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CHAPTER ONE

TITLE, LEGAL BASIS & PURPOSE

SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as the "Douglass Township Zoning Ordinance."

SECTION 1.02 LEGAL BASIS

This Ordinance is enacted in accordance with the authority granted townships under **Public Act 110 of 2006 as amended, being the Michigan Zoning Enabling Act.**

SECTION 1.03 PURPOSE

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare in and of the Township; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location and size of and the specific uses for

which dwellings, buildings and other structures may hereafter be erected, altered or moved into the Township; to regulate the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to lessen congestion on the public roads, streets and other public places; to provide safety in traffic and in vehicular parking; to facilitate the development of adequate systems of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; and to conserve life, property values and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and properties.

CHAPTER TWO
GENERAL PROVISIONS

SECTION 2.01 EFFECT OF ZONING

A. Effect of Regulations.

Except as hereinafter specified, no building, structure, premises or piece and parcel of land in and throughout the Township shall hereafter be used or occupied, and no building or part thereof, or other structure, shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the district in which it is located.

B. Extent of Regulations.

These general provisions shall apply to all zoning districts except as otherwise noted.

C. Conflicting Regulations.

Whenever any provisions of this ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

SECTION 2.02 RESIDENTIAL ACCESSORY BUILDINGS & STRUCTURES

Accessory Buildings & Structures -

For the purposes of maintaining orderliness, aesthetics and property values, in the residential areas, the following provisions are intended to regulate the location and character of accessory buildings and structures normally incidental to permitted principal uses. The following regulations are therefore intended to pertain to

all accessory buildings and all accessory structures other than buildings, including but not limited to playground equipment, children's play houses, sports courts, swimming pools, pet accommodations, radio and television antennas and similar structures. Sidewalks, driveways, fences, light posts, utility poles and signs are excluded from these regulations unless specifically stated.

A. Accessory Buildings

1. In any zoning district where single family dwellings are permitted, an attached garage is permitted as an accessory use when erected as an integral part of the permitted principal residential building, provided it complies with the requirements of this Ordinance applicable to the principal building.
2. The architectural character of all accessory buildings shall be compatible with the principal building.
3. One detached residential accessory building is permitted on any lot or parcel in addition to an attached or detached garage.
4. An accessory building shall be considered attached to the principal building when the area between the principal building and the accessory building is attached by a roofed and continuous breezeway, portico, covered colonnade or similar architectural device.
5. No accessory building shall be located within the front yard area of any **non-waterfront** lot or parcel and it shall not be located closer than ten (10) feet to any other building or less than three (3) feet from any rear or side lot line. **An accessory building may be located**

within a front, side or rear yard of a waterfront lot provided that all minimum front, side and rear yard setback requirements are maintained for the zone district in which the lot is located.

6. An accessory building shall not exceed one (1) story, the sidewalls shall not exceed a height of **fourteen (14)** feet and the peak height shall not exceed **twenty (20)** feet. No accessory building shall occupy more than twenty-five (25) percent of the rear yard area.
7. No accessory building shall include living quarters or be occupied as a dwelling.
8. **No mobile home or house trailer shall be located on any lot and used as an accessory building.**

B. Accessory Structures Other Than Buildings. The following provisions are intended to regulate certain accessory structures other than buildings which for reasons of health, safety, welfare and aesthetics require special attention.

1. Any detached accessory structures, not classified as buildings, may not project closer than ten (10) feet to any side or rear property line except that, boat docks, patios and pump houses may be located at or near the water's edge, provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to their erection or placement.
2. Satellite Dish Antennas:
 - (a) A dish antenna may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five (5) feet above the peak of the roof of the building, including the mounting structure.
 - (b) Dish antennas are permitted in all Districts upon approval of the Zoning Administrator, provided the setback requirements for detached accessory buildings are maintained

and the following conditions satisfied:

- (1) Any antenna with support structures located on the ground shall be permanently anchored to a foundation.
 - (2) No portion of the antenna shall display any advertising, message, or other graphic representation intended for commercial purposes other than the manufacturer's name.
 - (3) No dish antenna with support structures located on the ground shall exceed a height of fifteen (15) feet, including its mounting structure.
 - (4) No dish antenna shall be located in any front yard.
- (c) If the antenna is to be located in the side yard, or in the rear yard on the street side of a lot, the Zoning Administrator may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.
3. Accessory Structures Mounted on Buildings: Unless otherwise regulated, necessary mechanical appurtenances such as air exchange units and elevator bulkheads shall be effectively screened as viewed from an adjoining property line by a parapet wall or similar feature constructed of materials having a similar exterior appearance as materials used on the front exterior of the building.
 4. Mechanical Appurtenances: Mechanical Appurtenances such as blowers, ventilation fans and air conditioning units shall not be located closer than twenty (20) feet to any lot line.

SECTION 2.03 BUILDINGS

A. Health Department Approval. No permit shall be issued for the construction of a building or structure which is to be served by a private well and septic tank and drainfield unless the

facilities comply with all rules and regulations and a permit has been issued by the Montcalm County Health Department.

B. Height Exceptions. Subject to other provisions of law, the height limitations of all districts shall be subject to the following exceptions; chimneys, spires, water tanks, antennas, monuments, agricultural buildings and structures or other appurtenances usually required to be placed above roof level and not intended for human occupancy.

C. Moving Buildings. No permit shall be granted for the moving of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Zoning Administrator shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with the Building Code and other codes regulating the health, safety and general welfare of the Township.

D. Razing Buildings. No building shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance guarantee in the amount up to one hundred twenty (120) percent of the cost estimate for the subject demolition. Said guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Zoning Administrator may reasonably require and this Ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

E. Repairing Buildings. Except as otherwise specified herein, nothing in this Ordinance shall prevent the strengthening or restoring of any building or part to a safe condition.

F. Temporary Buildings & Structures. Mobile homes, mobile offices, tents or other movable or erected structures intended for temporary use or occupancy incidental to construction work, shall only be situated or

erected upon land or premises within the Township provided a permit for a temporary construction trailer, shed and office is issued by the Zoning Administrator according to the following criteria:

1. No temporary permit may be issued prior to the issuance of a building permit for the permanent building. Temporary permits shall expire with the expiration of the building permit.
2. Temporary structures shall be located on the same site as the construction.
3. Temporary structures shall be located on the site such that:
 - (a) On and off-site traffic hazards are minimized.
 - (b) The aesthetic impacts are reasonably minimized.
 - (c) No temporary structure is placed closer than ten (10) feet to any property line.
 - (d) All applicable safety, health and fire codes are met.
4. No final inspection shall be issued until all temporary structures have been removed from the site.
5. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.

G. Temporary Real Estate Sales Offices & Model Units. The use of a building or dwelling unit as a model for the purpose of selling real estate may be permitted on a temporary basis subject to the following:

1. The building or unit is part of a contiguous development in which the construction of other similar buildings or units is being actively carried out by the individual, firm, partnership or contractor having legal interest in the model building or unit.
2. No more than four hundred fifty (450) square feet of floor area contained within the model unit is devoted to sales office use, with the remainder being utilized for show or display of salient interior design and architectural features.
3. The address of the building or unit used as a model is not used as a principal

business address for carrying out real estate transactions, or the properties offered, listed and sold from the model/temporary real estate office are contained entirely within the same contiguous development.

4. The use of a building or unit for such purposes shall only be authorized under the provision of Chapter Twelve, "Special Uses." In approving such use, the Planning Commission may establish a reasonable time limitation.

SECTION 2.04 CONDOMINIUMS

A. Ownership Permitted. Condominium ownership is permitted in any zone district as a form of ownership and as defined in Section 141 of the Condominium Act (MCLA 559.241), being Act No. 59 of the Public Acts of 1978, as amended; provided that they comply with the requirements of the zoning ordinance and Public Act 59 of 1978, as amended.

1. Prior to the construction of any condominium project, a site plan review and approval described in Chapter Fifteen is required. Additionally, prior to construction of any condominium development, all necessary permits required by any other federal, state or local governmental agency must be secured and approval obtained.
2. Prior to construction of any condominium project, approval from the Board of Trustees of Douglass Township is required for all utilities to service said project.

B. Mobile Home Condominium Development. Mobile Home Condominium development shall be allowed under the same terms and conditions as any other mobile home park within the applicable zoning districts. A mobile home condominium development shall conform to all requirements of the applicable zone district for which it is proposed as any other mobile home park and further, it shall comply with all applicable requirements of the Mobile Home

Commission Act being Act 96 of Public Acts of 1987, as amended and the Mobile Home Code and Rules promulgated thereunder, and this Ordinance.

C. Multiple Dwelling Condominium Development.

Multiple dwelling condominium projects are allowed in any zone district which allows multiple family dwelling units or apartments, under the same terms and conditions as a multiple dwelling unit or apartment. Additionally, as part of the site plan review process for a multiple family condominium project, the Planning Commission has the full right, authority and discretion to approve or disapprove any internal vehicular traffic circulation patterns in its sole discretion.

D. Single-Family Residential Condominium Development.

Single family condominium projects are allowed in any zone district which allows single family homes and subdivisions under the same terms and conditions as a single family home or subdivision. Additionally, all area requirements for single family homes contained in the applicable zone shall be maintained in a single family condominium project.

For purposes of single family condominium projects, the dwelling unit shall maintain the minimum spacial requirement for yards and setbacks as required by the applicable zone district for single family homes or subdivisions. For purposes of this requirement, the spacial setback or yard may be part of the condominium unit, a limited common element or a general common element. In no instance shall the yard or setback be ascribed to more than one unit.

E. Condominium Subdivision Requirements.

Condominium subdivisions, as defined in Section 20.57 are permitted in any zone district in accordance with the following conditions:

1. All condominium subdivisions, structures and uses therein shall comply with all use, area, parking, general requirements, and conditions of the zone district within which

the project is located. All mobile home condominium developments shall satisfy the minimum requirements of Section 6.03K.

2. All information included in a Condominium Project Plan defined in Section 20.49 shall be submitted.
3. Condominium Master Deed. A copy of the condominium master deed, all attachments and any amendments thereto as required by Public Act 59 of 1978, as amended, shall be filed with the Douglass Township Clerk within ten (10) days after recording with the Montcalm County Register of Deeds.

SECTION 2.05 DRIVEWAY PERMITS.

Prior to the granting of a permit for any construction involving a new driveway opening to a public street, a permit for such driveway from the State and/or County agency shall be submitted to the Zoning Administrator.

SECTION 2.06 DWELLINGS.

A. Basement & Illegal Dwellings. The use of any portion of a basement excluded from the total floor area computations as a dwelling or as sleeping quarters is prohibited. The use of the basement of a partially completed building as a dwelling unit is prohibited. Buildings erected as garages or other accessory buildings shall not be occupied for dwelling purposes.

B. Single & Two Family Dwellings. All single and two family dwelling units located outside of manufactured home parks shall comply with the following requirements:

1. The minimum width of any single family dwelling unit shall be fourteen (14) feet for its entire length, measured between the exterior part of the walls.
2. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling two (2) feet in depth with a vapor barrier on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain

any accumulation of water in the crawl space.

3. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township, or by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
4. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
5. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Montcalm County Health Department.
6. All dwellings shall provide steps or porch areas, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
7. All additions to dwellings shall meet all of the requirements of this Ordinance and shall satisfy all requirements of the Montcalm County Building Code.
8. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity and shall satisfy the following minimum requirements.
 - (a) Exterior walls must have wood, aluminum or vinyl siding and/or brick facing for all exterior walls, including all additions.
 - (b) All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7-1/2) feet.
 - (c) Single-family dwellings shall be located on a lot in such a manner that the longest face of a dwelling,

commonly referred to as its length, is parallel, as near as practical, with the front lot line. An alternate placement may be permitted upon a determination by the Zoning Administrator that its placement will be aesthetically compatible with other residences in the vicinity.

(d) No mobile home, or part thereof, which was not designed at the time of manufacture to be attached to another mobile home shall be placed on a lot and attached to another mobile home or conventionally constructed dwelling unit.

9. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of one or more residential dwellings located within the same zone district.

For purposes of this section, aesthetic compatibility is to be determined by reviewing the assembly of building components, materials or construction practices to insure that they are of a similar and like quality and to provide that all dwelling units within the same zone classification result in no distinguishable categorical differences in appearance and the consistent homogenous appearance will be maintained over protracted periods of time to insure the general health, welfare and safety of the residents of that zone, as well as preserving land values.

10. 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.

11. Prior to issuance of a Zoning Compliance permit for any dwelling unit, a plot plan and construction plans or a certificate that the dwelling has been or will be constructed in accordance with the Montcalm County Building Code, the State Construction Code for Modular Housing or the standards contained in United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended shall be submitted to the Zoning Administrator.

SECTION 2.07 ESSENTIAL PUBLIC SERVICES.

A. The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of essential services as defined in Section 20.78 which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any District.

B. Notwithstanding the provisions contained above:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
2. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
3. Public utility facilities in any District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

SECTION 2.08 FENCING & TRAFFIC

VISIBILITY

- A. Fences in any Residential District shall not exceed six (6) feet in height.
- B. Fences & walls erected within the required front yard in any District shall not exceed three (3) feet in height, except when used to enclose vacant land or land used for agricultural purposes, which may be up to six (6) feet in height. Fences within the required front yard with a height greater than three (3) feet shall be of a type which is not more than twenty-five percent (25%) solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- C. Fences shall not be erected within any public right-of-way in any District.
- D. Fences, walls and plantings shall not be erected or maintained in any District in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
- E. The use of barbwire fencing is prohibited except on a farm or as may be required for security reasons to protect publicly owned buildings or business or industrial operations with approval of the Building Inspector. Razor Wire Fences are not allowed anywhere within the Township.

SECTION 2.09 GRADING & DRAINAGE

- A. **Establishment of Lot Grades.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade shall be established and maintained from the center of the front or rear lot line to the finished grade line at the front or rear of the building, both grades sloping to the front lot line or both. However, this shall not prevent the grading of a yard space to

provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties. Grade elevations shall be determined by using the elevation at the centerline of the road in front of the lot as the established grade or such grade determined by the Zoning Administrator. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property.

- B. **Site Preparation - Excavation & Extraction.** Prior to the commencement of site preparation, the approval of a grading plan and the primary purpose for carrying out the site preparation must be obtained from the Montcalm County Building Inspector. In addition, a building permit must be obtained which specifies the terms and conditions under which the site preparation shall be carried out.
- C. **Site Preparation - Filling/Excavating.** From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with material of any kind or for any excavation in excess of 500 cubic yards without first obtaining a Special Use Permit for soil, sand, clay or similar removal operations in accordance with the provisions of Chapter Twelve.

SECTION 2.10 LAND USES

- A. **Ascribed Principal Use of Residential Property.** No more than one principal single-family residential building with the customary accessory buildings and structures shall be erected on any

individual lot or parcel of land, except as herein permitted.

- B. Continuation of Existing Lawful Land Uses.** Any building, structure or use, lawfully in existence at the time of the effective date of this Ordinance may be continued except as hereinafter provided in "Chapter Three (3), Nonconforming Uses."
- C. Motor Vehicle Repair.** Mechanical work on motor vehicles in residential districts shall be permitted, provided such vehicles are not used primarily for racing. Such vehicle must be owned by the occupant of the dwelling on the premises. All work must be performed within a building, and no parts or vehicles not in legally operating condition may be stored outside.
- D. Unlawful Use Not Authorized.** Nothing in the Ordinance or any amendment hereto shall be interpreted as authorization for or approval of the continuance of the unauthorized use of a structure, land or premises in effect at the time of the effective date of this Ordinance, or any amendment hereto.
- E. Yard Sales.** Yard or garage sales, including auctions, are permitted on the same premises not more than two times in any calendar year in all residential districts. Any signs used to advertise such sales shall be removed immediately upon the conclusion of the sale. No such sale shall last longer than three (3) days.

SECTION 2.11 LOTS & PARCELS

- A. Area or Space Required.** No site, lot, or lots in common ownership shall be so divided, altered, or reduced so that the yard, setbacks, open space area, or parking space is less than the minimum required under this Ordinance. In determining lot and yard requirements, no area shall be ascribed to more than one main building, or use, and no area necessary for compliance with the space requirements for one main building shall be included in the calculation of the space requirements for any other building or use.

