area, street frontage, water frontage, or other dimensions, such lots shall be automatically combined for zoning purposes so as to create one conforming lot or so as to create one nonconforming lot that is more conforming than the individual, smaller nonconforming lots. Once nonconforming lots or parcels of land are combined pursuant to this Section D or by deed, land contract or other written instrument, they shall not thereafter be split, re-divided or otherwise reduced in area unless all of the resulting lots or parcels of land comply with the lot area requirements of the zoning district in which such lots or parcels of land are located.
- E. No lot shall be created which does not comply with the minimum lot width, lot area, street frontage, water frontage, lot width-to-depth ratio maximums or other area or dimensional requirements of the zoning district in which the lot is located. Notwithstanding such prohibition, a lot that does not satisfy the minimum lot width, lot area, street frontage, water frontage, lot width-to-depth ratio maximum or other area or dimensional requirements may be created by deed, land contract or other legal instrument if such lot is authorized by the Planning Commission as a special land use pursuant to the general standards and requirements of Article 13 and if all of the following additional requirements are satisfied:

1. Such lot shall not be improved or developed but may be used for passive use purposes such as agriculture, hunting, passive recreation uses, open space, conservation of natural areas and the like. No buildings shall be constructed or used on such lot, nor shall there be other structures or development inconsistent with the passive use purposes described in this subsection.
 2. Such lot shall not be so situated as to provide access to a lake or other body of water.
 3. Deed restrictions, restrictive covenants or other appropriate documents shall be recorded with the Register of Deeds with respect to any special land use approved for such a lot, so as to give notice to all future owners or parties in interest that the lot may be used only in compliance with this subsection and any conditions of special land use approval imposed by the Planning Commission, unless the lot is otherwise brought into full compliance with the Zoning Ordinance. Such document shall be in a form or with language approved by the Township.
- F. Subsections A and B, above, shall not apply to commercial or business uses within the C-1 and C-2 Commercial Districts, but Section 3.47.B shall apply to such uses.

(Amended by Ordinance No. 002-2018 on October 15, 2018)

**ARTICLE 5
DISTRICTS**

5.01 DISTRICTS

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

A-1	Agricultural
A-2	Agricultural
ILO	Intensive Livestock Operations
R-L	Lake Residential
R	Residential
R-R	Rural Residential
MHC	Manufactured Housing Community
C-1	Commercial 1
C-2	Commercial 2
I	Industrial
PUD	Planned Unit Development

5.02 ERECTION, ALTERATION, AND USE OF BUILDING AND LAND

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

5.03 ZONING MAP

The locations and boundaries of the zoning districts are hereby established as shown on a map, as amended from time to time, entitled “The Zoning Map of Grattan Township, Kent County, Michigan,” which is hereby made a part of this Ordinance. When amendments are made in the zoning map, they shall be accomplished by means of a Township ordinance or ordinance amendment. Where uncertainty exists as to the boundaries of any zoning district as shown on the zoning map, the following rules of construction and interpretation shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways, alleys, or railroads shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot line shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
- D. Boundaries indicated as approximately following the centerline of creeks, streams or rivers shall be construed as following such creeks, streams or rivers, or in the event

of change in the location of creeks, streams or rivers, shall be construed as moving with the creek, stream or river.

- E. Boundaries indicated as approximately following property lines, section lines or other lines of government survey shall be construed as following such property lines, section lines, or other lines of government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

5.04 LANDS NOT INCLUDED WITHIN A DISTRICT

In any case where, for whatever reason, lands have not been included within a zoning district on the zoning map, such lands shall be deemed to be included in the A-1 and A-2 Agricultural District.

5.05 OFFICIAL ZONING MAP

The official zoning map of the Township shall be maintained in the Township offices. Whenever an amendment in the zoning map is duly adopted by Township ordinance or ordinance amendment, such amendment shall be shown on the zoning map, following the effective date of such amendment.

ARTICLE 6
A-1 AGRICULTURAL DISTRICT

6.01 PURPOSE

The purpose of this district is to preserve the agricultural character of lands best suited to agriculture within the Township; maintain the integrity of agricultural areas; minimize public service costs; limit areas of urban influence; preserve a maximum of open space; and lessen conflicts between farm and non-farm residents.

This district is intended primarily for agricultural uses and associated agricultural activities. A limited number of non-farm residences may be appropriate where land does not hold a great deal of agricultural value; will not conflict or interfere with existing agricultural operations; or where the property owner has found it desirable to sell a portion of his or her land for income or use by family members. Careful consideration will be given to environmental concerns related to groundwater quality and other related issues due to the limited ability of the Township to provide public services. All uses permitted within this district shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with Public Act 94 of 1995, the Michigan Right to Farm Act.

6.02 PERMITTED USES

The following uses are permitted within this district, by right:

- A. General and specialized farming, together with farm dwellings and accessory buildings.
- B. Roadside stands.
- C. Fisheries and hatcheries.
- D. Non-farm single family dwellings, in accordance with the regulations of Section 6.04.
- E. State-licensed residential family care facilities limited to six persons or fewer.
- F. Family day care facilities limited to six persons or fewer.
- G. Private stables.
- H. Commercial riding stables.
- I. Home occupations in accordance with the requirements of Section 3.14.
- J. Accessory buildings and uses customarily incidental to any of the above permitted uses.

6.03 SPECIAL LAND USES

The following uses are permitted in this district by obtaining approval from the Planning Commission as a special land use after all applicable standards of this article and Article 13, are satisfied.

- A. Land and/or buildings in the A-1 District allowed as special land uses under this section, shall meet the following requirements:
 - 1. The proposed use shall be sited upon lands which are less suitable for agricultural operations than other agricultural lands within the district.
 - 2. The proposed use shall be sited on a parcel in a manner which minimizes the amount of productive agricultural land which is converted to the proposed use.
 - 3. The proposed use shall be located in areas where groundwater quality and the general integrity of environmental resources, including but not limited to wetlands, floodplains, lakes, watersheds, and significant wildlife habitat and forest lands, will not be negatively affected.

- B. Land and/or buildings in the A-1 District may be used for the following purposes upon receiving special land use approval by the Township Planning Commission, in accordance with the provisions of Article 13.
 - 1. Agricultural labor housing.
 - 2. Kennels.
 - 3. Greenhouses and nurseries not qualifying as accessory uses or structures.
 - 4. State-licensed residential care group facilities.
 - 5. Towers and buildings for radio and television transmission and Commercial Wireless Telecommunication Services.
 - 6. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
 - 7. Processing of agricultural products not grown on the property where located.
 - 8. Non-farm single family dwellings in excess of the number permitted by right in Section 6.04. Such development shall only be permitted as a Planned Unit Development.
 - 9. Wind Energy Conversion Systems, in accordance with the requirements of Section 13.24.

6.04 DISTRICT REGULATIONS

- A. No building or structure, nor the enlargement of any building or structure, shall be installed or erected unless the following yards, lot area, and building coverage requirements are met and maintained in connection with such building, structure, or enlargement. No lot shall be created which does not meet the following minimum lot size (for lots, both minimum and maximum lot sizes), density, width, and spatial and dimensional requirements.
- B. The maximum number of lots that may be created, in addition to an existing principal dwelling, shall be based on the gross area of that tract which is to be subdivided, and which constitutes the lot of record as of the date of adoption of this amendment as follows:

Schedule of Density Table

Maximum Number of Additional Lots Permitted	
Area of Lot of Record	Number of Lots
20 acres or less	2
20.1 to 40 acres	3
40.1 to 80 acres	4
80.1 to 160 acres	5
160.1 to 320 acres	6
Over 320 acres	7

- C. Any lot created for non-farm residential purposes after the effective date of this amendment shall be at least one acre in size and no larger than three acres in size, unless a larger parcel is required by the Kent County Health Department to accommodate a drainage field for a septic system or adequate separation between septic and well systems. Lots which are created shall have a minimum of 220 feet of public or private road frontage. Any lot with frontage on a lake shall have at least 330 feet of lake frontage.
- D. All lots shall be contiguous to one another unless the Zoning Administrator determines that for reasons of public health and safety it would be in the public interest to permit the creation of noncontiguous lots.
- E. Lots which are created shall be located on lands least suitable for agricultural production. In addition, lots shall be located in areas where groundwater quality and the general integrity of environmental resources, including but not limited to wetlands, lakes, floodplains, watersheds, and significant wildlife habitat and forest lands, will not be compromised.
- F. The following development standards shall be followed for all lots, except in instances where differences have been noted.

A-1 District Regulations	
Front Yard Setback	40 feet
Side Yard Setback	Residential buildings - 20 feet
	Main buildings for non-residential uses - 60 feet
Rear Yard Setback	50 feet
Agricultural Buffer	Any side or rear yard abutting land in the A-1 District shall be a minimum of 50 feet and shall contain a greenbelt, in accordance with the requirements of Section 3.12, and shall also provide a fence along the common property line at least four feet in height with a single stand of barbed wire above the fence.
Building Height	35 feet or 2 1/2 stories; accessory buildings shall not exceed 16 feet; farm buildings/structures shall be permitted at their usual and customary heights.
Maximum Lot Coverage	10%
Minimum Lot Area:	Farm dwelling: 40 acres
	Non-farm dwelling: 1 acre
	Special land uses (other than non-farm dwellings): three acres, unless otherwise specified.
Maximum Lot Area	Non-farm dwelling unit: three acres, unless a greater area is required by the Kent County Health Department.
Minimum Lot Width	220 feet, unless otherwise specified.
Minimum dwelling unit size	As required by Section 2.10

ARTICLE 6A
“ILO” INTENSIVE LIVESTOCK OPERATIONS DISTRICT

6A.01 DESCRIPTION AND PURPOSE

This district is intended for large tracts of land used for intensive livestock operations and related uses. The overall purpose of this district is to preserve larger tracts of land for intensive livestock operations and to prevent conflicts therewith.

6A.02 USES ALLOWED IN THE DISTRICT

- A. Only the following uses are permitted:
1. Intensive livestock operations, together with buildings and other installations accessory to such uses.
 2. Single family dwellings.
 3. Accessory buildings, structures, and uses customarily incidental to any permitted use.
- B. The following uses are only allowed if approved as a special use by the Planning Commission pursuant to Article 13 of this Ordinance.
1. Agricultural processing operations.
 2. The drawing of surface waters or groundwater for consumption other than on the property where the water is originally located. This would include canning operations, bottled water operations, and the transportation of water originating within Grattan Township to a place located outside of Grattan Township.
 3. Wind Energy Conversion Systems, in accordance with the requirements of Section 13.24.

6A.03 HEIGHT AND AREA REGULATIONS

- A. **Height.** No building shall exceed a height of two and one-half stories, or 35 feet, whichever is lesser.
- B. **Front Yard.** The front yard shall be at least 300 feet.
- C. **Side Yard.** There shall be a side yard on each side of the structure of not less than 300 feet each.
- D. **Rear Yard.** There shall be a rear yard of not less than 300 feet.
- E. **Lot Area.** Each lot or parcel shall have a minimum area of 100 acres.

F. **Lot Width.** Every lot shall have a minimum lot width of 1,000 feet.

6A.04 LARGE SCALE DEVELOPMENTS

Pursuant to Section 14.14 of this Ordinance, no land division or development establishing or involving 11 or more lots, parcels or site condominium units shall occur unless approved as a planned unit development.

ARTICLE 6B
A-2 AGRICULTURAL DISTRICT

6B.01 PURPOSE

Through the application of this district, the Township acknowledges the need and desire for low density residential development that will afford a rural living environment for those who desire such an option. This district recognizes that some of the land in this classification will eventually be converted from active farms and vacant fields to low density residential uses, due to less favorable agricultural soils, the proximity of small parcels, and the encroachment of non-farm uses. However, there is no intent to encourage the premature conversion of such land to residential uses, nor the loss of the rural attributes that make the area desirable.

The purpose of this district is to protect farmland and the valued natural features of the community such as wood lands, wetlands, lakes, hilly terrain, water, and associated animal habitats that contribute to the rural character of much of the Township, while allowing low density residential development to occur in harmony with these features. The A-2 District is further intended to preserve privacy, protect ground water quality, and recognize the limited ability of the Township to provide costly services associated with higher residential densities in outlying areas.

6B.02 PERMITTED USES

The following uses are permitted within this district, by right:

- A. Single family dwellings, in accordance with the regulations of Section 6B.04.
- B. General farming and specialized farming, together with farm dwellings and accessory buildings.
- C. Roadside stands.
- D. Fisheries and hatcheries.
- E. State-licensed residential family care facilities limited to six persons or fewer.
- F. Family day care facilities limited to six persons or fewer.
- G. Private stables.
- H. Cemeteries.
- I. Home occupations, as regulated by Section 3.14.
- J. Accessory buildings and uses customarily incidental to any of the above permitted uses.

6B.03 SPECIAL LAND USES

Land and/or buildings in the A-2 District may be used for the following purposes upon receiving special land use approval by the Township Planning Commission, in accordance with the provisions of Article 13.

- A. Kennels and veterinary hospitals.
- B. Greenhouses and nurseries not qualifying as accessory uses or structures.
- C. State-licensed residential care group facilities.
- D. Towers and buildings for radio and television transmission and Commercial Wireless Telecommunication Services.
- E. Removal and processing of top soil, stone, rock, sand, gravel, lime, or other soil or mineral resources.
- F. Processing of agricultural products not grown on the property where located.
- G. Single family dwellings in excess of the number permitted by Section 6B.04, if approved as a Planned Unit Development.
- H. Country clubs and golf courses.
- I. Athletic grounds, parks, and similar outdoor recreational uses.
- J. Bed and breakfast establishments.
- K. Public and parochial schools.
- L. Churches.
- M. Public or private campgrounds.
- N. Commercial riding stables.
- O. Gun clubs, rifle ranges, trap shooting.
- P. Municipal buildings.
- Q. Public utility or service buildings, not requiring outside storage of materials.
- R. Agricultural labor housing if on a farm.
- S. Wind Energy Conversion Systems, in accordance with the requirements of Section 13.24.

6B.04 DISTRICT REGULATIONS

- A. No building or structure, nor the enlargement of any building or structure, shall be installed or erected unless the following yards, lot area, and building coverage requirements are met and maintained in connection with such building, structure, or enlargement. No lot shall be created which does not meet the following minimum lot size, density, width, and spatial and dimensional requirements.

- B. The maximum number of lots that may be created, in addition to an existing principal dwelling, shall be based on the gross area of that tract which is to be subdivided and which constitutes the lot of record as of the date of adoption of this amendment, as follows:

Schedule of Density Table

Maximum Number of Additional Lots Permitted	
Area of Lot of Record	Number of Lots
20 acres or less	2
20.1 to 40 acres	4
40.1 to 80 acres	8
80.1 to 120 acres	10
120.1 to 160 acres	12
160.1 to 320	14
Over 320 acres	16

- C. All lots shall be contiguous to one another unless the Zoning Administrator determines that for reasons of public health and safety it would be in the public interest to permit the creation of noncontiguous lots.

- D. Lots which are created shall be located on lands least suitable for agricultural production. In addition, lots shall be located in areas where groundwater quality and the general integrity of environmental resources, including but not limited to wetlands, lakes, floodplains, watersheds, and significant wildlife habitat and forest lands, will not be compromised.

- E. The following development standards shall be followed for all lots, except in instances where differences have been noted.

A-2 District Regulations	
Minimum lot area/size	3 acres
Minimum lot width	330 feet
Maximum Width/Depth ratio	Lot depth shall not exceed 3 times the width.

Minimum front yard setback	70 feet
Minimum side yard setback	20 feet
Minimum rear yard setback	50 feet
Agricultural Buffer	Any side or rear yard abutting land in the A-1 District shall be a minimum of 50 feet and shall contain a greenbelt, in accordance with the requirements of Section 3.12, and shall also provide a fence along the common property line at least 4 feet in height with a single stand of barbed wire above the fence.
Maximum lot coverage	20 percent
Maximum building height	35 feet or 2½ stories; accessory buildings shall not exceed 16 feet; farm buildings/structures shall be permitted at their usual and customary heights.
Minimum dwelling unit size	As required by Section 2.10

ARTICLE 7
“R-L” RESIDENTIAL DISTRICT

7.01 DESCRIPTION AND PURPOSE

This district is intended to (1) encourage the proper development of land abutting lakes and waterways, (2) avoid pollution, and (3) preserve lakes and waterways for the highest and best use of the land.

7.02 USES PERMITTED

Only the following uses are permitted:

- A. Single family dwellings.
- B. Institutional or public uses as a special use and as regulated in Section 13.05.
- C. Wind Energy Conversion Systems, as a special land use and in accordance with the requirements of Section 13.24.

7.03 HEIGHT AND AREA FOR LOTS SERVED BY A PUBLIC SANITARY SEWER SYSTEM

The following shall be applicable for all lots in this zone district served by a public sanitary sewer system:

- A. **Height.** No principal building shall exceed a height of two and one-half stories or 35 feet, whichever is lesser. No accessory building shall exceed a height of 16 feet.
- B. **Front Yard.** There shall be a front yard of at least 30 feet. Accessory garages and storage structures may be located in the rear of a principal building provided such structure is at least 20 feet from a street right-of-way.
- C. **Side Yard.** There shall be a side yard on each side of a structure of not less than ten feet each.
- D. **Rear Yard.** There shall be a rear yard of at least 20 feet.
- E. **Lot Size.** Lots served by public sanitary sewer shall each have an area not less than 10,000 square feet. The minimum width of such lots shall be 80 feet.
- F. **Minimum Floor Area.** Residential uses shall meet the minimum floor area set forth in Section 3.52.
- G. **Special Conditions.**
 - 1. **Waterfront Setbacks.** For the purpose of establishing uniform setbacks from surface water features in the Township and to ensure that adequate yard

space is provided on lots and parcels abutting surface water features, no principal structure shall be located closer than 30 feet from the ordinary high water mark of any water body or watercourse. In circumstances where a water body or watercourse includes, is abutted by or is near wetlands that are defined as contiguous wetlands under this Ordinance, the 30-foot minimum setback prescribed by this subsection shall be measured from the upland boundary of the contiguous wetlands.

2. **Waterfront Accessory Structures.** Seasonal docks, and similar structures shall comply with all applicable requirements stated elsewhere in this Ordinance, as well as the Grattan Township Dock and Boat Ordinance, as amended. Permanent docks are prohibited.

7.04 HEIGHT AND AREA FOR LOTS NOT SERVED BY A PUBLIC SANITARY SEWER SYSTEM

The following shall be applicable for all lots in this zone district not served by a public sanitary sewer system:

- A. **Height.** No principal building shall exceed a height of two and one-half stories or 35 feet, whichever is lesser. No accessory building shall exceed a height of 16 feet.
- B. **Front Yard.** There shall be a front yard of at least 50 feet. Accessory garages and storage structures may be located in the rear of a principal building provided such structures are at least 20 feet from a street right-of-way.
- C. **Side Yard.** There shall be a side yard on each side of a structure of not less than 20 feet each.
- D. **Rear Yard.** There shall be a rear yard of at least 40 feet.
- E. **Lot Size.** Each lot shall be not less than two acres in size. The minimum width of each lot shall be 200 feet.
- F. **Minimum Floor Area.** Residential uses shall meet the minimum floor requirements set forth in Section 3.52.
- G. **Special Conditions.**
 1. **Waterfront Setbacks.** No principal structure shall be located closer than 50 feet to a waterfront property line or the high water line of any body of water, whichever is greater.
 2. **Waterfront Accessory Structures.** Seasonal docks and similar structures shall comply with all applicable requirements stated elsewhere in this Ordinance, as well as the Grattan Township Dock and Boat Ordinance. Permanent docks are prohibited.

ARTICLE 8
“R” RESIDENTIAL DISTRICT

8.01 DESCRIPTION AND PURPOSE

This district is intended for medium to higher density residential development in areas not adjacent to lakes. This district is intended for those areas suited for residential development and which are capable of being served by public sanitary sewers.

8.02 USES PERMITTED

Only the following uses are permitted:

- A. Single family dwellings.
- B. Two-family and multi-family dwellings as a special use and as regulated in Section 13.13.
- C. Institutional or public uses as a special use and as regulated in Section 13.05.
- D. Wind Energy Conversion Systems, as a special land use and in accordance with the requirements of Section 13.24.

8.03 HEIGHT AND AREA

The following are the minimum requirements in the R Residential District:

- A. **Height.** No principal building shall exceed a height of two and one-half stories or 35 feet, whichever is lesser. No accessory building shall exceed a height of 16 feet.
- B. **Front Yard.** There shall be a front yard of at least 35 feet.
- C. **Side Yard.** There shall be a side yard on each side of the structure of not less than ten feet each.
- D. **Rear Yard.** There shall be a rear yard of at least 20 feet.
- E. **Lot Size.** Where a lot is not served by a public sanitary sewer system, the lot shall contain not less than two acres. The minimum width of the lot shall be 200 feet.
- F. A lot with public sanitary sewer shall have an area not less than 10,000 square feet. The minimum width of a lot with public sewer shall be 80 feet.
- G. **Minimum Floor Area.** Residential uses shall meet the minimum floor areas set forth in Section 3.52.

ARTICLE 9
“R-R” RESIDENTIAL DISTRICT

9.01 DESCRIPTION AND PURPOSE

This district is intended primarily for agricultural uses and low-density housing involving one family dwellings in a rural setting.

9.02 USES PERMITTED

- A. Only the following uses are permitted:
1. Single family dwellings.
 2. Any use permitted by right in the A-2 Zoning District.
 3. Institutional or public uses as a special use and as regulated in Section 13.05.
 4. Outdoor recreation areas as a special land use and as regulated in Section 13.10.
- B. The following uses are only allowed if approved as a special use by the Planning Commission pursuant to Article 13 of this Ordinance:
1. Mobile home parks as regulated in Section 13.09.
 2. Wind Energy Conversion Systems, in accordance with the requirements of Section 13.24.

9.03 HEIGHT AND AREA

The following requirements are the minimum permitted in the R-R District:

- A. **Height.** No principal building shall exceed a height of 35 feet. No accessory building shall exceed a height of 16 feet, unless expressly permitted elsewhere in this Ordinance.
- B. **Front Yard.** There shall be a front yard of at least 40 feet provided, however, that accessory buildings for agricultural uses, country clubs, golf courses and private recreational uses shall be at least 60 feet from any street right-of-way.
- C. **Side Yard.** There shall be a side yard on each side of the structure of not less than ten feet provided, in addition, that no nonresidential structure shall be closer to a side lot line than a distance equal to its height.
- D. **Rear Yard.** There shall be a rear yard of at least 30 feet.
- E. **Lot Area.** The minimum lot area shall be three acres.

- F. **Lot Width.** The minimum width of each lot or parcel shall be 250 feet.
- G. **Lot Width and Area For Lots Served by Public Sanitary Sewer.** For every lot or other parcel of land that is served by public sanitary sewer, there shall be a minimum lot width of 120 feet and a minimum lot area of 40,000 square feet.
- H. **Minimum Floor Area.** Residential uses shall meet the minimum floor areas set forth in Section 3.52.

9.04 LARGE SCALE DEVELOPMENTS

Pursuant to Section 14.14 and Section 14A.14 of this Ordinance, no land division or development establishing or involving 11 or more lots, parcels or site condominium units shall occur unless approved as a planned unit development under Article 14 or Article 14A.

ARTICLE 9A
“MHC” MANUFACTURED HOUSING COMMUNITY DISTRICT

9A.01 DESCRIPTION AND PURPOSE

This district is intended primarily for manufactured housing communities and for single family dwellings.

9A.02 USES PERMITTED

Only the following uses are permitted.

- A. Manufactured housing communities as regulated in Sections 9A.03 through 9A.04.
- B. Single family dwellings as regulated in the R-R District.
- C. Any use permitted by right and as regulated in the A-2 Zoning District.
- D. Institutional or public uses as a special land use and as regulated in Section 13.05.
- E. Outdoor recreation areas as a special land use and as regulated in Section 13.10.
- F. Wind Energy Conversion Systems, as a special land use and in accordance with the requirements of Section 13.24.

9A.03 MANUFACTURED HOUSING COMMUNITIES

Manufactured housing communities shall comply with the following requirements:

- G. All manufactured housing communities shall conform to the standards specified in Act 96 of the Public Acts of 1987, as amended; the Mobile Home Commission Rules, March 1987, as amended; and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, May 26, 1986, as amended.
- H. All manufactured homes shall be skirted within 90 days of placement within the manufactured housing community and must meet the standards of Act 96 of the Public Acts of 1987, as amended. Skirting must be installed within 90 days of the date the manufactured home is sited.
- I. All manufactured homes shall be anchored when installed in a manufactured housing community, with only those systems which are approved by Act 96 of the Public Acts of 1987, as amended.
- J. The manufactured housing community shall be located on a parcel of land not less than 15 acres in size.

- K. Manufactured homes, permanent buildings and facilities, and other structures shall not be located closer than ten feet from the property boundary line. If said structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line, except that if the boundary line runs through the center of the public road, the 50 feet shall be measured from the road right-of-way. Manufactured housing communities shall be landscaped as follows:
1. If the manufactured housing community abuts an existing residential development, the community shall be required to provide screening along the community boundary abutting the residential development.
 2. If the community abuts a nonresidential development, the community need not provide screening.
 3. In all cases, however, a community shall provide screening along the community boundary abutting a public right-of-way.
 4. The landscaping shall consist of evergreen trees or shrubs of a minimum three feet in height, that are spaced so that they provide a continuous screen within three years. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
- L. The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured home unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 123.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.
- M. No manufactured home in a manufactured housing community shall have less than 500 square feet of floor area.
- N. The sales of new or used manufactured homes is only permitted within the manufactured housing community on sites approved for permanent occupancy and accessory to the use of the park for dwelling purposes.
- O. All public and private utilities shall be stored underground.

9A.04 SITE PLAN 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 preliminary plan shall be presented to the Planning Commission for its review and approval. Provided, however, that detailed construction plans shall not be required to be submitted to the Township.

- A. All plans submitted to the Planning Commission for review under this section shall contain the following information:
1. The date, north arrow and scale. The scale shall not be less than one inch equals 50 feet for property under three acres and at least one inch equals 100 feet for those three acres or more.
 2. All site and/or property lines are to be shown in dimension.
 3. The location and height of all existing and proposed structures on and within 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. Clusters of trees and existing individual trees over 24 inches in diameter.
 14. Existing wetlands.
 15. Proposed sign locations.
 16. All required setbacks for front, side and rear yards.

- B. Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.
- C. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this article, 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. 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.

ARTICLE 10
“C-1” COMMERCIAL DISTRICT

10.01 DESCRIPTION AND PURPOSE

A business district designated to serve the retail and service needs of the Township.

10.02 USES PERMITTED

Only the following uses shall be permitted:

- A. General retail business establishments that supply goods, such as but not limited to, foods, drugs, dry goods, clothing, notions, and hardware; within a fully enclosed building.
- B. Personal service establishments that perform services on the premises, such as but not limited to, repair shops (watches, radios, televisions, and shoes), tailor shops, beauty parlors, barber shops, photographic studios, self-service laundries, dry cleaners, health clubs, and retail printing shops.
- C. Banks.
- D. General retail business establishments, any portion of which is conducted outside of a fully enclosed building, such as but not limited to boat sales, vehicle sales, and garden supply stores, as a special use in accordance with Article 13.
- E. Mortuaries, including funeral homes, crematories and other ancillary funeral operations, as a special use in accordance with Article 13.
- F. Motels and hotels.
- G. Nursery schools.
- H. Offices (business, professional, financial, and health professionals including clinics).
- I. Restaurants and cafes (Outdoor service and eating areas shall be permitted if they are accessory to the principal permitted use). Drive-through windows/services are allowed only if approved as a special use in accordance with Article 13.
- J. Service stations, including minor auto repairs, as a special use in accordance with Article 13.
- K. Wholesale and storage enterprises as a special use in accordance with Article 13.
- L. Institutional or public uses as a special use and as regulated in Section 13.05.
- M. Wind Energy Conversion Systems, as a special land use and in accordance with the requirements of Section 13.24.

10.03 REQUIRED CONDITIONS

- A. **Uses.** All uses permitted by right shall be conducted within completely enclosed buildings unless otherwise specifically permitted.
- B. **Yards.**
1. **Front Yard.** There shall be a minimum front yard setback of 35 feet.
 2. **Side Yard.** No side yard is required except as follows:
 - (a) When buildings are not built to the property line, a minimum side yard of ten feet will be required for fire protection purposes.
 - (b) Where the district abuts residential or agricultural property on the side, a side yard of at least 25 feet shall be required.
 - (c) A 35-foot side yard must be maintained on the street side of a corner lot.
 3. **Rear Yard.** A rear yard of at least 50 feet shall be required.
 4. **Greenbelt.** A greenbelt shall be required as provided in Section 3.12.
- C. **Site Development Plan.** A site development plan in accordance with Article 17 shall be approved by the Planning Commission before an application for a building permit may be made and before the requested use may commence.
- D. **Height Regulations.** No structure shall exceed a height of 30 feet or two stories, whichever is lesser.
- E. **Lot Size.**
1. In the case of a parcel served by public sanitary sewer, the minimum lot size shall be 20,000 square feet, and the minimum lot width shall be 100 feet.
 2. In the case of a parcel not served by public sanitary sewer, the minimum lot size shall be one acre, and the minimum lot width shall be 200 feet.
- F. **Minimum Building Size.** In order to provide for a higher quality commercial environment and to protect neighboring property values, all principal buildings shall have at least 1,000 square feet of finished indoor floor area on the ground floor.
- G. **Site Access Alternatives.** All commercial and industrial uses located along Belding Road (M-44), Old Belding Road, Five Mile Road or other major thoroughfare shall meet the site access requirements of this section. The site access requirements are designed to limit the congestion and overcrowding of the Township's major thoroughfares and to protect the public health, safety and welfare.

All lots lawfully created prior to the effective date of this amendatory ordinance shall be permitted to have a maximum of one access drive onto Belding Road (M-44), Old Belding Road, Five Mile Road, or other major thoroughfare. Any lots created after the effective date of this amendatory ordinance shall be required to access the lot using the single permitted access drive or other site access alternative. Site access alternates include shared driveways, shared parking areas, service drives, rear access drives, and access from alternate roadways.

Additional access drive(s) onto Belding Road (M-44), Old Belding Road, Five Mile Road, or other major thoroughfare may be permitted or required by the Planning Commission if one of the following conditions is met:

1. The centerline of the access drive is spaced a minimum of 300 feet from the centerline of another access drive and a minimum of 100 feet from the centerline of any intersection.
2. The Planning Commission grants a special use permit pursuant to Article 13 permitting such additional access drive(s) based on the following considerations: There are no reasonable site access alternatives available to the site, the centerline of the access drive is located a minimum of 100 feet from the centerline of any intersection, and the public health, safety, and welfare are maintained.

H. **Other Required Conditions.** The provisions of Section 3.47 of this Ordinance, providing additional requirements for commercial zones, shall apply to all uses, buildings, structures and properties in the C-1 Commercial District.

ARTICLE 11
“C-2” COMMERCIAL DISTRICT

11.01 DESCRIPTION AND PURPOSE

A small-scale business district designed to serve the convenience shopping needs of neighboring residents and the motoring public. It is not intended to compete with the C-1 Commercial District.

11.02 USES PERMITTED

Only the following uses are permitted:

- A. Generally recognized retail businesses which supply goods on the premises such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions, and hardware; not to exceed a total gross floor area of 5,000 square feet for each individual store premises, and not to exceed a total gross floor area of 20,000 square feet per lot.
- B. Personal service establishments which perform services on the premises such as, but not limited to, repair shops (watches, radios, televisions, shoes), tailor shops, beauty parlors, barber shops, photographic studios, self-service laundries, and dry cleaners, as a special use by the Planning Commission. Such establishments must meet the requirements of Article 13.
- C. Service stations, including minor auto repairs, as a special use pursuant to Article 13.
- D. Other similar retail businesses or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood are permitted as a special use, provided such uses are found to be acceptable by the Planning Commission. Such establishments must meet the requirements of Article 13.
- E. Institutional or public use as a special use and as regulated in Section 13.05.
- F. Restaurants and cafes. Drive-through windows/services are not allowed.
- G. Wind Energy Conversion Systems, as a special land use and in accordance with the requirements of Section 13.24.