- B. Corner & Double Frontage Lots.** Where a lot is bounded by two (2) or more streets, the front yard requirements of that district shall be maintained for each street frontage.
- C. Front, Side & Rear Yard Setback Requirements.**
 - 1. Measurement of the front and side yards shall be from the right-of-way line of the abutting street, whether public or private, to the nearest portion of the structure, including unenclosed porches, provided, that on streets with a right-of-way of less than thirty-three (33) feet from the centerline, measurement shall be from a point thirty-three (33) feet from the centerline of the street.
 - 2. When the lot abuts or contains all or a portion of an easement designated for the purpose of storm water retention or detention, the required yards and setbacks shall be measured from the edge of the easement which shall be described in the legal description of the lot.
 - 3. Lot area computation shall not include a private road or easement providing access to the lot or other lots nor a storm water retention or detention easement located on the lot.
- D. Lot Width For Irregular Lots.** The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the building setback line and shall not be diminished between the building setback line and the rear lot line. Such lots shall have a front lot line of at least forty (40) feet and in no case shall the lot width within the required front yard be less than forty (40) feet.
- E. Registration of Property.** The description of and the deed for every parcel of land shall be required to be on record with the Montcalm County Register of Deeds, prior to the authorization of any use of the lot or parcel of land by the Township.

SECTION 2.12 OUTDOOR LIGHTING

Outdoor lighting located on privately owned property shall be so arranged that it will not shine directly on streets or occupied dwellings that are not located on the site.

SECTION 2.13 PONDS

Ponds, as defined in Section 20.130 are permitted within any zone district as an accessory use.

SECTION 2.14 SWIMMING POOLS

- A.** Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.
- B.** A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged, or altered until a Zoning Compliance permit has been obtained from the Zoning Administrator.
- C.** The outside edge of the pool wall shall not be located closer than ten (10) feet from any side property line; and shall not be located closer than twenty (20) feet from any rear property line. No pool shall be located under any electrical wiring or in a front yard.
- D.** Each swimming pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the swimming pool inaccessible to small children. Such enclosure, including gates, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children. A natural barrier, hedge, pool cover, or other protective device approved by the Zoning Administrator may be used as long as the degree of protection afforded by the substituted devices or structures is equal

to the protection afforded by the enclosure, gate and latch described herein. Provided, however, that any above ground swimming pool constructed in such a manner that the deck is at least four (4) feet above ground shall not be required to be enclosed by a fence or wall, but any access point such as stairways or ladders shall be enclosed with gates and latches or otherwise made inaccessible from the outside to small children.

- E.** All swimming pool installations shall comply with the following standards:
 - 1. The swimming pool and equipment shall be equipped to be completely emptied of water, and the discharged water shall be disposed of in an approved manner that will not create a nuisance to adjoining property.
 - 2. All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water.
 - 3. One or more means of egress shall be provided from the pool. Treads of steps or ladders shall have slip resistant surface and handrails on both side.
 - 4. All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures including plumbing, heating and air conditioning, among others, appurtenant to a swimming pool, shall comply with all applicable requirements of this ordinance and the Montcalm County Building Code.
 - 5. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected.
 - 6. Any electrical wiring within twenty-five (25) feet of the water's edge of the pool shall be placed underground and in an appropriate conduit approved for such purposes to prevent electricity from being conducted into the water. No

electric wires of any kind shall cross or be over the water surface. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes. In addition, all electrical equipment and related components shall conform to the current National Electrical Code, as adopted by Montcalm County.

7. There shall be no cross-connections of any public water supply with any other source of water supply for the pool. The line from the public water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high-water level of the makeup tank or the pool.

SECTION 2.15 KEEPING OF PETS & OTHER ANIMALS

- A. No more than three (3) dogs, cats or any combination thereof, shall be kept or housed on any parcel within the LDR and LR districts or on any other parcel where there is a dwelling, provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed within any consecutive twelve (12) month period.
- B. Other domesticated animals such as horses, cattle, goats, hogs, sheep, llamas and fowl, that are not located on farms, shall be permitted under the following conditions:
 1. Within the AG/RE, Agricultural/Rural Estate District, the number of such animals shall not exceed one (1) animal for the first two (2) acres of lot area and one (1) additional animal for each additional acre of land area. Within any other zone district, the number of such animals shall not

exceed one (1) animal for the first five (5) acres of lot area and one (1) additional animal for each additional acre of land area.

2. All such animals shall be confined in a suitable fenced area, or paddock, equal in size to sixty (60) percent of the total area required above and the area shall not be located closer than sixty (60) feet from any street right-of-way, dwelling located on the premises or any adjacent lot or parcel that is zoned or primarily used for residential purposes.
 3. Any accessory building in which such animals are kept shall be at least one hundred (100) feet from any property line, street right-of-way or dwelling located on the premises.
 4. The facility shall be constructed and maintained so that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- C. Animals of a feral nature such as lions, tigers, bears, wolves, ferrets, poisonous snakes, pythons, boa constrictors or other animals, reptiles, fowl, or living creatures not ordinarily of a domestic nature or tame in their natural environment shall not be kept or placed on private property in any zone district. Interpretation of whether a particular animal or class of animals and pets falls within this classification shall be made by the Zoning Administrator. All determinations made by the Zoning administrator relative to the classification of animals may be appealed to the Zoning Board of Appeals as further provided in this Ordinance. The Zoning Administrator and Zoning Board of Appeals shall consider the potential danger of keeping particular animals and whether they pose a threat to the health, safety and welfare of the residents of the Township.

SECTION 2.16 PARKING AND STORAGE IN THE LDR, LOW DENSITY

**RESIDENTIAL DISTRICT, THE LR, LAKE
RESIDENTIAL DISTRICT AND THE MDR,
MEDIUM DENSITY RESIDENTIAL
DISTRICT.**

The outdoor storage or parking of trucks rated at more than three-fourths (3/4) ton or the parking or outdoor storage of any recreational vehicle, such as airplanes, boats, floats, camping or travel trailers, detachable travel equipment of the type adaptable to light duty trucks, snowmobiles, and other equipment of a similar nature, shall be prohibited for a period greater than seven (7) days within any thirty (30) day period in all residential districts except where otherwise permitted by this Ordinance, unless the following requirements are met:

- A. All such vehicles and equipment shall be placed within a completely enclosed building or located behind the front face of the main building, but no closer than five (5) feet to any side or rear lot line. No storage of such vehicle shall be permitted on a corner lot in the required yards adjacent to a street.**
- B. Storage or parking shall be limited to a parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment so stored or parked is owned by an occupant.**
- C. The parking or storage of commercial trucks and/or vehicles including truck-tractors or semi-trailers is prohibited in all residential districts; provided, however, that this shall not be deemed to prevent the temporary location of any such vehicle in said districts while engaged in a delivery, pick-up or service to the premises where located.**

SECTION 2.17 Riparian Access.

The following restrictions are intended to limit and regulate the number of users and types of uses of Clifford Lake frontage in order to preserve the qualities of the waters, minimize conflicting land uses, promote safety and help preserve the quality of recreational use of lands and waters within the Township. All of these provisions apply only to lots created after the date of the adoption of this Ordinance.

- A. For all properties touching or abutting Clifford Lake, there shall be at least fifty (50) feet of lake frontage, as measured along the ordinary high water mark of the lake, for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit utilizing the lake frontage.**
- B. For all properties touching or abutting Clifford Lake, any multiple-unit residential development shall have not more than one (1) dock for each fifty (50) feet of lake frontage, as measured along the normal high water mark of the lake.**
- C. For all properties touching or abutting Clifford Lake, no lake access, boat ramp, shore station, dock, boat launch or shoreline of the lake shall be utilized for commercial business, outdoor recreational (or entertainment) facilities, institutional, non-residential or non-agricultural uses or purposes unless such use complies with the requirements of the zoning district in which it is located.**
- D. In addition to the above limitations, no easement, private park, common area condominium arrangement, lake access device or lot or access property abutting or adjoining Clifford Lake shall be used to permit access to the lake for more than one (1) single-family home, property, dwelling unit, condominium unit, site condominium unit or apartment unless such use is also approved as a special land use.**

- E. No new channel or canal shall be created abutting, enlarging or tied into Clifford Lake, nor shall existing canals or channels be enlarged. Canals or channels which touch or abut Clifford Lake and were lawfully in existence as of the date of enactment of this ordinance may be cleaned and dredged, so long as they are not enlarged beyond their original dimensions.**
- F. The restrictions of this Section 2.17 shall apply to all lots and parcels on or abutting Clifford Lake, regardless of whether access to the lake shoreline or waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease. The lake access and use regulations contained in this section shall also be fully applicable to all special land use projects or developments.**

CHAPTER THREE

NON-CONFORMING STRUCTURES, USES OF LAND & USES OF STRUCTURES

SECTION 3.01 NON-CONFORMING BUILDINGS, STRUCTURES AND LAND

At the time of the adoption of this Ordinance, or any amendment, there exist structures, buildings and uses of land that were lawful prior to the adoption of this Ordinance or any amendment, but which do not conform with the requirements of this Ordinance or any amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival.

SECTION 3.02 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than its state equalized value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- B. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. A non-conforming building or structure which is non-conforming due to failing to meet all required physical standards (i.e. setbacks, lot area, lot width, parking, etc.) may be enlarged or extended only upon approval of

a **variance** by the **Zoning Board of Appeals**, and further

provided that the enlargement or extension complies with all required physical standards. In no event shall the **Zoning Board of Appeals** approval extend to enlarge the non-conforming structure more than an additional fifty (50) percent of the existing non-conforming structure. In considering the grant or denial or grant with conditions of this variance, the **Zoning Board of Appeals** shall consider the following:

1. If the enlargement or extension will substantially extend the probable duration of such non-conforming structure and if all enlargements since the structure became non-conforming are upon and limited to the same parcel the non-conforming structure was located on at the time of the adoption of the existing Douglass Township Zoning Ordinance.
2. If the enlargement or extension will likely create requests for variances in the area.
3. If the enlargement or extension will interfere with the use of other properties in the vicinity for the uses for which they have been zoned.
4. The scope of the non-conformity of the existing building or structure in contrast to the minimum physical standards as called for within the zoning classifications, including but not limited to:
 - (a) Parking
 - (b) Setbacks
 - (c) Height
 - (d) Lighting
 - (e) Drainage
 - (f) Required Public Utilities
 - (g) Lot Area

- (h) Lot Width
 - (i) Landscaping
 - (j) Compatibility with adjacent properties
 - (k) Required Greenstrips
5. The **Zoning Board of Appeals** has the discretion to grant with conditions the variance to extend or enlarge a non-conforming building or structure. It is expressly conveyed to the **Zoning Board of Appeals** the authority or power to make conditions effecting the existing structure, building or parcel, as a condition of granting the permission to extend or enlarge the building or structure. The **Zoning Board of Appeals** has the discretion to impose conditions on the original non-conforming structure, building, or parcel to make it less non-conforming up to and including all conditions which would be required to make it a conforming building, structure, or parcel.

SECTION 3.03 NON-CONFORMING USES OF LAND

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

SECTION 3.04 NON-CONFORMING USES OF STRUCTURES

If lawful use involving individual structures or of structure and premises in combination exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building that were manifestly arranged or 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.
- C. If no structural alterations are made, any non-conforming use of a structure, or structures and premises, may be changed to another non-conforming use provided that the proposed use is legally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction it shall not thereafter be changed to a non-conforming use.
- D. Any non-conforming single-family residential structure may be expanded or increased in floor area fifty (50) percent of the size of the structure at the time of adoption of this Ordinance.
- E. Where non-conforming use applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this Section is defined as damage to an extent greater than the state equalized value at time of destruction.

SECTION 3.05 REPAIRS & MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, to an extent not exceeding the state equalized value of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall only thereafter be restored, repaired, or rebuilt in conformity with the regulation of the district in which it is located.

SECTION 3.06 DISCONTINUANCE OF A NON-CONFORMING STRUCTURE OR USE

No non-conforming structure or use shall be re-established after abandoned or discontinued for a continuous period of twelve (12) months. A non-conforming structure or use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming structure or use.

- A. Utilities, such as water, gas and electricity to the property, have been disconnected.
- B. The property, buildings, and grounds, have fallen into disrepair.
- C. Signs or other indications of the existence of the non-conforming use have been removed.
- D. Equipment or fixtures which are necessary for the operation of the non-conforming structure or use have been removed.
- E. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the non-conforming structure or use.

SECTION 3.07 NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

CHAPTER FOUR

MAPPED ZONING DISTRICTS

SECTION 4.01 MAPPED ZONING DISTRICTS

For the purpose of this Ordinance, Douglass Township is hereby divided into the following zoning districts:

ABBREV.	DISTRICT NAME	
	ORD. CHAPTER	
AG/RE	Agriculture/Rural Estate	5
LDR	Low Density Residential	6
LR	Lake Residential	7
MDR	Medium Density Residential	7A
NB	Neighborhood Business	8
GB	General Business	9
I	Industrial	
	10	
FR	Flat River	11

SECTION 4.02 ZONING MAP

The locations and boundaries of such districts, shown upon the map, which is incorporated herein by reference, and made a part hereof, are hereby established, said map being designated as the "Zoning Map of Douglass Township, Montcalm County, Michigan." Said map and all the notations, references, and other information thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

Regardless of the existence of copies of the zoning map which may be made, the official zoning map shall be located in the office of the Township Clerk and, together with official records, shall be the final authority as to the current zoning status in the Township.

The official zoning map shall be so identified by the signature of the Township Clerk. Said map is to be maintained in an up-to-date manner, and shall be accessible to the general public.

SECTION 4.03 BOUNDARIES OF DISTRICTS

Where uncertainty exists as to the boundaries of districts as shown on the official map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, railroads or alleys shall be construed to follow such centerline.
- B. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such change; boundaries indicated as approximately following the centerline of streams or rivers shall be construed as following such centerline.
- C. Boundaries indicated as approximately following lot or property lines shall be construed as following such lines.
- D. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
- E. Where other circumstances exist, the Board of Appeals shall interpret the district boundaries.
- F. Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two different Districts, the area is divided along a line half way between them according to the adjacent Districts.

SECTION 4.04 AREAS NOT INCLUDED WITHIN A DISTRICT

In every case where land has not been included within a District on the Zoning Map, such land shall be in the AG/RE District.

CHAPTER FIVE

AG/RE, AGRICULTURAL/RURAL ESTATE DISTRICT

SECTION 5.01 STATEMENT OF PURPOSE

This district is primarily intended for large tracts used for farming or which are idle. It is not intended for any use except agriculture, low-density single family residential use, other rural uses requiring large tracts of land and various related uses. One of the purposes is to preserve the rural character of the area. These areas are not served with public utilities and are likely to remain without such services for an extended period of time into the future. If more intense development and subdividing are to occur it should be preceded by sound planning and rezoning.

Property within the AG/RE District may be located in the vicinity of a farm or farm operation. Generally accepted agricultural and management practices may be utilized by the farm or farm operation and may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Michigan Right to Farm Act. Sellers are not required to disclose whether a farm or farm operation is actually located in the vicinity of the property or whether generally accepted agricultural and management practices are being utilized and therefore potential purchasers of property may wish to undertake their own investigations prior to the purchase of property.

SECTION 5.02 PERMITTED USES

Land and/or buildings in the AG/RE District may be used for the following purposes as permitted uses:

- A. Principal uses permitted by right.
 - 1. Farms as defined in Section 20.80.
 - 2. Dwellings - Single Family Detached as defined in Section 20.68.

- 3. Foster Family Homes as defined in Section 20.40B.
 - 4. Foster Family Group Homes as defined in Section 20.40C.
 - 5. Family Day Care Homes as defined in Section 20.40D.
 - 6. Adult Family Day Care Homes as defined in Section 20.05B.
 - 7. Adult Foster Care Family Homes as defined in Section 20.07C.
 - 8. Accessory Buildings, Structures and uses customarily incidental to the above permitted uses.
- B. Principal uses permitted subject to special conditions. The following uses shall be permitted, subject to the conditions hereinafter imposed for each use.
- 1. Roadside Stands, subject to the following conditions.
 - (a) The parcel on which the roadside Stand is located must have a minimum of one-hundred (100) feet of frontage on a state highway or county road as designated by the Montcalm County Road Commission.
 - (b) Only one Roadside Stand shall be located on a parcel or parcels of land held in contiguous ownership.
 - (c) Any sale or display area shall be located a minimum distance of twenty-five (25) feet from any property line.
 - (d) A minimum of five (5) off-street parking spaces shall be provided in a manner which permits vehicles to

- exit the property without backing onto the street.
- (e) No permanent buildings, structures or display areas are permitted. Portable buildings, structures or display areas are permitted provided they do not exceed ten (10) feet in height and do not exceed a maximum of three hundred (300) square feet.
 - (f) Adequate provisions shall be made for the removal and disposal of decaying or rotting produce to prevent odors and as a means of controlling insects.