11.03 HEIGHT REGULATIONS

No building shall exceed 30 feet or two stories in height, whichever is lesser.

11.04 AREA REGULATIONS

No building or structure, nor the enlargement of any building or structure shall be hereafter erected unless the following yard area requirements are provided and maintained.

- A. **Front Yard.** There shall be a minimum front yard setback of 35 feet.
- B. **Side Yard.** There shall be no side yard requirement in this district except for the following:
 - 1. Where a building is not constructed to the property line there shall be maintained a minimum side yard of ten feet for fire protection purposes.
 - 2. Where a C-2 Commercial zone abuts a residential or agricultural property on the side, a side yard of at least 25 feet must be maintained.
 - 3. On the street side of a corner lot, at least 35 feet must be maintained.
- C. **Rear Yard.** There shall be a rear yard of at least 25 feet, except that where the rear yard in a commercial zone abuts an agricultural or residential property, a minimum of 50 feet must be maintained.
- D. **Lot Size.**
 - 1. In the case of a parcel served by public sanitary sewer, the minimum lot size shall be 20,000 square feet; and the minimum lot width shall be 100 feet.
 - 2. In the case of a parcel not served by public sanitary sewer, the minimum lot size shall be one acre; and the minimum lot width shall be 200 feet.

11.05 OFF-STREET PARKING

Off-street parking facilities must be provided for uses in this district in accordance with the requirements of Article 15.

11.06 GASOLINE SERVICE STATIONS

Gasoline service stations shall also meet the following requirements:

- A. **Greenbelt.** A greenbelt shall be required as provided in Section 3.12.
- B. **Special Use Approval.** No gasoline station or gasoline service station shall be allowed unless as a special use.

11.07 REQUIRED CONDITIONS

- A. **Minimum Building Size.** In order to provide a higher quality commercial environment and to protect neighboring property values, all buildings shall have at least 1,000 square feet of finished indoor floor area on the ground floor.
- B. Refer to Section 10.03.G for site access requirements.

- C. **Additional Required Conditions.** The provisions of Section 3.47 of this Ordinance, providing additional requirements for commercial zones, shall apply to all uses, buildings, structures and properties in the C-2 Commercial District.

ARTICLE 12
“I” INDUSTRIAL DISTRICT

12.01 DESCRIPTION AND PURPOSE

A district for industrial uses meeting the performance standards of Section 12.04.

12.02 USE REGULATIONS

Only the following uses are permitted:

- A. Enclosed manufacturing enterprises, including planned industrial complexes.
- B. Assembly, compounding, packaging, processing of materials.
- C. Fuel distributors, storage and transportation facilities.
- D. Vehicle repair shops.
- E. Junkyards as a special use and as regulated in Section 13.06.
- F. Institutional or public uses as a special use and as regulated in Section 13.05.
- G. Construction yards.
- H. Wind Energy Conversion Systems, as a special land use and in accordance with the requirements of Section 13.24.

12.03 REQUIRED CONDITIONS

- A. **Screening.** All operations and storage shall be conducted within buildings or behind solid screening fences or walls of a height equal to the height of the proposed use. However, natural resources and new equipment may be stored in side or rear yards without such screening.
- B. **Height.** No structure shall exceed a height of 40 feet.
- C. **Yards.**
 - 1. A front yard of at least 60 feet is required.
 - 2. Side and rear yards shall be at least 20 feet each.
 - 3. Where a lot abuts a residential district or dwelling, no structure shall be closer than twice its height to such district or dwelling.
- D. **Lot Size.** A lot of at least four acres in area and 250 feet in width is required.
- E. Parking is permitted in all yards.

- F. **Landscaping and Outdoor Space.** Unpaved areas shall be landscaped to avoid dust and erosion. Storage areas shall be maintained in dust-free condition if not paved or landscaped.
- G. **Site Development Plan.** A site development plan in accordance with Article 17 shall be approved by the Planning Commission.
- H. Refer to Section 10.03.G for site access requirements.

12.04 PERFORMANCE STANDARDS

The applicant shall sign a written agreement guaranteeing that the use at all times will meet the following standards before a building permit or certificate of occupancy may be issued.

- A. **Fire and Explosion Hazards.** All uses shall meet applicable building codes and fire ordinances.
- B. **Smoke and Nuisance Factors.** No radiation, fumes, gas, dust, odors, or other atmospheric pollutants causing property damage, hazards to health or interference with property rights shall be emitted.
- C. **Liquid or Solid Wastes.** No wastes shall be discharged into any body of water, lake, stream, and/or wetlands. County and state disposal and treatment requirements shall be met.
- D. **Vibration, Noise and Glare.** No noise, vibration, or glare is permitted to pass beyond the boundaries of the premises.
- E. **Exterior Lights.** Exterior lights shall be as shown on the approved site plan and shall generally be of the down-lit variety.

**ARTICLE 13
SPECIAL USES**

13.01 PROCEDURES FOR ALL SPECIAL USES

- A. The applicant shall submit to the Planning Commission, through the Township Clerk, an application which shall include a required site plan (See Article 17) and written evidence and drawings showing that all of the requirements for the applicable special use are met.
- B. Upon receipt of such application, one notice of a hearing on the special land use request shall be delivered and published in accordance with Section 20.04 of this Ordinance.
- C. A public hearing shall be held by the Planning Commission before a final decision is made regarding the application.
- D. Reasonable conditions may be attached to the approval of a special land use. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to ensure reasonably-shaped and buildable lots or parcels (where applicable), to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power, and purpose which are affected by the proposed use or activity.
 - 3. Be necessary to meet the intent and purpose of the Zoning Ordinance and Master Plan, be related to the standards established in the ordinance for the land use or activity under consideration and help insure compliance with those standards.
- E. The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner after a public hearing, notice of which was given in the same manner as the original hearing. The approving Planning Commission shall maintain a record of conditions which are changed.

- F. Before granting a special land use, in addition to finding that all of the previously stated requirements have been satisfied (as well as other applicable requirements stated elsewhere in this Ordinance), the Planning Commission must find that:
1. The special land use will not adversely affect adjacent uses or properties and shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent properties in the surrounding area.
 2. The special land use shall not change the essential character of the surrounding area or the neighborhood.
 3. The special land use shall not place demands on public services, roads and facilities in excess of their current capacities.
 4. The proposed special land use shall be harmonious and consistent with the intent of the Township Zoning Ordinance and Master Plan.
 5. The proposed special land use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance and Master Plan.
 6. The special land use shall be designed to preserve environmental features, such as lakes, streams, flood plains, agricultural areas and natural areas.

13.02 TIME LIMITATION ON SPECIAL LAND USES; REVOCATION OF SPECIAL LAND USES

- A. The construction or other work authorized by a special land use shall be commenced and shall reasonably proceed toward completion not later than one year after the granting of the special land use; if such construction or other work is not so commenced, or if commenced, if it has not reasonably proceeded toward completion within such one-year limitation, the special land use shall be null and void and of no further effect as of the end of such one-year period, subject to other provisions in this section.
- B. Upon request of the applicant, the Zoning Administrator may grant an extension of up to one year, following the initial one-year limitation stated in subsection A, if the Zoning Administrator finds that extenuating circumstances have prevented the completion of the authorized work or if the Administrator determines that such an extension is otherwise justified in the circumstances. The applicant shall apply for any such extension within the initial one-year limitation as stated in subsection A; provided, however, that if the applicant fails to apply within such initial one year, but if such failure is the result of extremely extenuating circumstances or unusual hardship, in the sole opinion of the Zoning Administrator, then the administrator may consider, and may grant, up to a one-year extension, but such extension shall commence no later than the end of the initial one-year limitation.

- C. If at any time during the one-year period immediately following the granting of a special land use, the applicant concludes that the authorized work may not be completed within one year, or if the applicant apprehends that the Township may conclude that such work has not reasonably proceeded toward completion on a timely basis, the applicant may apply at any time during such one-year period for an extension as authorized hereunder.
- D. The provisions of this section shall apply to all previously granted special land uses, as of the effective date of this section, as to which the authorized construction or other work has not been commenced or has not reasonably proceeded toward completion, and if such construction or other work remains uncompleted, except as follows:
1. The applicant, or its successor, for the original special land use shall have up to one year from the effective date of this section in which to apply to the Zoning Administrator for a one-year extension of the original approval, but any such one-year extension shall commence as of the effective date of this section. The Zoning Administrator shall grant such extension, if it is timely applied for. In the absence of such timely application, the special land use shall be of no further force or effect if such construction or other work remains uncompleted as of one year after the effective date of this section.
 2. The Township shall notify such applicants or their successors by letter sent by first-class U.S. mail to their current tax-roll addresses, describing the provisions of this section, including the opportunity to apply for an extension as stated in this subsection D. Such letter shall be mailed within 30 days of the effective date of this section. The Township shall keep an accurate record of the mailing date of such letter, but the Township shall not be required to attend to the delivery thereof, except for the deposit of the letter into a U.S. mail receptacle. The failure of an applicant or successor to receive such letter shall not excuse a failure to timely apply for an extension, nor result in any additional right on the part of the applicant.
 3. The special land uses described in this subsection D shall continue to be effective according to their terms during the period authorized in this subsection for an application for an extension, and also during any extension granted by the Zoning Administrator; thereafter, however, any such special land use shall be void and of no further effect if such construction or other work is not completed by the end of the above-stated notification period or by the end of any granted extension. In such event, the applicant may apply for a new special land use, but the approval thereof shall be in the sole discretion of the Planning Commission, in the same manner and to the same extent as is the case with all other such applications.

13.03 SITE DEVELOPMENT PLAN, OTHER INFORMATION

A site development plan pursuant to Article 17 is required for all special uses. In addition, the Planning Commission, at its discretion, may also require that the applicant submit the following:

- A. Soil surveys, borings, and septic suitability reports.
- B. Surface and groundwater information.
- C. Storm water information.
- D. Streams and water bodies impact analysis.
- E. Traffic information.
- F. Any additional information or data deemed reasonably necessary by the Planning Commission.

13.04 CONDITIONS FOR ALL SPECIAL USES

Any special use shall comply with all requirements, conditions, restrictions and limitations placed upon the use, including all approved site development plan conditions. In addition, any special land use shall comply with the minimum lot area, minimum front yard setback, the minimum side yard width, the minimum rear yard setback, the minimum lot width and lake frontage regulations and the minimum building height requirements and any other area or dimensional requirements of the zoning district in which the property is located. Furthermore, any special land use shall also comply with all requirements which are applicable to the land use involved contained in either the general provisions of this Ordinance or as specified elsewhere in this Ordinance. In approving any special land use, more restrictive requirements than such minimum zone district and general requirements may be imposed.

13.05 INSTITUTIONAL OR PUBLIC USES

Institutional or public uses may be permitted as a special use in any district if the Planning Commission finds the following conditions are met:

- A. The proposed use will be harmonious with, and not harmful, injurious or objectionable to, existing and projected future uses in the area.
- B. The proposed use is adequately served by necessary improvements including but not limited to water, sewer, electricity, roads, drainage and parking.
- C. The proposed use, as approved, conditioned and limited by the Planning Commission, would be consistent with the goals and objectives of the Grattan Master Plan.

- D. The number of required parking spaces shall be determined by the Planning Commission based on the specific needs of the use. All parking areas shall meet the requirements of Article 15.
- E. Fences and walls shall not exceed a height of six feet unless specifically permitted by the Planning Commission to exceed this amount in cases where the additional height is necessary due to unique safety or privacy reasons or other special needs. In no case shall the fence or wall exceed 12 feet in height.
- F. Signs advertising the use are regulated in Article 16.
- G. In approving a special land use for non-commercial private clubs, non-commercial club houses and other non-commercial private club buildings, the Planning Commission may include the condition that such private clubs, club houses and club buildings shall be limited to use by club members only or by other specified categories of users.

13.06 JUNK AND SALVAGE YARDS

Junkyards may be permitted as a special use by the Planning Commission in the I District if it finds that such use is not less than 1,000 feet from any residential use and it meets the requirements of Article 13.

13.07 KENNELS

Kennels may be permitted as a special use in agricultural districts provided the Planning Commission determines that all of the following conditions are met:

- A. Minimum lot size shall be four acres.
- B. All animals must be housed at least 100 feet from any adjoining property line and at least 500 feet from any residential district.
- C. All animals shall be kept under sanitary conditions and in sanitary enclosures. The permit may be revoked if the premises become unsanitary or if objectionable noise or odors emanate from the premises.

13.08 MIGRANT HOUSING

Seasonal dwellings for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted as a special use by the Planning Commission in the A-1 District or ILO District. No structure may be used for such purposes in the Township of Grattan unless the Planning Commission finds all of the following conditions and requirements are met:

- A. Seasonal dwellings may be permitted as a principal or accessory use on a parcel which contains a minimum of four acres and which complies with all other

requirements of this section. This parcel shall be adjacent to the farm parcel where the laborers are employed and both parcels shall be under the same ownership.

- B. Seasonal dwellings may be occupied for no more than ten months per calendar year and shall be locked so as to prevent entry by any person but the owner during the remaining part of the year.
- C. Seasonal dwellings may not be used for the housing of persons not directly employed at some time by the owner of the property.
- D. The rules, regulations and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply to Grattan Township where any dwelling is used to house one or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations and standards and further to apply the same to the housing of one or more such migrant workers notwithstanding that such act provides that it applies to five or more such workers.
- E. Seasonal dwellings shall be located at least 200 feet from any public street, at least 200 feet from any other property line and 400 feet from any dwelling of an adjacent property owner.
- F. No seasonal dwelling shall have more than one story nor contain more dwelling units than are necessary to meet the needs of the owner of the premises. No seasonal dwelling shall be closer than 30 feet to another structure.
- G. No seasonal dwelling shall be located between the front entry wall of another seasonal dwelling and a driveway or private roadway serving said other dwelling, and no seasonal dwelling shall be closer than 30 feet to any such drive or roadway.
- H. All construction shall conform to State Building Codes and other ordinances where such impose greater standards than state and federal regulations.
- I. The applicant shall submit a Site Development Plan approved by the Planning Commission which shall signify the applicant's agreement to comply with said plan and all the conditions placed upon the use and requirements at all times, and shall further agree that:
 - 1. Any seasonal dwelling which is not occupied by migrant workers during five consecutive seasons shall be removed by the owner within six months notice from the Township.
- J. **Permits.** If the Planning Commission approves the application for migrant housing, it shall authorize the Zoning Administrator to issue a Zoning Permit.
- K. **Revocation of Permit.** If a violation of any of the above conditions, regulations or special conditions is found to exist, the Zoning Administrator shall notify the owner of migrant housing and the Planning Commission that such violation exists and that the Zoning Permit will be revoked within 15 days of such notification. If said

violation is not corrected within said 15 days, the Zoning Administrator shall revoke said permit. All migrant housing shall be vacated within 15 days of the date of revocation.

13.09 MOBILE HOME PARKS

Mobile home parks may be permitted as a special use in the R-R District only, provided that the Planning Commission finds that all of the following conditions are met:

- A. All mobile home parks shall conform to the standards specified in Act 96 of the Public Acts of 1987, as amended; the Mobile Home Commission Rules, March 1987, as amended; and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, May 26, 1986, as amended.
- B. All mobile homes shall be skirted within 90 days of placement within the mobile home park and must meet the standards of Act 96 of the Public Acts of 1987, as amended. Skirting must be installed within 90 days of the date the mobile home is sited.
- C. All mobile homes shall be anchored when installed in a mobile home park, with only those systems which are approved by Act 96 of the Public Acts of 1987, as amended.
- D. The mobile home park shall be located on a parcel of land not less than 15 acres in size.
- E. Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than ten feet from the property boundary line. If said structures abut a public right-of-way, they shall not be located closer than 50 feet from the boundary line, except that if the boundary line runs through the center of the public road, the 50 feet shall be measured from the road right-of-way. Mobile home parks shall be landscaped as follows:
 - 1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 - 2. If the park abuts a nonresidential development, the park need not provide screening.
 - 3. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

The landscaping shall consist of evergreen trees or shrubs of a minimum three feet in height, that are spaced so that they provide a continuous screen within three years. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

- F. The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. The 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 123.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.
- G. No mobile home in a mobile home park shall have less than 500 square feet of floor area.
- H. The sales of new or used mobile homes is only permitted within the mobile home park on sites approved for permanent occupancy and accessory to the use of the park for dwelling purposes.
- I. All public and private utilities shall be stored underground.
- J. A preliminary plan shall be submitted to the Township for preliminary approval. The preliminary plan shall include the location, layout, general design, and a general description of the project.

13.10 OUTDOOR RECREATIONAL

- A. Outdoor recreation areas and uses may be permitted as a special land use in the A-2 District and the R-R District when authorized as a special land use by the Planning Commission upon the following conditions:
 - 1. A detailed site development plan shall be submitted.
 - 2. Any building shall be located at least 200 feet from any property line, unless the Planning Commission in its discretion approves a lesser distance, and if such lesser distance will not result in any serious adverse effect upon adjacent or nearby lands.
 - 3. In its discretion, the Planning Commission may require the submission of an environmental impact assessment, traffic impact study, storm water management plan, sewage disposal plan, water supply system plan or other plans or studies, or any of them, bearing upon the operation and effects of the special land use.
 - 4. The special land use shall be fully provided with safe and reliable facilities for the collection and disposal of sanitary sewage and the providing and distribution of water supply. Plans for the same shall in the discretion of the Planning Commission be submitted for review by the Township's consulting engineer.

5. The special land use shall be established, laid out and operated so as not to have any substantial adverse effect upon adjoining or nearby lands or any of the uses thereof.
- B. In reviewing a requested special land use, the Planning Commission shall, among other matters, consider the following:
1. The type and character of the land use adjacent to and in the immediate area of the special land use.
 2. The effect of the special land use on water and sewer services, storm water drainage, road capacity and volume of traffic and traffic safety and circulation.
 3. The effect of the special land use on police and fire services and other public safety and emergency services.
 4. The effect of the special land use on the need and demand for public services and the protection and preservation of natural features and natural resources.
 5. The impact of the special land use in relation to other pertinent land use factors including but not limited to the view from adjacent and nearby lands; off-street parking and loadings; refuse removal and similar services; control of noise, glare and vibration; signs; outdoor lighting; and whether the special land use would be consistent with the intent and purposes of this Ordinance.
 6. The extent to which the proposed special land use may support, or not be inconsistent with, the long-range land use plans of the Township.

13.11 REMOVAL OF NATURAL RESOURCES

The removal of such natural resources as sand, gravel, or minerals or the alteration of land is permitted as a special use in any nonresidential district to prepare or render land suitable for uses permitted in the district in which the land is located; provided, the following provisions shall be met:

- A. **Application.** The application shall include the following:
1. A fee as set by the Township Board.
 2. A map of the land to be altered depicting all buildings, streets, drainage and natural features within 300 feet of the property involved. The map shall depict contour elevations of five foot intervals of the property.
 3. A two foot interval contour map of the proposed final elevations, the location of temporary structures, drives, parking areas, loading equipment, draining facilities and the extent of the first year's operations.

4. A written statement describing the equipment to be used, the processes involved, an estimate of the time such removal will require and a description of the proposed use of the premises after such alteration.
5. A reclamation/restoration plan.
6. Although not required to be submitted at the time of the application, the applicant shall pay to the Township annually the surveillance fee provided for in subsection D of this section.

B. Required Conditions.

1. Final grades shall be harmonious with surrounding grades and shall not exceed 5 percent unless necessary for the ultimate proposed use of the land. No topsoil shall be removed unless necessary for the ultimate proposed use. All topsoil shall be properly redistributed upon termination of the building permit. The Planning Commission may require the applicant to post a cash bond to insure that final grades and the requirements of Section 13.01 and any condition placed upon the use will be met upon expiration of any building permit and during the conducting of the use, and said bond shall be forfeited if any of the provisions of this Ordinance are violated and the bond can then be used by the Township in its discretion for the enforcement of this Ordinance, for putting of the land in proper compliance or for any other purposes deemed proper by the Township.
2. Mechanical processing shall not be permitted in any residential or commercial district if such use would be detrimental to adjacent uses.
3. The creation or enlargement of a body of water shall only be permitted when the following is presented:
 - (a) Engineering and geological studies indicating that such water will not become stagnant or polluted.
 - (b) A plan for the future use of the lake.
 - (c) Approval of the Department of Natural Resources/Environmental Quality and the County Drain Commissioner.
4. The alteration of any body of water shall be approved by the Township Board and the Department of Natural Resources/Environmental Quality and the County Drain Commissioner.
5. No removal, storage, structure, drive or loading shall be closer than 150 feet to an adjoining principal structure. All roads and unpaved areas shall regularly be maintained in a dust-free condition.

6. Trucks shall travel only on roads approved by the County Road Commission and the Planning Commission.
7. All structures, materials and equipment shall be removed within six months after termination of the use.
8. All land shall be graded to final elevations and reseeded.
9. No mineral processing shall occur unless expressly approved by the Planning Commission.
10. No mining or processing operation shall occur within 100 feet of any property line or within 200 feet of a residential dwelling.
11. The Planning Commission may impose time limits for when all mining and related operations must be finished and reclamation completed.

C. Determination by the Planning Commission.

1. The Planning Commission must find the following prior to approval of any special use hereunder:
 - (a) The proposed use will prepare the premises for the ultimate use within a reasonable period of time.
 - (b) The proposed use will not adversely affect existing uses substantially.
 - (c) The proposed use shall meet all provisions of this section.
 - (d) The proposed use shall not adversely affect the public health, safety and general welfare.

D. Annual Surveillance Fee.

1. The applicant shall pay to the Township annually a fee (the “annual surveillance fee”) to defray the Township’s cost of administration, surveillance and enforcement of the removal of natural resources special land use, including but not limited to costs for review of applications, testing, monitoring, sampling, surveying, personnel expenses, enforcement, legal, engineering and other consultant fees, and other related costs and expenses.
2. The fee annual surveillance shall be that amount as determined by the Township board by resolution adopted from time to time.
3. Funds received from payment of the annual surveillance fee shall be accounted for separately on the books of the Township, as to each removal of natural resources special land use.

4. The annual surveillance fee, in the amount determined by the Township Board, shall be paid by the holder of the special land use annually. Not later than January 31 of each year, the Township shall prepare and send to the holder of the special land use an invoice for the annual surveillance fee for that year (but the fee shall nevertheless be due and payable if the invoice is sent after that time or if it is not sent). In the case of a newly-approved special land use, the Township shall send the invoice promptly after approval of the use (or the Township may elect to send the invoice promptly after commencement of operations under the use), in which case the amount of the invoice shall be a pro rata amount, based on the balance of the calendar year remaining after the approval of the use or, if the case may be, after the commencement of operations under the use as approved.
5. The annual surveillance fee shall be in addition to the application fee for the special land use and in addition to any amounts deposited by the applicant with the Township, for reimbursement of Township expenses in connection with the approval of the special land use; provided, however, that any Township expenses that have been paid from funds deposited by the applicant in escrow shall not be charged by the Township against the annual surveillance fee.
6. If an expired or soon-to-expire removal of natural resources special land use is renewed, the Township may retain any annual surveillance fee amounts then on hand, and apply them to defray the costs of review of the application for renewal and for applicable costs subsequently incurred following renewal of the special land use, except to the extent that such costs of review and other expenses may be otherwise reimbursed to the Township from funds deposited by the applicant in connection with an application for renewal or otherwise.
7. After expiration of the special land use without renewal, and upon determining that no further Township costs or expenses in connection with the special land use are likely to be incurred, the Township shall refund, without interest, any unused annual surveillance fee amounts that have been received from the applicant and remain on deposit with the Township.
8. In the incurring of costs and expenses payable from the annual surveillance fee, the Township shall not be limited to the amount of the annual fee, and the holder of the special land use shall promptly reimburse the Township for applicable costs and expenses it may incur in excess of annual surveillance fee amounts that are then on deposit with the Township. In the event of the incurring of any such additional amounts, the Township shall provide an invoice thereof to the holder of the special land use, and the invoice shall be paid promptly upon receipt.
9. The Township may accumulate unused annual surveillance fee amounts from time to time, and from year to year, and need not necessarily refund

unexpended surveillance fee amounts at the end of the calendar year. In order to insure that adequate funds may remain on hand for future or unanticipated costs and expenses, and in view of the fact that such costs and expenses may be greater in some years than in others, the Township may accumulate such surveillance fee amounts over such period of time as the Township may determine; provided, however, that should the Township determine that the amount of such funds on hand are more than sufficient for anticipated purposes, the Township may in its discretion refund a portion thereof, without interest, to the holder of the special land use.

10. As to each removal of natural resources special land use, the Township shall maintain a record of annual surveillance fee payments made by each owner or operator, and expenditures made by the Township with respect to the special land use.
11. The obligation to pay the annual surveillance fee shall bind all owners and operators under the terms of the special land use, and all successors and assigns of the original owners and/or operators. It shall be the obligation of any successor owner or operator to notify the Township of such succession and to provide the Township with an address to which subsequent invoices may be mailed.
12. Surveillance fee payments made by owners or operators under the special land use shall not limit their liability, or the liability of any other parties, for civil infraction penalties, damages, injunctive relief or other sanctions for violation of the special land use, or Township ordinances or other laws or regulations.
13. A failure of a party responsible to pay the annual surveillance fee, on a timely basis or in the required amounts, shall be a violation of the special land use and the zoning ordinance, and accordingly the Township may then impose the penalties provided in the ordinance for such violations.

13.12 SANITARY LANDFILLS

Sanitary landfills for the deposit of rubbish, garbage or wastes are permitted as a special use in any nonresidential district if such use will prepare land for an ultimate use. Application for sanitary landfills shall meet all the requirements of Section 13.01. Sanitary landfills shall be approved by the appropriate county authorities and meet all county and state requirements.

13.13 TWO-FAMILY AND MULTI-FAMILY RESIDENCES

- A. Multi-family residences may be permitted as a special use in the R District provided the Planning Commission finds that all of the following conditions are met:
 1. No apartment building shall contain more than 12 dwelling units.

2. Every apartment shall be connected to public sanitary sewer service and a common water supply.
3. **Access.** Every principal entry shall be visible from a public street. No entrance shall be located within 150 feet of an off-street parking area.
4. **Group Buildings.**
 - (a) Groups of apartment buildings shall be in single ownership and shall be located on one parcel of land.
 - (b) Where more than one building is located on a lot, no building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least 100 feet.
 - (c) No building shall be located in back of another unless separated by a common yard of at least 100 feet.
 - (d) Every group building shall have a greenbelt of at least 30 feet unobstructed by any accessory structure.
 - (e) No group building shall be located closer than a distance equal to its total height to any other building.
5. **Area.**
 - (a) **Floor Area.** Apartment buildings shall have a minimum floor area of 480 square feet per dwelling unit.
 - (b) **Density.** There shall be at least 4,000 square feet of lot area for each dwelling unit, exclusive of streets.
 - (c) **Other Requirements.** The standards established in Section 2.10 of this Ordinance shall apply, except as herein provided to the contrary.

B. **Two-Family Residences.** Two-family residences may be permitted as a special use in the R District, provided the Planning Commission finds that all of the following conditions are met:

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

4. That the other requirements of the R District are met.

13.14 UNDERGROUND HOMES

An underground home, as defined in Section 2.76, may be permitted as a special use in any residential district if the Planning Commission finds that the following conditions are met:

- A. The structure is in compliance with the Building Code and all local ordinances.
- B. The structure meets all the requirements for a dwelling within the particular district.
- C. A performance bond is supplied with the proposed architectural and site plans.
- D. Aforementioned performance bond shall include final landscaping of the site.
- E. There is no evidence of detrimental effect to adjoining property owners.
- F. The structure is certified by a licensed engineer to be in compliance with all building codes, ordinances, zoning requirements and accepted engineering principles.

13.15 AGRICULTURAL PROCESSING

Agricultural processing is an important component of the agricultural community and, as such, is permitted in agricultural districts under special conditions. Such a use is distinctly different from industrial and commercial uses, and it is not the intent of this Ordinance to permit other industrial processing or commercial operations in the agricultural districts. Agricultural processing may be permitted as a special land use in the agricultural districts if the planning commission finds the following conditions are satisfied, in addition to the general standards for all special land uses:

- A. The minimum lot size shall be ten acres.
- B. All structures, operations, and storage areas shall be set back a minimum of 100 feet from all lot lines, 200 feet from an adjacent dwelling or residential district, and 750 feet from the shoreline of any lake or stream.
- C. Retail sales shall be limited to products grown or collected regionally, and any retail use shall be accessory to the principal agricultural processing use.
- D. The performance standards of Section 12.04 shall be complied with.
- E. All permanent and seasonal signs shall be identified in the special land use and shall comply with the requirements of Chapter 16.

13.16 MORTUARIES, INCLUDING FUNERAL HOMES, CREMATORIES, AND OTHER ANCILLARY FUNERAL OPERATIONS

- A. The minimum lot size shall be one acre.

- B. An on-site vehicle assembly area designed for a minimum of 20 vehicles shall be provided for funeral processions in addition to required off-street parking areas.

13.17 SERVICE STATIONS, INCLUDING MINOR AUTO REPAIRS

- A. All equipment and activities associated with vehicle repair operations shall be kept within a fully enclosed building.
- B. Inoperative vehicles left on the site shall be stored overnight within an enclosed building or in an area screened by an opaque fence, vegetation, or combination of vegetation and berming that is not less than six feet in height.
- C. There shall be no storage of loose auto body parts, trash, tires, supplies, or equipment outside of an enclosed building.
- D. Proof of compliance with all state and federal regulations shall be required. These regulations shall include, but are not limited to, the Leaking Underground Storage Act (Act 478 of 1988), the Underground Storage Tank Regulatory Act (Act 423 of 1984), and the Fire Prevention Code (Act 207 of 1941).

13.18 WHOLESALE AND STORAGE ENTERPRISES

- A. All structures shall be set back a minimum of 50 feet from all lot lines.
- B. No sales or storage outside of fully enclosed buildings shall be permitted.
- C. No sales or storage of combustible or flammable liquids, combustible fibers, explosive materials, or toxic materials shall be permitted.
- D. The premises shall not be used for maintaining or repairing any vehicles, recreational equipment, or other items.

13.19 GROUP DAY CARE HOMES

- A. Child drop-off and pick-up areas and other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission, for the safety of the children attending the group day care home.
- B. Based upon the established capacity of the group day care home, a minimum of 150 square feet of outdoor play area per child, with not less than 5,000 square feet of outdoor play area per home, shall be provided and maintained on the lot. The outdoor play area shall be free from sharp gravel, glass, or cinder, and shall be well-drained. The outdoor play area shall be completely enclosed by a fence of at least four feet in height that meets the requirements of Section 3.36.

- C. A group day care home shall not be located closer than 1,500 feet (measured along a road, street, or other public thoroughfare) to any other group day care home or state-licensed residential facility.
- D. Operating hours of the group day care home shall not exceed 16 hours during any 24-hour period and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of no detriment to the surrounding area.
- E. The property shall be maintained consistent with the visible characteristics of the neighborhood.
- F. The group day care home shall be registered and licensed as required for group day care homes under the Child Care Organizations Act (Act No. 116 of the Public Acts of 1973, as amended).

13.20 STATE-LICENSED RESIDENTIAL FACILITIES (MORE THAN SIX PERSONS)

- A. The proposed facility shall be consistent with and shall promote the intent and purpose of this Ordinance and shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed facility. In making its determination regarding a proposed facility, the Planning Commission shall consider the following factors:
 - 1. The design and location of the proposed facility; the density of population; the adequacy of educational, recreational, and other public support facilities; traffic volumes and circulation; compatibility with existing development; adequate provision for light and air; adequate provision of parking; and accessibility of fire and police protection.
 - 2. The density of similar uses in the area; the cumulative effects of allowing the proposed facility (including effects upon the capacities of existing community recreation, social service, and other support facilities); and whether the proposed facility will alter the character of the neighborhood. In order to prevent an excessive concentration of facilities and consequent alteration of a neighborhood's character and protect existing facilities from overdevelopment that could result in an institutional atmosphere, no facility shall be located within a 1,500-foot radius of any other state-licensed facility unless the Planning Commission finds that a lesser distance is compatible with the goals of this Ordinance and that the facility would not contribute to an excessive concentration of such facilities within a particular neighborhood.
 - 3. The accessibility of the proposed facility to convenience services, such as shopping, banking, health care, and public transportation; to employment opportunities; and to community resources and agencies, including medical and social services, that might be used by the facility's residents.