SECTION 5.03 SPECIAL LAND USES

Land and/or Buildings in the AG/RE District may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Twelve.

- A. Publicly and privately owned parks and playgrounds.
- B. Churches.
- C. Schools, Colleges and Libraries.
- D. Specialized Farms as defined in Section 20.81.
- E. Adult Family Group Day Care Homes.
- F. Governmental and Public Utility Administration and Service Building.
- G. Stables, Public
- H. Kennels.
- I. Home Occupations.
- J. Group Day Care Homes.
- K. Soil, Sand, Clay, Gravel or Similar removal operations.
- L. Communication transmitters, relay stations and towers.

- M. Veterinary Hospitals.
- N. Cemeteries.
- O. Golf Courses.
- P. Sawmills.
- Q. Recreational Vehicle Parks.
- R. Open Space Preservation Developments.
- S. Lake Access Properties or devices where more than one single-family home, property, dwelling unit condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford Lake.

SECTION 5.04 DISTRICT REGULATIONS

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

MINIMUM LOT AREA	1 Acre ¹
MINIMUM LOT WIDTH	200 Feet
MINIMUM FRONT YARD	60 Feet ²
MINIMUM SIDE YARD	25 Feet
MINIMUM REAR YARD	50 Feet
MAXIMUM BUILDING HEIGHT	35 Feet ³
MAXIMUM LOT COVERAGE	
30Percent	
MINIMUM FLOOR AREA	750Sq.Ft.

¹ The minimum lot area for a farm or a farm building is ten (10) acres.
² The minimum front yard for a farm building is one-hundred (100) feet.
³ Excludes agricultural buildings and structures.

CHAPTER SIX

LDR, LOW DENSITY RESIDENTIAL DISTRICT

SECTION 6.01 STATEMENT OF PURPOSE

The primary purpose of this district is to designate certain portions of the Township exclusively for low density, single family dwellings along with complimentary religious, educational and recreational uses. The specific intent is:

- A. To encourage the construction of, and the continued use of the land for single-family dwellings.
- B. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
- C. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
- D. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- E. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

SECTION 6.02 PERMITTED USES

Land and/or buildings in the LDR District may be used for the following purposes as permitted uses:

- A. Farms as defined in Section 20.80.
- B. Single-Family Detached Dwellings as defined in Section 20.68.

- C. Foster Family Homes as defined in Section 20.40B.
- D. Foster Family Group Homes as defined in Section 20.40C.
- E. Family Day Care Homes as defined in Section 20.40D.
- F. Adult Family Day Care Homes as defined in Section 20.05B.
- G. Adult Foster Care Family Homes as defined in Section 20.07C.
- H. Accessory buildings, structures and uses customarily incidental to the above permitted uses.

SECTION 6.03 SPECIAL LAND USES

Land and/or buildings in the LDR District may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Twelve.

- A. Publicly and privately owned parks and playgrounds.
- B. Churches.
- C. Governmental and Public Utility Administration and Service Buildings.
- D. Home Occupations.
- E. Group Day Care Homes.
- F. Schools, Colleges and Libraries.
- G. Adult Family Group Day Care Homes.
- H. Ponds.
- I. Soil, Sand, Clay, Gravel or similar removal operations.
- J. Lake Access Properties or devices where more than one single-family home, property, dwelling unit condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford Lake.

**SECTION 6.04 DISTRICT
REGULATIONS**

No principal building or structure, nor the enlargement of any principal building or structure shall be erected unless the following requirements are met and maintained.

MINIMUM LOT AREA	12000 SQ. FT. ¹
MINIMUM LOT WIDTH	80 FEET
MINIMUM FRONT YARD	40 FEET ²
MINIMUM SIDE YARD	10 FEET
MINIMUM REAR YARD	35 FEET
MAXIMUM BUILDING HEIGHT	35 FEET ³
MAXIMUM LOT COVERAGE	30 PERCENT
MINIMUM FLOOR AREA	840 SQ. FT.

- 1 The minimum lot area for a farm or a farm building is ten (10) acres.
- 2 The minimum front yard for a farm building is one-hundred (100) feet.
- 3 Excludes agricultural buildings and structures.

CHAPTER SEVEN

LR, LAKE RESIDENTIAL DISTRICT

SECTION 7.01 STATEMENT OF PURPOSE

Over 1,200 lakefront and lake access lots have been developed within the Township. Many of these are very small and have been developed with single family homes. Existing homes are located on about one-half of the total lots. The primary purpose of this district is to permit the development, redevelopment and expansion of single family homes on these existing lots. This district is not intended, however, to be used for the development of new lots and subdivisions. Other specific purposes of this district include the following:

- A. To encourage the construction of, and the continued use of the land for single-family dwellings.
- B. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district.
- C. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
- D. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- E. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

SECTION 7.02 PERMITTED USES

Land and/or buildings in the LR District may be used for the following purposes as permitted uses:

- A. Single-Family Detached Dwellings as defined in Section 20.68.
- B. Foster Family Homes as defined in Section 20.40B.
- C. Foster Family Group Homes as defined in Section 20.40C.
- D. Family Day Care Homes as defined in Section 20.40D.
- E. Adult Family Day Care Homes as defined in Section 20.05B.
- F. Adult Foster Care Family Homes as defined in Section 20.07C.
- G. Accessory buildings, structures and uses customarily incidental to the above permitted uses.

SECTION 7.03 SPECIAL LAND USES

Land and/or buildings in the LR District may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Twelve.

- A. Publicly and privately owned parks and playgrounds.
- B. Lake Access Properties or devices where more than one single-family home, property, dwelling unit condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford Lake.

SECTION 7.04 DISTRICT REGULATIONS

No principal building or structure, nor the enlargement of any principal building or structure shall be erected unless the following requirements are met and maintained.

MINIMUM LOT AREA	5000 sq. ft.
MINIMUM LOT WIDTH	50 FEET
MINIMUM FRONT YARD	30 FEET
MINIMUM SIDE YARD	5 FEET
MINIMUM REAR YARD	25 FEET
MAXIMUM BUILDING HEIGHT	25 FEET
MAXIMUM LOT COVERAGE	30 PERCENT
MINIMUM FLOOR AREA	750sq.ft

CHAPTER SEVEN A

MDR, MEDIUM DENSITY RESIDENTIAL

SECTION 7A.01 STATEMENT OF PURPOSE

The primary purpose of this district is to designate certain portions of the Township for a wide variety of low and medium density residential uses along with complimentary religious, educational and recreational uses. It is intended that these areas be located along primary roads, in areas that will likely be served with public water and sanitary sewerage systems in the future and in areas that will create a transition or buffer area between industrial and/or commercial districts and lower density residential districts and/or the AG/RE, Agricultural/Rural Estate District.

SECTION 7A.02 PERMITTED USES

Land and/or buildings in the MDR, Medium Density Residential District may be used for the following purposes as permitted uses:

- A. All permitted uses in the LDR, Low Density Residential District subject to all of the same conditions and regulations contained within that district.
- B. Two Family Dwellings as defined in Section 20.72.
- C. Multiple Family Dwellings as defined in Section 20.71.
- D. Mobile Home Parks as defined in Section 20.114.

SECTION 7A.03 SPECIAL LAND USES.

Land and/or buildings in the MDR, Medium Density Residential District may be used for all of the Special Land Uses permitted in the LDR, Low Density Residential District, subject to all of the same conditions and regulations contained within that district.

SECTION 7A.04 DISTRICT REGULATIONS

No principal building or structure, nor the enlargement of any principal building or structure unless the following requirements are met and maintained

- A. Minimum requirements for two family dwellings that are not served with both public sanitary sewers and water mains.
 1. Minimum Lot Area -27,000 Sq. Ft.
 2. Minimum Lot Width-135 Feet.
 3. Minimum Front Yard-40 Feet.
 4. Minimum Side Yard-15 Feet
 5. Minimum Rear Yard-50 Feet
 6. Maximum Building Height-35 Feet
 7. Maximum Lot Coverage-30%
 8. Minimum Floor Area-960 square feet.
- B. Minimum requirements for two family dwellings that are served with both public sanitary sewers and water mains.
 1. Minimum Lot Area-16,200 Sq. Ft.
 2. Minimum Lot Width-120 Feet.
 3. Minimum Front Yard-40 Feet.
 4. Minimum Side Yard-10 Feet.
 5. Minimum Rear Yard-50 Feet.
 6. Maximum Building Height-35 Feet
 7. Maximum Lot Coverage-35%
 8. Minimum Floor Area-960 square feet.
- C. Minimum requirements for one multiple family building on one lot or parcel of land.

1. Public sanitary sewers and water mains are required or private systems that are approved by the Montcalm County Health Department or the Michigan Department of Public Health.
 2. Not more than four dwelling units shall be contained within any building.
 3. Minimum lot area-30,000 Sq. Ft.
 4. Maximum building height-35 Feet.
 5. Minimum lot width-150 Feet.
 6. Minimum side yard-20 Feet.
 7. Minimum front yard-40 Feet.
 8. Minimum rear yard-50 Feet.
 9. Maximum lot coverage-40%.
 10. Minimum floor area-750 square feet per dwelling unit.
 11. Off street parking shall be required in accordance with the requirements of Chapter 15.
- D. Minimum requirements for more than one multiple family building on a lot or parcel of land.
1. Public sanitary sewers and water mains are required or private systems that are approved by the Montcalm County Health Department or the Michigan Department of Public Health.
 2. The minimum lot area for each development is 3 acres.
 3. Minimum lot width-300 Feet.
4. The maximum number of dwelling units per building is 10.
 5. Minimum side yard-40 Feet.
 6. Minimum front yard-40 Feet.
 7. Minimum rear yard-50 Feet.
 8. The minimum horizontal distance between buildings or parallel elements of buildings forming courts and courtyards shall not be less than the height of the taller building.
 9. Maximum building height-35 Feet.
 10. Maximum lot coverage-40%.
 11. The minimum floor area is 600 square feet per dwelling unit.
 12. Off street parking shall be required in accordance with the requirements of Chapter 15.
 13. The minimum distance between a building and any private drive or parking space shall not be less than 10 feet.
 14. No construction, of any type, shall commence until a copy of all required State and County permits have been filed with the Planning Commission and Site Plan approval has been granted in accordance with the requirements of Chapter 13.
- E. Minimum requirements for mobile home parks.
1. Public sanitary sewers and water mains are required or private systems that are approved by the Montcalm County Health Department or the Michigan Department of Public Health.
 2. All mobile home parks shall have direct access onto a

County Primary road or a State highway.

3. Every mobile home park shall be owned and operated as a single mobile home development and shall contain a minimum land area of twenty (20) acres and a minimum of fifty (50) mobile home sites.
4. All mobile home parks shall maintain a minimum setback area of forty (40) feet from any mobile home site or street around the entire perimeter of the mobile home park.
5. All mobile home parks and all mobile home spaces shall be

designed in accordance with the minimum requirements of Public Act 96, of 1987, as amended and all of the rules promulgated by the Michigan Mobile Home Commission.

6. No construction, of any type, shall commence until a copy of all required State and County permits have been filed with the Planning Commission and Site Plan approval has been granted in accordance with the requirements of Chapter 13.

CHAPTER EIGHT

NB, NEIGHBORHOOD BUSINESS DISTRICT

SECTION 8.01 STATEMENT OF PURPOSE

The Neighborhood Business District is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this District is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid marginal strip business development along heavily traveled roads.

SECTION 8.02 PERMITTED USES

Land and/or buildings in the "NB" District may be used for the following purposes as permitted uses:

A. Principal Uses Permitted by Right

1. Business and professional offices.
2. Medical and dental clinics.
3. Child Care Centers.
4. Personal service establishments that perform services on the premises such as:
 - (a) Banks, credit unions and savings & loan associations.
 - (b) Business and private schools.
 - (c) Barber and beauty shops.
 - (d) Dry cleaners serving only the local retail outlet.
 - (e) Photographic studios.
 - (f) Radio, television, watch and appliance repair shops.
 - (g) Clothing and shoe repair shops.
 - (h) Locksmiths.
 - (i) Video rental stores.
5. Retail establishments such as:

- (a) Baked goods.
- (b) Beverages.
- (c) Bicycles.
- (d) Book, stationary and gift stores.
- (e) Candy, confections and ice cream stores.
- (f) Clothing stores.
- (g) Dairy products.
- (h) Decorator shops.
- (i) Drug stores.
- (j) Dry goods stores.
- (k) Floral shops.
- (l) Fruits and vegetables.
- (m) Furniture and appliance stores.
- (n) Groceries.
- (o) Hardware stores.
- (p) Jewelry stores.
- (q) Meats, and fish markets.

6. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Drive-in or open front restaurants are prohibited.
7. Signs in accordance with the provisions of Chapter Sixteen.
8. Other retail and service businesses which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood and are determined by the Planning Commission to be similar to those uses permitted in this district.

B. Principal Uses Permitted Subject to Special Conditions

1. Open air business uses in accordance with the following:
 - (a) Retail sales of plant materials not grown on site and sales of lawn furniture, playground

equipment, and other home garden supplies, when not located at the intersection of two (2) major thoroughfares and with a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street. No materials or products shall be displayed within any required front or side yard setback area.

(b) Recreational space providing children's amusement park, shuffleboard, miniature golf, golf driving range and other similar recreation, when part of a planned development and not located at the intersection of two (2) major thoroughfares. The recreation space shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street. The minimum lot size is two (2) acres. The Planning Commission may require the installation of greenbelts, earth berms or fencing along side and rear lot lines if it is determined necessary to maintain the privacy of adjoining parcels of land or to prevent paper and other debris from blowing off from the site. The Planning Commission shall determine the necessary side and rear yard setbacks based on such factors as the nature of the specific proposed uses, the hours of operation, the type of equipment to be used and the existing uses and zoning of adjacent parcels of land.

2. Automobile service stations subject to the following conditions:

(a) All buildings and structures shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.

(b) Pump islands shall be located no closer than sixty (60) feet from the required front lot line.

(c) The pump Island canopies shall be located no closer than forty-five (45) feet from the required front lot line.

(d) All repair, lubrication, and service work shall be done within an enclosed building.

(e) All storage and display of equipment, materials, and merchandise, with the exception of fuel, shall be within the building.

(f) All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a six (6) foot high solid wall or fence.

(g) No more than two (2) curb cuts shall be constructed to provide ingress and egress.

3. Drive-in/fast food or carry-out restaurants subject to the following:

(a) Vehicular access drives to a drive-in/fast food restaurant shall be located at least one hundred and fifty (150) feet from the right-of-way of any intersecting street.

(b) The lot occupied by such use shall not abut a Residential District unless the district is separated from the lot by a public street.

4. Mini-storage rental structures, and warehousing and recreational vehicle or boat storage yards subject to the following:

(a) All buildings and outside storage areas shall have a

- minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
- (b) Any outside storage area or access drive shall be constructed in accordance with the provisions Chapter Fifteen for off-street parking lots.
 - (c) There shall be a minimum distance of thirty (30) feet between buildings.
 - (d) The entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Zoning Administrator.
 - (e) Any outside storage area shall be visually screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt or a six (6) foot high solid fence along the entire length of the street frontage.
 - (f) There shall be no outdoor storage permitted within any front yard area.

SECTION 8.03 AREA REGULATION

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement:

A. Lot Area

The minimum required lot area is thirty thousand (30,000) square feet.

B. Lot Width

The minimum lot width is one hundred and fifty (150) feet.

C. Front Yard

The minimum front yard is one-hundred (100) feet and the first thirty (30) feet adjacent to the street right-of-way, except for entrance drives, shall be landscaped.