- B. The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions as necessary for the facility to conform with the character of the adjacent neighborhood and to protect adjacent property from adverse impacts.

13.21 BUILDINGS OR STRUCTURES NOT ACCESSORY TO A PRINCIPAL USE

- A. The following buildings or structures not devoted to a principal use and not accessory to a principal structure or principal farming use located or being conducted on the same lot, may be permitted by the Planning Commission as a special land use as follows:

1. Buildings or structures located in the A-1 and A-2 Agricultural or R-R Residential District used only for bona fide agricultural activities and storage of items devoted to or used exclusively for such activities, and not for the storage of non-agricultural items such as snowmobiles, motorcycles, automobiles, camping trailers, motor homes, recreational vehicles, boats or similar items.
2. Not more than one building or structure devoted to a residential accessory use on a vacant lot located directly across a public or private street from a lot improved with a principal dwelling, if both lots are under common ownership. A vacant lot shall be deemed to be located directly across a public or private street from the lot with the principal dwelling if the vacant lot is adjacent to the lot with the principal dwelling as determined by the Zoning Administrator. As a condition of all special land uses permitted under this subsection 2, restrictive deed covenants shall be imposed against both properties, prohibiting their separate sale, use or transfer unless the accessory building is removed, or the lot on which the accessory building is located is improved by a principal dwelling in full compliance with the Zoning Ordinance.

- B. In addition to the general conditions applicable to all special land uses, the following shall apply to special land uses granted under this section:

1. Any building or structure permitted as a special land use under this subsection shall comply with the minimum setback requirements of the zoning district in which it is located. Such setback may be increased by the Planning Commission, in accordance with standards for conditions set forth in Section 13.01.F.
2. The size of the accessory building may be limited, in accordance with the standards for conditions contained in Section 13.01.F.
3. No building or structure shall be used for dwelling or sleeping purposes, except for migrant housing separately permitted as a special land use in accordance with Section 13.08.

4. Deed restrictions, restrictive covenants, or other appropriate documents shall be recorded with the Register of Deeds with respect to each special land use approved hereunder, to give notice to all future owners or parties in interest that the accessory buildings may be used, only in compliance with this section and any conditions of special land use approval imposed by the Planning Commission, unless a principal structure is constructed on the lot, or the lot is otherwise brought into full compliance with the Zoning Ordinance. This document shall be in form approved by the Township, and shall be recorded prior to issuance of a building permit.

13.22 GREENHOUSES AND NURSERIES

Greenhouses and nurseries are components of the agricultural community and as such are permitted in agricultural districts under special conditions. Greenhouses and nurseries may be permitted as a special land use in the A-1 and A-2 Agricultural District and ILO District if the Planning Commission finds that the following conditions are met, in addition to the general standards for all special land uses.

- A. Minimum lot size shall be ten acres.
- B. All structures, operations, and storage areas shall be set back a minimum of 75 feet from all lot lines, 200 feet from an adjacent residential dwelling or district, and 300 feet from the shoreline of any lake or stream.
- C. Retail sales, if accessory to the principal nursery or greenhouse use, may be conducted in accordance with the following requirements:
 1. Retail sales shall be only an incidental and subordinate aspect of the greenhouse or nursery use, which shall primarily consist of the planting, cultivation and harvesting of plants, including flowers and other decorative plants, vegetables, herbs, shrubs, trees, and other useful or decorative plants and the products thereof.
 2. Retail sales may include plants and other agricultural products grown and harvested on the premises and, if specifically approved as a part of the special land use, grown and harvested on other lands.
 3. Retail sales may include goods, items and products that are nonagricultural in nature, if specifically permitted as a part of the special land use approval, and in accordance with the following requirements:
 - (a) Retail sales of nonagricultural products shall consist only of those nonagricultural goods, items and products which are related to or which are useful in connection with the agricultural products or produce raised and harvested as a part of the greenhouse and nursery use.

- (b) The building floor area used for retail sales of nonagricultural products shall not exceed 25 percent of the total usable floor area of the building in which such retail sales are conducted. All such nonagricultural products available for sale shall be kept and displayed only within entirely enclosed buildings.
- (c) Such retail sales shall not include farm tractors or other motorized farm equipment; motorized lawn mowers; lumber, shingles or other building materials; goods, items, implements or products that are not associated with, related to or useful in connection with agriculture or farming, or yard, lawn or garden activities, products or interests.
- (d) In approving nonagricultural retail sales, the Planning Commission may include limitations and restrictions on various aspects thereof, including amount of space devoted to such use; quantity of inventory; percent of area devoted to such use and other limitations or requirements imposed for the purpose of assuring that such retail sales shall remain only an incidental and subordinate portion of the greenhouse and nursery use.
- (e) Onsite parking shall be provided on the premises of the greenhouse and nursery, of an area sufficient to accommodate the vehicles of retail sales customers and other patrons of the special land use.
- (f) Adequate and convenient means of ingress to and egress from retail sales areas shall be provided. Any outdoor sales areas shall be separated from areas used for the driving or parking of vehicles, so as to assure the safety of all persons on the premises.
- (g) In approving retail sales as a part of the special land use, the Planning Commission may impose requirements relating to signage; buffering from adjacent residential uses; hours of operation; limitations on the nature, quantity and location of outdoor sales; setback of all activities from adjacent streets and property lines; and other requirements imposed for the purpose of assuring the satisfactory operation of retail sales activities and to avoid adverse effects upon adjacent or nearby lands.

13.23 COMMERCIAL OR PUBLIC ANTENNAS AND TOWERS AND CERTAIN NON-COMMERCIAL ANTENNAS AND TOWERS

Commercial or public antennas and towers for communications, radio or television and the transmission or receiving of any other type of electronic signal, unless exempt under other provisions of this Ordinance, and noncommercial or non-public antennas and towers subject to special land use approval, may be approved by the Planning Commission as a special land use upon compliance with all of the following requirements:

- A. Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
- B. No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign shall be located on an associated building and, further, such name identification sign shall include a contact telephone number and all identification numbers or other identification matter required by regulations of the Federal Communications Commission, the Federal Aviation Administration or other agency having jurisdiction.
- C. Any such antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission.
- D. The antenna or tower shall not be located, constructed or used so as to have a serious adverse effect on adjacent or nearby land uses.
- E. The antenna or tower and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
- F. Antennas and towers for commercial or public communications services, including cellular telephone antennas and towers, shall unless otherwise exempt comply with all of the following requirements:
 - 1. Communications antennas and other such equipment shall be required to be located on an existing, approved tower or other structure within a three mile radius of the proposed tower unless one or more of the following conditions exists:
 - (a) The planned communications equipment would exceed the structural capacity of the existing tower, as documented by a qualified and registered professional engineer, and the existing tower cannot be reinforced, modified, or replaced so as to accommodate planned or equivalent equipment at a reasonable cost.
 - (b) The planned communications equipment would cause interference materially affecting the usability of other existing or planned equipment on or at the existing tower, as documented by a qualified and registered professional engineer, and such interference cannot be prevented at a reasonable cost.
 - (c) Existing or approved towers within a three mile radius cannot accommodate the planned communications equipment at a height necessary to function reasonably, as documented by a qualified and registered professional engineer.

- (d) Other unforeseen conditions that make it infeasible to locate the planned equipment upon an existing tower.
2. Any proposed communications tower shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least three additional users. Towers shall be designed and constructed to allow for future rearrangement of equipment upon the tower and for the accommodation of equipment mounted at varying heights on the tower.
 3. Towers for communications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color or treatment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.
 4. All parts of the communications tower and associated structures and equipment placed on the ground shall comply with the following setback requirements:
 - (a) Except as stated in subparagraph (c), towers and associated equipment shall be located a minimum of 300 feet from any residential district lot line or residential dwelling, whichever is closer to the tower, unless in approving the special land use the Planning Commission permits a lesser setback.
 - (b) Except as stated in subparagraph (c), any part of a tower and associated equipment shall be set back for a distance at least equal to the required setbacks for main buildings of the district in which the tower is located, except that in all cases a tower and associated structures and equipment shall be located at least 25 feet from any adjacent lot line or main building, and at least 300 feet from any residential district lot line or residential dwelling.
 - (c) Towers which have not been designed and constructed to collapse in a downward, vertical fashion shall be set back from all property lines a distance of at least one lineal foot for each one foot of height of the tower and antenna combined, unless the Planning Commission in approving the special land use permits a lesser setback, but in any event, the setback shall not be less than as stated in subparagraphs (a) and (b), above.
 5. The Planning Commission may require that communications towers and other related structures, buildings or shelters, be screened from view by means of landscaping, berms, fences, walls or a combination of any of them. Existing landscaping may be utilized as part of screening arrangements. In

approving the special land use, the Planning Commission may also include provisions on the continued maintenance and any necessary replacement of trees and other vegetation and other elements of landscaping or screening, so as to assure that such screening remains effective and in place during the entire time that the communications tower and other structures and facilities remain located on the land.

6. The Planning Commission may require that communications towers not be illuminated, unless required by applicable state or federal authorities.
 7. Towers for communications services which are abandoned or unused shall be removed, along with any associated buildings, structures, equipment, foundations, pads and anchors. The property shall be restored to a good usable condition. Such removal and restoration shall be completed within six months of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to accomplish its removal.
 8. The Township shall request that the applicant allow for the installation or placement of a government antenna, transmitter or similar item (and reserve space for the same) for emergency, firefighting, rescue or similar broadcasting purposes on any new or modified tower and antenna.
- G. The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:
1. The screening or buffering of an antenna or tower and any accessory buildings or structures.
 2. The timely removal of unused or unsafe antennas or towers or accessory buildings or structures.
 3. A prohibition on the construction or occupancy of dwellings or other buildings or the construction and use of other structures on the lands where the antenna or tower is located, or within a specified isolation distance from the antenna or tower.
 4. The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower; the reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of an antenna or tower or accessory buildings or structures.

- H. This section shall also apply to other antennas and towers that are not otherwise provided for in this Ordinance and that are not exempt under other provisions hereof.
- I. Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antenna may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such special land use for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Township's legitimate purposes in regulating such amateur radio antennas.

13.24 WIND ENERGY CONVERSION SYSTEMS

A Wind Energy Conversion System (WECS), including all necessary towers, equipment, components and accessory structures, shall comply with all of the terms and conditions of this section.

- A. **Definitions.** For the purposes of this section, the following terms and phrases shall be defined as provided below:
 - 1. **Wind Energy Conversion System (WECS).** A wind turbine generator or other device or devices designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility, or that is used to provide electricity on the site or property on which the WECS is located. A WECS shall also included a MET tower, which is a tower containing instrumentation such as anemometers that is used to assess wind resources.
 - 2. **Horizontal Axis Wind Turbine (HAWT).** A WECS designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.
 - 3. **Rotor.** An element of a wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 - 4. **Nacelle.** The structure designed to “yaw” (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.

5. **Tower.** The structure, above grade, that supports the nacelle, rotor assembly, and other components.
6. **Tower Foundation.** The tower support structure, below grade, that supports the weight of the WECS tower.
7. **Blade Clearance.** In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor's swept arc.
8. **Tower Height.** The height from grade to the highest vertical point of the swept rotor arc. In the case of a WECS with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
9. **Sub-station.** The device or equipment designed to collect and modify electrical energy produced by the WECS for the purpose of supplying it to the local electrical utility.

B. **Application.** An application for a WECS shall include the following:

1. A site plan, which, in addition to the site plan requirements of Article 17, shall include the following:
 - (a) The proposed location, size, height and type of all WECS, including MET towers, and the setback distance between the proposed towers and the nearest residential units and residentially-zoned properties.
 - (b) The location of all existing structures and buildings within 300 feet of the parcel subject to the special land use request.
 - (c) The proposed location of all access roads, underground and overhead cabling and utilities.
 - (d) The physical size and electrical nameplate capacity of the proposed WECS, including the total height and the swept rotor diameter.
 - (e) Proposed screening, buffering and tower lighting, if required.
 - (f) A visual representation of the WECS including scale elevations or photographs.
2. A copy of the applicant's proof of ownership or control of the land, including any lease with the landowner(s) for the WECS. Any such lease must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of WECS operations.
3. The manufacturer's specifications indicating:

- (a) The rated nameplate output, in kilowatts or megawatts, of the wind turbines included in the WECS.
 - (b) Safety features and sound characteristics.
 - (c) Type of material used in foundation, tower, blade, and rotor construction.
4. A noise impact study which includes information on the noise levels to be generated by the use, measured in dB(A) at the property line, the tower site or such other location as directed by the Planning Commission.
 5. Proof that the applicant has obtained or applied for approval from all county, state or federal agencies having jurisdiction over the proposed use, or any aspect thereof.
 6. An environmental impact study, shadow flicker study and/or avian and wildlife impact study may be required by the Planning Commission. The applicant shall take appropriate measures to mitigate or eliminate adverse effects identified in such studies, including assurance that shadow flicker shall not have a significant adverse effect upon any adjacent property or any dwelling or other occupied building.
 7. A decommissioning plan which includes the anticipated life of the project, the estimated decommissioning costs, the method for ensuring that funds will be available for decommissioning and restoration and the anticipated manner in which the project will be decommissioned and the site restored.

C. **Requirements.** A WECS, including MET towers, shall comply with the following requirements:

1. **Review and Approval Procedures.** A WECS shall be subject to special land use approval by the Planning Commission in compliance with this section; provided, however, that a WECS that does not exceed 50 feet in height and that has a rotor not exceeding 30 feet in diameter, shall be subject to site plan review and approval by the Planning Commission, but shall not be subject to special land use approval.
2. **Setbacks.** A WECS tower shall comply with the minimum required building setbacks for the district in which the WECS tower is located, or shall have a setback equal to one and one half times the height of the highest WECS tower on the property, whichever is greater. Notwithstanding the foregoing, a MET tower shall be set back no closer than a distance equal to the height of the MET tower.

For the purposes of determining whether a proposed WECS or MET tower complies with the setback requirements of a district, the dimensions of the

entire lot or parcel of land shall control, even though the WECS may be located on a smaller leased parcel within such lot or parcel.

3. **Setback Reductions.** Setbacks may be reduced or increased from the minimum setback requirements of this section, in the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a reduction in setbacks, the feasibility of alternate locations, the proximity of existing dwellings, and the potential for adverse impacts that noise, shadows and other features may have on adjacent uses.
4. **Noise.** A WECS regulated under the terms of this section shall be designed, located and operated so as to cause no serious adverse effect on other lands or other land uses by reason of noise. A WECS shall not exceed 55dB(A) at the property line closest to the WECS. Exceptions for adjacent or nearby lands may be permitted if the written consent of the property owners is provided. The sound pressure level may be exceeded during short-term events such as utility outages or severe wind storms.

Constant-velocity turbines shall be required; provided, however, that if variable speed turbines are proposed, the applicant shall submit additional data concerning noise generated when the revolutions per minute of such turbines exceed 24 rpm's. The Planning Commission may decline to approve any such variable-speed turbines.

5. **Lighting.** A WECS tower shall not be illuminated by artificial means and shall not display strobe lights unless required by the Federal Aviation Administration (FAA) or other state or federal authority having jurisdiction. The minimum FAA lighting standards shall not be exceeded and all lighting shall be shielded to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Towers that are lighted shall be avoided unless no feasible alternative is available.
6. **Shadow Flicker.** A WECS shall be designed, located and installed so that shadow flicker does not have a significant adverse effect upon adjacent property, upon any occupied building or dwelling and shall be designed, located and operated so as to cause no serious effect on other lands or land uses by reason of the impact of its shadow.
7. **Tower Locations.** A tower shall not be located in a front yard unless it is set back at least 200 feet from the front lot line; provided, however, that in approving the special land use, the Planning Commission may authorize a tower to be located closer to a front lot line.
8. **Tower Height.** A WECS, including the foundation, the tower, the rotor and all other components shall have a total height not exceeding 199 feet, as

measured from the ground at the base of the tower to the tip of the blade of the rotor, when the blade is in a vertical position.

9. **Compliance With Law.** A WECS and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations, including the Michigan Tall Structures Act and all airport zoning requirements.
10. **FAA Standards.** All structures shall comply with applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction.
11. **Building Codes.** All WECS structures shall comply with the applicable provisions of the Township building codes.
12. **Tower Foundation.** WECS towers shall be permanently secured to a stable foundation.
13. **Tower Grounding.** Towers shall be grounded to protect against damage from lightning.
14. **Tower Appearance.** All wind turbines and towers shall be finished in a single, non-reflective-matte-finished color which minimizes the visual impact of the WECS.
15. **Blade Clearance.** The minimum vertical blade-tip clearance from grade shall be 20 feet for a wind turbine employing a horizontal axis rotor (HAWT).
16. **Tower Construction.** A freestanding tubular monopole tower shall be required for any tower that is more than 50 feet in height. An anti-climbing device or design shall be used on all towers, irrespective of their height.
17. **Tower Graphics.** No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
18. **Power Lines.** All power lines from a WECS and connecting to a sub-station or grid, shall be underground, unless otherwise permitted by the Planning Commission.
19. **Safety.** All electrical and mechanical components of the system shall be securely locked. Spent lubricants and cooling fluids shall be promptly and safely removed from the premises. Signage on the access roads shall warn visitors of the danger of falling ice.

20. **Electromagnetic Interference.** No WECS shall be installed in any location where its proximity with existing fixed-broadcast, re-transmission or reception antenna for radio, television or wireless telephone or personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected parties that will restore reception to the level present before operation of the WECS. No WECS shall be installed in any location within the line of sight of an existing microwave communication link where its operation is likely to produce electromagnetic interference in the link operation unless the interference is insignificant.

D. **Discretionary Conditions.** The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any WECS regulated by the terms of this section. Such other terms and conditions may include, though are not limited to, the following:

1. The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof. Fencing may be required to secure the site and tower.
2. The prohibition on the construction or occupancy of dwellings on the lands where the WECS is located, within the separation distances specified by this section.
3. The preservation of existing trees and other existing vegetation not required to be removed for installation of the WECS.
4. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of a WECS tower or accessory buildings or structures.
5. The providing of a performance bond or letter of credit, in favor of the Township, and conditioned upon the timely and faithful performance of all required conditions of the special land use or site plan approval, including but not limited to the timely and complete removal of a WECS, or any individual tower, wind turbine generator, or other device or equipment regulated under the terms of the section, upon the failure of the same to be removed when required. Such performance bond or letter of credit shall remain in effect during and after the operation of a WECS, until the cessation of operations and the removal of the WECS.

E. **Removal.**

1. A WECS or other individual device, structure or equipment regulated under the terms of this section shall be removed not later than when the device or equipment is no longer operating or when it has been abandoned.

2. For purposes of this section, a WECS shall be deemed abandoned when it has not produced electrical energy for at least 12 consecutive months.
 3. The failure to timely remove a WECS or any device, structure or equipment regulated by the terms of this section shall be a violation of this Ordinance.
 4. In the event that the owner or operator of a WECS fails to remove the WECS after the ceasing of operations or after abandonment thereof, the Township may proceed with all available enforcement and remedial action, including but not limited to the obtaining of funds pursuant to a performance bond or letter of credit, and the use of such funds to accomplish the removal of all non-operating or abandoned towers, wind turbine generators, accessory structures and associated devices and equipment.
- F. **Inspections.** Upon providing reasonable prior notice to the operator, the Township zoning administrator and/or his or her designated representative may inspect any property for which the WECS special land use or site plan approval has been granted pursuant to this section, to determine whether the WECS and site comply with the applicable requirements of law and the terms of the special land use.
- G. **Prohibited Structures.** The following structures are prohibited as a part of any WECS.
1. Vertical axis wind turbines, commonly known as a “VAWT” or “Darrieus” wind turbine.
 2. Wind turbines (HAWT’s) with a rotor design consisting of a number of airfoil rotor blades other than three.
 3. Wind turbines utilizing a lattice tower structure, unless the WECS tower does not exceed 50 feet in height.

**ARTICLE 14
PLANNED UNIT DEVELOPMENTS (PUD)**

14.01 INTENT AND PURPOSE

- A. The Planned Unit Development (PUD) is a method by which creative development of land is encouraged in appropriate locations. The PUD is a device which makes use of varying lot sizes and integrates different building structures. Typically, structures in these developments are clustered in such a manner as to achieve the same overall density that would be achieved if the developer had laid out the development in the conventional grid zoning pattern.

- B. The general objectives of this article are as follows:
 - 1. To provide a more desirable living environment by preserving the agricultural and rural character of the Township and by protecting open fields, stands of trees, lakes, streams, hills and similar natural assets.
 - 2. To encourage the preservation of open space and passive recreation areas.
 - 3. To encourage developers to use a more creative and imaginative approach in the development of land.
 - 4. To promote more efficient and aesthetic use of open areas.

14.02 PUD APPROVAL PROCESS

Any land in the Township may be zoned or rezoned to a PUD zoning district in the Township's discretion in accordance with the procedures and requirements of this article, provided that the required minimum development area shall be met.

The Township may approve one of the following four PUD designations:

	Minimum Development Area
A. Rural Preservation PUD	10 Acres
B. Residential PUD	4 Acres
C. Commercial PUD	20,000 sq. ft. with public sewer 40,000 sq. ft. without public sewer
D. Industrial PUD	4 Acres

The permitted uses, density, and setback requirements for each of these PUD designations are listed in Section 14.08. Other PUD requirements are also stated in Section 14.08 and this article.

14.03 INTRODUCTORY MEETING

Before submitting an application for a PUD, the applicant shall confer in a meeting with the Planning Commission to obtain information and guidance regarding land development regulations, the Township's land use plan, and the application process.

14.04 PRELIMINARY REVIEW

- A. After the introductory meeting, the applicant shall make application for a preliminary review meeting and shall pay a fee as required by the Township Board.
- B. The Planning Commission shall schedule a public meeting to review the preliminary review information.
- C. At the preliminary review meeting, the applicant shall submit a preliminary sketch plan for the proposed PUD. The preliminary sketch plan shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
- D. The Planning Commission shall review the preliminary sketch plan to determine its conformance with the intent of this article and the Township's land use plan and shall make preliminary recommendations on the proposal based on the information provided.
- E. The maps that are a part of the preliminary sketch plan may be in general, schematic form and must contain:
 - 1. A map of the site showing area, size, boundary lines, and dimensions.
 - 2. Existing and proposed land uses and their approximate locations.
 - 3. Existing topographic character of the site.
 - 4. The character and approximate density of the proposed PUD.
 - 5. Circulation patterns, including pedestrian walkways and streets.
 - 6. Any proposed public or common use areas, including parks, open space and greenbelts.
 - 7. Existing floodplains, wetlands, bodies of water and other unbuildable areas.
 - 8. Plans for public services, such as sewer, water, roads and gas line service.
- F. Identify the types and locations of all open space areas and all proposed restrictions and permissives for the full protection against intentional or inadvertent destruction of the resource or its intended use.

14.05 FINAL APPLICATION

- A. Upon completion of the preliminary review meeting, an application may be submitted for a rezoning of the land to a PUD designation pursuant to Article 20. In addition to the information required by law, the following information shall be included:
1. All information required in Section 14.04.E.
 2. A completed site development plan pursuant to Article 17.
 3. A development schedule indicating:
 - (a) Approximate date for commencement of construction.
 - (b) Phases, if any, in which the project will be built and the expected starting and completion dates of each phase.
 - (c) Size and location of each area of common use for recreation or open space purposes which will be completed at each phase.
 4. Proposed agreements, covenants, deed restrictions, easements or other provisions which are proposed to govern the use, maintenance, and continued protection of the PUD and any of its common use and open areas.
 5. If a conservation easement is used, it shall state the permitted and restricted activities to be approved in perpetuity by the easement holder and shall contain the following information:
 - (a) A completed conservation easement agreement that follows the guidelines set forth in the introductory meeting and preliminary review meeting (Sections 14.03 and 14.04, respectively) and that is signed by the easement grantor and holder.
 - (b) An appraisal, signed and notarized by a licensed appraiser, that identifies each restrictive and permissive regulation of the easement and the effect the regulation will have on the value of the property in relation to the property's value prior to the granting of the easement.
 - (c) A copy of the site development plan, as required within this section, that shows the location, extent, and type of areas to be considered for conservation easements.
- B. Upon receipt of the application and accompanying materials, the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the statutory requirements.

- C. In formulating its recommendation to the Township Board, the Planning Commission shall consider the following:
1. The findings of fact required for a rezoning.
 2. The standards for site plan review in Section 17.05.
 3. The general objectives of a PUD as stated in Section 14.01.
 4. The purpose of the Zoning Ordinance as stated in Section 1.02.
- D. The Planning Commission may also require that the applicant provide some or all of the following information:
1. Soil surveys, borings, and septic suitability reports.
 2. Natural hazards.
 3. Substrate information.
 4. Surface and groundwater information.
 5. Storm drainage information.
 6. Erosion information.
 7. Solid and industrial waste disposal information.
 8. Sewage and public water information.
 9. Streams and water bodies impact analysis.
 10. Flora and fauna impact analysis.
 11. Archeological and historical information.
 12. Traffic information.
 13. Market study.
- E. The Planning Commission may require the applicant to provide any additional data or information that it determines is necessary to make an adequate environmental impact evaluation of the site and the effect of the proposed development on adjoining woodlots, waterways, wetlands, properties and other resources.
- F. The Planning Commission shall make a recommendation to the Township Board for either approval, disapproval or approval with conditions. The recommendation shall include a report stating the Planning Commission's conclusion, the basis for its

decision and any conditions relating to any approval. A copy of the recommendation and site plan shall be forwarded to the Township Clerk.

- G. Upon receiving the Planning Commission recommendation regarding the proposed PUD, the Township Board shall review the PUD development plan, the record of the Planning Commission proceedings and the recommendation submitted by the Planning Commission.
1. The Township Board shall convene a public hearing on the PUD development plan and the proposed ordinance to rezone the land to the requested PUD district.
 2. Notice of the public hearing shall be given by publication of a notice in a local newspaper of general circulation in the Township stating the date, time, place and purpose of the public hearing. The notice shall be published at least 15 days prior to the date of the public hearing. Public notice shall also be given by the mailing of the same or a similar notice by first-class U.S. mail to the owners of all lands within 300 feet of the lands proposed for PUD rezoning, as the names and addresses of the owners of such lands are shown in the current Township property tax assessment roll, as supplemented by any recent changes.
 3. Following the public hearing, the Township Board shall approve, deny, or approve with conditions the PUD development plan and the ordinance rezoning the land to the requested PUD district.
 4. In making a decision on the PUD development plan and the application for PUD rezoning, the Township Board shall determine whether the PUD zoning and the PUD development plan:
 - (a) Comply with the applicable PUD designation requirements stated in Section 14.08.
 - (b) Comply with the required conditions for PUDs stated in Section 14.10.
 - (c) Comply with other standards, conditions and requirements for PUDs as stated in this article.
 - (d) Promote the intent and purposes of this Ordinance.
 - (e) Ensure that the proposed PUD will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed PUD; and
 - (f) Ensure that the proposed PUD will be consistent with the public health, safety, and welfare needs of the Township.

14.06 CONDITIONS

- A. Reasonable conditions may be required by the Township Board with the approval of the PUD. The conditions may include but are not limited to those conditions specified in Section 13.01.F.
- B. The conditions imposed, with respect to the approval of a site plan, shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township Board and the landowner after following the same procedures as were required for the original approval. The Township Board shall maintain a record of conditions that are changed, and the conditions shall be recorded with the county Register of Deeds.

14.07 PERFORMANCE GUARANTEE

- A. The Township Board may, as a condition of the PUD approval, require the applicant(s) to post a cash bond, a bank letter of credit, or other security in order to ensure compliance with the requirements of this article.
- B. The amount of the performance guarantee to be submitted, if required, shall be equal to the total estimated cost for completing construction of any improvements required by the Township Board.
- C. The performance guarantee or unspent portions thereof will be returned to the applicant(s) by the Township Board, upon completion of the required improvements.

14.08 PUD DESIGNATION REQUIREMENTS

The following permitted uses, density and setback requirements (or such additional requirements as may be imposed by the Planning Commission and Township Board) shall be met for each PUD designation.

- A. **Rural Preservation PUD.**
 - 1. **Uses Permitted.** Single family dwellings and accessory uses. Golf courses and equestrian facilities may also be included in a Rural Preservation PUD.
 - 2. **Density.** There shall be not more than one dwelling unit for each three acres of land in the PUD and there shall be a minimum lot width of 250 feet; provided, however, that such building density may be increased to not more than one dwelling unit for each two acres of land in the PUD, and such minimum lot width may be reduced to 100 feet, if the Planning Commission and Township Board determine that such greater density and/or such lesser lot width is consistent with the standards stated in this article and so long as all of the following requirements are complied with:
 - (a) At least 30 percent of the land area in the PUD shall be designated and maintained as open space. For purposes of this requirement,

public street rights-of-way and private road rights-of-way or easements shall not be included in the calculation of open space, nor shall the bottomlands of a lake, stream or pond be included in the calculation of open space unless the proposed development includes the land on both sides of the stream or all land surrounding the lake or pond.

- (b) There shall be clustering of dwellings within the PUD, so that individual dwellings and privately owned lot areas related thereto comprise no more than 70 percent of the total land area of the PUD.
- (c) There shall be either a public sanitary sewer system to serve the PUD or a Township-approved privately-owned community sewer system, unless the Township expressly finds that the soils and terrain will not severely limit the use of septic tanks because of wetlands, steep slopes, flooding, slow percolation, ponding or other topographic characteristics, based on written documentation by the Michigan Department of Environmental Quality, the Kent County Health Department and their respective successors, and also that the lack of a public sanitary sewer system or privately-owned community sewer system will not unreasonably adversely affect area lakes, the watershed involved, or the environment.
- (d) The PUD shall not impose unreasonable demands on public services, public streets or other public facilities.
- (e) The PUD shall not unreasonably impact or harm environmentally sensitive areas, including lakes, woodlands, wetlands or prime agricultural land.

3. **Set backs.**

	Principal Bldg.	Accessory Bldg.
(a) Front Yard	40 Feet	40 Feet
(b) Side Yard	10 Feet	10 Feet
(c) Rear Yard	30 Feet	10 Feet
(d) Waterfront	50 Feet	30 Feet
4. Height.	35 Feet	16 Feet

- B. **Residential PUD.** (Public sanitary sewer shall be required. The PUD shall be located on a paved, primary public street. Unless waived by the Township, a public water system or privately-owned community water system shall also be required.)

1. **Uses Permitted.** Single , two and multiple family dwellings and accessory uses. PUDs with a minimum development area of ten acres may include a small area devoted to commercial retail and service establishments, provided all sales and service activities are intended to primarily serve the residents of the PUD and are fully enclosed within a building. The land area devoted to commercial establishments shall not exceed 1 percent of the land area of the PUD or 20,000 square feet, whichever is greater.

2. **Density.** Three dwelling units per acre.

3. **Setbacks:**

	Principal Bldg.	Accessory Bldg.
(a) Front Yard	30 feet	30 feet
(b) Side Yard	10 feet	10 feet
(c) Rear Yard	30 feet	15 feet
(d) Waterfront	30 feet	30 feet
4. Height.	35 feet	16 feet

C. Commercial PUD.

1. **Uses Permitted.** All uses permitted in Section 10.02 and any non-housing special use.

2. **Density.** Not Applicable.

3. **Setbacks (all buildings).**

(a) Front Yard: 50 feet.

(b) Side Yard: 20 feet.

(c) Rear Yard: 35 feet.

4. **Height.** 30 feet.

D. Industrial PUD.

1. **Uses Permitted.** All uses permitted in Sections 10.02, 11.02, and 12.02.

2. **Density.** Not applicable.

3. **Setbacks (all buildings).**

- (a) Front Yard: 60 feet.
- (b) Side Yard: 20 feet.
- (c) Rear Yard: 20 feet.

4. **Height.** 40 feet.

E. Discretionary Density.

1. Notwithstanding the density requirements of this section, and the density determination formula in Section 14.09, the Township may require a lesser density for a particular land development (that is, fewer dwelling units, fewer dwellings or other buildings, or fewer lots, parcels of land or site condominium units) if it is determined that the following requirements will not be satisfied with the proposed density or the proposed number of lots, parcels of land or site condominium units:
 - (a) The property is located on a paved public street and is served by adequate public streets.
 - (b) There is a public sanitary sewer system to serve the property.
 - (c) There is a public water supply system or a privately-owned public water supply system to serve the property.
 - (d) There are no natural or environmentally-sensitive areas impacted, including lakes, woodlands, wetlands or prime farmland.
 - (e) The proposed development will not impose unreasonable demands upon public services or public facilities.
2. In determining whether a lesser density shall be required, the Planning Commission and Township Board shall consider whether the requiring of such lesser density will assist in overcoming, compensating for or improving, in whole or in part, the disadvantages resulting from any of the following:
 - (a) Inadequate public streets.
 - (b) Lack of a public sanitary sewer.
 - (c) Lack of a public or community water supply system.
 - (d) Potential harm to or degradation of environmentally sensitive areas, including lakes, wetlands, woodlands and prime farmland, resulting from the proposed development.

- (e) Unreasonable demands on public services and facilities resulting from the proposed development.

Note: The front, side and rear yard setbacks listed shall serve as the general building space standards for all PUDs, although the Township Board shall have the discretion of altering (increasing or decreasing) these standards where necessary and appropriate.

14.09 DENSITY DETERMINATION

In determining the total number of lots and dwelling units permitted under Section 14.08, public street rights-of-way, private road rights-of-way or easements, wetlands, and the bottomlands of lakes, ponds and streams shall not be included in the calculations to determine such density. For lots or parcels with frontage on a lake or stream, dwelling unit density shall not exceed the maximum building density permitted by the application of the requirements of Section 3.16, pertaining to development limitations for lands with lake or stream frontage or certain other access thereto.

14.10 REQUIRED CONDITIONS FOR PUDS

- A. PUDs shall be designed to enhance environmental features, such as the preservation of trees, floodplains, agricultural areas and natural areas, and shall encourage proper site landscaping.
- B. The restrictions for lake access and keyhole development in Section 3.16 shall be met.
- C. The standards and procedures for private roads, as specified in Section 3.25 shall be met for all private roads serving the PUD.
- D. The minimum spacing between curb cuts onto an existing public road shall be 300 feet.
- E. All PUDs with designated open space; historical, unique, or significant habitats; and public outdoor recreation areas shall have a mechanism approved by the Township Board to ensure that the resource or use is preserved in perpetuity, such as a conservation easement or deed restriction. Deed restrictions shall be filed with the county Register of Deeds, shall run with the land, and shall be enforceable by both the property owner(s) and the Township. Conservation easements shall be conveyed to an approved agency or organization and shall be enforced by the holder for public benefit. (See Section 14.05.A.5 for conservation easement provisions.)

14.11 TIME LIMITATIONS

Each development shall be under substantial construction within one year after the date of rezoning by the Township Board. If this requirement is not met, the Township Board may grant an extension, provided the developers present reasonable evidence documenting the fact that the development has encountered unforeseen difficulties but is now ready to

proceed. Should these requirements not be fulfilled within a period of one year after final approval by the Township Board, any building permit issued for said development shall be invalid and void and the Township Board may initiate proceedings to hold a public hearing for the purpose of rezoning said property.

14.12 AMENDMENTS

Subsequent to zoning approval by the Township Board, no change in the PUD shall be made without approval of the proposed change in accordance with the procedures of this article.

14.13 BOARD OF APPEALS

The Board of Appeals is without jurisdiction to accept appeals or grant variances from the regulations of the PUD district.

14.14 CERTAIN RESIDENTIAL DEVELOPMENTS AS PLANNED UNIT DEVELOPMENTS

- A. In the A-1 and A-2 Agricultural Districts and the R-R Rural Residential District, no subdivision (as defined in this section) shall be established or created and no lot, site condominium unit or parcel of land in a subdivision shall be sold, conveyed, transferred or otherwise established, nor shall any building permit or zoning approval permit be issued, for any land in a subdivision unless such subdivision shall have been approved by the Township as a Planned Unit Development (PUD).
- B. For purposes of this section, a “subdivision” means any land or property, wherever located, improved or unimproved, which is divided, split, conveyed, proposed to be divided, split or conveyed, or developed as a site condominium or recorded plat, for the purpose of sale, transfer or building construction, into or including a number of lots, parcels of land, site condominium units or other interests in land, or any combination thereof, whether in whole or in part, as provided in Section 9.04 or which is greater than that permitted by right in the A-1 or A-2 Zoning Districts. For purposes of this section, “subdivision” also includes any lands, whether contiguous or not, if the number of lots, parcels of land, site condominium units or other units or interests, greater than that permitted in the A-1 or A-2 Zoning Districts or more than ten in the R-R District, are offered as part of a common promotional plan for sale or conveyance, or where the subdivision is being developed or is offered for sale, transfer or building construction by one developer, or more than one developer, whether acting individually or in concert.
- C. If parcels of land are contiguous or if they are known, designated or advertised as a single or common development, or by a single or common name, the land shall be deemed to be offered for disposition as part of a common promotional plan and shall accordingly be deemed to be part of a subdivision, if the total number of lots, parcels of land, site condominium units or other interests, or any combination thereof, exceeds the number permitted by right in the A-1 or A-2 Zoning Districts or exceeds ten in the RR Zoning District.

- D. For purposes of this section, “contiguous” land means any additional land adjacent to or adjoining the subdivided land included in any previous subdivision.
- E. If a parcel of land is created, divided or split from or out of another parcel of land, and if either or both of such parcels are further divided, split or site condominium units are created, or if any of such actions is proposed, within seven years after the recording of the first land division or land split, then each parcel shall be considered a subdivision for purposes of this section, and accordingly, each parcel shall be subject to planned unit development approval, if the number of lots, parcels of land or site condominium units created or developed from or out of such parcels or either of them exceeds the number permitted by right in the A-1 or A-2 Zoning Districts or exceeds ten in the RR Zoning District.

**ARTICLE 14A
PLANNED UNIT DEVELOPMENTS (PUD)
(ADMINISTRATIVE APPROVAL BY TOWNSHIP BOARD)**

14A.01 INTENT AND PURPOSE

- A. The Planned Unit Development (PUD) is a method by which creative development of land is encouraged in appropriate locations. The PUD is a device which makes use of varying lot sizes and integrates different building structures. Typically, structures in these developments are clustered in such a manner as to achieve the same overall density that would be achieved if the developer had laid out the development in the conventional grid zoning pattern.
- B. The general objectives of this article are as follows:
 - 1. To provide a more desirable living environment by preserving the agricultural and rural character of the Township and by protecting open fields, stands of trees, lakes, streams, hills and similar natural assets.
 - 2. To encourage the preservation of open space and passive recreation areas.
 - 3. To encourage developers to use a more creative and imaginative approach in the development of land.
 - 4. To promote more efficient and aesthetic use of open areas.

14A.02 PUD APPROVAL PROCESS

Any land in the Township may be administratively approved by the Township in accordance with the procedures and requirements of this article, provided that the required minimum development area and other requirements of this article shall be met.

The Township may approve one of the following four PUD designations:

Minimum Development Area	
A. Rural Preservation PUD	10 Acres
B. Residential PUD	4 Acres
C. Commercial PUD	20,000 sq. ft. with sewer 40,000 sq. ft. w/o sewer
D. Industrial PUD	4 Acres

The permitted uses, density, and setback requirements for each of these PUD designations are listed in Section 14A.08. Other PUD requirements are also stated in Section 14A.08.

14A.03 INTRODUCTORY MEETING

Before submitting an application for a PUD, the applicant shall confer in a meeting with the Planning Commission to obtain information and guidance regarding land development regulations, the Township's land use plan, and the application process.

14A.04 PRELIMINARY REVIEW

- A. After the introductory meeting, the applicant shall make application for a preliminary review meeting and shall pay a fee as required by the Township Board.
- B. The Planning Commission shall schedule a public meeting within 30 days of application to review the preliminary review information. Notice of the meeting shall be sent to all real property owners within 300 feet of the subject property as listed in the Township's most recent tax roll.
- C. At the preliminary review meeting, the applicant shall submit a preliminary sketch plan for the proposed PUD. The preliminary sketch plan shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
- D. The Planning Commission shall review the preliminary sketch plan to determine its conformance with the intent of this article and the Township's land use plan and shall make preliminary recommendations on the proposal based on the information provided.
- E. The maps that are a part of the preliminary sketch plan may be in general, schematic form and must contain:
 - 1. A map of the site showing area, size, boundary lines, and dimensions.
 - 2. Existing and proposed land uses and their approximate locations.
 - 3. Existing topographic character of the site.
 - 4. The character and approximate density of the proposed PUD.
 - 5. Circulation patterns, including pedestrian walkways and streets.
 - 6. Any proposed public or common use areas, including parks, open space and greenbelts.
 - 7. Existing floodplains, wetlands, bodies of water and other unbuildable areas.
 - 8. Plans for public services, such as sewer, water, roads and gas line service.

- F. Identify the types and locations of all open space areas and all proposed restrictions and permissives for the full protection against intentional or inadvertent destruction of the resource or its intended use.

14A.05 FINAL APPLICATION

- A. Upon completion of the preliminary review meeting, an application may be submitted for approval of the land to a PUD designation. The following information shall be included:
 - 1. All information required in Section 14A.04.E.
 - 2. A completed site development plan pursuant to Article 17.
 - 3. A development schedule indicating:
 - (a) Approximate date for commencement of construction.
 - (b) Phases, if any, in which the project will be built and the expected starting and completion dates of each phase.
 - (c) Size and location of each area of common use for recreation or open space purposes which will be completed at each phase.
 - 4. Proposed agreements, covenants, deed restrictions, easements or other provisions which are proposed to govern the use, maintenance, and continued protection of the PUD and any of its common use and open areas.
 - 5. If a conservation easement is used, it shall state the permitted and restricted activities to be approved in perpetuity by the easement holder and shall contain the following information:
 - (a) A completed conservation easement agreement that follows the guidelines set forth in the introductory meeting and preliminary review meeting (Sections 14A.03 and 14A.04, respectively) and that is signed by the easement grantor and holder.
 - (b) An appraisal, signed and notarized by a licensed appraiser, that identifies each restrictive and permissive regulation of the easement and the effect the regulation will have on the value of the property in relation to the property's value prior to the granting of the easement.
 - (c) A copy of the site development plan, as required within this section, that shows the location, extent, and type of areas to be considered for conservation easements.

- B. Upon receipt of the application and accompanying materials, the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the statutory requirements.
- C. In formulating its recommendation, the Planning Commission shall consider the following:
 - 1. The recommendation of the Master Plan as to the subject land.
 - 2. The standards for site plan review in Section 17.05.
 - 3. The general objectives of a PUD as stated in Section 14A.01.
 - 4. The purpose of the Zoning Ordinance as stated in Section 1.02.
- D. The Planning Commission may also require that the applicant provide some or all of the following information:
 - 1. Soil surveys, borings, and septic suitability reports.
 - 2. Natural hazards.
 - 3. Substrate information.
 - 4. Surface and groundwater information.
 - 5. Storm drainage information.
 - 6. Erosion information.
 - 7. Solid and industrial waste disposal information.
 - 8. Sewage and public water information.
 - 9. Streams and water bodies impact analysis.
 - 10. Flora and fauna impact analysis.
 - 11. Archeological and historical information.
 - 12. Traffic information.
 - 13. Market study.
- E. The Planning Commission may require the applicant to provide any additional data or information that it determines is necessary to make an adequate environmental impact evaluation of the site and the effect of the proposed development on adjoining woodlots, waterways, wetlands, properties and other resources.

- F. The Planning Commission shall make a recommendation to the Township Board for either approval, disapproval or approval with conditions. The recommendation shall include a report stating the Planning Commission's conclusion, the basis for its decision and any conditions relating to any approval. A copy of the recommendation and site plan shall be forwarded to the Township Clerk.
- G. Following receipt of the Planning Commission's recommendation and the site plan, the Township Board shall make the final decision either approving or disapproving the PUD application in accordance with the criteria of this article. Prior to making its final decision, the Township Board shall schedule and hold a public hearing on the application for PUD approval. Notice of the public hearing shall be delivered and published in accordance with Section 20.04 of this Ordinance.

14A.06 CONDITIONS

- A. Reasonable conditions may be required by the Township Board with the administrative approval of the PUD. The conditions may include but are not limited to those conditions specified in Section 13.01.F of this Ordinance.
- B. The conditions imposed, with respect to the approval of a site plan, shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Township Board and the landowner after following the same procedures as were required for the original approval. The Township Board shall maintain a record of conditions that are changed, and the conditions shall be recorded with the county Register of Deeds.

14A.07 PERFORMANCE GUARANTEE

- A. The Township Board may, as a condition of the PUD approval, require the applicant(s) to post a cash bond, a bank letter of credit, or other security in order to ensure compliance with the requirements of this article.
- B. The amount of the performance guarantee to be submitted, if required, shall be equal to the total estimated cost for completing construction of any improvements required by the Township Board.
- C. The performance guarantee or unspent portions thereof will be returned to the applicant(s) by the Township Board, upon completion of the required improvements.

14A.08 PUD DESIGNATION REQUIREMENTS

The following permitted uses, density and setback requirements (or such additional requirements as may be imposed by the Planning Commission and Township Board) shall be met for each PUD designation.

- A. **Rural Preservation PUD.**

1. **Uses Permitted.** Single family dwellings and accessory uses. Golf courses and equestrian facilities may also be included in a Rural Preservation PUD.

2. **Density.** There shall be not more than one dwelling unit for each three acres of land in the PUD and there shall be a minimum lot width of 250 feet; provided, however, that such building density may be increased to not more than one dwelling unit for each two acres of land in the PUD, and such minimum lot width may be reduced to 100 feet, if the Planning Commission and Township Board determine that such greater density and/or such lesser lot width is consistent with the standards stated in this article and so long as all of the following requirements are complied with:
 - (a) At least 30 percent of the land area in the PUD shall be designated and maintained as open space. For purposes of this requirement, public street rights-of-way and private road rights-of-way or easements shall not be included in the calculation of open space, nor shall the bottomlands of a lake, stream or pond be included in the calculation of open space unless the proposed development includes the land on both sides of the stream or all land surrounding the lake or pond.
 - (b) There shall be clustering of dwellings within the PUD, so that individual dwellings and privately owned lot areas related thereto comprise no more than 70 percent of the total land area of the PUD.
 - (c) There shall be either a public sanitary sewer system to serve the PUD or an MDEQ-approved privately-owned community sewer system, unless the Township expressly finds that the soils and terrain will not severely limit the use of septic tanks because of wetlands, steep slopes, flooding, slow percolation, ponding or other topographic characteristics, based on written documentation by the Michigan Department of Environmental Quality, the Kent County Health Department and their respective successors, and also that the lack of a public sanitary sewer system or privately-owned community sewer system will not unreasonably adversely affect area lakes, the watershed involved, or the environment.
 - (d) The PUD shall not impose unreasonable demands on public services, public streets or other public facilities.
 - (e) The PUD shall not unreasonably impact or harm environmentally sensitive areas, including lakes, woodlands, wetlands or prime agricultural land.

3. **Set backs.**

Principal Bldg.	Accessory Bldg.
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(a)	Front Yard	40 Feet	40 Feet
(b)	Side Yard	10 Feet	5 Feet
(c)	Rear Yard	30 Feet	5 Feet
(d)	Waterfront	50 Feet	30 Feet
4.	Height.	35 Feet	16 Feet

B. **Residential PUD.** (Public sanitary sewer shall be required. The PUD shall be located on a paved, primary public street. Unless waived by the Township, a public water system or privately-owned community water system shall also be required.)

1. **Uses Permitted.** Single, two and multiple family dwellings and accessory uses. PUDs with a minimum development area of ten acres may include a small area devoted to commercial retail and service establishments, provided all sales and service activities are intended to primarily serve the residents of the PUD and are fully enclosed within a building. The land area devoted to commercial establishments shall not exceed 1 percent of the land area of the PUD or 20,000 square feet, whichever is greater.

2. **Density.** Three dwelling units per acre.

3. **Setbacks:**

		Principal Bldg.	Accessory Bldg.
(a)	Front Yard	30 feet	30 feet
(b)	Side Yard	10 feet	5 feet
(c)	Rear Yard	30 feet	15 feet
(d)	Waterfront	30 feet	30 feet
4.	Height.	35 feet	16 feet

C. **Commercial PUD.**

1. **Uses Permitted.** All uses permitted in Section 10.02.

2. **Density.** Not Applicable.

3. **Setbacks (all buildings).**

(a) Front Yard: 50 feet.

(b) Side Yard: 20 feet.

(c) Rear Yard: 35 feet.

4. **Height.** 30 feet.

D. Industrial PUD.

1. **Uses Permitted.** All uses permitted in Sections 10.02, 11.02, and 12.02.

2. **Density.** Not applicable.

3. **Setbacks (all buildings).**

(a) Front Yard: 60 feet.

(b) Side Yard: 20 feet.

(c) Rear Yard: 20 feet.

4. **Height.** 40 feet.

E. Discretionary Density.

1. Notwithstanding the density requirements of this section, and the density determination formula in Section 14A.09, the Township may require a lesser density for a particular land development (that is, fewer dwelling units, fewer dwellings or other buildings, or fewer lots, parcels of land or site condominium units) if it is determined that the following requirements will not be satisfied with the proposed density or the proposed number of lots, parcels of land or site condominium units:

(a) The property is located on a paved public street and is served by adequate public streets.

(b) There is a public sanitary sewer system to serve the property.

(c) There is a public water supply system or a privately-owned public water supply system to serve the property.

(d) There are no natural or environmentally-sensitive areas, including lakes, woodlands, wetlands or prime farmland.

(e) The proposed development will not impose unreasonable demands upon public services or public facilities.

2. In determining whether a lesser density shall be required, the Planning Commission and Township Board shall consider whether the requiring of such lesser density will assist in overcoming, compensating for or improving, in whole or in part, the disadvantages resulting from any of the following:

- (a) Inadequate public streets.
- (b) Lack of a public sanitary sewer.
- (c) Lack of a public or community water supply system.
- (d) Potential harm to or degradation of environmentally sensitive areas, including lakes, wetlands, woodlands and prime farmland, resulting from the proposed development.
- (e) Unreasonable demands on public services and facilities resulting from the proposed development.

Note: The front, side and rear yard setbacks listed shall serve as the general building space standards for all PUDs although the Township Board shall have the discretion of altering (increasing or decreasing) these standards where necessary and appropriate.

14A.09 DENSITY DETERMINATION

In determining the total number of lots and dwelling units permitted under Section 14A.08, public street rights-of-way, private road rights-of-way or easements, wetlands, and the bottomlands of lakes, ponds and streams shall not be included in the calculations to determine such density. For lots or parcels with frontage on a lake or stream, dwelling unit density shall not exceed the maximum building density permitted by the application of the requirements of Section 3.16, pertaining to development limitations for lands with lake or stream frontage or certain other access thereto.

14A.10 REQUIRED CONDITIONS FOR PUDS

- A. PUDs shall be designed to enhance environmental features, such as the preservation of trees, floodplains, agricultural areas and natural areas, and shall encourage proper site landscaping.
- B. The restrictions for keyhole development in Section 3.16 shall be met.
- C. The standards and procedures for private roads, as specified in Section 3.29 shall be met for all private roads serving the PUD.
- D. The minimum spacing between curb cuts onto an existing public road shall be 300 feet.
- E. All PUDs with designated open space; historical, unique, or significant habitats; and public outdoor recreation areas shall have a mechanism approved by the Township Board to ensure that the resource or use is preserved in perpetuity, such as a conservation easement or deed restriction. Deed restrictions shall be filed with the county Register of Deeds, shall run with the land, and shall be enforceable by both the property owner(s) and the Township. Conservation easements shall be conveyed

to an approved agency or organization and shall be enforced by the holder for public benefit. (See Section 14A.05.A.5 for conservation easement provisions.).

- F. The land for which PUD development is proposed shall be suited for such development based on the recommendations and criteria of the Township Land Use Plan, also known as the Master Plan.

14A.11 TIME LIMITATIONS

Each PUD development permitted pursuant to this article shall have undergone substantial construction within one year after the date of approval by the Township Board. If this requirement is not met, the Township Board may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the PUD. If the PUD development has not undergone substantial construction within the above-stated time period, or within any authorized extension thereof, any building permits issued for the PUD development or any part thereof shall be of no further effect, and no additional building permit shall be granted for the PUD. The applicant shall then be required to seek renewed approval from the Planning Commission and Township Board under the terms of this article in order to obtain PUD approval.

14A.12 AMENDMENTS

Subsequent to approval by the Township Board, no change in the PUD shall be made without approval of the proposed change in accordance with the procedures of this article.

14A.13 BOARD OF APPEALS

The Board of Appeals is without jurisdiction to accept appeals or grant variances from planned unit development decisions made under this article.

14A.14 CERTAIN RESIDENTIAL DEVELOPMENTS AS PLANNED UNIT DEVELOPMENTS

- A. In the A-1 and A-2 Agricultural Districts and the R-R Rural Residential District, no subdivision (as defined in this section) shall be established or created and no lot, site condominium unit or parcel of land in a subdivision shall be sold, conveyed, transferred or otherwise established, nor shall any building permit or zoning approval permit be issued, for any land in a subdivision unless such subdivision shall have been approved by the Township as a Planned Unit Development (PUD).
- B. For purposes of this section, a “subdivision” means any land or property, wherever located, improved or unimproved, which is divided, split, conveyed, proposed to be divided, split or conveyed, or developed as a site condominium or recorded plat, for the purpose of sale, transfer or building construction, into or including a number of lots, parcels of land, site condominium units or other interests in land, or any combination thereof, whether in whole or in part, as provided in Section 9.04 or which is greater than that permitted by right in the A-1 or A-2 Zoning Districts. For

purposes of this section, “subdivision” also includes any lands, whether contiguous or not, if the number of lots, parcels of land, site condominium units or other units or interests, greater than that permitted in the A-1 or A-2 Zoning Districts or more than ten as provided in the R-R District are offered as part of a common promotional plan for sale or conveyance, or where the subdivision is being developed or is offered for sale, transfer or building construction by one developer, or more than one developer, whether acting individually or in concert.

- C. If parcels of land are contiguous or if they are known, designated or advertised as a single or common development, or by a single or common name, the land shall be deemed to be offered for disposition as part of a common promotional plan and shall accordingly be deemed to be part of a subdivision, if the total number of lots, parcels of land, site condominium units or other interests, or any combination thereof, exceeds the number permitted by right in the A-1 or A-2 Zoning Districts or exceeds ten in the R-R Zoning District.
- D. For purposes of this section, “contiguous” land means any additional land adjacent to or adjoining the subdivided land included in any previous subdivision.
- E. If a parcel of land is created, divided or split from or out of another parcel of land, and if either or both of such parcels are further divided, split or site condominium units are created, or if any of such actions is proposed, within seven years after the recording of the first land division or land split, then each parcel shall be considered a subdivision for purposes of this section, and accordingly, each parcel shall be subject to planned unit development approval, if the number of lots, parcels of land or site condominium units created or developed from or out of such parcels or either of them exceeds the number permitted by right in the A-1 or A-2 Zoning Districts or exceeds ten in the R-R Zoning District.

ARTICLE 14B
OPEN SPACE PRESERVATION – PUBLIC ACT NO. 177 OF 2001, AS AMENDED
MCLA 125.286H ET SEQ.

14B.01 APPLICABILITY

The provisions of this article are intended to carry out the provisions of Public Act No. 177 of 2001, as amended, being MCLA 125.286h *et seq.* (“Act No. 177”). In order for a landowner to exercise the open space preservation option of that statute, the land involved must be rezoned to a planned unit development (“PUD”) zoning designation pursuant to this article and all of the requirements of this article must be met. Additionally, the PUD provisions of Article 14 of this Ordinance shall also apply except to the extent that an express provision of this article modifies the PUD process. Act No. 177 requires that townships having a population of 1,800 or more and which have a Zoning Ordinance must adopt provisions in their Zoning Ordinances known as “open space preservation” provisions, which permit lands satisfying certain criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the Zoning Ordinance, but not more than 50 percent, that, as determined by the townships could otherwise be developed under existing ordinances, laws, and rules on the entire land area. The purpose of this article is to adopt open space preservation provisions consistent with the requirements of Act No. 177.

14B.02 DEFINITIONS

For purposes of this article, the following definitions shall apply:

- A. “Land zoned for residential development” shall mean any land located in the R-L, R, and R-R Zoning Districts pursuant to this Ordinance.
- B. “Act No. 177” shall mean Public Act No. 177 of 2001, as amended, being MCLA 125.286h *et seq.*

14B.03 QUALIFYING CONDITIONS

- A. Land may be developed pursuant to the provisions of this article and Act No. 177 only if all of the following requirements and conditions are met:
 - 1. The land is located in the R-L, R, or R-R Zoning Districts pursuant to this Zoning Ordinance.
 - 2. The development of land pursuant to this article shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering or open space option provided for by this article would also depend on such extension.
 - 3. The clustering or open space option provided pursuant to this article shall not have previously been exercised with respect to the same land.

- B. If all of the preceding conditions and requirements listed in this Section 14B.03.A are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions and requirements of this article.

14B.04 PERMITTED USES

Only those residential land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this article.

14B.04 PROCESS

Only land located in the R-L, R, and R-R Zoning Districts is eligible for the open space preservation option provided for in this article and pursuant to Act No. 177. Should the owner of a property within the R-L, R, or R-R Zoning Districts desire to take advantage of such option, the landowner must apply for a PUD rezoning approval pursuant to the procedural requirements of Article 14 of this Zoning Ordinance. Once the land is zoned for a PUD pursuant to this article, it will be deemed a “Residential-Open Space Preservation PUD.” All of the normal minimum lot size, setback, road frontage, lot width, width-to-depth ratio, and other dimensional, frontage, and area requirements governing the development of land within the zoning district where the land is located shall apply except to the extent that such standards are expressly varied pursuant to this article or where the Planning Commission and Township Board approve such a variation pursuant to the PUD approval process.

14B.06 APPLICATION AND REVIEW PROCEDURE

- A. The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this article shall be those stated in Articles 14 and 17 of this Ordinance, governing site plans and planned unit developments, except as otherwise expressly provided in this Section 14.06.A and this article.
- B. In addition to the application materials required by Articles 14 and 17 of this Ordinance, an application for the development of land under the provisions of this article shall also include the following:
 - 1. **The Existing Zoning Plan.** The applicant shall prepare and submit to the Township a site plan for the purpose of demonstrating the number and location of dwelling units that could be developed on the land at issue under its existing zoning if the clustering or open space option provided for by this article were not exercised. The existing zoning plan may be conceptual in nature, but shall include at least the following information:
 - (a) Date, north arrow and scale, which shall not be more than 1” = 100,’ and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed development using the clustering option permitted by this article.
 - (b) Location of all streets and driveways, existing and proposed.

- (c) Location of all lots, illustrating lot area, frontage, and the width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
- (d) Location of all utilities that would be necessary to serve a development under the existing zoning plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
- (e) If development under the existing zoning plan would require the use of septic tanks and drain fields, the existing zoning plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Kent County Health Department.
- (f) The location of all portions of the land that are unbuildable for residential purposes due to the presence of wetlands, severe slopes, flood plains, or other features prohibiting development for residential purposes.
- (g) If any portion of the land has frontage on a lake, river, or street, the existing zoning plan shall show each such body of water, as well as the number and location of dwelling units that could be developed with frontage on or access to each such body of water under existing zoning if the open space or clustering option provided for by this article were not exercised.

2. **The Site Development Plan.** The applicant shall also submit a site plan for the open space or clustering option permitted by this article, which, in addition to the site plan requirements specified by Articles 14 and 17 of this Ordinance, shall also include all of the following information:

- (a) Date, north arrow and scale, which shall not be more than 1" = 100,' and, in all cases, the scale shall be the same as that utilized for the existing zoning plan.
- (b) The site development plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
- (c) The site development plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for

cluster development, and the percentage of each, as compared to the total site acreage.

- (d) The site development plan shall illustrate the location of all lots and proposed building envelopes and shall indicate the lot area, frontage, and width of each lot, and the proposed front, side and rear yard building setbacks. The number of lots on the site development plan shall not exceed the number of lots on the existing zoning plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described later in this article.
- (e) The site development plan shall also illustrate the location and type of all proposed structures or improvements that are not dwellings.
- (f) If the proposed clustered development will include septic tanks and drain fields, the site development plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Kent County Health Department.
- (g) If the development is to be served by public streets, proof that the Kent County Road Commission has approved the design, layout and construction of the streets.
- (h) If any portion of the land has frontage on a lake, river, or street, the site development plan shall show the proposed location and number of dwelling units with proposed frontage on or access to a body of water.
- (i) The location of any proposed private street(s).
- (j) The site development plan shall demonstrate that each of the proposed residential lots and proposed building envelopes is “buildable” and fully suited for the construction and use of a single family residential dwelling.

3. **Developable Area.** When reviewing an application submitted under the terms of this article, the Planning Commission shall determine whether the existing zoning plan accurately reflects the number and location of dwelling units that could be developed on the land under its existing zoning if the clustering or open space option provided by this article were not exercised. If the Planning Commission determines that the number and/or location of dwellings shown on the existing zoning plan exceeds the number of dwellings that could be permitted or developed on the land if it were developed under its existing zoning if the clustering or open space option provided by this article were not exercised (or the locations are not accurate), the applicant shall submit a revised existing zoning plan which accurately

reflects the number and location of dwellings which could have been developed under existing zoning if the Act No. 177 option were not exercised pursuant to this article. For purposes of determining the number and location of dwellings that would have been permitted or developed on the land under its existing zoning if the clustering or open space option were not exercised, the following shall be deemed land not developable and shall be excluded from the formula of determining otherwise developable land area under existing ordinances:

- (a) Wetlands as defined by Michigan law.
- (b) Land located under a lake, pond, river, or stream.
- (c) Land with slopes exceeding 15 percent.
- (d) Land for which an on-site private septic system or private well could not be utilized under Kent County Health Department regulations.
- (e) Land located within a flood plain or which is subject to periodic flooding.

4. **The Restrictions Document.** The applicant shall submit a copy of the proposed deed restrictions, restrictive covenants, conservation easement, plat dedication, or other legal document which the applicant proposes to utilize if the proposed open space or cluster development is approved pursuant to this article and which would have the legal effect of preserving in perpetuity the open space required by this article in an undeveloped state. Such document shall be reviewed and approved by the Township and the Township Attorney (as to form and content) prior to recording. At a minimum, the document(s) shall provide for all of the following:

- (a) Indicate the proposed permitted use(s) of the undeveloped open space.
- (b) Require that the open space be maintained forever in an undeveloped condition, without buildings, structures, or other improvements, except such drainage improvements, utilities, riding trails, hiking trails, picnic areas, park or playground equipment, growing of crops, agricultural structures, or similar improvements which are approved by the Planning Commission.
- (c) Require that the undeveloped open space be maintained by the parties who have an ownership interest in it.
- (d) Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.

The approved restrictions document shall be fully executed by all of the owner(s) of the land and shall be recorded with the Kent County Register of Deeds before any lots are sold and before any building permits are issued.

5. If the site development plan complies and all aspects of the proposed development satisfy all requirements of this article, the Planning Commission and Township Board shall approve the site development plan and the planned unit development rezoning for the proposed development.