D. Side Yard

The minimum side yard is fifteen (15) feet except where a side yard is adjacent to any Residential District the minimum shall be twenty-five (25) feet, and a ten (10) foot wide greenbelt shall be maintained along said abutting property line.

E. Rear Yard

The minimum rear yard is twenty-five (25) feet except where a rear yard is adjacent to any Residential District, a ten (10) foot wide greenbelt shall be maintained along said abutting property line.

SECTION 8.04 HEIGHT REGULATIONS

No building or structure shall exceed a height of thirty five (35) feet.

SECTION 8.05 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area.

SECTION 8.06 REQUIRED CONDITIONS

- A. All business, servicing or processing, except for off-street parking, loading facilities shall be conducted within completely enclosed buildings.
- B. All exterior lighting shall be arranged to deflect any light away from other properties or street rights-of-way.
- C. Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require service roads, and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one (1) property to another without re-entering the major thoroughfare.
The service roads shall have a paved surface, minimum width of twenty-four (24) feet, and shall be either dedicated as public right-of-way or shall be an easement permitting its use for traffic circulation from one property to another. Any easement

shall be in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Montcalm County Register of Deeds prior to the issuance of an occupancy permit.

The Site Plan shall indicate the proposed elevation of the service road at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the service road shall meet construction specifications set by the Township Board.

If adjacent properties are not developed, the Planning Commission may defer the paving of the service road until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the service road is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the service roads and the elimination of temporary entrances and exits.

- D. The outdoor storage of goods or materials is prohibited.
- E. More than one principal building or structure can be located on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures equal to the height of the tallest building or structure, that adequate provisions for access to each building is shown on the Site Plan, and that all of the other

requirements of the "NB" District are satisfied for each building or structure.

CHAPTER NINE

GB, GENERAL BUSINESS DISTRICT

SECTION 9.01 STATEMENT OF PURPOSE

The General Business District is intended to permit a wider range of business and entertainment activities than permitted in the Neighborhood Business District. The permitted uses not only serve nearby residential areas, but also customers farther away for types of businesses and services usually found in community shopping centers and freestanding businesses along major highways. These uses generate larger volumes of vehicular traffic, need more off-street parking and loading, and require more planning to integrate such a district with adjacent residential areas.

SECTION 9.02 PERMITTED PRINCIPAL USES

Land and/or buildings in the "GB" District may be used for the following purposes as permitted uses:

A. Principal Uses Permitted by Right.

1. All permitted uses in the "NB" District subject to all of the same conditions and regulations contained within that district.
2. Any retail business whose principal activity is the sale or rental of merchandise.
3. Business service establishments performing services on the premises such as office machine and computer repair.
4. Any service establishment of an office, showroom or workshop nature such as a taxidermist, decorator, upholsterer, caterer, exterminator, building contractor including electrical, glazing, heating, painting, paper hanging, plumbing, roofing and plastering but excluding outside storage yards.
5. Hotels and Motels.
6. Public and private clubs.

7. Photographic film developing and processing.
8. Physical culture establishment, including gymnasiums, reducing salons, masseurs and steam baths.
9. Funeral Homes.
10. Signs in accordance with the provisions of Chapter Sixteen.
11. Other uses determined by the Planning Commission to be similar to those uses permitted in this district.

B. Principal Uses Permitted Subject to Special Conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use.

1. Veterinary hospital or clinic for small animals, dogs, cats, birds and the like, subject to the following conditions:
 - (a) Such hospital or clinic, including all treatment rooms, cages, pens or runways, shall be located within a completely enclosed building so that sound will be kept within the building.
 - (b) The use shall be operated in such a way as to produce no objectionable odors or noise outside its walls.
 - (c) Main buildings shall have a minimum setback of one hundred (100) feet from any Residential District unless separated from the use by a major or secondary thoroughfare.
 - (d) Customer service entrances to said use shall not be from an area which serves as a common entrance to other uses, such as a pedestrian mall, i.e., entrances

- shall be separated from entrances to other uses.
2. Open air business uses in accordance with the following:
 - (a) Retail sales of plant materials not grown on site and sales of lawn furniture, playground equipment, and other home garden supplies, when not located at the intersection of two (2) major thoroughfares and with a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street. No materials or products shall be displayed within any required front or side yard setback area.
 - (b) Recreational space providing children's amusement park, shuffleboard, miniature golf, golf driving range and other similar recreation, when part of a planned development and not located at the intersection of two (2) major thoroughfares. The recreation space shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street. The minimum lot size is two (2) acres. The Planning Commission may require the installation of greenbelts, earth berms or fencing along side and rear lot lines if it is determined necessary to maintain the privacy of adjoining parcels of land or to prevent paper and other debris from blowing off from the site. The Planning Commission shall determine the necessary side and rear yard setbacks based on such factors as the nature of the specific proposed uses, the hours of operation, the type of equipment to be used and the existing uses and zoning of adjacent parcels of land.
 3. Automobile service stations subject to the following conditions:
 - (a) All buildings and structures shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
 - (b) Pump islands shall be located no closer than sixty (60) feet from the required front lot line.
 - (c) The pump island canopies shall be located no closer than forty-five (45) feet from the required front lot line.
 - (d) All repair, lubrication, and service work shall be done within an enclosed building.
 - (e) All storage and display of equipment, materials, and merchandise, with the exception of fuel, shall be within the building.
 - (f) All outside storage areas for trash, used tires, auto parts, and similar items shall be enclosed by a six (6) foot high solid wall or fence.
 - (g) No more than two (2) curb cuts shall be constructed to provide ingress and egress.
 4. Drive-in/fast food or carry-out restaurants subject to the following:
 - (a) Vehicular access drives to a drive-in/fast food restaurant shall be located at least one hundred and fifty (150) feet from the right-of-way of any intersecting street.
 - (b) The lot occupied by such use shall not abut a Residential District unless the district is

- separated from the lot by a public street.
5. Outdoor space for sale or rental of new or used automobiles, boats, recreational vehicles, trucks, or other similar products, subject to the following:
 - (a) The display of new and used cars, boats, trucks or other similar products shall not be located closer than thirty (30) feet to the front lot line and shall be clearly illustrated on the required Site Plan.
 - (b) All outdoor display areas shall be of an improved paved surface.
 - (c) Vehicle, boat, or other similar product display or storage shall not be carried out within areas required for visitor, employee, or service parking.
 - (d) Vehicle or product service and repair shall be carried out in accordance with the provisions of Section 9.02 B6 below.
 6. Automobile repair, body shops and wrecker service subject to the following:
 - (a) All repair work must be carried out within an enclosed building.
 - (b) No outdoor storage of scrap or junk cars, spare parts, or dismantled cars shall be permitted.
 - (c) Damaged vehicles awaiting repair may be stored outside of a building provided that the area for storage is enclosed within a six (6) foot high obscuring, masonry wall or fence. Such storage area shall maintain the minimum setback distances for a building within the "GB" District and shall satisfy all of the requirements for an off-street parking lot within the "GB" District.
 - (d) All buildings shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
 7. Automobile car wash subject to the following:
 - (a) All washing facilities shall be within a completely enclosed building.
 - (b) Vacuuming and drying areas may be located outside the building but shall not be in the required front or side yard areas.
 - (c) All cars required to wait for access to the facilities shall be provided space off the street right-of-way.
 - (d) Ingress and egress drives shall be located at least two hundred (200) feet from the intersection of any two (2) streets.
 - (e) All off-street parking and waiting areas shall satisfy the requirements for an off-street parking lot within the "GB" District.
 - (f) One (1) traffic lane shall be provided as a means of exiting the facility without having to enter the car wash building; such lane to be in addition to those which would be used by customers obtaining gasoline and waiting in line for the car wash. Said lane shall not be counted as part of the required parking space.
 - (g) All buildings, vehicular stacking space, vacuuming; or other outside use area, except employee parking, shall have a minimum setback of one hundred (100) feet from a Residential District, unless the district is separated by a public street.

8. Bowling alley, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation, provided that all buildings shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
9. Mobile home, truck and farm implement sales and repair, subject to the following:
 - (a) The display of new or used mobile homes, trucks or farm implements shall not be located closer than thirty (30) feet to the front lot line and shall be clearly illustrated on the required Site Plan.
 - (b) All outdoor display areas shall be of an improved paved surface or shall be suitably landscaped with paved walkways.
 - (c) No product display or storage shall be carried out within areas required for customer, employee or service parking.
 - (d) All service and repair work shall be carried out in accordance with the requirements of Section 9.02 B6.
10. Mini-storage rental structures, and warehousing and recreational vehicle or boat storage yards subject to the following:
 - (a) All buildings and outside storage areas shall have a minimum setback of one hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
 - (b) Any outside storage area or access drive shall be constructed in accordance with the provisions of Chapter Fifteen for off-street parking lots.
 - (c) There shall be a minimum distance of thirty (30) feet between buildings.
 - (d) The entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Zoning Administrator.
 - (e) Any outside storage area shall be visually screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt or a six (6) foot high solid fence along the entire length of the street frontage.
 - (f) There shall be no outdoor storage permitted within any front yard area.
11. Contractor storage yards and truck freight terminals and yards, provided that any outside storage areas shall comply with the following:
 - (a) There shall be no outside storage within any required front yard.
 - (b) Except for the front yard, the entire site shall be enclosed with a six (6) foot high cyclone fence or other type approved by the Zoning Administrator.
 - (c) Any building or storage area shall have a minimum setback of one-hundred (100) feet from any Residential District unless the district is separated from the use by a public street.
 - (d) The outside stacking or stockpiling of materials shall not exceed eight (8) feet above grade and shall be screened from any public street right-of-way by the placement of a ten (10) foot wide greenbelt along the entire length of the street frontage.
 - (e) A ten (10) foot wide greenbelt shall be placed along any property or street right-of-way

line that is adjacent to any Residential District.

- (f) Any access drives and parking areas shall be constructed in accordance with the off-street parking requirements in Chapter Fifteen, and any storage areas shall be graded, adequately drained, and surfaced or treated to control dust.

SECTION 9.03 SPECIAL LAND USES

Land and/or buildings may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Twelve.

- A. Auction Business.
- B. Propane Tank Business.
- C. Shooting Range and/or Sales of Guns.
- D. Adult Entertainment Establishment.
- E. Soil, Sand, Clay, Gravel or similar removal operation.

SECTION 9.04 AREA REGULATION

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement:

- A. **Lot Area**
The minimum required lot area is one (1) acre.
- B. **Lot Width**
The minimum lot width is one hundred and fifty (150) feet at the building line.
- C. **Front Yard**
The minimum front yard is one-hundred (100) feet and the first thirty (30) feet adjacent to the street right-of-way, except for entrance drives, shall be landscaped.
- D. **Side Yard**
The minimum side yard is fifteen (15) feet except where a side yard is adjacent to any Residential District the minimum shall be twenty-five (25) feet, and a ten (10) foot wide greenbelt shall be maintained along said abutting property line.
- E. **Rear Yard**

The minimum rear yard is twenty-five (25) feet except where a rear yard is adjacent to any Residential District, a ten (10) foot wide greenbelt shall be maintained along said abutting property line.

SECTION 9.05 HEIGHT REGULATIONS

No building or structure shall exceed a height of thirty five (35) feet.

SECTION 9.06 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area.

SECTION 9.07 REQUIRED CONDITIONS

- A. Except as otherwise provided in this Chapter, all business, servicing or processing, except for off-street parking and loading facilities shall be conducted within completely enclosed buildings.
- B. All exterior lighting shall be arranged to deflect any light away from other properties or street rights-of-way.
- C. Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require service roads, and to assure adequate traffic circulation on the site, may require the development of parking so that contiguous lots on abutting properties will allow traffic circulation from one (1) property to another without re-entering the major thoroughfare.
The service roads shall have a paved surface, minimum width of twenty-four (24) feet, and shall be either dedicated as public right-of-way or shall be an easement permitting its use for traffic circulation from one property to another. Any easement shall be in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a

means of getting from one property to another. The easement shall be recorded with the Montcalm County Register of Deeds prior to the issuance of an occupancy permit.

The Site Plan shall indicate the proposed elevation of the service road at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the service road shall meet construction specifications set by the Township Board. If adjacent properties are not developed, the Planning Commission may defer the paving of the service road until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the service road is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the service roads and the elimination of temporary entrances and exits.

- D. Except as otherwise provided in this Chapter, the outdoor storage of goods or materials is prohibited.
- E. More than one principal or accessory building or structure can be located on a lot provided that all of the yard requirements are maintained; that there is a minimum distance between buildings or structures equal to the height of the tallest building or structure; that adequate provisions for access to each building is shown on the Site Plan, and that all of the other requirements of the "GB" District are satisfied for each building or structure.

CHAPTER TEN

I, INDUSTRIAL DISTRICT

SECTION 10.01 DESCRIPTION & PURPOSE

This district is intended to permit industrial uses which are not unreasonably offensive, hazardous or debilitating to surrounding property or the community through the effects of noise, smoke, odor, dust, dirt, noxious gases, vibration, glare, heat, fire hazards, industrial waste or traffic. In instances where there may be doubt regarding the effect of the operation, the Planning Commission may require the prospective operator to demonstrate, through the use of qualified technical persons and acceptable testing techniques, that protective devices shall be utilized to assure the control of the questioned factor.

SECTION 10.02 PERMITTED USES

Land and/or buildings in the "I" District may be used for the following purposes as permitted uses.

- A. Manufacturing, compounding, processing, packaging or treating of:
 - 1. Textile mill products such as woven fabric, knit goods and floor coverings.
 - 2. Apparel and similar products made from fabrics, leather, fur and canvas.
 - 3. Lumber and wood products including millwork, prefabricated structural wood products and containers.
 - 4. Furniture and fixtures.
 - 5. Paper and paperboard containers and products.
 - 6. Printing, publishing and allied products.
 - 7. Chemical products such as plastics, synthetic fibers and cosmetics.
 - 8. Drugs and pharmaceutical products.
 - 9. Electrical machinery, equipment and supplies.
 - 10. Fabricated metal products
 - 11. Glass products.

- 12. Food products.
- 13. Toys, jewelry, novelties and athletic goods.
- 14. Signs and displays.
- 15. Engineering, optical, medical, photographic and similar instruments.
- B. Central dry cleaning or laundry.
- C. Building trades contractors.
- D. Wholesale and retail building material sales.
- E. Warehousing and general storage.
- F. Motor freight terminal including garaging and maintenance of equipment, freight forwarding, packing and crating services.
- G. Truck and trailer sales and rental.
- H. Automotive and truck major repair, including body shops.
- I. Retail sales where such use is clearly incidental to the primary use and where the area devoted to retail sales does not exceed twenty-five (25) percent of the total floor area.
- J. Wholesale establishments.
- K. Mini-warehouses.
- L. Contractor storage yards and truck freight terminals and yards.
- M. Municipal buildings, public service buildings or public utility buildings, telephone exchange buildings and communication or relay facilities.
- N. Medical, executive, administrative, professional, accounting or clerical office facilities and data processing centers.
- O. Corporate office facilities.
- P. Machine and tool & die shops.
- Q. Other industrial types of uses that are determined by the Planning Commission to be similar to those uses permitted in this district.

SECTION 10.03 SPECIAL LAND USES

Land and/or buildings in the "I" District may be used for the following purposes provided a Special Use Permit is issued as regulated in Chapter Twelve.

- A. Petroleum storage facilities.
- B. Private or public heliports.
- C. The manufacture or bulk storage of acetylene gas, alcohol, ammonia, bleaching powder, chlorine, bituminous asphalt, concrete, cement, paint, oil, shellac, turpentine, lacquer or varnish.
- D. Electric power generating plants and related uses.
- E. Iron or steel foundry or fabricating plants and heavy weight casting.
- F. The processing, storage or sale of junk, wasted, discarded or salvaged materials, machinery or equipment including motor vehicles and trailers.
- G. Soil, Sand, Clay, Gravel or similar operations.
- H. Other industrial types of uses that are determined by the Planning Commission to be similar to those uses permitted in this district as Special Land Uses.

SECTION 10.04 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following area regulations are provided and maintained in connection with such building, structure or enlargement.

- A. **Lot Area.**
The minimum lot area for any use in this district shall be two (2) acres.
- B. **Lot Width.**
All lots in this district shall have a minimum width of two-hundred (200) feet at the building line.
- C. **Front Yard.**
The minimum front yard is one-hundred (100) feet and the first thirty (30) feet adjacent to the street right-of-way, except for entrance drives, shall be landscaped.
- D. **Side Yard.**
The minimum side yard is twenty (20) feet except where a side yard is adjacent to any Residential District the minimum shall be

thirty-five (35) feet and a ten (10) foot wide greenbelt shall be maintained along said abutting property line.

E. Rear Yard.

The minimum rear yard is twenty-five (25) feet. If a rear yard is adjacent to any Residential District a ten (10) foot wide greenbelt shall be maintained along said abutting property line.

SECTION 10.05 HEIGHT REGULATIONS

No building or structure shall exceed a height of thirty-five (35) feet.

SECTION 10.06 LOT COVERAGE

The total area occupied by all buildings and structures shall not exceed twenty-five (25) percent of the total lot area.

SECTION 10.07 REQUIRED CONDITIONS

- A. All operations shall be conducted completely within the confines of a building, however, materials and equipment may be stored outdoors within the rear yard if screened from the view of any public street by a solid uniformly finished wall or fence with solid gates. The wall or fence shall be at least as tall as the materials or equipment being stored. Chain link fencing with interwoven slats is prohibited as a screening wall or fence.
- B. Heating, ventilation or air conditioning (HVAC) units or similar electrical or mechanical appurtenances shall be properly screened. All roof-mounted heating, ventilation, or air conditioning units and similar electrical or mechanical appurtenances shall be screened from view from street level.
- C. All exterior lighting shall be arranged to deflect any light away from other properties and street rights-of-way.
- D. Where the Planning Commission determines that an excessive number of ingress or egress points may occur with relation to major thoroughfares, they may require the development of parking so that contiguous lots on abutting properties will

allow traffic circulation from one property to another without re-entering the major thoroughfare.

Easements may be required in a form acceptable to the Planning Commission and approved or denied as part of the required Site Plan Approval process. If an easement is granted, each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of getting from one property to another. The easement shall be recorded with the Montcalm County Register of Deeds prior to the issuance of an occupancy permit.

The Site Plan shall indicate the proposed elevation of the easement at all property lines and shall conform to elevations established by the Planning Commission or, if not established, be not more than one (1) foot above or below the elevation of the adjoining property. Paving of the easement shall meet construction specifications set by the Township Board. If adjacent

properties are not developed, the Planning Commission may defer the paving of the easement until such time as the adjacent properties become developed. If the paving is deferred, the Planning Commission may approve temporary entrances and exits onto a major thoroughfare until such time as the easement is completed. Further, the Planning Commission may require the escrow of funds, a performance bond, irrevocable bank letter of credit or other means to assure the paving of the easements and the elimination of temporary entrances and exits.

- E. More than one principal or accessory building or structure can be on a lot provided that all of the yard requirements are maintained, that there is a minimum distance between buildings or structures equal to the height of the tallest building or structure, that adequate provisions for access to each building is shown on the Site Plan and that all of the other requirements of the Industrial District are satisfied for each building or structure.

CHAPTER ELEVEN

FR, FLAT RIVER DISTRICT

SECTION 11.01 DESCRIPTION & PURPOSE

The purpose of this district is to preserve and enhance the value of the Flat River and its tributaries for water conservation, its free flowing condition and its fish, wildlife, boating, scenic aesthetic, floodplain, ecologic, historic and recreational values and uses. The district boundary includes a strip of land lying within three-hundred (300) feet from the ordinary high water mark on each side of and paralleling the Flat River and its tributaries.

SECTION 11.02 PERMITTED USES

Land and/or buildings in the FR District may be used for the following purposes as permitted uses:

- A. Farms as defined in Section 20.80.
- B. Dwellings - Single-Family Detached as defined in Section 20.68.
- C. Accessory Buildings, Structures & Uses customarily incidental to the above permitted uses.

SECTION 11.03 DISTRICT REGULATIONS

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

MINIMUM LOT AREA	1 ACRE ¹
MINIMUM LOT WIDTH	200 FEET
MINIMUM FRONT YARD	60 FEET ²
MINIMUM SIDE YARD	25 FEET
MINIMUM REAR YARD	50 FEET
MAXIMUM BLDG. HEIGHT	35 FEET ³
MAXIMUM LOT COVERAGE	30 PERCENT
MINIMUM FLOOR AREA	750 SQ. FT.

¹ The minimum lot area for a farm or a farm building is ten (10) acres.
² The minimum front yard for a farm building is one-hundred (100) feet.
³ Excludes agricultural buildings and structures.

SECTION 11.04 REQUIRED CONDITIONS

- A. A minimum setback of one-hundred (100) feet shall be maintained from any building or structure and the ordinary high water mark of the Flat River and its tributaries or twenty-five (25) feet from an identified or documented one-hundred (100) year floodplain line, whichever results in the greatest distance from the edge of the river.
- B. There shall be a minimum of one-hundred (100) foot setback from the ordinary high water mark of the Flat River and its tributaries or an identified or documented one-hundred (100) year floodplain line, whichever results in the greatest distance from the edge of the river, for the installation of septic tanks, tile fields and other sanitary facilities. The bottom of the absorption field shall meet Health Department requirements but in no case be less than four (4) feet above the high water table.
- C. A strip twenty-five (25) feet wide on each side of and parallel to the Flat River and its tributaries shall be maintained in trees, vegetation and shrubs in its natural state except that dead, diseased, unsafe or felled trees as well as noxious plants may be removed. Trees, vegetation and shrubs may be selectively pruned or removed for landscaping purposes, harvest of merchantable timber, or to provide a view of the river, as long as a root system remains intact to provide for stream bank stabilization and erosion control, serve as an aid to infiltration of surface runoff and provide cover to shade the water.
- D. The development of private land for recreational purposes such as hunting, camping and picnicking, shall be at the discretion of and under the control of the

property owner in conformance with the restrictions of the three-hundred (300) foot river management district.

- E.** Access to the Flat River and its tributaries across private land shall be controlled by the property owner.
- F.** There shall be no commercial signs within three-hundred (300) feet of the waters edge of the Flat River and its tributaries.
- G.** Property owners shall have the right to clean the deadfall and logs from the river and land within three-hundred (300) feet of the Flat River and its tributaries as deemed necessary, to maintain a safe and clean river.

CHAPTER TWELVE
SPECIAL LAND USES

SECTION 12.01 INTENT

The provisions of this Chapter are intended to set forth the procedures and standards applicable to certain land uses, structures, or activities as identified in the various zone districts which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and/or the community as a whole.

Because of these characteristics, the use of the land for certain purposes in certain districts will not be permitted without first obtaining a special use permit from the Planning Commission.

SECTION 12.02 PROCEDURES

- A. An application for a special use permit shall be submitted to the Township Clerk on a form for that purpose, together with a site plan prepared to the specifications contained in Chapter Thirteen of this Ordinance. Each application shall be accompanied by the payment of fee as determined by the Township Board. In the event the allowance of a proposed use requires both a rezoning and a special use permit, the application for rezoning shall be processed in its entirety prior to final action on the special use.
- B. Upon receipt of an application for a special use permit, a notice that the Planning Commission will hold a public hearing on the application shall be published in a newspaper which circulates in the Township, and sent by mail or by personal delivery to the owners of property for which approval is sought, to all persons to whom real property within three hundred (300) feet of the boundary of the property in question is assessed, and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the

property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification.

The notice shall:

1. Describe the nature of the special use request.
 2. Indicate the property that is the subject of the special use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 3. State when and where the public hearing will be held.
 4. Indicate when and where written comments will be received concerning the request.
- C. The Planning Commission shall, within a reasonable time after the public hearing, deny, approve, or approve with conditions the request. The decision by the Planning Commission shall be incorporated in a statement containing the conclusions relative to the special use under consideration, which specifies the basis for the decision and any conditions imposed.

SECTION 12.03 ZONING BOARD OF APPEALS ACTION

Owing to the discretionary nature of the decision to approve or deny a request for special use, the Zoning Board of Appeals is without jurisdiction to accept appeals or grant variances from the

general standards of this chapter and the decision of the Planning Commission with respect to the approval or denial of special uses.

SECTION 12.04 SPECIAL USE APPROVAL STANDARDS - GENERAL

In formulating recommendations or approving any special use, the Planning Commission shall require that the following general standards be satisfied:

- A.** Upon review of each application there shall be a determination as to whether each use on the proposed site will:
 - 1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.
 - 2. Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities, and schools.
 - 3. Not create excessive additional requirements at public cost for public facilities and services.
 - 4. Not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
 - 5. Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason or noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, or traffic.
- B.** All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.
- C.** As a minimum, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable

chapters of this Ordinance. For uses permitted by right in one (1) district but which require special use approval in another district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there are conflicting standards, the most restrictive shall apply, unless specifically modified by the Planning Commission.

- D.** Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the protection of individual property rights and values, the general welfare, and for insuring that the intent and objectives of this Ordinance are observed.

SECTION 12.05 PERMITTED SPECIAL USES & SPECIFIC REQUIREMENTS

Special uses are permitted in the various zone districts as provided in Table 12.05 A and in accordance with the specific requirements of the corresponding approval standard for each use as provided in Section 12.06.

**TABLE 12.05 A
PERMITTED SPECIAL USES**

SPECIAL USES	Approval Standard	AG/RE	LDR	LR	NB	GB	I
Adult Family Group Day Care Home	1	X	X				
Group Day Care Homes	1	X	X				
Schools, Colleges & Libraries	2	X	X				
Churches	2	X	X				
Govt. & Public Utility Administration & Service Bldgs.	2	X	X				
Public & Private Parks & Playgrounds	3	X	X	X			
Home Occupations	4	X	X				
Kennels	5	X					
Veterinary Hospitals	5	X					
Stables, Public	6	X					
Cemeteries	7	X					
Specialized Farms as defined in Section <u>20.81</u>	8	X					
Communication Transmitters, Relay Stations & Towers	9	X					
Soil, Sand, Clay, Gravel or Similar Removal Operations	10	X	X			X	X
Golf Courses	11	X					
Auction Business	12					X	
Propane Tank Business	12					X	
Shooting Range and/or Gun Sales	12					X	
Adult Entertainment Establishment	13					X	
Private or Public Heliports	14						X
Electric Power Generating Plants & Related Uses	15						X
Iron or Steel Foundry or Fabricating Plants & Heavyweight Castings	15						X
Petroleum Storage Facilities	15						X

Manufacture or Bulk Storage of Acetylene Gas, Alcohol, Ammonia, Bleaching Powder, Chlorine, Bituminous Asphalt, Concrete, Cement, Plastics, Paint, Oil, Shellac, Turpentine, Lacquer or Varnish	15						X
Processing, Storage or Sale of Junk, Wasted, Discarded or Salvaged Materials, Machinery or Equipment including Motor Vehicles & Trailers	16						X
<u>Sawmills</u>	<u>17</u>	<u>X</u>					
<u>Recreational Vehicle Parks</u>	<u>18</u>	<u>X</u>					
<u>Open Space Preservation Developments</u>	<u>19</u>	<u>x</u>					
<u>Lake Access Properties or devices where more than one single-family home, property, dwelling unit, condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford lake</u>	20	x	x	x			

SECTION 12.06 APPROVAL STANDARDS

Each special use identified in Table 12.05A must be developed in accordance with the specific approval standard pertaining to the use, as follows:

**APPROVAL
STANDARD**

APPLICABLE USES & REQUIREMENTS

- 1 USES: Group Day Care Homes
 Adult Family Group Day Care Homes
- REQUIRED CONDITIONS:
1. The facility shall comply with appropriate State of Michigan licensing requirements.
 2. The size, character and architectural nature of the dwelling and associated structures shall be compatible and harmonious with other properties within the vicinity.
 3. The hours of operation shall be between 6:00 AM and 9:00 PM.
 4. The minimum lot size is one acre.
 5. The minimum lot width is 200 feet.
 6. The parcel must front on a state highway or county primary or secondary road as designated by the Montcalm County Road Commission.
 7. The facility shall be designed and operated in a manner that will minimize any detrimental effects on surrounding properties.
 8. Adequate off-street parking must be provided.
 9. A drop off/pick up area shall be provided for motorists off the public street which permits vehicles to exit the property without backing onto the street.
 10. Any outside play area shall be in the rear yard area and completely enclosed with a fence which is deemed adequate by the Planning Commission.

**APPROVAL
STANDARD**

- 2 USES: Schools, Colleges & Libraries
 Churches
 Government & Public Utility Administration & Service Buildings
- REQUIRED CONDITIONS:
1. The minimum lot size is 3 acres.
 2. The minimum lot width is 300 feet
 3. The minimum front, rear and side yard setback is 75 feet.
 4. The applicant must be able to demonstrate that the proposed use will not create traffic congestion or undue traffic safety problems.
 5. Adequate off-street parking shall be provided in accordance with the requirements of Chapter Fifteen.
 6. All uses except elementary schools shall have at least one property line that abuts a state highway or county primary road as designated by the Montcalm County Road Commission and primary access to the facility shall be directly from said streets.
 7. Fencing and/or greenbelts may be required along side and rear property lines if the Planning Commission determines that they are necessary to prevent adverse impacts on adjacent properties.

APPROVAL

STANDARD

3 USES: Public and Private Parks and Playgrounds

REQUIRED CONDITIONS:

1. The minimum lot size is 2 acres.
2. The minimum lot width is 200 feet.
3. The minimum front, rear and side yard setback is 75 feet.
4. Fencing may be required if deemed necessary by the Planning Commission.

APPROVAL
STANDARD

4 USES: Home Occupations

REQUIRED CONDITIONS:

1. It is conducted entirely within a dwelling unit, accessory building or farm building.
2. No article is offered for sale or service rendered except as is produced or performed by such home occupation.
3. No more than two persons, both of whom are members of the household, are engaged in such activity on either a part-time or full-time basis.
4. It does not require any internal or external alterations or construction features.
5. It does not change the character of the building in which it is conducted and does not constitute, create or increase a nuisance.
6. It displays no sign not permitted in the zoning district within which it is located.
7. The total area devoted to such home occupation shall not be greater than thirty (30) percent of the gross living area of the dwelling unit.
8. Not more than one home occupation is permitted within any dwelling, accessory building or farm building.
9. It does not require any additional off-street parking spaces.
10. The home occupation or any activity created by the home occupation does not change the character of the neighborhood nor adversely affect the uses permitted therein.

APPROVAL
STANDARD

5 USES: Kennels

Veterinary Hospitals

REQUIRED CONDITIONS:

1. The minimum lot size is 3 acres.
2. The minimum lot width is 300 feet.
3. All buildings, runways, cages, pens and any outside area where animals may be kept or exercised shall not be located closer than 100 feet of any property line. The Planning Commission may require that all animals be kept within a building at all times if it determines that the outside keeping or exercising of animals would have a detrimental effect on other properties in the vicinity.
4. Adequate off-street parking shall be provided in accordance with the requirements of Chapter Fifteen.

5. Fencing and/or greenbelts may be required along side and rear property lines if the Planning Commission determines that they are necessary to prevent adverse impacts on adjacent properties.

APPROVAL
STANDARD

6

USES: Public Stables

REQUIRED CONDITIONS:

1. The minimum area devoted to the use shall be 20 acres. Such area may include pasture and riding trails but shall not include any area devoted to living quarters or other uses not normally incidental to a riding stable. Additional lands may be leased for riding trails only, however, riding areas shall not necessitate riding or leading animals upon or across a public street.
2. The minimum front yard setback is 100 feet.
3. The minimum side and rear yard setback is 50 feet.
4. The premises shall include storage adequate for the disposal of manure and refuse and have adequate insect control methods.
5. Any outdoor area in which animals are kept shall be completely enclosed with a fence which is deemed adequate by the Planning Commission.
6. The facility shall be designed and operated in a manner that will minimize any detrimental effects on surrounding properties.

APPROVAL
STANDARD

7

USES: Cemeteries

REQUIRED CONDITIONS:

1. The minimum lot size is 20 acres.
2. The minimum lot width is 300 feet.
3. The parcel shall have at least one property line that abuts a state highway or county primary road as designated by the Montcalm County Road Commission and primary access to the facility shall be directly from said streets.
4. The applicant must be able to demonstrate that the proposed use will not create traffic congestion or cause undue traffic safety problems.
5. Adequate off-street parking shall be provided in accordance with the requirements of Chapter Fifteen.
6. Fencing may be required if deemed necessary by the Planning Commission.
7. The minimum front yard setback is 75 feet.
8. The minimum side and rear yard setback is 25 feet.
9. No grave site shall be located in any front, side or rear yard setback area.