14B.07 REQUIREMENTS FOR OPEN SPACE

- A. **Required Open Space.** At least 50 percent, but no more than 80 percent, of the land proposed for development under the provisions of this article shall remain in a perpetually undeveloped state (i.e., “open space”) by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land as approved by the Township Board (upon recommendation by the Planning Commission) and the Township Attorney.
- B. **Lands to be Set Aside as Open Space.** It shall be the Township Board (upon recommendation from the Planning Commission) that determines which 50 percent or more of the land shall be set aside for open space, as well as which portion or portions of the land may be developed. At the discretion of the Township Board (upon recommendation from the Planning Commission), the land to be set aside as permanent open space need not be contiguous. The Township Board (upon recommendation from the Planning Commission) shall also determine what percentage of the total land area (between 50 percent and 80 percent) shall be set aside as permanent open space.
- C. The following areas shall not constitute open space and may not be utilized to satisfy the open space requirement:
 1. Any areas located within or under any public street easement or right-of-way.
 2. Property located under or within any private street or road easement.
 3. The land located under or the area within any easement for overhead utility lines.
 4. The area within a platted lot or site condominium unit.
 5. Off-street parking areas.
 6. Detention and retention ponds.
 7. Community drain fields.
 8. The lands or area located underneath a lake, pond, river, or stream.

9. The area within a wetland as defined by Michigan law.
10. Lands with slopes exceeding 15 percent.
11. Areas subject to flooding or within a flood plain.

D. Standards for Open Space. The following standards shall apply to the open space required pursuant to this article:

1. The open space shall not include a golf course.
2. The open space may include a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
3. The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.
4. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
5. A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 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.
6. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
7. Open space shall be located so as to be reasonably accessible to the residents of the development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
8. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.

E. Use of Open Space. All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Township Board (upon recommendation by the Planning Commission), at its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.

14B.08 INDIVIDUAL LOTS, STREETS, AND OTHER IMPROVEMENT, MISCELLANEOUS PROVISIONS

- A. **Underlying Zoning District.** The development of land under this article shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback, area, lot width to depth ratio, and yard size requirements that must be adjusted to allow the clustering option permitted under this article where approved by the Township Board (upon recommendation from the Planning Commission).
- B. **Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission).
- C. **Building Envelopes.** The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Township Board (upon recommendation from the Planning Commission). The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located.
- D. **Required Street Frontage.** Each lot shall have a minimum of at least 80 feet of frontage on a lawful street, measured at the street right-of-way line.
- E. **Lot Width.** Each lot shall have a minimum width equal to no less than one-half the minimum lot width specified for the zoning district in which the land is located, unless otherwise approved by the Township Board (upon recommendation from the Planning Commission). Notwithstanding the provisions of this subsection, each lot which abuts or has frontage on a lake, river, stream or creek shall have frontage on such body of water equal to or greater than the minimum lot width requirement for the zoning district in which the land is located.
- F. **Maximum Number of Lots.** The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the existing zoning plan approved by the Planning Commission and Township Board, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection H.
- G. **Non-dwelling Unit Structures.** Lots containing non-dwelling structures such as a clubhouse and its related amenities, shall be subject to all requirements of this article applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. However, the Township Board (upon recommendation by the Planning Commission) may, at its discretion, permit the enlargement of a lot containing a non-dwelling structure so as to reasonably accommodate it.
- H. **Reduction in Lots for Non-dwelling Structures.** If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the

number of dwelling lots permitted in the clustered portion of the land shall be reduced as follows:

1. The area of a lot or lots occupied by non-dwelling structures, shall be calculated and then divided by the average area of a dwelling lot that could be situated in the clustered development if the non-dwelling structures were not included in the clustered development, as determined from the approved existing zoning plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
 2. The number calculated under subsection 1 shall be subtracted from the number of dwelling lots that could be permitted in the clustered development in the absence of the non-dwelling structures, as determined from the approved existing zoning plan, in order to determine the maximum number of dwelling lots permitted to be included in the clustered portion of the development with the non-dwelling structures included.
- I. **Perimeter Lots.** Notwithstanding any other provision of this article, the Township Board (upon recommendation from the Planning Commission) may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- J. **Sidewalks.** The Township Board (upon recommendation from the Planning Commission) may require sidewalks.
- K. **Grading.** Grading within the clustered development shall comply with the following requirements:
1. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed by the Township Board on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required by the Township Board.
 2. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Township Board (upon recommendation from the Planning Commission). Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Township Board (upon recommendation from the Planning Commission).
 3. Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon lakes, streams, wetlands, and the environmental characteristics of the land as may be reasonably feasible.

- L. **Private Streets.** Private streets within a clustered development shall conform to the private street requirements (and approval process) of this Ordinance. The Township Board (upon recommendation from the Planning Commission) may, however, modify the requirements for private streets and in doing so, shall consider the following criteria:
1. The number and type of dwelling units served by the private street.
 2. Traffic generation.
 3. Existing topography and vegetation.
 4. Security provisions.
 5. Inter-relationship with the public street network.
 6. Future installation of public utilities.
 7. Likelihood of public dedication of the roadway.
- M. **Other Laws.** The development of land under this article is subject to all other applicable Township ordinances, and 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.
- N. **Access to or Frontage on Lakes and Streams.**
1. An approved Residential-Open Space Preservation PUD or other approved development pursuant to Act No. 177 and this article, shall comply fully with the lake access, frontage, and other requirements contained in Section 3.16 of this Ordinance with regards to lakes, rivers and streams if the property at issue has frontage on a lake, river or stream.
 2. No approved Residential-Open Space Preservation PUD or other development approved pursuant to Act No. 177 and this article shall permit any more lots or dwellings to have access to or frontage upon a lake, river or stream than would be otherwise legally permissible under existing zoning.
- O. **County Drain Commissioner Approval.** Any matters involved with drainage, retention/detention ponds, water runoff, and similar matters associated with any proposed development pursuant to this article shall require the approval of the Kent County Drain Commissioner and shall be subject to the applicable rules and regulations of the same.

14B.09 AMENDMENTS TO AN APPROVED RESIDENTIAL-OPEN SPACE PUD

- A. An approved site plan and any conditions imposed upon its approval pursuant to an approved Residential-Open Space Preservation PUD shall not be changed except upon the mutual consent of the Township Board (after recommendation by the Planning Commission) and the applicant, except as otherwise stated below with respect to minor changes.

- B. A minor change may be approved by the Planning Commission. The following items shall be considered minor changes:
 - 1. Reduction of the size of any building, building envelope, or sign.
 - 2. Movement of buildings or signs by no more than ten feet.
 - 3. Plantings approved in the landscaping plan may be replaced by similar types of plantings.
 - 4. Changes requested by the Township for safety reasons.
 - 5. Changes which will preserve natural features of the land without changing the basic site layout.

14B.10 PERFORMANCE GUARANTEES

The Township Board, at its discretion, may require reasonable performance guarantees. Such guarantees shall be conditioned upon faithful compliance with all of the provisions and requirements of this article and the approved site plan and PUD. Such performance guarantees shall be in the form of a performance bond, irrevocable letter of credit, or cash deposit in an amount and form deemed by the Township Board to be appropriate.

14B.11 TIME LIMITATIONS FOR DEVELOPMENT

Each development approved and permitted pursuant to this article shall be under substantial construction within one year after the date of approval of the site plan and PUD by the Planning Commission and Township Board. If this requirement is not met, the Planning Commission may, at its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence showing that unforeseen difficulties or special circumstances have occurred which caused excusable delay in the commencement of the cluster or open space development. If the approved development has not been commenced within the above-stated time period or any authorized extension thereof, any zoning permits and building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek a new approval (as if starting over again) from the Planning Commission and Township Board pursuant to the requirements of this article.

14B.12 SAVINGS CLAUSE

If for any reason a court of competent jurisdiction determines that the Township cannot require an applicant to obtain a PUD rezoning approval as a prerequisite for exercising the clustering or open space/preservation development option pursuant to Act No. 177 or this article, all other procedures and requirements of this article shall remain applicable, including the site plan approval requirements of Article 17 of this Ordinance. If a court of competent jurisdiction determines that zone district(s) in addition to those listed in Section 14B.02.A of this article are considered “lands zoned for residential development,” the requirements of this article shall apply to the lands in such additional zone district(s).

ARTICLE 14C
PLANNED UNIT DEVELOPMENTS (PUD)
(ADMINISTRATIVE APPROVAL BY TOWNSHIP BOARD;
FINAL PUD PLAN APPROVAL BY PLANNING COMMISSION)

14C.01 INTENT AND PURPOSES

- A. Planned Unit Development (PUD) is a method of regulated land development under which creative development and preservation of land is encouraged in appropriate locations in the Township. In providing PUD regulations, the Township intends to provide a regulatory basis whereby a degree of flexibility may be available in the use, density, building placement, dimensional, access, open space and other land development features, in order to promote innovations in land use and to encourage the preservation of natural features and open space areas. In permitting such flexibility, the provisions of this article are also intended to assure reasonable protection for other land uses located in the vicinity of planned unit developments.

More particularly, the PUD district is intended to achieve the following intents and purposes:

1. Provide for flexibility in the regulation of land development.
2. Provide a more desirable living environment by preserving the agricultural and rural character of the Township and by protecting open fields, stands of trees, lakes, streams, hills, wetlands, and similar natural features.
3. Encourage innovation in land use and variety in design, layout, and type of buildings and structures.
4. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
5. Encourage the use of land in accordance with its character and adaptability.
6. Encourage useful open space, including, if permitted, open space that is not contiguous to the other lands in a PUD.
7. Promote the enhancement of housing, employment, traffic circulation, pedestrian movement, and recreational opportunities for the residents of the Township.
8. Provide for the regulation of a variety of land uses not otherwise authorized within a single zoning district.
9. Create better living, working, and shopping environments.
10. Provide for developments which would result in recognizable and substantial benefits to the ultimate users of a development, and to the community in

general, where such benefits would be unfeasible or unlikely to be achieved under the conventional requirements of this Ordinance.

- B. To accomplish these and other purposes, the provisions of this article regulate the use, development and preservation of PUD lands, rather than the regulations of the zoning district in which the lands are located, except in those cases where this article specifies that such underlying zoning district provisions shall apply.
- C. The land uses and the construction and use of buildings, structures and other land features in a PUD may occur only in compliance with the minimum requirements and approval procedures specified in this article. Township approval of a PUD may be given only in accordance with the standards for PUD approval stated herein.

14C.02 MINIMUM QUALIFYING CONDITIONS

A PUD shall comply with all of the following minimum qualifying conditions.

- A. The land uses within a PUD shall be consistent with the uses designated for the lands by the Township Master Plan, as specified more particularly under each type of PUD as described in this article.
- B. The minimum land area requirements specified for each type of PUD shall be complied with.
- C. The lands comprising a PUD must be subject to unified ownership or control, so that the person or legal entity that is applying for PUD approval will have proprietary responsibility for the completion of the development, if approved. If multiple persons or legal entities have ownership interests in the land, all such persons or entities must sign the PUD application or, if the application is signed by a prospective purchaser or optionee, written consent to the application by all owners of the land must be submitted with the application. Open space that is permitted to be used for productive agriculture may be leased or may be sold and conveyed to a party other than the owner or owners of the other lands in the PUD.
- D. Water supply and sanitary sewage disposal in and for a PUD shall be accomplished only by public or community water supply and sanitary sewer systems, or where permitted, by individual water supply wells and individual on-site sanitary sewage disposal facilities, approved by the County Health Department and other agencies having jurisdiction and in compliance with applicable Township ordinances.
- E. The control, management and dispersal of storm water shall be accomplished only in compliance with the Township Storm Water Ordinance.
- F. Motor vehicle access to lands comprising a PUD shall be provided only from interior roads, except as to parcels specifically permitted in the PUD approval to have direct driveway access to an abutting street.

- G. All applicable requirements of this Ordinance shall apply to a PUD unless modified or otherwise provided in this article.

14C.03 LAND USE AND SITE DEVELOPMENT REQUIREMENTS

A. Residential PUD.

1. The minimum area of a Residential PUD shall be 20 acres.
2. Land, buildings and structures in a Residential PUD may be used for the following purposes only:
 - (a) Detached single family dwellings; two-family dwellings; and multiple family dwellings.
 - (b) The following leisure and recreational uses may be permitted if they are accessory to a residential use: golf courses; riding stables; athletic fields; bicycle paths and walking trails; parks, playgrounds and picnic areas; the use and mooring of watercraft; swimming and fishing areas; community buildings and health and fitness clubs; and similar leisure and recreational amenities approved as part of the PUD.
3. Lands comprising a Residential PUD shall be only those lands designated Agricultural Preservation, Rural Preservation, Low Density Residential or Moderate Density Residential by the Township Master Plan.
4. The maximum number of dwelling units permitted shall be determined by the Master Plan designation for the lands comprising the PUD. Building densities shall not exceed the following limitations, unless a greater density is permitted under the terms of Section 14C.12. If the PUD lands are located in more than one future land use category as stated in the Master Plan, the maximum number of dwelling units shall be calculated proportionately.

Master Plan Designation	Units per Gross Acre
Agricultural Preservation	1/5 acres
Rural Preservation	1/3 acres
Low Density Residential	.5/acre
	2/acre with public or community sewer system
Moderate Density Residential*	4/acre (public or community sewer required)

*site must meet at least four of the criteria specified in the Master Plan (p. 30).

5. The total amount of land to be used for the calculation of the permitted density in a PUD shall be determined by using the gross (total) acreage of the

site, excluding existing street right-of-way, wetlands, and bottomlands of lakes, ponds, and streams.

6. The minimum lot area, minimum lot width, building setbacks and yard requirements for any lot or parcel designated for residential use shall comply with the following requirements:

Use	Min. Lot area per Dwelling	Min Lot Width (feet)	Min. Setbacks		
			Front	Side	Rear
Detached Single Family & Site Condominiums	10,000 square feet w/public or community sewer	80	20	5 min. Total 12	20
	36,000 w/individual septic (subject to approval of Kent County Health Dept.)	120			
Attached single Family & Two-Family	7,500	90	5	8	20
Multiple Family	4,000	N/A	40	30	50
				25 between buildings	

7. Land not proposed for development but used for the calculation of overall density shall be considered open space subject to the limitations of Section 14C.03.A.8(a).

8. **Open Space.**

- (a) At least 25 percent of the area of a PUD shall consist of dedicated open space. If permitted in the approval of the PUD, dedicated open space may be located on lands not contiguous to the rest of the PUD, in compliance with the other provisions of this subsection (a) and other applicable provisions of this article.

- i. Non-contiguous open space shall be permitted only if the total area of the PUD (including non-contiguous open space) is at least 80 acres.

- ii. Non-contiguous open space shall be permitted only if at least twenty 25 percent of the PUD lands (not including non-contiguous open space) consists of dedicated open space.
 - iii. In determining whether to approve non-contiguous open space as a part of a proposed PUD, the Planning Commission and Township Board may give consideration to the distance between the non-contiguous open space and the rest of the PUD, among other matters.
 - iv. Non-contiguous open space shall be undeveloped, or shall be used only for the limited purposes authorized herein for contiguous open space.
 - v. Non-contiguous open space, for purposes of this provision, means open space that does not touch the rest of the PUD at any point. Open space that is located across (that is, to the outer side of) a public or private street that is located on or along a boundary of the rest of the PUD is non-contiguous open space.
 - vi. Non-contiguous open space shall be available for use by all residents of the PUD, subject to reasonable regulations in the master deed or other governing document, except when the lands are permitted to be used for farming.
 - vii. Non-contiguous open space shall be established by legally sufficient and recorded covenants, condominium documents or such other recordable instruments as will accomplish the preservation of the open space in perpetuity and limit its uses to only those specified in such documents.
 - viii. The permitted uses of non-contiguous open space may include any of those permitted herein for contiguous open space, to the extent permitted by the Township Board in its approval of the PUD.
 - ix. In other respects, non-contiguous open space shall comply with the requirements specified herein for contiguous open space.
- (b) Open space shall be designated and established for conservation, limited recreation purposes or preservation in undeveloped or unimproved condition.
 - (c) Dedicated open space shall be available for use by all residents of the PUD, subject to such reasonable rules and regulations as may be

included in the Master Deed or other governing documents of a development, except such open space as is designated and used for productive agricultural purposes.

- (d) Dedicated open space shall be of sufficient size and shall be so configured that it is reasonably usable by the PUD residents, except open space designated for productive agriculture, and shall be otherwise established so as to achieve the intent and purposes of this article with respect to PUD amenities.
 - (e) Dedicated open space shall be subject to legally established restrictive covenants, condominium documents, plat restrictions or such other recorded and effective instruments as will accomplish the dedication of the open space in accordance with the requirements of this article, in perpetuity. Lands included in dedicated open space shall be owned in common by the property owners within the PUD, or in the name of a condominium association or other property owners association, or similar legally-effective arrangement, subject to the open space requirements of this article. Open space that is permitted to be used for productive agriculture may be leased or may be sold and conveyed to a party other than the owner or owners of the other lands in the PUD.
 - (f) The legal instruments establishing and limiting the use of open space shall include maintenance and similar requirements, consistent with the extent or type of use of the open space as specified in the approval of the PUD.
 - (g) Prior to recording, the legal instruments establishing and restricting dedicated open space shall be submitted to the Township attorney, for review and approval consistent with the open space provisions of this article and the PUD approval provisions.
 - (h) Dedicated open space may include fields for the cultivation and harvesting of crops and such recreational facilities as playgrounds, athletic fields, golf courses, walking trails, bicycle paths, ponds, lakes and streams, picnicking areas and the like.
 - (i) Dedicated open space shall not include public or private street rights-of-way; land included within a platted lot, site condominium unit or other parcel used for or intended to include a building; vehicle parking and loading areas; and lakes, streams, wetlands, flood plains, and storm water detention or retention ponds.
9. The Township approval of a residential PUD may include a requirement for the establishing and maintenance of a greenbelt or other non-improved buffer area along all or part of the boundaries of a PUD that are adjacent to lands

being used for productive agriculture, including, though not limited to, lands being used for orchards. Such greenbelt or other buffer area, if required, shall be for the purpose of providing an unimproved, protective area which may help to avoid adverse effects within the PUD lands which may emanate from the spraying of nearby crops or other agricultural activities. Such greenbelt or other buffer area shall not be counted toward any required dedicated open space.

B. Commercial PUD.

1. A Commercial PUD shall be at least ten acres in area.
2. Land, buildings and structures in a Commercial PUD may be used for any of the land uses permitted by right or by special land use approval for lands in the C-1 and C-2 Commercial Districts.
3. The minimum lot area requirements of the C-1 District shall apply to C-1 uses and the minimum lot area requirements of the C-2 District shall apply to C-2 uses; provided, however, that these minimum lot area requirements may be reduced by up to 50 percent, if such reduction is approved as a part of the PUD.
4. No minimum building setback requirements shall apply, except where a lake is involved, building setbacks shall be at least 50 feet. Building setbacks, lot coverage and building separation requirements shall be as determined by the Planning Commission and Township Board in the approval of the PUD.
5. Land included in a Commercial PUD shall be only those lands designated in the Township Master Plan for business/service uses.

C. Residential and Commercial PUD.

1. The area of a Residential and Commercial PUD shall be at least 80 acres.
2. A Residential and Commercial PUD shall include a mixture of residential uses and those commercial uses permitted by right or by special land use approval under the terms of the C-2 Commercial Zoning District. Recreational amenities such as golf courses, health and fitness clubs, golf course club houses and the like shall not be considered commercial uses for purposes of the PUD.
3. Residential densities and open space requirements shall comply with the provisions of Section 14C.03.A.
4. The commercial uses in a Residential and Commercial PUD shall comprise no more than 10 percent of the developed area of a PUD, such developed area being defined for this purpose as the gross or total acreage of the PUD, excluding public and private street rights-of-way. The commercial

component of the PUD may, however, include buildings consisting of both residential uses and office or commercial uses if more than 50 percent of the floor area of such a building is occupied by office or commercial uses.

5. The PUD shall comply with at least four of the criteria specified for moderate density residential uses, as stated in the Township Master Plan.
6. All commercial, office or other non-residential uses in the PUD shall be integrated into the overall design of the PUD, by means of similar architectural and site development elements, including signage, exterior building treatments, landscaping and other features.
7. The commercial uses in the PUD shall be conducted entirely within fully enclosed buildings, except for permitted drive up or drive through areas, and vehicle parking and loading areas.
8. Commercial buildings in the PUD shall be constructed according to the following requirements:
 - (a) If the PUD contains 100 or fewer dwelling units, 75 percent of the dwelling units shall be constructed, and shall be issued certificates of occupancy, prior to the construction of any commercial or office building.
 - (b) If the PUD contains more than 100 dwelling units, 50 percent of the dwelling units shall be constructed, and shall be issued certificates of occupancy, prior to the construction of any commercial or office building.

14C.04 PRE-APPLICATION CONFERENCE

- A. A pre-application conference shall be held with the Planning Commission for the purpose of determining the eligibility of the request for consideration as a PUD. No fee shall be required for this review.
- B. A request for a pre-application conference shall be made to the Zoning Administrator who shall schedule a date and time with the Planning Commission. Prior to the pre-application conference, the applicant shall submit 12 copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, acreage, property dimensions, land use for the entire site, and anticipated number and density of dwelling units.
- C. The Planning Commission may confer with the applicant with respect to whether the PUD conceptual plan appears to comply with the minimum PUD requirements and whether other minimum qualifying conditions may be satisfied.
- D. In its discretion, the Planning Commission may continue to confer with the applicant with respect to the PUD conceptual plan, at a meeting or meetings subsequent to the

pre-application conference, if the Planning Commission believes that such additional conference is needed or desirable in the circumstances.

14C.05 PUD APPLICATION AND PRELIMINARY DEVELOPMENT PLAN

Applicants seeking approval of a PUD shall submit a complete application and a preliminary development plan to the Zoning Administrator, who shall forward the materials for review to the Planning Commission, Township planner and engineer, fire department, and other applicable agencies and professionals. The PUD application shall include the following:

- A. A completed application form supplied by the Zoning Administrator.
- B. A density calculation indicating the number of dwelling units by type, per gross acre of the site.
- C. Payment of the required application fee and deposit of the required initial amount into a zoning escrow account, for reimbursement to the Township of its expenses in the review and consideration of the application.
- D. A narrative statement describing:
 - 1. The objectives of the proposed PUD and how it relates to the intent of planned unit development in Grattan Township, as described in Section 14C.01.
 - 2. The relationship of the proposed PUD to the Township Master Plan.
 - 3. Phases of the PUD and approximate time frame for each phase.
 - 4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 - 5. Anticipated start and completion of construction.
 - 6. Location, type, size, and percent of areas to be dedicated for common open space.
 - 7. Area of the site containing significant natural features, including a breakdown of the approximate square footage/acreage by type of significant natural feature. Significant natural features shall include: wetlands, flood plains, water bodies, woods, slopes in excess of 12 percent, active agricultural land, or other unique natural features, as determined by the Township Board, Planning Commission, Michigan Department of Environmental Quality, or other appropriate agency.
- E. Twelve copies of a preliminary development plan shall be submitted. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the following:

1. The PUD's name, the applicant's name, the name and address of the firm and individual who prepared the preliminary development plan, scale, and north arrow.
2. Property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres.
3. Existing zoning and land use of all abutting properties.
4. Significant natural features on the site, as defined in Section 14C.05.D.7.
5. Existing buildings and structures on the site.
6. Proposed uses and their proposed locations.
7. Rights-of-way and pavement edges of existing streets abutting the PUD.
8. Locations of proposed access drives and streets within the PUD.
9. Proposed walkways or pedestrian paths.
10. Proposed method of providing water, sanitary sewer, and storm water drainage facilities.
11. Layout and typical dimensions of proposed lots.
12. Anticipated phases of the PUD.
13. Proposed residential density by area or phase.
14. The Planning Commission may require additional information reasonably necessary to demonstrate compliance with the review standards and other requirements of this article or to demonstrate the need for or impacts of the proposed development. Such information may include soil reports, hydrological tests, traffic studies, wetland determinations, market analysis, or other such evidence which shall be submitted by the applicant prior to the Planning Commission's recommendation.

14C.06 PLANNING COMMISSION PUBLIC HEARING ON PROPOSED PUD

- A. After a PUD application has been received, and after the Zoning Administrator has determined that the application and any required supporting materials are complete, the Planning Commission shall hold a public hearing on the preliminary PUD plan.
- B. Notice of the Planning Commission public hearing shall be given in accordance with Section 20.04 of this Ordinance.

- C. At the public hearing, the Planning Commission shall invite comments from the public with respect to the proposed PUD, whether it satisfies the minimum PUD requirements and as to other matters relevant to the proposed PUD and the anticipated land uses therein.

14C.07 PLANNING COMMISSION RECOMMENDATION

Following the public hearing, the Planning Commission shall review the PUD application and the preliminary development plan, and shall make a recommendation to the Township Board to approve, approve with conditions or deny the PUD application. In considering a recommendation on the PUD, the Planning Commission shall determine whether the PUD satisfies the following standards:

- A. Whether approval of the PUD would result in a substantial benefit to the residents and users of the development and to the Township.
- B. Whether the PUD would be compatible with the Township Master Plan and whether it would be consistent with the intent and purposes of this article.
- C. Whether the PUD complies with the minimum requirements and other qualifying conditions as stated in this article for a PUD.
- D. Whether the proposed PUD would be reasonably compatible with adjacent and nearby land uses, the natural environment and the capacities of the public services and facilities likely to be required by the development.

14C.08 TOWNSHIP BOARD CONSIDERATION OF PRELIMINARY PUD PLAN

- A. After the Planning Commission has made its recommendation on the preliminary PUD plan, that recommendation, together with the terms and conditions of the recommendation and any required revisions or modifications of the preliminary PUD plan, shall be forwarded to the Township Board.
- B. The Township Board shall then consider the preliminary PUD plan, the Planning Commission recommendation and other comments, the application materials, Planning Commission minutes and comments from the public.
- C. The Township Board shall approve, approve with conditions or deny the preliminary PUD plan.
- D. In considering whether to approve, to approve with conditions or to deny the preliminary PUD plan, the Township Board shall consider the following criteria, among others:
 - 1. Whether the PUD plan and the proposed land uses conforms to the Township Master Plan.

2. Whether the PUD plan and the uses proposed for the PUD are compatible with the type, character and density of the existing and anticipated land uses on adjacent and nearby lands.
3. Whether the PUD plan would help to achieve the intents and purposes of the PUD chapter, as stated in Section 14C.01, and whether the PUD plan complies with the minimum qualifying conditions for a PUD, as stated in Section 14C.02.
4. Whether the PUD plan conforms with the standards of Section 14C.11.

14C.09 FINAL PLANNED UNIT DEVELOPMENT PLAN

- A. Not later than one year after the Township Board’s approval of the preliminary PUD plan, the applicant shall submit to the Planning Commission an application for approval of the final PUD plan. If the application for final PUD plan approval is not submitted within one year after Township Board approval of the preliminary PUD plan, the provisions of Section 14C.15 shall apply.
- B. An application for approval of the final PUD plan shall consist of the following:
 1. A completed application for final PUD approval, in the form specified by the Township.
 2. Payment of the application fee, as established by the Township Board.
 3. A written statement setting forth the applicant’s response to the Township Board’s action of approval of the preliminary PUD plan, including response to the terms and conditions of the approval of the preliminary PUD plan. The written statement shall also include a detailed explanation of the changes included in the final PUD plan that have been made in response to the terms and conditions of the Township Board’s approval of the preliminary PUD plan.
 4. Proof that all required permits, other than building permits, have been applied for, where required by county, state, and federal agencies having jurisdiction over any aspect of the PUD.
 5. A final PUD plan, including all of the information required in Section 17.04, pertaining to final site plan review; provided, however, that individual detached single family dwellings need not be shown on the plan. In the case of PUDs that consist of three or more phases, a final PUD plan complying with the requirements of Section 14C.05.E may be submitted for the entire PUD, and in that event, a detailed final PUD plan, complying with the requirements of Section 17.04, shall be submitted for at least the first phase of the PUD. A similar final PUD plan, complying with Section 17.04, shall then be submitted for each subsequent phase in the PUD.

14C.10 PLANNING COMMISSION REVIEW OF FINAL PUD PLAN

- A. The Planning Commission shall review the final PUD plan. In its review of the plan, the Commission shall determine whether the plan conforms to the preliminary development plan and the terms and conditions, if any, under which the Township Board approved the preliminary PUD plan. If the Planning Commission determines that the final PUD plan does not substantially conform to the preliminary PUD plan, then the plan shall be deemed a preliminary PUD plan, and the review thereof by the Planning Commission shall be conducted according to the procedures and standards specified herein for Planning Commission and Township Board review of a preliminary PUD plan, as stated in Sections 14C.05 through 14C.08.
- B. If the final PUD plan substantially conforms to the preliminary development plan, including the terms and conditions of Township Board approval of the preliminary plan, then the Planning Commission shall review the final PUD plan in accordance with the standards of Section 14C.11.
- C. The Planning Commission shall approve, approve with conditions, or deny the final PUD plan.

14C.11 STANDARDS FOR APPROVAL OF THE FINAL DEVELOPMENT PLAN

The Planning Commission shall approve a final PUD plan only if it complies with the following standards:

- A. The proposed PUD is consistent with the intent of this article, as described in Section 14C.01, and represents a development opportunity for the community that could not be achieved through conventional zoning.
- B. The proposed PUD complies with all qualifying conditions of Section 14C.02 and with all qualifying conditions of Section 14C.12.B, if applicable.
- C. The uses to be conducted within the proposed PUD are consistent with the Township Master Plan.
- D. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- E. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety or welfare of the community.
- F. The proposed PUD meets all the review standards of Section 17.05 (site plan review).
- G. The PUD preserves, in perpetuity, significant natural features.

- H. Where a Density Bonus is requested, the Planning Commission may require evidence that groundwater sources will be adequate for current and future uses and that environmental, traffic, or other concerns are met. Approval of the County Health Department, County Road Commission, or other agencies, while required to develop the site, shall not be the sole determining factor in this regard.
- I. If a lake is involved, the restrictions for lake access and keyhole development specified in Section 3.16 shall be met. Also, in no event shall a dwelling be located within 40 feet of the ordinary high-water mark of a lake.

14C.12 BUILDING DENSITY BONUS FOR SINGLE FAMILY RESIDENTIAL PUDS

- A. In order to further promote the benefits of a Residential PUD for the Township and the property owner, an optional density bonus may be applied which is intended to provide added incentive, through increased densities and reduced minimum requirements beyond the basic PUD requirements of Section 14C.03, in exchange for substantial preservation of natural features which might otherwise be developed and the furtherance of the Township's goals and policies, as expressed in the Master Plan. This density bonus is to be used only for low density, single family developments that meet the qualifying conditions and other requirements of this section.
- B. In order to qualify for a density bonus, the land proposed for PUD approval shall comply with all of the following:
 - 1. The land shall be designated as Agricultural Preservation or Rural Preservation on the Future Land Use map of the Township Master Plan.
 - 2. Land uses shall be restricted to the following:
 - (a) Detached single family dwellings and accessory buildings; or
 - (b) Parks, natural areas, raising of crops and other similar open space uses.
 - 3. The area of the PUD shall be at least 80 contiguous acres in order to qualify for a building density bonus, except that if the land is currently zoned in the A-1 or A-2 District, the Township Board may determine, under the criteria stated in this subparagraph 3, that the PUD may qualify for a building density bonus if it has an area of at least 60 contiguous acres; provided, however, that if the minimum area of the PUD is 80 acres (including proposed PUD lands that are currently zoned in the A-1 or A-2 District), then a portion of the open space in the PUD may be located on non-contiguous lands, if permitted by the Township Board in its approval of the PUD, in which case the area of the non-contiguous open space may be counted toward the required minimum area of the PUD.