APPROVAL
STANDARD

8

USES: Specialized Farms

REQUIRED CONDITIONS:

1. The minimum lot size is 20 acres.

2. The facility shall be designed and operated in a manner that will minimize any detrimental effects on surrounding properties.
3. The facility shall be designed with adequate provisions for animal waste reduction and removal in order to minimize potential odor and health problems.
4. No building or structure housing animals shall be located within 100 feet of any front, side or rear property line.

APPROVAL
STANDARD

9

USES: Communication Transmitters, Relay Stations & Towers

REQUIRED CONDITIONS:

1. The minimum lot size shall be 5 acres.
2. The tower shall be completely enclosed by a fence deemed adequate by the Planning Commission to prevent unauthorized access.
3. The applicant shall submit certification from qualified engineers that the design of the tower is sufficient to assure safety.
4. The distance from the base of the tower to all property lines shall equal or exceed the height of the tower unless the engineering plans clearly indicate that the tower is designed to collapse, in which case the setbacks shall be based on the engineering design.
5. The applicant shall demonstrate that the types of signals to be received or transmitted will not cause interference with common household types of appliances such as radios and television sets.

APPROVAL
STANDARD

10

USES: Soil, Sand, Clay, Gravel or Similar Mining or Removal Operations

REQUIRED CONDITIONS:

1. The application and site plan shall include:
 - A. A full legal description of the premises wherein the operation is proposed.
 - B. A detailed statement disclosing the limits of the area proposed for the operation, to include the maximum depth of any excavation, proposed finish grade, and the manner in which the land will be restored following termination of the operations so the land will not remain devastated beyond any reasonable use.
 - C. Detailed information as to the method of operation, type of machinery and equipment to be used.
 - D. A topographic survey map on a scale not less than one inch equaling one hundred feet, showing on a ten-foot interval, existing grades of the land prior to any removal, grades of the proposed excavation and the finished grades. The perimeter of each phase to be mined shall be specifically defined on the topographic map. No use of land will be allowed outside of agreed upon perimeters, including, excavating of any kind or storage of equipment or any debris such as trees or stumps. The topographic map shall be amended annually to include the proposed area to be mined in each phase. Said map to be prepared and sealed by a registered civil engineer or land surveyor.

- E. An estimated period of time such operation will take.
 - F. Detailed information regarding the type of material to be removed or deposited.
 - G. Names and addresses of parties of interest in said premises and their legal interest, along with telephone numbers of responsible persons involved in said operations, who may be reached between 8:00 AM and 5:00 PM daily, as well as hours after daily operations, shall be contained in one document and submitted to the Township Clerk and the Zoning Administrator and the appropriate emergency services.
2. No finished slopes shall at any time exceed 33-1/3 percent.
 3. No excavation other than those which are incidental to building, structure or public utility construction, shall be permitted below the grade of any adjoining public street or abutting property under different ownership for a distance of not less than 75 feet with final setback determined by the Planning Commission subject to the site plan information submitted.
A 50 foot wide greenbelt shall be preserved as part of the 75 foot setback, developed and maintained around the perimeter of the mining/composting property to provide noise and dust protection. In the absence of an adequate greenbelt, a combination of shrubs and earth berm 6 feet to 8 feet in height may be required, depending on the adjoining property protection needs and wind direction.
 4. The processing plant, if any, and it's accessory structures shall not be located closer than 200 feet from property lines and public right-of-way or less than 500 feet from any off-site residence and shall, where practicable, be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain so as to lessen visual and noise impact. The Planning Commission reserves the right to approve the location of the plant.
 5. No dust, dirt or debris emanating from the operation shall at any time be permitted to be deposited upon adjoining premises to such an extent as to be a nuisance or annoyance to the occupants thereof.
 6. Mining or processing shall only be permitted between 7:00 AM and 7:00 PM. No operations shall be allowed on Sundays or legal holidays.
 7. To avoid being a nuisance or annoyance, noise levels shall not exceed 65 decibels at any off-site residence or permanent dwelling. In no case, shall more than 25 acres be mined at any time before restoration begins and topsoil is applied. All topsoil shall be stockpiled upon the premises and promptly used to resurface areas where operations have been terminated, or have been substantially discontinued for any period in excess of 180 days. Such areas shall then be seeded and planted to lessen erosion and to encourage proper growth within one year of termination of all excavation activity in the area.
 8. No natural drainage shall be materially changed or altered in any manner that would adversely affect adjoining premises.
 9. No such excavation business shall be located within 500 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Department of Natural Resources. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby water course.
 10. Any dangerous excavations, pits, pond areas, banks or slopes shall be adequately protected or fenced and posted with signs around the perimeter to prevent uninvited access and shall be eliminated as expeditiously as possible.

11. Truck routing shall be only on streets approved by the County Road Commission under such conditions and securities as may be imposed by the Township or County to protect or repair the roads and to insure the safety of the public.
12. Special use permits granted herewith may be limited in time, subject to review by the Planning Commission.
13. No mining/composting operation covered by this Ordinance shall be commenced, or shall hereafter continue, until a performance bond has been filed with the Township Clerk in the amount of not less than \$3,000 per acre contained in that portion of the plan required to be filed with the Township under Paragraph One being proposed to be excavated, mined or quarried within the ensuing 12 month period, guaranteeing the satisfactory performance of all the regulations herein contained. Such bond shall, at no time, be less than \$3,000. No performance bond filed with the Township shall be released until all Ordinance regulations have been fully complied with including restoration.
14. All applicants shall be required to carry personal injury property damage insurance, while any reclaimed or non-rehabilitated area exists, in the amount of not less than \$1,000,000 for each occurrence. Such insurance shall cover injury or damage occurrence upon the site of the operations as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.
15. Due to the unusual problems and time required for the inspection and monitoring of a mining/composting operation, a reasonable fee may be required to be deposited with the Township Clerk. The fee shall be based on an estimate of the cost to monitor and inspect the site in order to determine if there is compliance with the requirements of the permit. The fee may include the cost of inspectors, surveyors, engineers, attorneys and other required professionals. The Township shall provide the applicant with an accounting of all disbursements. If an additional deposit is required it shall be submitted within 30 days of a written request. Any unused portion of the fee shall be returned to the applicant upon the completion of all mining/composting and restoration activities.
16. Sufficient off-street parking shall be required on the site for trucks servicing the operation. No parking will be allowed on the roadside or road right-of-way. To minimize the potential for fuel spills, and possible soil contamination during equipment and truck refueling, an on-site refueling area shall be required for use with either fuel pumper trucks, or on-site fuel storage tanks. Said area shall be placed as a catch basin, capable of containing any fuel spillage. The basin shall be bermed, rubber lined and equal to the size of the storage tank. A remediation plan shall be submitted to the Township and the appropriate fire department. Caution or truck crossing signs, approved by the County Road
17. A pre-start-up meeting shall be instituted at least one week prior to the start of operations that shall include the Chairperson of the Planning Commission, a representative of the Township Board, the operations on site foreman and the appointed Township Inspector. A pre-start-up meeting shall be required for each phase of the remaining years of a permit to allow review of the permit requirements, zoning ordinances and any other issues. The operator is required to present proof of all documents as determined by the Ordinance and the Planning Commission prior to the pre-start-up meeting before receiving the Special Use Permit. No permit shall be granted until the applicant has satisfied all prerequisites and the

pre-start-up committee has reviewed and approved them. No activity will be allowed on-site until Commission, shall be provided on public roads, measuring at least 3 feet square to identify truck entrances and exits. Said entrances and exits shall be repaired and maintained by the operator to insure safety and visibility. Dust, loose gravel, mud and chuckholes all create dangerous and hazardous road conditions. If any of these conditions exist, they shall be alleviated daily. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property that are within 150 feet of any off-site residence. such time as all criteria have been met and the permit has been issued.

18. The following procedures shall be imposed for violation of the Ordinance or conditions of the permit:
 - A. First offense - a verbal warning followed by a written notice of the violation with a specified time limit in which to comply. Failure to comply in the stated time results in a second offense.
 - B. Second offense of same violation - stop work order followed by a written notice of the violation. Stop work order continues until the violation is corrected or the mining operation submits in writing their plan to remedy the violation.
 - C. Third offense of same violation - stop work order followed by written notice of violation. Stop work order continues until Planning Commission can schedule a hearing. The chairperson of the Planning Commission will call a special meeting within two days of issuance of the stop work order. No further operations shall take place until there has been full compliance with any conditions imposed by the Planning Commission and the stop work order has been withdrawn by the designated Township Inspector.

**APPROVAL
STANDARD**

11 USES: Golf Courses

REQUIRED CONDITIONS:

1. The minimum lot size is 40 acres.
2. No building or non-golfing use shall be located closer than 100 feet to any front, side or rear property line.
3. The Planning Commission may require the installation of greenbelts or earth berms to visually screen the golf course from adjacent uses of land.
4. All exterior lighting shall be shielded or designed so as not to extend beyond property lines.
5. A minimum of 6 off-street parking spaces per hole shall be provided, plus one space per employee, plus spaces as required in Chapter Fifteen for each accessory use such as a pro-shop or restaurant.

**APPROVAL
STANDARD**

12 USES: Auction Business
Propane Tank Business
Shooting Range And/Or Sale of Guns

REQUIRED CONDITIONS:

1. The application shall include a detailed statement indicating all federal, state and county regulations that apply to the particular site or activity, a copy of the regulation and a statement indicating the proposed method of complying with each regulation.
2. The minimum lot size is 3 acres.
3. The minimum lot width is 300 feet.
4. The parcel must front on a state highway or a county primary road as designated by the Montcalm County Road Commission and primary access to the site shall be directly from said streets.
5. No building in which propane tanks or ammunition are kept or stored shall be located closer than 300 feet from any zone district within which residential dwellings can be located.
6. The minimum front, rear and side yard setback is 100 feet.
7. Fencing and/or greenbelts may be required if the Planning Commission determines that they are necessary to prevent adverse impacts on adjacent properties.
8. The Planning Commission may impose such additional conditions as it determines are necessary to protect the health, safety and welfare of users of the proposed facility and other properties in the vicinity of the proposed use.

APPROVAL
STANDARD

13 USES: Adult Entertainment Establishment

REQUIREMENTS:

1. The application shall include a detailed statement indicating all federal, state and county regulations that apply to the particular site or activity, a copy of the proposed regulation and a statement indicating the proposed method of complying with each regulation.
2. The minimum lot size is 2 acres.
3. The minimum lot width is 200 feet.
4. The minimum front yard is 100 feet.
5. The minimum side yard is 50 feet.
6. The minimum rear yard is 50 feet.
7. No part of the proposed site shall be within a 300 foot radius of any zoning district in which single-family dwellings are permitted unless specifically waived by the Planning Commission.
8. The proposed use shall not be located closer than 1000 feet to any existing adult entertainment establishment provided this restriction may be waived by the Planning Commission if;
 - A. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
 - B. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
9. Fencing and/or greenbelts may be required if the Planning Commission determines that they are necessary to prevent adverse impacts on adjacent properties.
10. The Planning Commission may impose such additional conditions as it determines are necessary to protect the health, safety and welfare of users of the proposed facility and other properties in the vicinity of the proposed use.

APPROVAL
STANDARD

14 USES: Private or Public Helipport

REQUIRED CONDITIONS:

1. The proposed helipport shall be constructed, operated and maintained in accordance with the published rules and regulations of the Federal Aviation Administration, Michigan Aeronautics Commission and the National Fire Protection Association governing the use of heliports.
2. The application shall include a copy of an approved Michigan Aeronautics Commission application for licensing.
3. The application shall include an aerial photograph at a scale of one inch equals 400 feet, or less, indicating the approach and departure routes, the location of all residences, schools, churches, hospitals and areas used for the open assembly of people as well as other noise sensitive areas within a radius of one-half mile of the proposed helipport site.
4. A description of the purpose for which the helipport is being established and a schedule of proposed activities including:
 - A. Number of monthly operations.
 - B. Hours of operation.
 - C. All support activities such as storage, maintenance and refueling.
5. An environmental assessment showing the expected noise levels and possible odors, fumes and dust that may be caused by the operations of the helipport. It shall also include a statement of adverse impacts on other properties in the area and the steps that will be taken to minimize those impacts.
6. There is no minimum lot size but the parcel shall be of ample size to accommodate the proposed helipport and related activities.

APPROVAL
STANDARD

15 USES: Petroleum Storage Facilities

Manufacturer or bulk storage of acetylene gas, alcohol, ammonia, bleaching powder, chlorine, bituminous asphalt, concrete, cement, plastics, paint, oil, shellac, turpentine, lacquer, varnish or similar materials as determined by the Zoning Administrator.

Electric power generating plants and related uses.

Iron or steel foundry or fabricating plants and heavy weight casting.

REQUIRED CONDITIONS:

1. The application shall include a detailed statement of all federal, state and county regulations that apply to the particular site or activity, a copy of the regulation and a statement indicating the proposed method of complying with each regulation.
2. If any hazardous materials are to be stored on the site or used in any manufacturing process, a detailed listing of each substance, and the approximate quantity to be located on-site shall be submitted. A detailed plan of substance storage, hazard

control and prevention and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.

3. The minimum lot size is 5 acres.
4. No listed use or activity shall be conducted within a building that is closer than 500 feet to any zone district that permits residential dwellings.
5. If the Planning Commission determines that any proposed use or activity will create discernable noise, dust, vibration, odor, glare or heat beyond any property line a detailed statement shall be provided by the applicant which addresses and quantifies each concern and addresses how each concern will be minimized.

APPROVAL STANDARD

16 USES: Processing, Storage or Sale of Junk, Wasted, Discarded or Salvaged Materials, Machinery or equipment including Motor Vehicles and Trailers.

REQUIRED CONDITIONS:

1. Requests for a Special Use approval for establishment of a salvage or junkyard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a state highway or county primary road as designated by the Montcalm County Road Commission to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or property used for residential purposes.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
8. All portions of the storage area shall be accessible to emergency vehicles.
9. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
10. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries,

oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.

12. The minimum lot size is ten (10) acres.
13. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

**APPROVAL
STANDARD**

17 USES: Sawmills.

REQUIRED CONDITIONS:

1. **There shall be a minimum lot area of ten (10) acres.**
2. **All parcels must have direct access onto a State highway. A County Primary road or other improved road having a minimum paved surface of twenty (200) feet.**
3. **There shall be minimum front, rear and side setbacks of one-hundred (100) feet from any street right-of-way line or property line if the sawmill, including carriage, headgear and power source is all within a completely building. If all operations are not within a completely enclosed building, the setbacks from any street right-of-way line shall be increased to a minimum of two-hundred (200) feet. In addition, the outlets of any blower pipes shall be oriented downward and away from habitable structures located on adjacent and nearby properties.**
4. **Stockpiles of sawdust, slab wood and other wood by-products shall not be located within the front yard and not closer than one-hundred (100) feet to any property line. The total amount of by-products stored outside on the site shall not exceed 1,000 cubic yards at any time.**
5. **All machinery shall have noise suppression equipment installed to prevent or minimize any adverse noise impacts.**
6. **The Planning Commission may require earth berms and/or greenbelts along any property line where it is deemed necessary to prevent or minimize any adverse noise or visual impacts with respect to adjacent or nearby properties.**
7. **The Planning Commission may require fencing if it is deemed necessary to discourage uninvited guests from having access to the site.**
8. **The Planning Commission may limit hours of operation to 8:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturdays or such other reasonable hours as may be necessary to minimize any adverse impacts on neighboring properties. In any event, no operations shall be conducted on Sundays or Christmas day, New Year's day, Memorial day, 4th of July, labor Day and Thanksgiving day.**
9. **The applicant shall submit a copy of a driveway curb cut permit approved by the Montcalm County Road Commission if the parcel has access onto a**

county road or the Michigan Department of Transportation if the parcel has access onto a state highway.

10. The Planning Commission may stipulate additional conditions if they are deemed to be necessary to further protect the public health, safety and welfare of adjacent and nearby residents.

**APPROVAL
STANDARD**

18 USES: RECREATIONAL VEHICLE PARKS

REQUIRED CONDITIONS:

1. The total area of the Recreational Vehicle Park shall be a minimum of ten (10) acres.
2. All recreational vehicle parks must meet the applicable requirements of the Michigan Campground Act No. 171 of 1970, as amended, and such rules and regulations as may be promulgated there under by the Michigan Department of Public Health and the Montcalm County Health Department.
3. There shall be a required buffer area of not less than fifty (50) feet wide around the entire perimeter of the recreational vehicle park except on any side that is adjacent to a lake, river or stream. Any portion of the site that is adjacent to any residentially zone property or existing residential uses shall be screened from view by tree plantings, berms, fencing or other means deemed appropriate by the Planning Commission.
4. Vehicular circulation systems shall consist of drives or roads that are properly graded and drained with direct access onto a public street.
5. There shall be a maximum density of ten (10) recreational vehicles or campsites per acre.
6. All public and semi-public utilities within a recreational vehicle park shall be located underground within the park.
7. The retail sale of groceries , sundries and camping supplies is permitted provided that it is incidental to the operation of the recreational vehicle park.
8. Every recreational vehicle park shall be equipped with sanitary dumping facilities for travel trailers and motor homes that are approved by the Montcalm County Health Department.
9. Any exterior lighting shall be arranged to reflect light away from any adjoining premises or streets.
10. All site drainage shall be approved by the Montcalm County Drain Commissioner.
11. All driveways entering the facility from an existing County road shall be approved by the Montcalm County Road Commission.
12. The Planning Commission may impose additional regulations deemed necessary to protect the safety, health and general welfare of Township residents and users of the recreational vehicle park and shall have the authority to make any change or alterations in such plans and modify any requirements herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner.

Approval
Standard

19 USES: OPEN SPACE PRESERVATION DEVELOPMENTS
(Cluster Development Option)

REQUIRED CONDITIONS:

1. Land may be developed, at the option of the landowner, with the same number of single-family detached dwellings that could otherwise be developed on the land in accordance with the provisions of Section 5.04, on not more than 50 percent of the land area, if all of the following apply:
 - A. Not less than 50 percent of the land area will remain in an “undeveloped state” by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
 - B. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such extension.
 - C. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.
2. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:
 - A. The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 16.h of the Township Zoning Act as added by 2001 Public Act 177 (MCL 125.286h).
 - B. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
 - C. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
 - D. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
 - E. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
3. The term “undeveloped state”, as used above, includes all land area within the Open Space Preservation Development, not individually owned or part of a limited common area which is designed and intended to preserve environmental features for the common use and development for any of the following uses; active and passive recreation, forestry and/or open space conservation, community gardens or agricultural uses. It does not include golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot, and ponds, lakes, streams or Michigan Department of Environmental Quality regulated wetlands.
4. In order for the Planning Commission to determine the number of dwelling units that will be permitted, a parallel or yield plan shall be submitted showing a feasible development under the requirements of Section 5.04 and the requirements of any and all State, County and Township subdivision regulations. All lots, roads and other improvements shall be designed so that

they do not adversely impact wetlands, floodplains, or drainage ways, as regulated by Federal, State, County or local agencies.

It must be determined by the Planning Commission that this parallel plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the Open Space Preservation Development be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the parallel or yield plan shall be revised and resubmitted, minus that number of lots. Detailed engineering is not required at this stage but the plan must be drawn to scale.

The Planning Commission may also waive the submission of a parallel or yield plan if it is determined that the number of dwelling units proposed for Open Space Preservation Development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission meeting. Waivers may only be granted if it is determined by the Planning Commission that the proposed Open Space Preservation Development will be a major benefit to the Township and achieve all the goals and objectives of the Township.

5. Open Space Preservation Developments shall satisfy all of the following requirements:
 - A. All lots or home sites shall satisfy all of the minimum requirements contained in Section 6.04.
 - B. The maximum number of dwelling units permitted in a Open Space Preservation Development is the number contained in a parallel or yield plan approved by the Planning Commission or the number approved by the Planning Commission in a waiver of the parallel or yield plan.
 - C. A natural buffer with a minimum width of 150 feet shall be provided along any agricultural uses that are being preserved and abut proposed home sites and along any County Road or State Highway that is adjacent to an Open Space Preservation Development.
 - D. A minimum of 50 percent of all dwelling units shall abut dedicated open space.
 - E. A sufficient number of access points or paths shall be provided to afford convenient access to dedicated open space from home sites that do not abut dedicated open space.
 - F. All dwelling units within a proposed Open Space Preservation Development shall be provided with vehicular access from proposed internal roads. No dwelling units shall have direct vehicular access onto an existing County Road or State Highway.

APPROVAL

STANDARD

20 USES: Lake access properties or devices where more than one single-family home, property, dwelling unit, condominium unit, site condominium unit or apartment unit utilizes property touching or abutting Clifford Lake.

REQUIRED CONDITIONS

- 1. As provided in Section 2.17**
- 2. All of the general standards contained in Section 12.04.**

SECTION 12.07 APPROVAL TERM AND EXPIRATION

- A. A Special Land Use approval shall be valid for one (1) year from the date of approval, unless the Special Land Use has been initiated, or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely unless a special use permit is specifically issued for a limited time period.**
- B. If, by the end of this (1) year period, the Special Land Use has not been initiated or construction necessary for such use has not been initiated or, if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid.**
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.**
- D. Reapplication for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.**

CHAPTER THIRTEEN

SITE PLAN REVIEW

SECTION 13.01 PURPOSE

It is the purpose of this chapter to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained in this Chapter are intended to promote:

- A. Safe and convenient traffic movement, both within a site and in relation to access streets.
- B. Harmonious relationships of buildings, structures and uses, both within a site and with adjacent sites.
- C. Conservation of natural amenities and resources.
- D. Compliance with the provisions of this Ordinance and all other applicable Township, state and federal laws.

SECTION 13.02 SITE PLAN APPROVAL

- A. Site Plan reviews shall be done by the Planning Commission for the following uses or activities:
 1. Any principal use or activity that requires more than four (4) off-street parking spaces.
 2. Any change of use or expansion of a use or activity which requires more than four (4) additional off-street parking spaces.
 3. Any condominium or site condominium project.
 4. Any Special Use.
 5. Any other use for which the submission of a Site Plan is required by any provision of this Ordinance.
- B. **Required Site Plan Information.** Site Plans shall contain the following:
 1. Name of applicant and owner if not the same.

2. Name of development (if any).
3. North arrow.
4. Legend.
5. A location map that shows the location of the project in broad context of the Township.
6. Site Plans shall be drawn to a scale so that all features required to be shown on the plan are readily discernible. The Zoning Administrator shall make the final determination whether the plans are drawn to a suitable scale.
7. Existing natural features.
 - (a) Treeline or wooded areas.
 - (b) Streams, ponds, drainage ditches, swamps and floodplains.
 - (c) Contour lines with no larger than two (2) foot contour intervals if earth changes requiring more than two (2) feet of cut or fill are proposed.
8. Existing man-made features.
 - (a) Curb-cuts access roads and parking lots.
 - (b) Existing storm water drainage facilities.
 - (c) Underground utility lines, including water, sewer and storm drainage.
 - (d) Buildings, structures and signs.
 - (e) Location of exterior light fixtures.
 - (f) Location of waste dumpsters.
9. Existing legal features.
 - (a) Existing zoning district lines.
 - (b) Property lines with dimensions.
 - (c) Street right-of-way lines.
 - (d) Utility or other types of easements.
10. New features.
 - (a) Lot dimensions.
 - (b) The location and dimensions of all buildings, structures and signs.
 - (c) Areas intended to remain as open space.

- (d) Street rights-of-way, street paving, street names and curbs and gutters.
 - (e) All storm water drainage improvements.
 - (f) Sidewalks and walkways.
 - (g) Any outdoor illumination.
 - (h) Underground sewer and water lines.
 - (i) Waste Dumpsters.
 - (j) Proposed contour lines at two-foot intervals if earth changes requiring more than two (2) feet of cut or fill are proposed.
 - (k) All curb-cuts, access drives and off-street parking facilities including the delineation of individual parking spaces.
 - (l) Proposed plantings to comply with screening requirements.
11. Documents and Written Information. The following is a representative list of types of information that may be requested. The Planning Commission may also request any other information it deems necessary to determine compliance with all zoning requirements.
- (a) Certifications from appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development.
 - (b) Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.
 - (c) Bonds, letters of credit or other surety devices.
 - (d) Time schedules for the completion of phases in staged developments.
 - (e) The environmental impact of proposed development.
 - (f) A fiscal impact analysis of the development indicating any affects on the Township and other governmental units.

12. The Planning Commission may, at its option, waive any of the submittal requirements listed above if it determines that any specific information is not necessary for reviewing the site plan for the purposes intended.

C. Site Plan Approval Procedure. The applicant shall submit eight (8) copies of the required Site Plan and related documentation to the Planning Commission for review. The Planning Commission shall review the Site Plan to determine compliance with permitted land use, density of development, general circulation, and other provisions of this Ordinance. Within sixty (60) days from the date of submittal, the Planning Commission shall either approve, approve with conditions or deny the Site Plan. If denied the Planning Commission shall cite the reasons for denial. If approved, the Chairman of the Planning Commission shall sign and date all copies of the Site Plan and return one signed copy to the applicant.

D. Modifications to an Approved Site Plan. A minor change to a Site Plan may be approved administratively by the Zoning Administrator, provided the plan complies with all applicable requirements of this Ordinance and all other Township regulations and state law. The Zoning Administrator may approve modifications of a site plan for the following:

- 1. Shape, lighting, or appearance of signs.
- 2. Change of location or type of landscape materials.
- 3. Internal rearrangement of parking lots.
- 4. Additions to parking areas provided such addition is for not more than 10 parking spaces.
- 5. Decrease in building size.
- 6. Moving a building no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.
- 7. An increase in building size that does not exceed 5,000 square feet or ten (10) percent of the floor area, whichever is smaller.

8. Any approvals delegated by the Planning Commission.
9. Any other change or modification to an approved Site Plan requires resubmission to the Planning Commission for review and approval and the payment of an additional fee as established by the Township Board.

SECTION 13.03 CRITERIA FOR EVALUATING SITE PLANS

The Planning Commission or Zoning Administrator shall use the following criteria in evaluating a site plan submittal:

- A. Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed uses(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
- B. Whether there are ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures.
- C. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing large trees, natural groves, watercourses, and similar natural features that would add attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems, the dedication and/or provision, where appropriate, of scenic easements, natural buffering, and other techniques for preservation and enhancement of the physical environment.

SECTION 13.04 POSTING OF FINANCIAL GUARANTEE

The Planning Commission is empowered to require a performance bond, letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Chapter have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

SECTION 13.05 CONDITIONS OF SITE PLAN APPROVALS

- A. When an applicant receives site plan approval, the site must be developed exactly as approved.
- B. An approved Site Plan shall become null and void if a building permit for the proposed construction is not taken out within one (1) year from the date the site plan was approved. If a site plan becomes null and void a building permit cannot be issued until a new site plan has been approved.
- C. Before a site plan is marked "approved", it shall be revised to reflect any conditions attached to the approval, or changes or corrections required to obtain approval.
- D. All requirements of this Ordinance, and any other applicable Township ordinance, standard, specification, or regulation shall be complied with even if not specifically included in an approved site plan.

CHAPTER FOURTEEN

INGRESS & EGRESS PROVISIONS

SECTION 14.01 INTENT

It is the intent and purpose of this Chapter to establish guidelines for the location and design of driveways that can be used for new construction in undeveloped areas and for redevelopment of existing developed areas. The primary objectives are to preserve the carrying capacity of roads within the Township, increase traffic safety, assist in the efficient movement of traffic throughout the Township and to assure the provision of adequate access to adjoining properties.

As part of the Site Plan Review process provided in Chapter Thirteen and in accordance with the following guidelines the Planning Commission is given discretion to regulate the location of driveways. Authority is also granted to waive or modify certain standards with respect to the regulation of individual parcels of land when strict adherence to the standards would be impossible, impractical or no clear benefit would be derived.

SECTION 14.02 GENERAL PROVISIONS

- A. Adequate sight distance shall be ensured for all vehicles exiting from a proposed development. If certain movements cannot be made safely then they shall be prohibited or joint access with adjoining property shall be encouraged.
- B. Prior to the granting of a Site Plan approval for any construction involving a new or expanded driveway opening to a public street, a permit for such driveway from the state and/or county agency having jurisdiction over the public street shall be submitted.

SECTION 14.03 PROVISIONS IN BUSINESS & INDUSTRIAL DISTRICTS

- A. In order to prevent left turn conflicts, driveways on one side of the street shall be aligned with those across the street in accordance with the minimum spacing standards as provided in this Section .
- B. The minimum distance between any side lot line and the nearest edge of the driveway shall be twenty-five (25) feet unless a joint driveway is being provided to serve both properties.
- C. Where corner lots or parcels of land have frontage on a major road and a less traveled side street the access to the parcel should be provided from the side street.
- D. The minimum distance between the centerline of a proposed driveway and the nearest right-of-way line of an intersecting street shall normally be one hundred and twenty-five (125) feet. Two hundred and fifty (250) feet is required from any existing signalized intersection or location designated for a future traffic signal. Seventy-five (75) feet is required for driveways designed and signed for right turn ingress and egress only, excluding tapers or parallel lanes.
- E. Minimum and desirable distances between driveways is primarily based on posted speed limits along the parcel frontage, as follows:

DRIVEWAY SPACING

Posted Speed Desirable (MPH)	Minimum (FT.)	
30	125	260
35	150	350
40	185	440
45	230	570
50	275	700
55	350	875

The "Desirable" values are based on the sight distance necessary to allow an egressing vehicle to enter the traffic stream without causing oncoming traffic to decrease their speed by more than ten (10) miles per hour, and should be required, to the extent feasible, where parcel size permits. The "Minimum" values are based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways. In order to maintain minimum distances, sharing or joint use of a driveway by two or more property owners may be necessary. This will require a written easement or reciprocal easements from all affected property owners during the Site Plan approval process.

CHAPTER FIFTEEN

OFF-STREET PARKING & LOADING REQUIREMENTS

SECTION 15.01 GENERAL REQUIREMENTS

- A. Existing Off-Street Parking. Off-street parking facilities existing at the effective date of this Ordinance, which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.
- B. Area For Parking Space. For the purpose of this Article, three hundred (300) square feet of parking lot area shall be deemed a parking space for one (1) vehicle, including access aisles.
- C. Fractional Requirements. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to, and including one-half shall be disregarded and fractions over one-half require one (1) parking space.
- D. Location of Parking Space for One and Two-Family Dwellings. The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- E. Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within three hundred (300) feet of the permitted uses requiring such off-street parking. Such distance to be measured along lines of public access between the nearest point of the parking facility to the building to be served.
- F. Seating Capacity of Seats. As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat.

- G. Collective Provisions. Nothing in this Article shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Section 15.03.
- H. Restriction on Parking on Private Property. It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private off-street parking facility, or use said private facility for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property.
- I. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited on any off-street parking lot.

SECTION 15.02 DESIGN STANDARDS

Wherever the off-street parking requirements in Section 15.03 require the construction of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. The construction of any parking lot shall be in accordance with the requirements and provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot commences. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not greater than fifty

- (50) feet equals one (1) inch indicating the layout of the proposed parking lot including existing and proposed grades, drainage, water mains, sewers, surfacing and base materials. The plans are to be accurately prepared by a person or persons competent in such work.
- B.** All such parking lots shall be hard-surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property, except through a public drain.
 - C.** All parking lots shall be provided with adequate lighting and all lighting shall be arranged and shielded so as to prevent light from spilling onto adjacent streets and residential districts or uses.
 - D.** Off-street parking areas shall be enclosed with fences, walls, curbing or barriers as are necessary to insure that motor vehicles may not enter or exit at points other than those expressly provided for such purpose and so that motor vehicles may not encroach on public rights-of-way or private property.
 - E.** All non-residential parking and loading facilities shall have entrances and exits within the zoning district in which the principal use is located.
 - F.** When a required non-residential parking facility is situated on a parcel adjoining a residential district or use, the parking facility shall be set back a minimum of thirty (30) feet from the adjoining residential district or use.
 - G.** If the use of a building or premises change, the minimum parking requirements shall apply to the new use. If a building or premises is enlarged, the minimum parking requirements shall be applicable to the total area of the building or premises.
 - H.** The off-street parking lot shall be provided with entrances and exists so located to minimize traffic congestion.
 - I.** The minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

SECTION 15.03 OFF-STREET PARKING REQUIREMENTS

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following table.