- (a) In determining whether to permit a PUD on lands currently zoned in the A1 or A-2 District to have a minimum area of less than 80 contiguous acres (but not less than 60 contiguous acres) and still qualify for a building density bonus under this section, the Township Board shall consider the following criteria:
 - i. Whether the reduced contiguous area of the PUD would nevertheless contribute to the preservation of existing farmland;
 - ii. Whether such reduced minimum area of contiguous land would help to promote the goal of preserving, where reasonably possible, existing or potential farmland of significant area, and thereby help to preserve scenic and rural views, continue or enhance productive agriculture within the Township and achieve other desirable benefits through the use of land for agriculture rather than for more intensive land uses.
- 4. The proposed PUD shall have a minimum of 66 feet of frontage on an existing public road sufficient to provide access to the site.
- 5. The applicant shall demonstrate that the land proposed for a density bonus contains unique site conditions, significant natural features, or large open spaces which would otherwise be developed but which will be preserved from development as a result of exercising the density bonus.
- 6. The applicant shall demonstrate, in writing and other appropriate material, that the proposed PUD, with its added density, complies with the intent of this section, as stated in Section 14C.12.A, in addition to the PUD intent, described in Section 14C.01 and all other requirements of this article for a PUD.
- 7. Non-contiguous lands, consisting of open space, may be included within the PUD, if approved by the Township Board; such lands shall be preserved as open space in perpetuity, and may be used only for the limited purposes specified in this article, including recreation and productive agriculture.
- C. A density bonus shall be based on an aggregate of one or more of the following elements for which the PUD qualifies, as determined during the Preliminary Plan review; provided the total density bonus shall not exceed a maximum of 100 percent of the units otherwise permitted in Section 14C.03.A.4, and such points shall not be compounded.
 - 1. A clustered development with common open space (on the developed parcel(s), if a non-contiguous PUD) exceeding the minimum requirement of 25 percent shall qualify for density bonuses in accordance with the following:

% Preserved Open Space	Density Bonus
61% or greater	25%
51% to 60%	20%
41% to 50%	15%
36% to 40%	10%
26% to 35%	5%
25% or less	0

2. Preserving natural features including wooded areas, wetlands, water bodies, water courses, and floodplains will qualify for a density bonus, based on the extent of the total site area occupied by such natural features as shown in the following chart. Such bonus shall be in addition to the open space bonus provided in paragraph C.1 above, if applicable.

% of Site Occupied by Natural Features	Density Bonus
61% or greater	15%
41% to 60%	10%
26% to 40%	5%
25% or less	0

3. Preserving agricultural land for continued farming, whether on lands contiguous or non-contiguous to the rest of the PUD (if non-contiguous open space is permitted) will qualify for up to a 50 percent density bonus, based on the following schedule. Such bonus shall be in addition to the open space bonus provided in paragraph C.1 above, if applicable.

Farmland Acreage	Density Bonus
120 acres or more	40%
81 to 119 acres	30%
61 to 80 acres	25%
41 to 60 acres	20%
35 to 40 acres	15%

If the above-stated density bonus for the preservation of agricultural land for continued farming is granted, the Township approval of the PUD shall include a requirement that the preserved agricultural land shall be maintained in perpetuity in an arable condition, suitable for the cultivating and harvesting of crops or for pasturage of livestock, including growing seasons during which the land may lie fallow. Activities necessary for the maintenance of the land in a arable condition may include, though are not limited to, periodic conditioning of the soil, cutting of brush and other actions which will serve to maintain or prepare the land for active agricultural uses.

4. If, due to the use of setbacks, natural vegetative screen, topographic relief, or a combination of such elements, no dwelling units or other developed portion

of the PUD, other than the entrance road, are visible from any perimeter road, a bonus density of 20 percent may be granted.

5. Providing a natural vegetative buffer of at least 100 feet around the perimeter property lines of the PUD will qualify for a density bonus of 20 percent.
 6. Including a restriction in the PUD prohibiting the removal of tree cover beyond a 50 foot distance from all dwelling units will qualify for up to a 10 percent density bonus.
 7. Providing passive recreation opportunities for the residents of the PUD, including trails, boardwalks, nature interpretive markers, and similar amenities will qualify for up to a 10 percent density bonus.
 8. Where the dedicated open space is contiguous with preserved open space on an adjacent property, forming a continuous greenbelt or natural buffer, a density bonus of up to 10 percent may be granted.
 9. If the PUD site is located within one and one-half miles of an existing or proposed Business/Service location, as shown on the Future Land Use map of the Township Master Plan, a 10 percent density bonus may be granted.
 10. Combining three or more parcels under different ownership for the PUD project will qualify for up to a 5 percent density bonus.
 11. Where all external access to the PUD is from paved public roads, a density bonus of 5 percent may be granted.
- D. The following development regulations apply to all lands within a PUD qualifying for a density bonus.
1. Principal and accessory buildings shall maintain at least a 50-foot setback from the boundaries of the PUD site, unless a greater distance is required by this article.
 2. Lot sizes for detached single family dwellings and site condominium units may be reduced from the minimums specified elsewhere in this article, but shall not be less than 7,500 square feet in area, if served by a public or private community sewer system, or 20,000 square feet in area, if served by individual septic tanks. There shall be no minimum yard setback requirements; provided, no principal buildings shall be closer than 12 feet to any other building.
 3. No building site shall be permitted to gain direct access to any public or private street not constructed or planned as part of the PUD.
 4. The total clearance zone area of any lot shall be limited to that necessary to construct buildings, drives, sidewalks, or other facilities or structures, but in

any case shall be limited to 15,000 square feet, or 40 percent of the area of the lot, whichever is less; unless density bonus points have been granted based on more restrictive requirements, in which case the more restrictive shall prevail. In any case, the Planning Commission, as part of final plan review, may allow additional lot clearance zone area upon finding that the applicant has demonstrated that such a limitation does not allow sufficient area for building and lot development, due to the presence of significant natural features or other limitations related to the physical features of the site.

5. Clearance zone areas shall be clearly staked on each lot prior to any construction activity or land clearing and no disturbance of the site shall take place outside of the clearance zone.
6. No building envelope shall be located nearer than 100 feet to any existing street not included as part of the PUD in accordance with the following.
 - (a) No native or natural vegetation shall be removed from the development setback, except for that necessary for entrance streets or private roads. The Planning Commission may modify this requirement; provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the intent of this article, as described in Section 14C.01.
 - (b) No grading or changes in topography shall be permitted, except as may be necessary to construct entrance streets or private roads, or provide screening as noted in subsection (c) below.
 - (c) The required 100-foot setback may be reduced to not less than 50 feet; provided a year-round, opaque, natural screen is present or installed which shall afford the desired screening of the development from the street view. Such screen shall consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof, but shall not include fences or walls.
7. All requirements of Section 14C.03.D shall also apply.

14C.13 CHANGES TO AN APPROVED PUD

Changes to an approved PUD shall be permitted only under the following circumstances.

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator, in writing, of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

1. Change in any building size, up to 5 percent in gross floor area.
 2. Movement of buildings or other structure by no more than ten feet.
 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 4. Changes in building materials to a comparable or higher quality.
 5. Changes in floor plans which do not alter the character of the use.
 6. Relocation of dumpster or signs.
 7. Modification of parking up to 10 percent of the total parking area, provided there is no change in the approved driveway location(s).
 8. Changes required or requested by the Township, the Kent County Road Commission, or other county, state, or federal regulatory agency in order to conform to other laws or regulations.
 9. Change of phases or sequence of phases, only if all phases of the PUD have received final approval.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application, including both preliminary and final plan review.

14C.14 TIME LIMIT FOR COMMENCEMENT OF APPROVED PUD

Each PUD shall be under substantial construction within one year after the date of approval of the PUD final development plan, except as noted in this section.

- A. The Planning Commission may grant one extension of up to an additional one year period if the applicant applies for such extension prior to the date of the expiration of the PUD and provided that:
1. The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant; and
 2. The PUD requirements and standards, including those of this Ordinance and the Master Plan, that are reasonably related to the development have not changed.
- B. If either of the provisions of Section 14C.15.A is not fulfilled, or if an extension has expired without construction underway, the PUD approval shall be null and void.

14C.15 PERFORMANCE GUARANTEE

- A. The Planning Commission may, as a condition of final development plan approval, require that the applicant provide a performance guarantee, in the form of a cash bond, a bank letter of credit, or other security in order to ensure compliance with the requirements of Zoning Ordinance and any conditions attached to the PUD approval.
- B. The amount of the bond or security to be submitted, if required, shall be equal to the total estimated cost for completing the required improvements, as approved.
- C. The bond, escrow, or unspent portions thereof, will be returned to the applicant(s) by the Township upon completion of the improvements as required.

14C.16 NO JURISDICTION BY BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have no jurisdiction or authority to accept or consider an appeal from any PUD determination or decision, or any part thereof, nor shall the Board of Appeals have authority to grant variances for or with respect to a PUD or any part thereof.

14C.17 CERTAIN RESIDENTIAL DEVELOPMENTS AS PUDS

- A. In the A-1, A-2 and R-R Rural Residential Districts, no subdivision (as defined in this section) shall be established or created and no lot, site condominium unit, or parcel of land in a subdivision shall be sold, conveyed, transferred or otherwise established, nor shall any building permit or zoning approval permit be issued, for any land in a subdivision unless such subdivision shall have been approved by the Township as a Planned Unit Development (PUD).
- B. For purposes of this section, a “subdivision” means any land or property, wherever located, improved or unimproved, which is divided, split, conveyed, proposed to be divided, split or conveyed, or developed as a site condominium or recorded plat, for the purpose of sale, transfer or building construction, into or including a number of lots, parcels of land, site condominium units or other interests in land, or any combination thereof, whether in whole or in part, which is greater than that permitted by right in the respective A-1, A-2 or R-R Zoning District. For purposes of this section, “subdivision” also includes any lands, whether contiguous or not, if the number of lots, parcels of land, site condominium units or other units or interests, greater than that permitted by right in the respective A-1, A-2 or R-R Zoning District, are offered as part of a common promotional plan for sale or conveyance, or where the subdivision is being developed or is offered for sale, transfer or building construction by one developer, or more than one developer, whether acting individually or in concert.
- C. If parcels of land are contiguous or if they are known, designated or advertised as a single or common development, or by a single or common name, the land shall be deemed to be offered for disposition as part of a common promotional plan and shall accordingly be deemed to be part of a subdivision, if the total number of lots, parcels of land, site condominium units, other interests, or any combination thereof, exceeds the number permitted by right in the respective A-1, A-2 or R-R Zoning District.

- D. For purposes of this section “contiguous” land means any additional land adjacent to or adjoining the subdivided land included in any previous subdivision.
- E. If a parcel of land is created, divided or split from or out of another parcel of land, and if either or both of such parcels are further divided, split or site condominium units are created, or if any of such actions is proposed, within seven years after the recording of the first land division or land split, then each parcel shall be considered a subdivision for purposes of this section, and accordingly, each parcel shall be subject to Planned Unit Development (PUD) approval, if the number of lots, parcels of land, or site condominium units created or developed from or out of such parcels or either of them exceeds the number permitted by right in the respective A-1, A-2 or R-R Zoning District.

**ARTICLE 15
OFF-STREET PARKING AND LOADING**

15.01 OFF-STREET PARKING

Residential off-street parking shall be on the same lot with the principal building. Off-street parking for commercial and industrial uses shall be on the same lot or within 300 feet thereof.

15.02 REQUIREMENTS

The Planning Commission shall determine that there is adequate parking area before any premises are used for commercial or industrial purposes. Parking areas shall conform to the approved plans before any premises are used. The Planning Commission may include reasonable conditions to safeguard the public health, safety or general welfare.

Off-street parking requirements are as follows:

District	Required Parking
A	Two spaces for each dwelling unit.
R-L	Two spaces for each dwelling unit.
R	Two spaces for each dwelling unit.
R-R	Two spaces for each dwelling unit.
C-1	Three square feet per square foot of floor area.
C-2	Three square feet per square foot of floor area.
I	One square foot per square foot of floor area.

15.03 MIXED OCCUPANCIES AND JOINT USAGE

The requirement for the total parking area for two joint uses or two distinct uses shall be based upon the requirements for the use generating the greater parking requirement. Before a building permit is issued for such use, the Planning Commission shall approve agreements between the parties involved to insure that adequate parking will be available for both uses.

15.04 SIZE AND ACCESS

The following provisions shall apply:

- A. Except for one and two-family dwellings, each off-street parking area shall be connected to a driveway at least 20 feet in width.
- B. Each off-street parking space shall be at least nine feet in width and 18 feet in length.
- C. All paved parking spaces shall be legibly marked.

- D. In nonresidential districts, driveways shall connect adjacent properties in the same district to provide safe and harmonious traffic circulation, and to limit the number of driveways onto streets.
- E. Driveways opening into major streets shall not be closer than 80 feet to an intersection. No driveway shall be closer than 20 feet to any minor street corner.
- F. No parking or loading space shall be directly accessible to a street except by an approved driveway.

15.05 PARKING IN COMMERCIAL AND INDUSTRIAL DISTRICT

Every parking area in a C or I District shall meet the following requirements:

- A. Parking areas shall be effectively screened on any side which adjoins a residential district by a greenbelt. No parking area shall be closer than 25 feet to any residential property in a residential district or closer than ten feet to any street.
- B. Every driveway and parking area shall be surfaced with asphalt or similar durable material. It shall be graded and drained so that all surface water flows to the nearest drain or drainage ditch. No lighting shall shine toward dwellings or streets. All drainage plans shall be approved by the County Road Commission or Drain Commission.
- C. A site development plan of the parking area, driveways, signs, lighting and landscaping shall be approved by the Planning Commission as provided in Article 17.
- D. At least 5 percent of all parking areas shall be landscaped. A part thereof shall be located at the intersections of all internal driveways.

15.06 PARKING IN RESIDENTIAL DISTRICTS

Parking areas for more than four automobiles for other than single family residential use in residential districts shall be permitted if the following conditions are met:

- A. All parking areas shall be landscaped or screened, surfaced, and drained as provided in Section 15.05, above. All areas not occupied by parking areas or driveways shall be landscaped.
- B. All parking areas shall be used solely for the parking of automobiles.
- C. A site development plan of the parking area, driveways, signs, lighting, and landscaping shall be approved by the Planning Commission as provided in Article 17.
- D. Each entrance and exit shall be at least 20 feet in width.

15.07 OFF-STREET LOADING

In C and I Districts, paved off-street loading spaces shall be provided to accommodate the needs of the use. Such spaces shall be part of an off-street parking area and shall meet the requirements thereof.

15.08 PARKING EXCEPTIONS

The Planning Commission may approve a site development plan with a lesser parking area if the following are shown:

- A. The parking requirement is shown to be excessive.
- B. The use does not attract or provide services for the general public.
- C. The maximum number of employees is shown on the site development plan.
- D. A signed agreement to provide additional parking when necessary is presented.
- E. The paved or improved parking area will be sufficient to accommodate one automobile for each employee or visitor plus 10 percent more parking than such number.
- F. An open landscaped area encompassing the additional required area is reserved for future use.

15.09 PERMITS

The following permits are required for all parking areas:

- A. A building permit shall be obtained before a parking area may be constructed or enlarged. A site development plan approved by the Planning Commission in accordance with the provisions of Article 17 shall be submitted to the Building Inspector before issuance of a building permit.
- B. A certificate of occupancy shall be obtained before any parking area is used. The Building Inspector may revoke a certificate of occupancy whenever the conditions of this Ordinance are violated. Such use shall cease within 60 days following such revocation unless another certificate of occupancy is obtained.
- C. The Building Inspector may issue a temporary occupancy permit when the full development or improvement of a parking area would not be warranted due to adverse weather, settling ground or for other reasonable grounds.

ARTICLE 16
SIGNS AND BILLBOARDS

16.01 INTENT AND PURPOSE

The intent of this section is to regulate the type, number, physical dimensions, erection and placement of signs. The purpose of these regulations is to:

- A. Promote the public health, safety, and welfare of residents and visitors.
- B. Reduce distractions which are hazardous to motorists and pedestrians.
- C. Protect the natural beauty and unique rural character of the Township.
- D. Protect all districts from visual chaos and clutter.
- E. Protect property values.

16.02 PROHIBITED SIGNS

The following types of signs are prohibited in all zoning districts:

- A. Abandoned signs.
- B. Temporary signs and portable signs, except as provided in Section 16.04.E.
- C. Signs imitating or resembling official traffic or government signs or signals.
- D. Any sign not specifically provided for by this Ordinance or any state or federal law.
- E. Flashing and intermittently illuminated signs are prohibited. Where illumination is permitted, lighting shall be shielded from vehicular traffic and adjacent residential properties. No lighting or sign shall be so placed or designed as to be confused or appear similar to a safety device.

16.03 SIGN SETBACKS

No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic. All signs shall be set back a minimum of ten feet from all lot lines and road rights-of-way; provided, however, that they shall be set back such greater distance from all lot lines and road rights-of-way, and shall be subject to such other setback requirements, as may be specified in Sections 16.05, 16.06, 16.07 and 16.08 of this article, pertaining to signs permitted in various zone districts. Minimum spacing between free standing and directional signs on a single parcel shall be 300 feet.

16.04 SIGNS PERMITTED IN ALL DISTRICTS

The following signs are permitted in all zoning districts in the Township.

- A. Official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions which are required or authorized by law, and which comply with the requirements of this Ordinance.
- B. One construction sign for each street frontage of a construction project, not to exceed 32 square feet in total sign area. Such signs may be erected 30 days prior to beginning of construction, and shall be removed 30 days following the substantial completion of construction.
- C. One non-illuminated real estate sign per lot or premises, not to exceed six square feet in total sign area; provided, however, that on parcels which are two acres in size or larger, a real estate sign may not exceed a total sign area of 32 square feet.
- D. Political signs are not to exceed 20 square feet in total sign area. Such signs shall be removed ten days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
- E. One portable or temporary sign is permitted per lot or parcel of land if such sign does not exceed 32 square feet in total sign area and if the Zoning Administrator approves such sign and the placement thereof, under the procedures for temporary use stated in Section 3.45. No temporary sign or portable sign shall be placed or used on a lot or parcel of land for more than 30 days during any calendar year. Portable signs or temporary signs for bona fide agricultural uses are, however, permitted for a period not to exceed 120 days per calendar year, without the need for approval by the Zoning Administrator, or for longer periods of time if the Zoning Administrator approves a longer period of time under the terms of Section 3.45.
- F. One nameplate sign per premises, provided such sign does not exceed four square feet in sign area.
- G. Any sign, display or device allowed under this Ordinance may contain any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, lighting, and spacing requirements of this Ordinance.
- H. Directional or offsite signs, not exceeding four square feet in area for each sign, if approved as a special land use under Article 13, in a common area designated by resolution of the Township Board for a cluster or group of signs.

16.05 SIGNS PERMITTED IN AGRICULTURAL DISTRICTS

The following signs are permitted in all agricultural districts in the Township.

- A. All signs permitted in subsection 16.04.
- B. One non-illuminated subdivision identification sign per entrance road for each subdivision development, not to exceed 32 square feet in total sign area.

- C. For permitted non-residential, non-agricultural uses, one freestanding sign not to exceed 16 square feet in total sign area and placed a minimum of 20 feet from all lot lines; provided, however, that signs for the storage of boats, recreational vehicles and other permitted items in certain farm buildings shall have such maximum sign area as stated in Section 3.59, and shall otherwise be subject to the requirements of that section. Such signs shall not be illuminated, but may be reflective.
- D. Signs for farms, for roadside stands permitted under Section 3.28, and for agricultural processing permitted under Section 3.15, are permitted as follows:
1. **Permanent Signs.** Permanent signs shall be permitted pursuant to the issuance of a sign permit under Section 16.10 as follows:
 - (a) One permanent identification wall sign, not to exceed an area equal to 10 percent of the area of the wall to which the sign is affixed, but in any event such wall sign shall not be larger than 50 square feet.
 - (b) One permanent free standing sign not to exceed 16 square feet in total sign area and placed a minimum of 20 feet from all lot lines; provided, however, that the 16 square feet total sign area limitation may be exceeded if approved by the planning commission as a special land use under the terms of Article 13.
 2. **Signs for Retail Sale of Farm Produce.** In addition to the permanent signs permitted in subsection 1, the following signs pertaining to the retail sale of farm produce are permitted during the months of the year when such sales are occurring on farms, roadside stands or other permitted structures, but the signs shall be removed when such sales activity is no longer occurring.
 - (a) One free standing sign, not to exceed 16 square feet, which is located within 100 feet of a roadside stand or other permitted structure used for retail sales of agricultural products.
 - (b) One directional sign in each of two directions from a roadside stand or other permitted structure used for retail sales of agricultural products. Each directional sign shall be located within two and one-half miles of the location to which it refers. Each sign shall advertise only the sale of agricultural products produced, and/or processed on the premises. Lighting shall be shielded from vehicular traffic and residential properties.
 - (c) Non-illuminated signs identifying the produce, goods and products sold at a roadside stand (but not containing any other written or graphic matter) shall be permitted as follows:
 - i. Such signs may be located in only two directions from the roadside stand.

- ii. There may be no more than eight such signs in each direction from the roadside stand.
- iii. Each sign shall be no larger than eight square feet.
- iv. The total area of all such signs in each direction from the roadside stand shall not be greater than 64 square feet.
- v. All such signs in each direction from the roadside stand shall be located no further than two and one-half miles from the roadside stand.

16.06 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

The following signs are permitted in all residential districts in the Township.

- A. All signs permitted in Section 16.04.
- B. One non-illuminated subdivision identification sign per entrance road for each subdivision development, not to exceed 32 square feet in total sign area.
- C. For permitted nonresidential uses, one freestanding sign not to exceed 16 square feet in total sign area and placed a minimum of 20 feet from all lot lines abutting a lot in a residential or agricultural district. Such sign shall not be illuminated, but may be reflective.

16.07 SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS

The following signs are permitted in all commercial and industrial districts in the Township:

- A. All signs permitted in Section 16.04.
- B. One freestanding sign not to exceed 32 square feet in sign area. The highest point of a freestanding sign shall not be higher than four feet above the normal grade level of the ground at the base of the sign, unless a special land use is obtained under the terms of Article 14 for a ground sign (i.e., not on a pole or similar support) having a greater height above the normal grade level.
- C. One wall sign for each use not to exceed 32 square feet in total sign area. The wall sign must be attached to the building and parallel therewith.
- D. Directional signs within the lot involved up to three square feet in total sign area.
- E. Flashing and intermittently illuminated signs are prohibited. Lighting shall be shielded from vehicular traffic and adjacent residential properties. No lighting or sign shall be so placed or designed as to be confused with or appear similar to a safety device.

16.08 BILLBOARDS

- A. Billboards are permitted only in the C-1 and C-2 Commercial Zoning Districts, but only if such zones are located on a State of Michigan highway and if approved by the Planning Commission as a special use.
- B. A billboard which is established on a lot or parcel shall constitute the principal use of that property. Any other principal use permitted within that zoning district shall not be established on the same lot or parcel as the billboard.
- C. A billboard shall not exceed 200 square feet in total sign area nor shall it exceed a height of 35 feet as measured from the natural grade level at the base of the billboard. A billboard shall be located so as to comply with all of the yard setback requirements of the zoning district in which it is located.
- D. The lot or parcel upon which the billboard is to be placed shall conform to the minimum lot size requirements of the zoning district in which the billboard is located.

16.09 APPLICATION REQUIREMENTS PERTAINING TO ALL SIGNS

No person shall erect or relocate or cause to be erected or relocated any sign without first obtaining a sign erection permit. No person shall repair, alter or cause to be repaired or altered any sign without obtaining a sign erection permit if 50 percent or more of the replacement value of the sign will be exceeded. The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance:

- A. Construction signs.
- B. Political signs.
- C. Public signs or notices, or any sign relating to an emergency.
- D. Real estate signs.
- E. Nameplates.

16.10 PROCEDURE TO OBTAIN A PERMIT

- A. Application for a sign erection permit shall be made upon forms provided by the Zoning Administrator and shall contain at least the following:
 - 1. Name, address and telephone number of the applicant and that of the owner of the premises upon which the sign is to be erected.
 - 2. Location of the building, structure or lot to which or upon which the sign is to be attached or erected.

3. Position of the sign in relation to nearby buildings, structures, signs or billboards. A scale drawing containing such information shall be submitted.
 4. Two blueprints or ink drawings of the plans and specifications and the method of construction and attachment to a structure or ground.
 5. A copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot.
 6. Name of the person, firm or corporation erecting the sign.
 7. The written consent of the owner of the structure or land upon which the sign is to be erected.
 8. Any required electrical permit.
 9. A certificate of insurance as required in Section 16.10.G.
 10. Payment of the appropriate fee.
- B. **Illuminated Signs.** Prior to submission of the application to the Zoning Administrator, the application for a sign erection permit shall be submitted to the Electrical Inspector if the sign is to be illuminated. The Electrical Inspector shall examine the plans and specifications respecting all wiring and connections to determine whether the same complies with any Township Building Code and the customary safe practices followed by the electrical profession. He/she shall approve said permit if the plans and specifications comply with any such code and practices.
- C. **Issuance of Permit.** The Zoning Administrator shall, upon the filing of an application for a sign erection permit, examine the plans, specifications, other data and the premises upon which it is proposed to erect such sign. If the proposed structure complies with the requirements of this Ordinance, the provisions of any Township Building Code and state law, he/she shall then issue a sign erection permit. Such permit shall be void if the work authorized under a sign erection permit has not been completed within six months from the date of issuance.
- D. Each applicant shall pay permit fees established by the Township Board.
- E. **Information to be Included on Signs.** Each sign hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.
- F. The owner of any sign shall paint all parts of said sign at least once every two years unless the same are galvanized or otherwise treated to prevent rust or deterioration.

G. **Insurance Requirements.** Every applicant for a sign erection permit shall file with the application for a permit a certificate of insurance, certifying that the applicant is insured against casualties to persons or property arising out of the erection, maintenance, repair and replacement of the sign. Such insurance shall be in the following amounts:

Bodily injury:	\$100,000 each person 300,000 each accident
Property Damage:	\$ 50,000

A current certificate of insurance meeting the above requirements shall be filed with the Township Board as long as the sign or signs are in existence. The certificate shall provide that the Township shall receive ten days written notice in case of cancellation of the policy.

ARTICLE 17
SITE DEVELOPMENT PLAN

17.01 INTENT AND PURPOSE

The purpose of this article is to provide for consultation and cooperation between the applicant and the Township in order that the applicant may realize planned objectives in the use of land, while conforming to the regulations of this Zoning Ordinance and achieving the goals and policies of the Grattan Township Master Plan. It is also intended to ensure that development be completed with minimum adverse impact on the use of adjacent streets and highways, on the existing and future uses of the surrounding lands, and on the natural environment in the general vicinity.

17.02 APPLICABILITY

In accordance with the provisions of this article, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the districts and conditions cited below:

- A. All permitted uses within any of the following districts:
 - 1. MHC Manufactured Housing Community
 - 2. C-1 Commercial
 - 3. C-2 Commercial
 - 4. I Industrial
- B. All non-residential uses in any A-1, A-2, R-R, R-L, or R District, unless exempted in Section 17.02.L.
- C. All special land uses in any district.
- D. Construction in any district of a building addition, with an enclosed floor area greater than 10 percent of the existing enclosed building floor area or which requires additional parking spaces in excess of four more than the existing spaces.
- E. Site condominiums in any district.
- F. Planned unit developments.
- G. Open space preservation developments in any district.
- H. Plats.
- I. All residential developments, including site condominium developments, plats, and subdivisions containing three or more lots. In addition, all land divisions which

result in three or more lots, including the remnant lot or remnant parcel; provided, however, that in those cases in which a lawful land division results in three or more lots but not more than six lots in total, and if the application and approval do not involve a site condominium, a platted subdivision, a private road, a special land use or a planned unit development, the Planning Commission may in its discretion modify, reduce or waive the site development plan requirements, or any of them, stated in Sections 17.03 and 17.04 of this Ordinance.

Any such residential development, site condominium plat or land division which results in three or more lots or parcels shall be called a “site plan applicable development.” A site plan applicable development means any land or property, wherever located, whether improved or unimproved, which is divided, split, conveyed, proposed to be divided, or conveyed, or developed as a site condominium or plat, for the purpose of sale, transfer, or building construction, into three or more lots, parcels of land, site condominium units, or other interest land, or any combination thereof, whether in whole or in part.

For purposes of this subsection, a site plan applicable development also includes any lands, whether contiguous or not, if three or more lots, parcels of land, site condominium units, or other interests are offered as part of a common promotional plan for sale or convenience, whether the site plan applicable development is being developed or is offered for sale, transfer, or building construction by one developer, or more than one developer, whether acting individually or in concert. If the parcels of land are contiguous or if they are known, designated, or advertised as a single or common development, or by a single or common name, the land shall be deemed to be offered for disposition as part of a common promotional plan and shall accordingly be deemed to be part of a site plan applicable development, if the total number of lots, parcels of land, site condominium units, or other interests is three or more.

For purposes of this subsection, “contiguous” land means any additional land adjacent to or adjoining the divided or subdivided land included in any previous site plan applicable development. If a parcel of land is created, divided, or split from or out of another parcel of land, and if either or both of such parcels are further divided, split, or site condominium units are created, or if any of such actions is proposed, within seven years after the recording of the first land division, site condominium development, plat, or land split, then each parcel or lot shall be considered a site plan applicable development for purposes of this subsection, and accordingly, each parcel or lot shall be subject to site development plan approval, if three or more lots, parcels of land, or site condominium units are created and developed in total or from or out of such parcels or lots or either of them. If the number of lots, parcels or site condominiums to be created for a given zoning district exceeds the number permitted under Section 3.49, then development can occur only with Planned Unit Development (PUD) approval.

- J. Any expansion, alteration or changes in or to any of the above-mentioned uses.

- K. No use or building listed above shall be commenced or occur until and unless a site plan for such use or building has been approved.
- L. The following shall be exempt from formal site plan review, except that the Zoning Administrator shall review a plan to ensure compliance with this Ordinance.
 - 1. Single family detached and two-family dwellings (except those that are required to receive special land use approvals).
 - 2. Farm uses and farm buildings.
 - 3. Roadside produce stands with less than 200 square feet of sales area.
 - 4. State-licensed residential family care facilities and family day care homes.
 - 5. Home occupations.
 - 6. Accessory buildings in residential districts and accessory buildings less than 120 square feet in commercial and industrial districts.

17.03 APPLICATION AND REVIEW

- A. Except as otherwise provided, all requests for site plan review shall first be subject to a conceptual plan review. The purpose of the conceptual review is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the acceptability of the proposed plans and conformance to the review standards prior to incurring extensive engineering and other costs.
 - 1. Unless waived by the Planning Commission, a conceptual site plan shall be submitted to the Township, along with a completed application form, and an application fee to the Township Zoning Administrator. The submittal (if complete) shall be placed on the agenda of the next available Planning Commission meeting, subject to allowing sufficient time for staff, consultant, and agency reviews.
 - 2. The conceptual site plan shall contain all information required in Section 17.04, but may be hand drawn rather than “hard lined.”
 - 3. The Planning Commission shall discuss the conceptual site plan with the applicant and consider its acceptability in accordance with the review standards of this article and all other relevant provisions of this Ordinance.
 - 4. The Planning Commission shall make suggestions and recommendations to the applicant based on the considerations described in Section 17.03.A.3. Such input shall be recorded in the minutes of the Planning Commission meeting and provided to the applicant.

- B. A final site plan shall be submitted to the Township by the applicant within 12 months of completing the conceptual plan review with the Planning Commission.
1. The final site plan shall be submitted to the Township Zoning Administrator, along with a completed application form, the required application fee, and deposit of the required initial amount into a zoning escrow account for reimbursement to the Township of its expenses in the review and consideration of the application. The submittal, if complete, shall be placed on the agenda of the next available Planning Commission meeting, subject to allowing sufficient time for staff, consultant, and agency reviews. The site plan shall not be forwarded to the Planning Commission until the required escrow amount is deposited with the Township and all materials are complete.
 2. The final site plan shall contain all information required in Section 17.04 or it shall be returned to the applicant by the Zoning Administrator.
 3. The Planning Commission shall review the final site plan in accordance with the standards of Section 17.05 and the intent, purpose, and relevant requirements of this Ordinance and shall either approve, deny, or approve with conditions the final site plan.
 4. Three copies of the final approved site plan shall be signed and dated by the Planning Commission secretary and the applicant. One of these approved copies shall be kept on file by the Township Clerk, one shall be kept on file by the Zoning Administrator, and one shall be returned to the applicant or the applicant's representative. Any conditions or modifications required by the Planning Commission shall be recorded in the official minutes of the meeting.

17.04 SITE PLAN REQUIREMENTS

- A. Each site plan shall contain the information listed herein, unless an item is specifically waived by the Planning Commission. In no case, however, shall the Planning Commission be authorized to waive the site plan requirement in its entirety.

SITE PLAN INFORMATION	Required For	
	Conceptual Plan	Final Site Plan
A. Application Form: The application form shall contain the following information		
Name and address of the applicant and property owner	Y	Y
Address and common description of property and complete legal description.	Y	Y

Dimensions of land and total acreage.	Y	Y
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable.	Y	Y
Name and address of firm or individual who prepared site plan.	Y	Y
Proof of property ownership.	Y	Y
B. Site Plan Descriptive and Identification Data		
Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1"= 50' for property less than three acres, or 1"=100' for property three acres or more in size.	Y	Y
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions.	N	Y
Professional seal of engineer, architect, surveyor, or landscape architect who prepared the plan.	N	Y
Scale and north-point.	N	Y
Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile.	N	Y
Zoning classification of applicant's parcel and all abutting parcels.	Y	Y
Proximity to section corner and major thoroughfares.	N	Y
Net acreage (minus rights-of-way) and total acreage.	Y	Y
C. Site Data		
Existing lot lines, right-of-way lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site.	Y	Y
Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.	N	Y
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site and within 100 feet of the site.	Y	Y
Location of existing drainage courses, streams, lakes, and wetlands.	Y	Y
All existing and proposed easements.	Y	Y

Total acreage (and percent) of site devoted to development, right-of-way or easements, common open space, and other use categories.	Y	Y
Location of exterior lighting (site and building lighting).	N	Y
Location of trash receptacle(s) and transformer pad(s) and method of screening.	N	Y
Extent of any outdoor sales or display area.	N	Y
D. Access and Circulation		
Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements.	N	Y
Opposing driveways and intersections within 250 feet of site.	N	Y
Cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness.	N	Y
Dimensions of acceleration, deceleration, and passing lanes.	N	Y
Dimensions of parking spaces, islands, circulation aisles and loading zones.	N	Y
Calculations for required number of parking and loading spaces;.	Y	Y
Designation of fire lanes.	N	Y
Traffic regulatory signs and pavement markings.	N	Y
Location of existing and proposed sidewalks/pathways within the site or right-of-way.	N	Y
Location, height, and outside dimensions of all storage areas and facilities.	N	Y
E. Landscape Plans		
General location of existing trees.	Y	N
Location, sizes, and types of existing trees six inches or greater in diameter, with an identification of materials to be removed and materials to be preserved.	N	Y
Description of methods to preserve existing landscaping.	N	Y
The location of existing and proposed lawns and landscaped areas.	Y	Y

Landscape plan, including location and type of proposed shrubs, trees, and other plant material.	N	Y
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity.	N	Y
F. Building and Structure Details		
Location, height, and outside dimensions of all proposed buildings or structures.	Y	Y
Building floor plans and total floor area.	N	Y
Details on accessory structures and any screening.	N	Y
Location, size, height and construction material of all obscuring wall(s) or berm(s) with cross-sections, where required.	N	Y
Building facade elevations for all sides, drawn at an appropriate scale (for all buildings in a commercial or industrial district and all multiple family buildings).	N	Y
G. Information Concerning Utilities, Drainage and Related Issues		
Location of sanitary sewers and septic systems, existing and proposed.	N	Y
Location and size of existing and proposed water mains, well sites, water service, storm sewers loads, and fire hydrants.	N	Y
Conceptual drainage plan.	Y	N
Storm water drainage and retention/detention calculations.	N	Y
Site grading, drainage patterns and other storm water management measures.	N	Y
Storm water retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls.	N	Y
Location and size of underground storm sewers and drains.	N	Y
Location of transformers and utility boxes, and method of screening.	N	Y
Size, height and method of shielding for all site and building lighting.	N	Y
Location, size, height, and lighting of all proposed site and wall signs.	N	Y

H. Additional information required for Multiple Family Residential Development		
The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.).	N	Y
Density calculations by type of residential unit (dwelling units per acre).	Y	Y
Garage and/or carport locations and details, if proposed.	N	Y
Mailbox clusters.	N	Y
Location, dimensions, floor plans and elevations of common building(s), if applicable.	N	Y
Swimming pool fencing detail, including height and type of fence, if applicable.	N	Y
Location and size of recreation and open space areas.	N	Y
Indication of type of recreation facilities proposed for recreation area.	N	Y

- B. The Planning Commission may require such additional information, data, or studies, prepared by qualified person or persons, as is reasonably necessary to determine conformance of the site plan with the review standards of Section 17.05. This material may include, but is not limited to, aerial photographs, traffic studies, wetlands delineation, soil tests, study and analyses of the perceived need for the proposed land use in the Township and the area, and other pertinent information.
- C. Twelve copies of all site plans and other required material shall be submitted by the applicant to the Township.

17.05 REVIEW STANDARDS

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are also intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgments concerning them. The Planning Commission shall not approve a site plan unless it determines that all of the following standards are met.

- A. The uses proposed will not adversely affect the public health, safety, or welfare, or impair natural resources, such as lakes, ponds, or wetlands. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and natural features, and the relationship and size of buildings to the site.
- B. Removal or alteration of significant natural features shall be restricted to those areas 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 greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another, and from surrounding public and private property.

- C. 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.
- D. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress and egress points, and within the site. Drives, streets and other circulation routes shall be designed and located to accommodate various modes of transportation in order to promote safe and efficient traffic operations within the site and at ingress and egress points.
- E. All streets and driveways shall be developed in accordance with the regulations of Grattan Township, the Kent County Road Commission, or Michigan Department of Transportation specifications, as appropriate, except that the Planning Commission may impose more stringent requirements than those of the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks, or pathways may be required if they are determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
- F. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety of persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the volume of traffic to be generated from the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. Driveway access shall be the minimum necessary to adequately and safely serve the site. Where possible, shared drives and parking areas, or other means of access management, shall be encouraged.
- G. All streets, roads, drives, buildings, and groups of buildings shall be arranged so as to accommodate safe and convenient access for emergency vehicles.
- H. Areas of natural drainage such as swales, wetlands, ponds, or creeks shall be protected and preserved, insofar as practical, in their natural state to provide areas for natural habitat, preserve drainage patterns, and to maintain the natural characteristics of the land.
- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect lakes, streams, wetlands, neighboring properties, or the public storm drainage system. Provisions shall be made to accommodate storm water and prevent erosion. The use of detention or retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not restrict vehicular or pedestrian traffic, or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the

natural drainage system. All plans shall comply with the Grattan Township Storm Water Ordinance.

- J. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within the site and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- K. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the character of the Township.
- L. All loading and unloading areas, outside storage areas, and areas for the storage of trash which are visible from residential districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height. Such areas shall also be situated so as not to impede site traffic flow or use of public ways.
- M. Site plans shall conform to all applicable requirements of county, state, federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary county, state, federal, and Township permits before site plan approval or an occupancy permit is granted.
- N. The general purposes and spirit of this Ordinance and the Master Plan of Grattan Township shall be maintained.

17.06 CHANGES IN THE APPROVED SITE PLAN

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include only the following:
 - 1. Change in any building size, up to 5 percent in gross floor area.
 - 2. Movement of buildings or other structure by no more than ten feet.
 - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - 4. Changes in building materials to a comparable or higher quality.
 - 5. Changes in floor plans which do not alter the character of the use.

6. Relocation of dumpster or signs.
 7. Modification of parking up to 10 percent of the total parking area, provided there is no change in the approved driveway location(s).
 8. Changes required or requested by the Township, the Kent County Road Commission, or other county, state, or federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change that the Zoning Administrator determines is not a minor change shall be submitted to the Planning Commission as a site plan amendment, and shall be reviewed in the same manner as the final site plan, including payment of an application fee.

17.07 TIME LIMITATION ON APPROVAL OF SITE DEVELOPMENT PLAN

- A. The construction or other work authorized by a site plan approval shall be commenced and shall reasonably proceed toward completion not later than one year after the granting of the site plan approval; if such construction or other work is not so commenced, or if commenced, if it has not reasonably proceeded toward completion within such one-year limitation, the site plan approval shall be null and void and of no further effect as of the end of such one-year period, subject to other provisions in this section.
- B. Upon request of the applicant, the Zoning Administrator may grant an extension of up to one year, following the initial one-year limitation stated in subsection A, if the Zoning Administrator finds that extenuating circumstances have prevented the completion of the authorized work or if the Administrator determines that such an extension is otherwise justified in the circumstances. The applicant shall apply for any such extension within the initial one-year limitation as stated in subsection A; provided, however, that if the applicant fails to apply within such initial one year, but if such failure is the result of extremely extenuating circumstances or unusual hardship, in the sole opinion of the Zoning Administrator, then the administrator may consider, and may grant, up to a one-year extension, but such extension shall commence no later than the end of the initial one-year limitation.
- C. If at any time during the one-year period immediately following the granting of a site plan approval, the applicant concludes that the authorized work may not be completed within one year, or if the applicant apprehends that the Township may conclude that such work has not reasonably proceeded toward completion on a timely basis, the applicant may apply at any time during such one-year period for an extension as authorized hereunder.
- D. The provisions of this section shall apply to all previously granted site plan approvals as to which the authorized construction or other work has not been commenced or has not reasonably proceeded toward completion, and if such construction or other work remains uncompleted, except as follows:

1. The applicant, or its successor, for the original site plan approval shall have up to one year from the effective date of this section in which to apply to the Zoning Administrator for a one-year extension of the original approval, but any such one-year extension shall commence as of the effective date of this section. The Zoning Administrator shall grant such extension, if it is timely applied for. In the absence of such timely application, the site plan approval shall be of no further force or effect if such construction or other work remains uncompleted as of one year after the effective date of this section.
2. The Township shall notify such applicants or their successors by letter sent by first-class U.S. mail to their current tax-roll addresses, describing the provisions of this section, including the opportunity to apply for an extension as stated in this subsection D. Such letter shall be mailed within 30 days of the effective date of this section. The Township shall keep an accurate record of the mailing date of such letter, but the Township shall not be required to attend to the delivery thereof, except for the deposit of the letter into a U.S. mail receptacle. The failure of an applicant or successor to receive such letter shall not excuse a failure to timely apply for an extension, nor result in any additional right on the part of the applicant.
3. The site plan approvals described in this subsection D shall continue to be effective according to their terms during the period authorized in this subsection for an application for an extension, and also during any extension granted by the Zoning Administrator; thereafter, however, any such site plan approval shall be void and of no further effect if such construction or other work is not completed by the end of the above-stated notification period or by the end of any granted extension. In such event, the applicant may apply for a new site plan approval, but the approval thereof shall be in the sole discretion of the Planning Commission, in the same manner and to the same extent as is the case with all other such applications.

17.08 CONDITIONS OF APPROVAL

- A. As part of a final site plan approval, the Planning Commission may impose reasonable terms and conditions.
- B. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- C. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- D. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

- E. The Zoning Administrator may make periodic inspections of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

Any site plan approval may be voided by the Zoning Administrator or Planning Commission if it has been determined that a material error in the original approval has been found, either due to inaccurate information supplied by the applicant or administrative oversight by a staff member or other agency. The voiding of an approved site plan shall be communicated, in writing, to the applicant with reasons for the revocation. The Building Official shall also be notified to withhold any building permit until a new site plan is approved.

17.09 PERFORMANCE GUARANTEE

- A. The Planning Commission may, as a condition of site plan approval, require that the applicant provide a performance guarantee, in the form of a cash bond, a bank letter of credit, or other security in order to ensure compliance with the requirements of this Ordinance and any conditions attached to the site plan approval.
- B. The amount of the bond or security to be submitted, if required, shall be equal to the total estimated cost for completing the required improvements, as approved.
- C. The bond, escrow, or unspent portions thereof, will be returned to the applicant(s) by the Township upon completion of the improvements as required.

**ARTICLE 18
ZONING BOARD OF APPEALS**

18.01 CREATION OF ZONING BOARD OF APPEALS

The Zoning Board of Appeals (the “Board of Appeals”) is hereby created. The Board of Appeals shall have the authority and responsibilities conferred by law and this Ordinance.

18.02 MEMBERSHIP

The Board of Appeals shall consist of seven members. The members shall be appointed by affirmative majority vote of the total number of members of the Township Board.

- A. One member of the Board of Appeals shall be a member of the Township Planning Commission.
- B. The members of the Board of Appeals other than the member stated in A. shall be electors of the Township residing within its zoning jurisdiction.
- C. There may be not more than two alternate members of the Board of Appeals, appointed in the same manner as regular members of the Board of Appeals. They shall be electors of the Township residing within its zoning jurisdiction. They shall have the authority and duties stated in Section 18.13.
- D. An employee or contractor of the Township shall not serve as a member of the Board of Appeals.

18.03 TERMS OF OFFICE

A member of the Board of Appeals shall have a term of office of three years and until the member’s successor is appointed and qualifies; provided, however, that the terms of the members first appointed shall be for varying numbers of years, none of them exceeding three, so as to provide for differing expiration dates of members’ terms.

- A. The term of the Board of Appeals member who is a Planning Commission member shall coincide with his or her term as a member of the Planning Commission.
- B. A member of the Board of Appeals may be reappointed.
- C. A vacancy in the office of a member of the Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as an original appointment is made.

18.04 JURISDICTION

- A. The Board of Appeals shall act upon all questions arising in the administration of the Zoning Ordinance, including interpretation of the Zoning Map and the text of the Zoning Ordinance.

- B. The Board of Appeals shall hear and decide all appeals from any order, decision or determination made by the Zoning Administrator or other person authorized to enforce the provisions of this Ordinance.
- C. The Board of Appeals shall hear and decide all matters assigned to it for decision under the terms of this Ordinance.
- D. The Board or Appeals shall have no jurisdiction or authority over or with regard to the following:
 - 1. Any aspect or part of an application for approval of a special land use or planned unit development.
 - 2. An appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.
- E. An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from; provided, however, that if the body or officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in such certification, a stay would in the opinion of the body or officer cause imminent peril to life or property, then such proceedings may be stayed only by a restraining order issued by the Board of Appeals or the circuit court.

18.05 TYPES OF AVAILABLE RELIEF

The Board of Appeals shall have authority to hear and decide appeals and other applications for relief as follows:

- A. Cases in which it is alleged that there is error or misinterpretation in any order, decision or determination made by the Zoning Administrator or any other person authorized to enforce the provisions of this Ordinance.
- B. Cases in which it is alleged that there are practical difficulties or unnecessary hardship in carrying out the literal requirements of this Ordinance by reason of (i) the exceptional narrowness, shallowness or shape of a lot or parcel of land; (ii) exceptional topographic conditions or (iii) extraordinary dimensional conditions of land, buildings or structures.
- C. Cases in which it is alleged that there is unnecessary hardship if the land use requirements of this Ordinance are enforced against a parcel of land and if there are other grounds for such relief, as stated in Section 18.07.

18.06 DIMENSIONAL VARIANCES

If an applicant seeks a dimensional variance from the provisions or requirements of this Ordinance because of dimensional characteristics of a lot or parcel of land, or because of exceptional topographic or similar conditions of the land, buildings or structures, the

applicant shall demonstrate through competent, material and substantial evidence on the record that all of the following exist:

- A. That the enforcement of the literal requirements of this Ordinance would involve practical difficulties.
- B. That special conditions or circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- C. That literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district.
- D. That the authorizing of such variance will not be of substantial detriment to other lands and uses and will not be contrary to the spirit and purpose of this Ordinance.

No nonconforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a dimensional variance.

In approving a dimensional variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest. Among other terms and conditions, the Board may require that the applicant prepare and submit a site plan depicting the land, buildings or other structures, the current condition of the land and the condition thereof if the requested variance were approved.

The Board of Appeals may approve nonuse variances relating to the construction of, structural changes in or alternation of buildings or structures if such nonuse variances relate or pertain to the dimensional requirements of this Ordinance.

18.07 USE VARIANCES

If an applicant seeks a use variance from the provisions or requirements of this Ordinance, the applicant shall demonstrate, and the Board of Appeals shall make findings based upon competent, material and substantial evidence on the whole record that all of the following exist:

- A. That the enforcement of the literal requirements of this Ordinance would cause unnecessary hardship.
- B. That exceptional conditions or extraordinary circumstances exist which are unique to the land, structures or buildings involved, and which are not so general or recurrent in nature so as to make reasonably practicable an amendment to this Ordinance.
- C. That literal interpretation of the provisions of this Ordinance would deprive the applicant of a substantial property right commonly enjoyed by other properties in the same zoning district.

- D. That the authorizing of such variance will not be of substantial detriment to the adjacent and nearby properties and will not be contrary to the spirit and purpose of this Ordinance.
- E. No nonconforming use of nearby lands, structures or buildings shall in itself be considered grounds for the issuance of a variance.

In approving a use variance, the Board of Appeals may include such terms and conditions that the Board deems reasonably necessary to carry out the intent and purposes of this Ordinance and for the protection and advancement of the public interest. Among other terms and conditions, the Board may require that the applicant prepare and submit a site plan depicting the land, buildings or other structures, the current condition of the land and the condition thereof if the requested variance were approved.

18.08 TIME LIMITATIONS ON VARIANCES

- A. The construction or other work authorized by a variance shall be commenced and shall reasonably proceed toward completion not later than one year after the granting of the variance; if such construction or other work is not so commenced, or if commenced, if it has not reasonably proceeded toward completion within such one-year limitation, the variance shall be null and void and of no further effect as of the end of such one-year period, subject to other provisions in this section.
- B. Upon request of the applicant, the Zoning Administrator may grant an extension of up to one year, following the initial one-year limitation stated in subsection A, and if the Zoning Administrator finds that extenuating circumstances have prevented the completion of the authorized work or if the Administrator determines that such an extension is otherwise justified in the circumstances. The applicant shall apply for any such extension within the initial one-year limitation as stated in subsection A; provided, however, that if the applicant fails to apply within such initial one year, but if such failure is the result of extremely extenuating circumstances or unusual hardship, in the sole opinion of the Zoning Administrator, then the administrator may consider, and may grant, up to a one-year extension, but such extension shall commence no later than the end of the initial one-year limitation.
- C. If at any time during the one-year period immediately following the granting of a variance, the applicant concludes that the authorized work may not be completed within one year, or if the applicant apprehends that the Township may conclude that such work has not reasonably proceeded toward completion on a timely basis, the applicant may apply at any time during such one-year period for an extension as authorized hereunder.
- D. The provisions of this section shall apply to all previously granted variances, as of the effective date of this section, as to which the authorized construction or other work has not been commenced or has not reasonably proceeded toward completion within one year after the granting of the variance, and if such construction or other work remains uncompleted, except as follows:

1. The applicant, or its successor, for the original variance shall have up to one year from the effective date of this section in which to apply to the Zoning Administrator for a one-year extension of the original approval, but any such one-year extension shall commence as of the effective date of this section. The Zoning Administrator shall grant such extension, if it is timely applied for. In the absence of such timely application, the variance shall be of no further force or effect if such construction or other work remains uncompleted as of one year after the effective date of this section.
2. The Township shall notify such applicants or their successors by letter sent by first-class U.S. mail to their current tax-roll addresses, describing the provisions of this section, including the opportunity to apply for an extension as stated in this subsection D. Such letter shall be mailed within 30 days of the effective date of this section. The Township shall keep an accurate record of the mailing date of such letter, but the Township shall not be required to attend to the delivery thereof, except for the deposit of the letter into a U.S. mail receptacle. The failure of an applicant or successor to receive such letter shall not excuse a failure to timely apply for an extension, nor result in any additional right on the part of the applicant.
3. The variances described in this subsection D shall continue to be effective according to their terms during the period authorized in this subsection for an application for an extension, and also during any extension granted by the Zoning Administrator; thereafter, however, any such variance shall be void and of no further effect if such construction or other work is not completed by the end of the above-stated notification period or by the end of any granted extension. In such event, the applicant may apply for a new variance, but the approval thereof shall be in the sole discretion of the Board of Appeals, in the same manner and to the same extent as is the case with all other such applications.

18.09 APPEALS AND OTHER APPLICATIONS FOR RELIEF

- A. An appeal from an order, decision or determination by the Zoning Administrator or other person authorized to enforce or administer this Ordinance may be taken by any person aggrieved by such order, decision or determination.
- B. An application for an appeal, a variance or other authorized relief shall be accompanied by payment of the required application fee.
- C. An application or appeal shall be filed not later than 30 days after the order, decision or determination as to which the application or appeal is taken.
- D. An applicant seeking relief within the jurisdiction of the Board of Appeals shall apply for such relief by means of an application form provided by the Township and shall pay the required application fee and deposit any required sum into a Township

escrow account for the purpose of any required reimbursement of Township expenses incurred in the consideration of the application.

18.10 DECISIONS OF THE BOARD OF APPEALS

- A. The Board of Appeals shall decide all applications and appeals within a reasonable time.
- B. The Board of Appeals may reverse or affirm, in whole or in part, or may modify, the order, decision, or determination that is being appealed. For such purpose, the Board shall be deemed to have all the powers of the Township officer or body from whom the appeal was taken. In its decision, the Board of Appeals may direct the issuance of all relevant Township permits.
- C. The affirmative vote of a majority of the members of the Board of Appeals shall be required to reverse or affirm the order, decision or determination that is being appealed, or to grant a variance from any provision of this Ordinance; provided, however, that a use variance shall not be granted unless approved by an affirmative vote of at least a two-thirds majority of the members of the Board of Appeals.
- D. In cases of alleged practical difficulties or unnecessary hardship, the Board shall, if relief is warranted, grant only such relief as is necessary to relieve the practical difficulties or unnecessary hardship. Such decision shall be binding upon the Zoning Administrator, or other Township officials having authority in the circumstances. The Township building official shall incorporate the terms and conditions of the Board of Appeals' decision in any permit issued to the applicant pursuant to the decision.
- E. A decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, that a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, within the time, to the extent and in the manner permitted by law.
- F. The member of the Board of Appeals who is a member of the Planning Commission shall not participate in or vote on matters that the member previously voted on in his or her capacity as a Planning Commission member.

18.11 OFFICERS

- A. The Board of Appeals shall elect from its members a chairperson, vice chairperson and secretary.
 - 1. The chairperson shall preside at meetings of the Board; the vice-chairperson shall preside in the absence of the chairperson.
 - 2. The secretary shall prepare and sign the minutes of each Board meeting; provided, however, that minutes may be taken by a recording secretary, but the minutes as approved by the Board shall be signed by the secretary.

- B. An officer of the Board of Appeals shall have a term of one year and until the officer's successor is elected and qualifies. An officer may be reelected.
- C. An alternate member of the Board of Appeals shall not be eligible for election as an officer of the Board, but an alternate member who is called upon to serve as a member of the Board in the absence of a regular member who is an officer of the Board may, while serving, carry out the duties of the officer in whose absence the alternate member is serving.

18.12 MEETINGS AND PROCEDURES

- A. The Board of Appeals shall adopt bylaws and rules of procedure for the conduct of its meetings and related purposes.
- B. The Board of Appeals shall conduct business only when a majority of its members is present, including any alternate member serving in the absence of a regular member in accordance with Section 18.13. Three members shall constitute a quorum.
- C. At the first meeting of each calendar year, the Board of Appeals shall adopt a schedule of regular meetings; provided, however, that a meeting need not be held if pending matters do not warrant a meeting.
- D. The Board of Appeals may convene special meetings at such times as it shall determine.
- E. The Board of Appeals shall conduct a public hearing on an appeal of an administrative order, decision or determination, or on an application for an interpretation of this Ordinance or the Zoning Map.
 - 1. Notice of the public hearing shall be given by one publication of a notice of hearing in a newspaper of general circulation in the Township, at least 15 days before the date of hearing.
 - 2. Notice of the public hearing shall also be given by personal delivery or by U.S. mail to the owner of property that is the subject of the application and to all persons to whom real property is assessed within 300 feet of the subject property; provided, however, that if the application does not involve a specific parcel of property, notice need be given only to the person making the application, in the manner stated above, and by publication in the manner stated in subparagraph 1.
 - 3. Notice of the public hearing, and the extent and manner of providing such notice, shall also comply with Section 20.04.

18.13 ALTERNATE MEMBERS

- A. The Township Board may appoint not more than two alternate members of the Board of Appeals, in the same manner as regular members are appointed.

- B. An alternate member may serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings.
- C. An alternate member may also serve as a member of the Board for the purpose of reaching a decision in a case in which a regular member has abstained because of conflict of interest.
- D. An alternate member who is called to serve in a case before the Board shall serve in the case until a final decision is made, whether at one or more meetings.
- E. An alternate member of the Board of Appeals has the same voting rights as a regular member of the Board.

18.14 REMOVAL OF MEMBERS; CONFLICTS OF INTEREST

- A. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office, upon a written statement of the reasons or grounds for the proposed removal and after a public hearing by the Township Board. At the public hearing, the member who is proposed to be removed shall be given an opportunity to address the Township Board.
- B. A member of the Board of Appeals shall disqualify himself or herself from voting on a matter in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from voting in a matter in which the member has a conflict of interest constitutes malfeasance in office.

18.15 APPEALS FROM DECISIONS OF THE BOARD OF APPEALS

- A. Any party aggrieved by a decision of the Board of Appeals may appeal to the circuit court. As provided by law, the circuit court shall review the record in the case and the decision of the Board of Appeals for the purpose of ensuring that the decision complies with all of the following requirements:
 - 1. That it complies with the Constitution and laws of the state.
 - 2. That it is based upon proper procedures.
 - 3. That it is supported by competent, material and substantial evidence on the record of the Board of Appeals.
 - 4. That it represents the reasonable exercise of discretion as granted by law to the Board of Appeals.
- B. If, as provided by law, the circuit court finds the record inadequate to accomplish the required review, or if the court determines that additional material exists that with good reason was not presented, the circuit court is authorized by law to order further Township proceedings in the matter. In such further proceedings, the Board of

Appeals may modify its findings and decision as a result of the additional proceedings, or the Board may affirm its original decision. The record and decision in such further proceedings shall be filed with the circuit court. As provided by law, the court may affirm, reverse or modify the decision of the Board of Appeals.

- C. An appeal from a decision of the Board of Appeals shall be filed within 30 days after the Board of Appeals issues its decision in writing signed by the chairperson, if there is then a chairperson, or signed by another member of the Board of Appeals, if there is then no chairperson, or within 21 days after the Board of Appeals approves the minutes of the meeting at which its decision was taken.

ARTICLE 19
ADMINISTRATION AND ENFORCEMENT

19.01 BUILDING PERMIT REQUIRED

- A. No person shall commence construction of any building or structure or make structural changes in any existing structure without first obtaining a building permit from the Building Inspector.
- B. The Building Inspector shall not issue a building permit for the construction, alteration or remodeling of any structure or building until a complete application has been submitted to the Township showing that the proposed construction complies with the Building Code and with the provisions of this Ordinance and a zoning permit has been issued by the Zoning Administrator.

19.02 ZONING COMPLIANCE PERMIT

- A. No building permit shall be issued until a zoning compliance permit (also referred to as a zoning permit) has been issued by the Zoning Administrator. No person shall commence any use of a property or commence construction of a building or excavation for a basement or foundation for a building without first obtaining a zoning compliance permit and a building permit. No zoning compliance permit shall be required for farming operations other than the construction or alteration of any agricultural building or structure. No person shall commence construction or alteration of any agricultural building or structure without first obtaining a zoning compliance permit.
- B. The Zoning Administrator shall not issue a zoning compliance permit until a complete application has been submitted to the Township showing that the proposed construction or use complies with the provisions of this Ordinance.
- C. The Zoning Administrator may attach reasonable time limits to a zoning compliance permit. If a zoning compliance permit expires before the work or use authorized by the permit has been completed (where applicable), the Zoning Administrator may grant a reasonable time extension, and may also attach conditions to the granting of any such time extension, including the posting of monetary security, irrevocable letter of credit, or bond (in a form and amount acceptable to the Township) if required by the Zoning Administrator. All exterior work on a building, dwelling, or similar structure authorized by a zoning compliance permit shall be fully completed (and in a finished state) within 18 months of the issuance of the zoning compliance permit unless the Zoning Administrator grants a time extension as mentioned above.
- D. The Zoning Administrator may attach reasonable conditions to any zoning compliance permit.

(Amended by Ordinance No. 003-2017 on October 17, 2017).

19.03 ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE

- A. The Zoning Administrator shall have responsibility for the administration and enforcement of this Ordinance.
- B. The Zoning Enforcement Officer, whether designated by such title or other title, shall have responsibility for the enforcement of this Ordinance.
 - 1. Among other duties, the Zoning Enforcement Officer shall be responsible for investigation of alleged violations of the Zoning Ordinance. If a violation has occurred or is occurring, the Zoning Enforcement Officer shall take such action with respect to enforcement as is deemed appropriate in the circumstances and permitted by law. The Township may otherwise investigate alleged violations, and enforce the provisions of this Ordinance, to the extent permitted by law.

19.04 PERMITS

- A. Every application for a building permit shall be made as required by the Building Code and shall designate the existing or intended use of the structure. The application shall be attached to two permanent scale drawings showing the actual lines, angles and dimensions of the lot to be used and the size and location upon the lot of all existing and proposed structures. The application shall contain such other information with respect to the proposed structure, the lot and adjoining property as may be required by the Building Inspector.
- B. At least one copy of plans and specifications shall be retained by the Building Inspector. The other copy shall be delivered to the applicant upon issuance of a building permit.
- C. Any building permit and zoning permit shall be displayed within 24 hours of issuance by placing the same face out in a conspicuous place on the premises facing the nearest street. The permits shall be continuously displayed until all work is completed or the term for which the permit is issued expires.
- D. The Building Inspector shall send a copy of the building permit to the Township Clerk.

19.05 CERTIFICATE OF OCCUPANCY

No land, structure or altered structure shall be used or occupied until a certificate of occupancy is obtained from the Building Inspector. The Building Inspector shall not issue a certificate of occupancy unless the proposed use is in compliance with the approved plans and specifications and is in accord with any other relevant information submitted by the applicant to obtain a building permit. A record of all such certificates shall be kept by the Building Inspector. A copy of all such certificates shall be sent to the Township Clerk.

19.06 FEES

The Township Board shall by resolution establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at the Township hall. Such fees may be changed from time to time by resolution of the Township Board. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this Ordinance and as to which a fee is prescribed. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing the acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. Such costs and expense to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. If insufficient monies are deposited by the applicant or property owner with the Township to cover the Township's reasonable costs and expenses (as mentioned above), the applicant or property owner shall fully reimburse the Township for all such reasonable costs and expenses at any and all times demanded by the Township, whether during the zoning review process or after the process has been completed. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

19.07 VIOLATIONS AND PENALTIES; ENFORCEMENT

- A. Any use of land which is commenced or conducted, or 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. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or other approval granted hereunder, or any lawful order or determination of the Township Board, Planning Commission, Zoning Board of Appeals, Building Inspector, Zoning Administrator, Zoning Enforcement Officer or any authorized deputy sheriff issued pursuant to this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.

- B. A violation of this Ordinance is a municipal civil infraction, for which the fines shall be as follows:
 - 1. Not less than \$100 nor more than \$500 for the first offense.

2. Not less than \$250 nor more than \$1,000 for the second or other subsequent offense.

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.

Such fines shall be levied in the discretion of the court and shall be in addition to all other costs, damages, expenses and attorney fees incurred by the Township in enforcing the ordinance. Each day that a violation occurs shall constitute a separate offense.

- C. The following Township officials are authorized to issue citations for violation of provisions of this Ordinance which are hereby designated as municipal civil infractions (except those designated as misdemeanors), if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who allegedly witnessed the infraction:

1. The Township Supervisor.
2. The Township Building Inspector.
3. The Township Zoning Administrator.
4. The Township Zoning Enforcement Officer.
5. Any deputy of the Kent County Sheriff’s Department.

If a citation is based solely upon the complaint of a person who allegedly witnessed the violation, and is not based upon the personal observation of the authorized official, then the citation may nevertheless be issued if the official has reasonable cause to believe that the violation has occurred and if the Township attorney approves in writing the issuance of the citation, if such approval by the Township attorney is required by law.

The authorized Township official or other authorized official shall personally serve the citation upon the alleged violator; provided, however, that if the municipal civil infraction involves the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy of the citation on the land or attaching a copy of the citation to the building or structure. In addition, in such a case, a copy of the citation shall be sent by first class U. S. mail to the owner of the land, building or structure at the owner’s last known address.

Citations shall require an appearance at the district court within a reasonable time after the citation has been issued.

The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

- D. The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this Ordinance shall be paid to the Township immediately upon entry of the court order. If any such fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of the monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.
- E. In addition to issuance of a municipal civil infraction citation, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.
- F. Any building, structure, land division or land use or activity which is in violation of this Ordinance is declared to be a nuisance per se.

19.08 STOP WORK ORDERS

- A. Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U. S. mail to the owner of the property involved at the owner's last known address or at the address that is shown for the owner in the current Township property tax assessment roll.
- B. Any person who shall continue to work in or about a structure, land or building or use it after a stop work order has been posted on the land or at the site shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500 and the cost of prosecution, or shall be imprisoned in the county jail for not more than 90 days, or both such fine and imprisonment in the discretion of the court.

19.09 PROOF OF OWNERSHIP

The Zoning Administrator or Building Inspector may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before issuance of a zoning

compliance permit or a building permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for any zoning or building request or application, including a building permit, variances, special use requests, site plan review, zoning compliance permits, and any other zoning or building code action.

19.10 SURVEYS

The Zoning Administrator or Building Inspector shall have the authority to require that an applicant or property owner provide the Township with a current survey by a registered surveyor or engineer for one or more boundary or property lines of the lot or parcel involved (including providing a sealed survey drawing by such professional surveyor or engineer and with property boundaries staked by such professional) if the Zoning Administrator or Building Inspector determines that it is reasonably necessary in order for the Township to determine whether the zoning setback, area, and other applicable requirements are met. The Zoning Administrator or Building Inspector may also require that the professional surveyor or engineer place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All such surveying costs shall be paid for by the applicant or property owner.

19.11 PERFORMANCE GUARANTEES

Wherever a zoning compliance permit or zoning approval (including, but not limited to, a site development plan, special use, PUD, variance, or temporary use) is required by this Ordinance, the Township body involved or the Zoning Administrator may require that the applicant or property owner file with the Township monetary security, an irrevocable letter of credit (with an acceptable surety), or a performance bond (in an amount and form approved by the Township) in an amount reasonably necessary to ensure compliance with the zoning approval, this Ordinance, and all other applicable requirements.

19.12 DRAINAGE

During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible and liable for storm water runoff, flooding, or other water problems or damages to other properties or public roads caused by or attributable to such construction. The Zoning Administrator shall have the authority to suspend or revoke a zoning compliance permit should the requirements of this section be violated. No such suspended or revoked zoning compliance permit shall be reinstated until the property owner posts monetary security with the Township as determined by the Zoning Administrator pursuant to Section 19.11 of this Ordinance. Once construction has been completed and thereafter, the owner of the property involved shall be responsible for ensuring that drainage and storm water from that property do not adversely impact adjoining properties, lakes, streams, or wetlands.

19.13 DAMAGE DURING CONSTRUCTION

During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible and liable for any damage to roads, littering, flooding, or other damage or casualty caused by or attributable to such construction. No construction or supply equipment or other equipment or vehicles associated with construction on a particular property shall block roads or present a safety hazard. The Zoning Administrator shall have the authority to suspend or revoke a zoning compliance permit should the requirements of this section be violated. No such suspended or revoked zoning compliance permit shall be reinstated until the property owner posts monetary security with the Township as determined by the Zoning Administrator pursuant to Section 19.11 of this Ordinance.

19.14 DRAINAGE PLANS

If the Zoning Administrator or Township Engineer determines that water drainage or runoff due to new construction would likely violate either Section 19.12 or 19.13 of this Ordinance, the Zoning Administrator can require that the owner of the property involving the construction file a drainage and storm water runoff site plan with the Township (for approval by the Zoning Administrator or Township Engineer) drafted and signed by a registered engineer showing the final contours and drainage patterns after the construction has been completed and indicating what the property owner will do to comply with Sections 19.12 and 19.13 of this Ordinance. The Zoning Administrator or Township Engineer can require changes to such drainage and storm water runoff site development plan prior to the approval of such drainage and storm water runoff site development plan and prior to the issuance of a zoning compliance permit. Furthermore, if the Zoning Administrator or Township Engineer deems it reasonably necessary for the Township Engineer to review such drainage and storm water runoff site plan submitted by the applicant, the applicant shall reimburse the Township for any reasonable fees and cost incurred by the Township Engineer. The landowner shall fully comply with any drainage and storm water runoff site plan as approved by the Township.

(Adopted by Ordinance No. 003-2017 on October 17, 2017).

**ARTICLE 20
AMENDMENT AND ADOPTION**

20.01 PROCEDURE

The Planning Commission, either on its own initiative, or upon petition by any interested person or public body, may schedule a public hearing for amendments of this Ordinance.

20.02 FEES

The Township Board shall establish, by resolution, fees for zoning amendment petitions. Such fee shall be paid in full at the time of application and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed or requested by any government agency or body.

20.03 APPLICABLE LAW

Amendments to the Zoning Map and amendments to the text of this Ordinance shall be accomplished in compliance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and in accordance with all other applicable state laws.

20.04 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING

Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- A. The notice shall be published once, at least 15 days before to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel of land; for all planned unit development and special land use applications; and for other zoning applications as to which a public hearing is required, a notice of public hearing shall be personally delivered or shall be mailed by first-class U.S. mail to the following persons, at least 15 days before the date of the public hearing:
 - 1. The applicant; the owner of the subject property, if different from the applicant.
 - 2. All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application.
 - 3. One occupant of each dwelling unit in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property.

4. The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notice at the primary entrance of the building, but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.
 5. If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all persons stated above in this subsection.
- C. The notice of public hearing shall include the following information:
1. A description of the application or request.
 2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
 3. The date and time when the application or request will be considered; the location of the public hearing.
 4. The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.

20.05 APPLICATIONS FOR AMENDMENT BY INTERESTED PERSONS

Applications by an interested person for an amendment in this Ordinance shall be in writing, signed by the applicant, and submitted to the Township office. The application shall include the following:

- A. The applicant's name, address, and interest in the amendment being applied for and, if applicable, the name, address, and interest of other persons having a legal or other interest in the land involved or in the subject matter of the proposed amendment.
- B. The reasons and grounds for the proposed amendment; if adopted, the nature and effect of the proposed amendment.
- C. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of the land, the current zoning district of the land, and the zoning district of the abutting lands.
- D. Other facts and information offered in support of the proposed amendment.

20.06 CONSIDERATION OF PROPOSED AMENDMENT

- A. The Planning Commission shall determine the date, time and place for a public hearing on a proposed amendment in this Ordinance; provided, however, that the Planning Commission, after consideration at a public meeting, may determine not to convene a public hearing on a proposed amendment in the text of this Ordinance.
- B. With respect to an amendment as to which the Planning Commission determines to convene a public hearing, notice of the public hearing is to be given in accordance with Section 20.04 of this Ordinance.
- C. The Planning Commission shall hold the public hearing. The Commission shall receive such public comment and review such reports and other materials as it deems appropriate in the circumstances. The Commission may make non-material changes in a proposed amendment, in its discretion or in response to public comment or otherwise, and the Commission may freely correct typographical or other non-substantive errors.

If the Commission desires to make material changes in the text of the proposed amendment, it shall first establish a date, time and place for a new or supplemental public hearing on the amendment as it is proposed to be materially changed.

- D. After its decision, the Planning Commission shall forward its decision and the proposed amendment to the Township Board with its recommendation for approval or denial.
- E. Upon receipt of a zoning ordinance amendment recommendation from the Planning Commission, the Township Board shall consider the proposed amending ordinance at a public meeting. The Township Board may hold a public hearing on the amending ordinance if it determines to do so, but such a hearing is not required. If such a public hearing is held by the Township Board, notice thereof shall be given in the same manner as is required by the terms of this Ordinance for a Planning Commission public hearing on an ordinance to amend the text of this Ordinance or the Zoning Map. If it desires, the Township Board may refer any proposed amending ordinance to the Planning Commission for further consideration and comment within a time specified by the Township Board, but the Board is not required to do so.
- F. If an interested property owner requests a hearing by the Township Board on a proposed Zoning Ordinance amendment, and if such request is in writing and is sent by certified U.S. mail, addressed to the Township Clerk, the Township Board shall convene such a hearing. In that case, written notice of the date, time, place and purpose of the hearing shall be given to the requesting property owner in the same manner and to the same extent that notice of a Planning Commission public hearing is given to an applicant, but no other notice of the Township Board hearing need be given by publication, U.S. mail or otherwise.

- G. The Township Board may adopt the amending ordinance at any regular or special meeting, by affirmative majority vote of the members of the Township Board.
- H. Except as otherwise provided by law, an ordinance to amend the Zoning Ordinance shall take effect upon the expiration of seven days after publication of the amending ordinance or seven days after publication of a summary of its provisions in a newspaper of general circulation in the Township, or at such later date after publication as may be specified in the amending ordinance.

The above-stated notice of adoption shall include the following information:

1. A summary of the regulatory effect of the amending ordinance, or the entire text of the amending ordinance; if the ordinance includes an amendment of the Zoning Map, the notice shall indicate the lands affected.
2. The effective date of the amending ordinance.
3. The location where and the time when a copy of the amending ordinance may be inspected or purchased.

**ARTICLE 21
MISCELLANEOUS PROVISIONS**

21.01 SEVERABILITY

In case any section or provision of this Ordinance shall be held to be invalid by court of competent jurisdiction, the same shall not affect any other provision of this Ordinance, except so far as the provision declared to be invalid shall be inseparable from the remainder of any provision.

21.02 EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Township Board.

21.03 REPEAL OF PRIOR ORDINANCE

The Grattan Township Zoning Ordinance, adopted on February 11, 1980, as amended, is hereby repealed effective coincident with the effective date of this Ordinance.

CERTIFICATION

This Ordinance, as originally adopted, became effective June 20, 1990.

This text of this Ordinance includes all amendments adopted through December 31, 2019.

Dated: _____, 2020

Michelle Alberts, Township Clerk

DRAFT: October 13, 2020
Approved: November 9, 2020
Published: November 19, 2020
In Effect: November 26, 2020

**GRATTAN TOWNSHIP
KENT COUNTY, MICHIGAN
(Ordinance No. 2020-001)**

At a regular meeting of the Township Board for Grattan Township held at the Township offices within the Township on November 9, 2020, at 7:00 p.m., the following Ordinance/ordinance amendment was offered for adoption by Township Board Member Paul Knoerl and was seconded by Township Board Member Sabrina Freeman.

**AMENDMENTS TO THE GRATTAN TOWNSHIP ZONING
ORDINANCE REGARDING SHEDS, PUMP HOUSES,
ACCESSORY BUILDINGS AND STRUCTURES NEAR
LAKES, LAWFUL NONCONFORMING STRUCTURES,
CERTIFICATES OF OCCUPANCY, REVOCATION OF
ZONING COMPLIANCE PERMITS AND RELATED USES
AND MATTERS.**

THE TOWNSHIP OF GRATTAN (the “Township”) ORDAINS:

Article 1. A new Section 2.61-A is hereby added to the Grattan Township Zoning Ordinance for the definition of a “Shed” as follows:

2.61-A SHED

A structure with a roof with not more than 150 square feet of floor area, side walls not exceeding 6 feet in height and a total height (including the roof) not exceeding 8 feet above natural grade. Sheds normally do not require building permits (but require a zoning permit) and cannot have a cement or fixed foundation.

Article 2. Section 2.72 of the Grattan Township Zoning Ordinance is hereby amended to state for the definition of a “Structure” as follows:

2.72 STRUCTURE

Any constructed, installed, erected, or placed (whether with a foundation or not) material or combination of materials in or upon the ground having a fixed location, including, but not limited to buildings, dwellings, radio towers, billboards, light posts, swimming pools, storage bins (or the equivalent), animal enclosures other than fences, garages, pole barns, anything with a roof, sheds, accessory buildings, decks, platforms, outdoor bars or

kitchens, firepits and outdoor fireplaces over 12” in height above natural grade level, patios, solar panels (or the equivalent), portable or movable vehicle carports or similar enclosures, storage bins, portable or movable enclosures or protective devices, satellite dishes, towers, wind energy towers, windmills, gazebos, kayak or boat stations, holders or similar structures or items (not exceeding 4 feet in height above the natural grade and not longer than 8 feet in length), pergolas, tennis courts and signs.

The following are excluded from the definition of “structure” (i.e. such items are not structures):

- A. Lawful fences, decks at ground level (so long as no portion is above natural grade and it is not within 10 feet of the high water mark of a lake) and paving on sidewalks, streets, driveways, or parking areas.
- B. Decks or patios, no portion of which is located:
 - 1. More than two feet above the ground (natural grade).
 - 2. Closer than ten feet to a side, rear or front lot line.
 - 3. Within 30 feet of the high water mark of any lake.
- C. Retention walls not over five (5) feet in height.
- D. Seawalls along a lake with a state permit. In addition, one non-concrete or non-asphalt (i.e. non-solid) deck or patio at (and not higher than) natural grade level is allowed landward of, attached to and adjacent to a seawall, if the deck or patio is water permeable, does not exceed the height of natural ground level of the surrounding area, does not exceed 400 square feet in size or area and does not touch or run along more than 20 feet of the lake frontage or shore involved.
- E. Absent a seawall as stated in subsection D above, each lakefront lot may have one non-concrete or non-asphalt (i.e. non-solid) water permeable deck or patio not closer than 10 feet to the ordinary highwater mark of the lake so long as the top of any such deck or patio does not exceed the height of natural ground level of the surrounding area, the deck or patio does not run parallel to the lake shore for more than 20 feet in total length/width and is not more than 400 square feet in size or area.
- F. Propane tanks, flagpoles, landscaping (but excluding certain retaining walls), mailboxes and firewood piles.

Article 3. The Grattan Township Zoning Ordinance is hereby amended to add the definition of a “Pump House” as new Section 2.57-A as follows:

2.57-A PUMP HOUSE

A pump house is a small structure with a roof that does not exceed 12 square feet of ground area nor a sidewall height of 3 feet that is regularly and actively used for water pumping. Pump houses shall not be used for storage or uses other than water pumping.

Article 4. Existing Subsection 3.01(I) of the Grattan Township Zoning Ordinance is hereby amended to state in full as follows:

- (I) Not more than one (1) accessory structure or building shall be located on a lot or parcel of land between the waters of a lake or stream and the principal dwelling on the lot or parcel of land. No such accessory structure or building shall exceed eight feet in height (including a roof) nor have more than 150 square feet of floor area (except as otherwise provided below). An accessory structure or building located between a body of water and a principal dwelling shall not be located closer than ten feet to a side lot line, nor be located within 30 feet of the high water mark. For purposes of this Subsection (I), such accessory structures include, but are not limited to, the following:

1. Gazebo.
2. Pergola.
3. Shed.
4. Any structure with a roof, top or with rafters.
5. Bar or kitchen (not exceeding 6 feet in height above the natural grade).
6. Outdoor fireplace, permanent barbeque structure or similar structure (not exceeding 6 feet in height above the natural grade).
7. Firepits (not exceeding 3 feet above the natural grade)

Article 5. A new Subsection 3.01(O) is hereby added to the Grattan Township Zoning Ordinance as follows:

- (O) No screening structure shall be constructed, installed or maintained on any lakefront lot between the waters of the lake and the dwelling on that lot (or any closer to the lake than the dwelling on the lot) where the screening device has any of the following characteristics:

1. Is located within 30 feet of the high water mark of the lake.

2. Is located within 20 feet of any side lot line.
3. Is taller than 4 feet above natural grade.
4. Has a total surface area on one side greater than 30 square feet.
5. Substantially blocks the view from a dwelling or deck on an adjoining property of any portion of the lake for that adjoining property.

For purposes of this Subsection 3.01(O), a “screening structure” shall also include any lattice work, wall, fence (that is more than 50% solid or opaque), shielding structure or similar structure.

Article 6. Existing Subsection 3.01(A)(1) of the Grattan Township Zoning Ordinance is hereby amended to state as follows:

1. On a waterfront lot, there are special regulations contained in subsections 3.01 (I), (N) and (O) of this Ordinance.

Article 7. Existing Subsection 3.01(N) of the Grattan Township Zoning Ordinance is hereby amended to state as follows:

- N. The following shall be applicable for accessory structures in the R, R-L, and R-R Districts:

	Sheds	Other Accessory Buildings
R	No more than one shed. Cannot exceed 150 square feet of floor area. Side walls of sheds cannot exceed 6 feet in height.	No more than one accessory building or structure (i.e. a building, gazebo, pergola or similar structure) (in addition to the permitted shed).
R-L	No more than one shed. Cannot exceed 150 square feet of floor area. Side walls of sheds cannot exceed 6 feet in height.	No more than one accessory building or structure (i.e. a building, gazebo, pergola or similar structure) (in addition to the permitted shed).
R-R	No more than one shed. Cannot exceed 150 square feet of floor area. Side walls of sheds cannot exceed 6 feet in height.	On a lot less than two acres in size – no more than one accessory building or structure (i.e. a building, gazebo, pergola or similar structure) (in addition to the permitted shed). On a lot two acres or more in size - no more than two accessory buildings (in addition to the permitted shed).

Article 8. A new Subsection 19.02D is hereby added to the Grattan Township Zoning Ordinance, as amended, as follows:

- A. A zoning compliance permit may be revoked or suspended by the Zoning Administrator for any violation of this Ordinance or any other Grattan Township ordinance, as well as any Kent County Health Department requirement for health matters, wells or septic systems, any State of Michigan laws or regulations or any federal law or regulation of which the Zoning Administrator is aware. If a zoning compliance permit is revoked or suspended, then the building permit for the property involved shall also be revoked or suspended. No certificate of occupancy for a building or structure shall be issued if a zoning compliance permit for the property has been revoked or suspended (or never issued). In addition, no certificate of occupancy shall be issued for a building or structure if the building or structure (or the property upon which the building or structure is located) violates any provision of this Ordinance or any other Grattan Township ordinance, as well as any Kent County Health Department requirement for health matters, wells or septic systems, any State of Michigan law or regulation or any federal law or regulation of which the building official is aware. A zoning compliance permit may be revoked or suspended if there was any material misrepresentation of fact contained in the zoning compliance permit application or supporting materials.

- B. Nothing in this Article shall require either the Zoning Administrator or the building official to research, seek out or investigate whether a property complies with Kent County Health Department requirements for health matters, wells or septic systems, any State of Michigan laws or regulations or any federal law or regulation regarding the property involved. Furthermore, both the Zoning Administrator and the building official may require that the property owner submit to the Township documents from the Kent County Health Department or any State of Michigan agency if the Zoning Administrator or building inspector desires (at their sole option and discretion) to review any applicable permits, approvals, denials or violations of the statutes or regulations of those other governmental agencies.

Article 9. Subsection 4.03C of the Grattan Township Zoning Ordinance is amended to read in full as follows:

- C. Routine repairs and maintenance work that are required to keep a nonconforming structure in sound condition may be made. Structural changes (including, but not limited to, any change in or to the

supporting members of a building or accessory structures, foundations, bearing walls, columns, beams, floor or roof joists, girders, rafters, supporting posts, or changes in roof or exterior lines) shall not be made. A change may be made to a building foundation so long as it is necessary to repair water or other damage or deterioration to the foundation, it does not exceed 30% of the total area/mass of the overall existing foundation and it does not expand the footprint of the building.

Article 10. The Remainder of the Grattan Township Zoning Ordinance is Unaffected. Except as expressly amended by this Ordinance/ordinance amendment, the rest of Grattan Township Zoning Ordinance remains unchanged and in full force and effect.

Article 11. Severability. Should a court of competent jurisdiction determine that any portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

Article 12. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Michelle Alberts, Sabrina Freeman, Paul Knoerl.

NAYS: NA


ABSENT: Frank Force, Dennis Heffron

THIS ORDINANCE/ORDINANCE AMENDMENT IS DECLARED TO BE DULY ADOPTED.

CERTIFICATION

I hereby certify the above is a true copy of the Ordinance/ordinance amendment adopted by the Township Board for Grattan Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By 
Michelle Alberts
Grattan Township Clerk

DRAFT: September 4, 2020
Approved: September 14, 2020
Published: September 24, 2020
In Effect: October 2, 2020

**GRATTAN TOWNSHIP
KENT COUNTY, MICHIGAN
(Ordinance No. 2020-002)**

At a regular meeting of the Township Board for Grattan Township held at the Township offices within the Township on September 14, 2020, at 7:00 p.m., the following Ordinance/ordinance amendment was offered for adoption by Township Board Member Michelle Alberts and was seconded by Township Board Member Dennis Heffron.

AN ORDINANCE/ORDINANCE AMENDMENT TO AMEND THE GRATTAN TOWNSHIP ZONING ORDINANCE TO ADD A NEW AND ADDITIONAL SUBSECTION 3.62F (10) TO ALLOW LARGER SOLAR ENERGY COLLECTION SYSTEMS ONLY IN THE A-2 AGRICULTURAL AND R-R RURAL RESIDENTIAL ZONING DISTRICTS; TO ADD A NEW AND ADDITIONAL SUBSECTION 6B.03(U) REGARDING LARGER SOLAR ENERGY COLLECTION SYSTEMS; AND TO ADD A NEW AND ADDITIONAL SUBSECTION 9.02B(3) REGARDING LARGER SOLAR ENERGY COLLECTION SYSTEMS.

THE TOWNSHIP OF GRATTAN (the "Township") ORDAINS:

Article 1. A new and additional Subsection 3.62F(10) regarding Larger Solar Energy Collection Systems is hereby added to the Zoning Ordinance as follows:

10. Larger energy collection systems are only allowed within the A-2 Agricultural and R-R Rural Residential zoning districts and only with special land use approval by the Planning Commission.

Article 2. A new and additional subsection to subsection 6B.03(U) regarding Larger Solar Energy Collection Systems is hereby added to the Zoning Ordinance as follows:

U. Larger Solar Energy Collections Systems

Article 3. A new and additional subsection 9.02B3 regarding Larger Solar Energy Collection Systems is hereby added to the Zoning Ordinance as follows:

9.02 B3 Larger Solar Energy Collections Systems

Article 4. The Remainder of the Grattan Township Zoning Ordinance is Unaffected. Except as expressly amended by this Ordinance/ordinance amendment, the rest of Grattan Township Zoning Ordinance remains unchanged and in full force and effect.

Article 5. Severability. Should a court of competent jurisdiction determine that any portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

Article 6. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Frank Force, Michelle Alberts, Sabrina Freeman, Dennis Heffron, Paul Knoerl.

NAYS: NA

ABSENT/ABSTAIN: NA

THIS ORDINANCE/ORDINANCE AMENDMENT IS DECLARED TO BE DULY ADOPTED.

CERTIFICATION

I hereby certify the above is a true copy of the Ordinance/ordinance amendment adopted by the Township Board for Grattan Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By Michelle Alberts
Michelle Alberts
Grattan Township Clerk



DRAFT: March 4, 2021
Approved: March 8, 2021
Published: March 11, 2021
In effect: March 18, 2021

**GRATTAN TOWNSHIP
KENT COUNTY, MICHIGAN
(Ordinance No. 2021-001)**

At a regular meeting of the Township Board for Grattan Township held at the Township offices within the Township on March 8, 2021, at 7:00 p.m., the following Ordinance/ordinance amendment was offered for adoption by Township Board Member Paul Knoerl and was seconded by Township Board Member Sabrina Freeman:

AN ORDINANCE TO AMEND THE GRATTAN TOWNSHIP ZONING ORDINANCE TO ADD A NEW SUBSECTION 3.25V REGARDING ROADS AND ROAD FRONTAGE, TO ADD A NEW SECTION 4.05 INVOLVING SMALL LAKEFRONT LOTS AND TO ADD NEW SUBSECTIONS 19.07G AND 19.07H REGARDING THE RECOVERY OF ATTORNEY FEES AND COSTS AND LIENS.

THE TOWNSHIP OF GRATTAN (the “Township”) ORDAINS:

Article 1. A new and addition subsection 3.25V is hereby added to the Grattan Township Zoning Ordinance as follows:

3.25V Frontage:

Any public road right-of-way or easement (or portion thereof) that does not have a fully improved gravel road or paved road installed and maintained therein by the Kent County Road Commission (and meeting Kent County Road Commission’s road standards) shall not be counted for purposes of the required road frontage for any parcel or lot adjoining or fronting on that public road right-of-way or easement (or portion thereof). A vacant or unimproved public road right-of-way or easement cannot qualify as road or street frontage for an adjoining or abutting lot or parcel. In order to count or qualify as road frontage, the owner of the parcel or lot must install a private road approved by the Township and meeting the requirements of this Section.

Article 2. A new and additional Section 4.05 is hereby added to the Grattan Township Zoning Ordinance as follows:

4.05 Small Lake Lots:

No lawful nonconforming lot (or other lot) with frontage on a lake shall be utilized for a dock, pier, wharf, boat hoist, swim raft or similar item unless the lot has at least 3,000 square feet of area on dry land (and landward of the ordinary high water mark) and at least 80 feet of frontage on the lake. Furthermore, no lawful nonconforming lot (or other lot) shall have any boat, watercraft or vessel docked, moored, kept or anchored overnight, permanently or seasonally thereon unless the lot has at least 3,000 square feet of area on dry land (and landward of the ordinary high water mark) and also at least 80 feet of frontage on the lake. Where a property with frontage on a lake has a portion of the lot or parcel located between the lake and a road right-of-way or easement and the other portion of a lot or parcel is located across the road easement or right-of-way from the lake front portion of the lot or property, this subsection shall apply to the portion of the lot or parcel located between the lake and the road easement or right-of-way.

Article 3. New and additional subsections 19.07G and 19.07H are hereby added to the Grattan Township Zoning Ordinance as follows:

G. Should the Township prevail in a Kent County Circuit Court lawsuit (either in full or in part) or in a municipal civil infraction proceeding in the District Court (either in full or in part), then the defendant or defendants (or plaintiff or plaintiffs where the Township is a defendant) shall reimburse the Township for its reasonable attorney fees and costs pursuant to any such court action or proceeding (including the Township’s attorney fees and costs before the court proceedings, during the trial or formal hearing stage and through any appeals).

H. Any judgment, lien or the equivalent ordered in favor of the Township by the Kent County Circuit Court or the District Court and against a party whose is in violation of this Ordinance shall be a lien on any and all properties within the Township owned by the party who lost to the Township and any such lien shall also be secured by and paid for via a one lot or parcel special assessment district and being placed on the property tax roll for the property in violation of this Ordinance.

Article 4. The Remainder of the Grattan Township Zoning Ordinance is Unaffected. Except as expressly amended by this Ordinance/ordinance amendment, the rest of Grattan Township Zoning Ordinance remains unchanged and in full force and effect.

Article 5. Severability. Should a court of competent jurisdiction determine that any portion of this Ordinance/ordinance amendment (or any portion thereof) is invalid or unconstitutional, that shall not affect the balance of this Ordinance/ordinance amendment, which shall remain in full force and effect.

Article 6. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote to adopt this Ordinance/ordinance amendment was as follows:

- YEAS: Frank Force, Michelle Alberts, Sabrina Freeman, Paul Knoerl.
- NAYS: NA
- ABSENT: Dennis Heffron

THIS ORDINANCE/ORDINANCE AMENDMENT IS DECLARED TO BE DULY ADOPTED.

CERTIFICATION

I hereby certify the above is a true copy of the Ordinance/ordinance amendment adopted by the Township Board for Grattan Township as of the date, time and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By Michelle Alberts
Michelle Alberts
Grattan Township Clerk



DRAFT: August 12, 2021
Approved: August 23, 2021
Published: August 26, 2021
In effect: September 2, 2021

**GRATTAN TOWNSHIP
KENT COUNTY, MICHIGAN
(Ordinance No. 2021-002)**

At a regular meeting of the Township Board for Grattan Township held at the Township Hall on August 23, 2021, this Ordinance/ordinance amendment was offered for adoption by Township Board Member Dennis Heffron and was seconded by Township Board Member Michelle Alberts:

AN ORDINANCE/ORDINANCE AMENDMENT TO REZONE THE PROPERTY OWNED BY BARBARA POULIAS (i.e. THE POULIAS FAMILY TRUST) WHICH IS COMMONLY KNOWN AS 5656 TIFFANY AVE NE, ROCKFORD, MICHIGAN FROM THE A-1 AGRICULTURAL ZONING DISTRICT DESIGNATION TO THE A-2 AGRICULTURAL ZONING DISTRICT DESIGNATION PURSUANT TO THE GRATTAN TOWNSHIP ZONING ORDINANCE AND ZONING MAP.

THE TOWNSHIP OF GRATTAN (the "Township") ORDAINS:

Section 1. Rezoning.

Applicant Barbara Poulias (i.e. the Poulias Family Trust) owns the real property located within Grattan Township, Kent County, Michigan commonly known as 5656 Tiffany Ave NE, Rockford, Michigan and as Permanent Parcel No. 41-12-19-100-035 which is legally described as follows:

Land Situated in the State of Michigan, County of Kent, Township of Grattan as:

PART OF NWFRL 1/4 COM AT W 1/4 COR TH N 0D 37M 30S E ALONG W SEC LINE 705.0 FT TH S 89D 09M 30S E 255.0 FT TO E LINE OF W 255 FT OF NWFRL 1/4 TH N 0D 37M 30S E ALONG SD E LINE 265.0 FT TH S 88D 36M 12S E 388.99 FT TH S 0D 48M 19S W 309.05 FT TH S 88D 38M 05S E 643.02 FT TO E LINE OF SW 1/4 NWFRL 1/4 TH S 0D 59M 10S W ALONG SD E LINE 662.30 FT TO E&W 1/4 LINE TH N 88D 39M 59S W ALONG E&W 1/4 LINE 1281.85 FT TO BEG * SEC 19 T8N R9W 22.54 A. SPLIT/COMBINED ON 09/16/2019 FROM 41-12-19-100-030;

(the "Poulias Parcel").

The Poulias Parcel is hereby rezoned in its entirety from the A-1 Agricultural zoning district designation to the A-2 Agricultural zoning district designation pursuant to the Grattan Township Zoning Ordinance and Zoning Map. Such rezoning is based in part upon the recommendation by the Grattan Township Planning Commission.

Section 2. Severability.

Should a court of competent jurisdiction invalidate this Ordinance/ordinance amendment or any portion thereof, the balance of this Ordinance/ordinance amendment shall remain in full force and effect.

Section 3. The balance of the Grattan Township Zoning Ordinance and Zoning Map are unchanged.

Except for rezoning covered by this Ordinance/ordinance amendment and its change to the Grattan Township Zoning Map, the rest of the Grattan Township Zoning Ordinance and Zoning Map remain unchanged and in full force and effect.

Section 4. Effective date.

The date this Ordinance/ordinance amendment (and a rezoning contained herein) shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment or notice of enactment is published in the newspaper as provided by law.

The vote to approve and adopt this Ordinance/ordinance amendment was as follows:

YEAS Frank Force, Michelle Alberts, Sabrina Freeman, Paul Knoerl, Dennis Heffron.

NAYS: NA _____

ABSENT/ABSTAIN: NA _____

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above Ordinance/ordinance amendment was adopted by the Township Board for Grattan Township at the time, date, and place as specified above pursuant to the required statutory procedures.

Respectfully submitted,



By Michelle Alberts
Michelle Alberts
Grattan Township Clerk