For uses not specifically mentioned therein, off-street parking requirements shall be determined by the Zoning Administrator from requirements for similar uses.

MINIMUM OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
A. Residential	
1. Residential, One-Family and Two-Family.	Two (2) for each dwelling unit.
2. Residential, Multiple-Family.	Two (2) for each dwelling unit.
3. Mobile Home Parks.	Two (2) for each mobile home site.
4. Boarding and Rooming House.	One (1) for each sleeping room.
B. Institutional	
1. Churches or Temples	One (1) for each six (6) seats or twelve (12) lineal feet of pew in the main unit of worship.
2. Hospitals	One (1) for each one (1) bed.
3. Homes for the aged and convalescent homes.	One (1) for each two (2) beds.
4. Elementary and junior high schools.	One (1) for each (1) teacher and administrator, in addition to the requirements of the auditorium.
5. Senior high schools.	One (1) for each (1) teacher, administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
6. Private Clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by County or State fire or health codes.
7. Private clubs, swimming pool clubs, tennis clubs, or other similar uses.	One (1) for each two (2) member families or individuals.
8. Golf courses open to the general public, except miniature or "par-3" courses.	Six (6) for each one (1) golf hole and one (1) for each One (1) employee.
9. Stadium, sports arena, or similar place of outdoor assembly.	One (1) for each three (3) seats or six (6) lineal feet of benches.
10. Theaters and auditoriums.	One (1) for each four (4) seats plus one (1) for each two (2) employees.

11. Day Care Centers. One (1) per employee plus one (1) for each ten (10) students.

C. Business & Commercial

1. Auto Wash - Self Wash Five (5) per premises plus waiting space to accommodate five (5) vehicles for each wash bay.
2. Auto Wash - Automatic Seven (7) per premises plus waiting space to accommodate twenty (20) vehicles awaiting entry into the automatic car wash.
3. Beauty parlor or barber shop. Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
4. Bowling alleys. Five (5) for each one (1) bowling lane.
5. Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats. One (1) for each three (3) persons allowed as established by applicable fire, building or health codes.
6. Establishments for sale and consumption on the premises of beverages, food or refreshments. One (1) for each sixty (60) square feet of usable floor space.
7. Furniture and appliance, household equipment, repair shops, showroom of plumber, decorator, electrician or similar trade, shoe repair and other similar uses. One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.)
8. Automobile service stations. Two (2) for each lubrication stall, rack or pit; one (1) for each gasoline pump.
9. Laundromats and coin-operated dry cleaners. One (1) for each two (2) washing machines.
10. Miniature or "par-3" golf courses. Three (3) for each one (1) hole plus one (1) for each one (1) employee.
11. Mortuary establishments. One (1) for each fifty (50) square feet of usable floor space.
12. Motel, hotel, or other commercial lodging establishments. One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms.
13. Motor vehicle sales and service establishments. One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each auto service stall in the service room.
14. Video Rental & Arcade Establishments. One and one-half (1-1/2) for each 100 square feet of floor area.
15. Retail stores except as otherwise specified herein. One (1) for each one hundred and fifty (150) square feet of usable floor space.

D. Offices

- 1. Banks.
- 2. Business offices or professional offices except as indicated in the following item 3.
- 3. Professional offices of doctors, dentists, or similar professions.

One (1) for each one hundred and fifty (150) square feet of usable floor space.

One (1) for each three hundred (300) square feet of usable floor space.

One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair or similar use area.

E. Industrial

- 1. Industrial or research establishments.
- 2. Wholesale establishments.
- 3. Mini-storage.

Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift, or one (1) for every five hundred and fifty (550) square feet of usable floor space, whichever is greater.

Five (5) plus one (1) for every one (1) employee on the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

Five (5) per premises plus one (1) for each five (5) storage bays.

SECTION 15.04 LOADING REQUIREMENTS

- A. In all districts, every building which is to be occupied for manufacturing, storage, retail sales, warehousing, or other uses

similarly requiring the receipt or distribution of materials or merchandise shall provide and maintain on the same premises, paved off-street loading spaces as follow:

MINIMUM LOADING REQUIREMENTS

Floor Area in Square Feet	Required Number of Loading Spaces
Less than 5000 square feet	None
5,000 - 20,000 square feet	One (1)
20,000 - 50,000 square feet	Two (2)
50,000 - 100,000 square feet	Three (3)
Over 100,000 square feet	Three (3) plus one (1) for each 100,000 square feet over 100,000 square feet.

- B. Each loading space shall be at least ten (10) feet in width and fifty (50) feet in length and fourteen (14) feet in height. No such space shall be located within any front yard area and shall not be located closer than fifty (50) feet to any lot within a residential district unless wholly within a completely enclosed building or enclosed on all sides by a building, wall or a uniformly painted solid fence not less than six (6) feet in height.

SECTION 15.05 DEFERRED PARKING (NON-RESIDENTIAL USES)

As a means of avoiding construction of greater amounts of parking spaces than are reasonably needed to serve a particular use while still ensuring site adequacy for a broad range of potential changes in the use of a building or premises, the Planning Commission may defer construction of the required number of spaces for any industrial, commercial, office or other non-residential use if the following conditions are satisfied:

- A. An application is filed in writing with the Planning Commission. Said application shall be accompanied by a site plan of the entire project showing the design and layout of all required parking areas, including areas proposed for deferred parking. An application for deferred parking plan approval shall be accompanied by a fee as established by the Township Board.
- B. The design of the parking area, as indicated on the site plan, includes sufficient space to provide for the total parking area as required by this Chapter in Section 15.03.
- C. The area designated for deferred parking shall not include areas required for setbacks, side or rear yards, greenstrips or greenbelts or land otherwise unsuitable for parking due to environmental or physical conditions.

The Planning Commission, in acting upon a Deferred Parking Plan, may modify the requirements of Section 15.03. The Planning Commission may also impose reasonably

necessary conditions to protect the public interest and may require the provision of surety to assure completion of any related improvements required as a condition of Deferred Parking Plan Approval. At any time subsequent to the approval and construction of a deferred parking plan, the Planning Commission may, based on a review of the current parking needs, require the construction of additional parking spaces as required in Section 15.03.

SECTION 15.06 WAIVER OF PAVING REQUIREMENTS

Upon a request by the applicant, the Planning Commission, in the exercise of its discretion, may decide to waive paving requirements in certain cases based upon a review of the following factors:

- 1. The size, character and nature of the involved use.
- 2. The size, character and nature of the involved building/structures and accessory buildings structures **already constructed** or to be constructed.
- 3. The location of the **proposed/existing use**.
- 4. The distance of the proposed/existing use from neighboring uses.
- 5. The nature of neighboring uses.
- 6. The development density in the surrounding area.
- 7. The number of required parking spaces.
- 8. The effect of the parking area on adjoining properties and the surrounding neighborhood.
- 9. The effect of the parking area on adjoining roadways.
- 10. The design of the parking area to minimize traffic congestion and hazards.
- 11. The design of the parking area to maximize safety.
- 12. On-site circulation of both vehicular and pedestrian traffic to achieve both safety and convenience of persons and vehicles using or visiting the site.
- 13. The days/hours of operation of the proposed use.

Based upon a review of the above factors, the Planning Commission may require paving, may defer paving for a specified period of time or may permanently waive the paving requirement.

The Planning Commission shall make specific findings and shall clearly state the reasons why paving requirements should be enforced, deferred or permanently waived.

CHAPTER SIXTEEN

SIGNS

SECTION 16.01 DESCRIPTION AND PURPOSE

These regulations are intended to control and regulate the placement of signs within the various zone districts.

SECTION 16.02 EXCEPTIONS

No signs shall be erected without obtaining a zoning permit except for the following signs which are exempt from the provisions of this Ordinance with respect to permits, heights, area and location:

- A. Historical markers or historic signs designating sites recognized by the State Historical Commission as Centennial Farms or Historic Landmarks.
- B. Devices on the inside of a commercial or industrial building visible through a transparent portion of the building unless the device is both permanent and lighted.
- C. Governmental use signs erected by governmental agencies to designate hours of activity or conditions for use of parks, parking lots, recreational areas, other public space, or for governmental buildings.
- D. Directional signs erected in conjunction with drives or off-street parking lots, provided any such sign does not exceed four (4) square feet in area and three (3) feet in height and is limited to traffic control functions only.
- E. Placards posted to control and prohibit hunting or trespassing within the Township.
- F. Essential service signs denoting utility lines, railroad lines, hazards and precautions.

- G. Customary farm and crop signs less than ten (10) square feet in area.
- H. Special decorative displays, signs, pennants, flags or banners used for holidays or public demonstrations for promotion of civic welfare or charitable purposes. All decorative displays, signs, pennants, flags or banners referred to in this subsection shall be maintained in good condition and shall not be torn, faded or dirty.
- I. The following temporary signs:
 - 1. Construction signs which identify the name of the building, the owner, architect, engineer, contractor and other individuals involved with the construction, including the advertisement of a product or service during the period of construction. Signs shall not exceed two (2) in number nor have a maximum sign surface area exceeding thirty-two (32) square feet. They shall be confined to the site of construction and shall be removed within fourteen days following completion of construction activities.
 - 2. Yard sale signs of six (6) square feet or less in size and which are placed for less than seven (7) consecutive days.
 - 3. Real estate signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, provided the sign surface of such signs does not exceed ten (10) square feet. Such signs shall be

- removed within fourteen (14) days after the sale, rental or lease.
4. Election campaign signs announcing a candidate or election issue to be voted upon. Such signs shall be confined to private property and shall be removed within fourteen (14) days following the election which they announce.
 5. Special event signs, subject to the following conditions:
 - (a) They do not exceed fifty (50) square feet in area on any side.
 - (b) They are not placed in a street right-of-way, unless a permit from the Montcalm County Road Commission is obtained.
 - (c) They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with or appear similar to a highway sign or traffic safety device.
 - (d) No special event sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
 - (e) No special event sign shall be allowed to remain for more than fourteen (14) days after the event.

- E. Each sign shall be inspected by the Zoning Administrator immediately after all work has been completed.
- F. Except as otherwise provided, permits for temporary signs shall be limited to a maximum of fifteen (15) days and no more than three (3) permits shall be issued for the location of temporary or portable signs on any parcel of land during any one (1) year.
- G. In issuing a permit for a temporary sign the Zoning Administrator may require a reasonable cash deposit to insure the removal of such sign within the time limit prescribed in the permit. If the sign is not removed within the specified time, the deposit will be forfeited.
- H. No sign permit will be approved until it is signed by the owner of the property on which the sign is to be located.

SECTION 16.04 GENERAL PROVISIONS

- A. Maintenance - All signs and advertising displays now erected and maintained or hereafter to be erected and maintained shall be erected and at all times maintained in a neat and orderly condition and with secure supports and fastenings to prevent the same from falling. Any person or firm erecting or maintaining such signs or displays shall, within forty-eight (48) hours after being notified by the Zoning Administrator, repair or replace supports for any sign and comply with said order in a manner satisfactory to the Building Inspector.
- B. Traffic Hazards - It shall be unlawful for any person or firm to place a sign, advertising device, or display in a location where it will cause a hazard to vehicular or pedestrian traffic. If any such sign is determined to be a hazard by the County or State Traffic Engineers or the Township Board, notice thereof shall be given to the Zoning Administrator who shall thereupon notify the owner to remove same in the interest of public safety.

SECTION 16.03 SIGN PERMITS

Before any sign is constructed, erected, installed, structurally altered or relocated an application must be submitted to the Zoning Administrator for a sign permit. The application shall include the following:

- A. The payment of the required fee as established by the Township Board.
- B. The name and address of the owner and the legal description of the property on which the sign is to be located.
- C. Three sets of plans and specifications of the sign and the proposed method of erection or alteration.
- D. If the sign includes any electrical equipment it shall also be approved by the Township's Electrical Inspector.

- C. Public Nuisance - The Zoning Administrator shall notify the owner to alter or remove any sign, device, or display which is deemed a public nuisance by being neglected, in poor repair, hazardous to the public, or which may cause a nuisance or harassment to residents nearby, either by way of light glare or by vision, interference with radio or television reception, or by blocking the natural flow of air currents.
- D. Failure to Comply - When a person or firm has been notified by the Zoning Administrator to remove or repair a sign and shall fail to comply within the time specified in the notice, the Zoning Administrator is authorized to have the sign removed by Township, County, or State employees. The cost thereof to the governmental agency performing the removal shall become a lien against the property from which the sign is removed, to the extent such costs are not covered by the bond required by this Chapter.
- E. Unauthorized Signs - The following types of signs are prohibited:
 - 1. Any sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, railroad sign or signal or an emergency vehicle blinker.
 - 2. Any sign, signal, marking or device which attempts to direct the movement of traffic on public streets, or which obstructs or interferes with the effective operation of any traffic control device or any railroad sign or signal or the normal flow of traffic which is determined by the Zoning Administrator to cause or to be likely to cause distraction to motorists.
 - 3. Any sign of any kind which has been erected or installed on private property without the consent of the owner of such property.
 - 4. Any sign projecting into a public right-of-way or dedicated easement, except those erected by the Township, County, State or Federal government.
- 5. Signs painted on or attached to operable or inoperable automobiles, trucks or truck trailers, farm or industrial machinery, airplanes or other vehicles of any sort which do not have current registration certificates and plates or signs painted on rocks or other natural features.
- 6. Commercial motor vehicles parked in the required front yard of any premise or establishment used primarily for advertising purposes and not being used in the normal conduct of business.
- 7. Any sign, except authorized billboards, which do not pertain to the business or activity conducted on the premises.
- 8. Balloons, pennants, string lights or streamers used to draw attention to a business or its merchandise on display.
- F. Electrical Signs - All electrical signs shall be approved by the Township's Electrical Inspector to assure that they satisfy the electrical code before a permit will be issued. No exterior sign shall be illuminated by flashing or intermittent lights of a duration of less than twenty (20) seconds. All lighting used for the illumination of signs, business buildings, or areas surrounding them shall be completely shielded from the view of vehicular traffic and adjacent parcels, except for diffused lighting within translucent signs. No illumination or sign shall be so placed or designed to be confused with or appear similar to a highway sign or traffic safety device.
- G. Portable Signs - Portable signs can be substituted for permanent signs provided they comply with all of the following conditions:
 - 1. They shall satisfy all the requirements for the particular zoned district in which the portable sign is to be located except as modified by this section.
 - 2. No portable sign shall exceed ten (10) feet in height.

3. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
4. They are securely anchored to resist winds.
5. They are maintained in good condition.
6. The power-supply, installation and wiring of any portable sign which is illuminated and/or contains electrical wiring shall comply in all respects with applicable provisions of the current electrical code being enforced within the Township.

SECTION 16.05 USE REGULATIONS

- A.** Signs permitted in the "AG/RE", "LDR" and "LR" districts.
1. Signs that are excepted from regulation in Section 16.02.
 2. Non-conforming signs in accordance with the provisions of Section 16.06.
 3. One (1) nameplate on any parcel, provided the sign surface does not exceed four (4) square feet.
 4. One (1) freestanding, ground mounted or portable identifying sign with a maximum of two (2) sign surfaces for a subdivision, apartment complex, mobile home park, condominium project and any permitted or approved special use except single-family or two-family dwellings and farms provided that any sign surface does not exceed thirty-two (32) square feet and it is located a minimum of ten (10) feet from any property line or street right-of-way line.
 5. One (1) temporary real estate sign for a subdivision, apartment complex, mobile home park, or condominium project with a maximum of two (2) sign surfaces, provided that any sign surface does not exceed seventy (70) square feet, it is located a minimum of ten (10) feet from any property line or street right-of-way line and is not

located within fifty (50) feet of an entrance road.

6. One (1) temporary construction sign with a maximum of two (2) sign surfaces per project denoting architects, engineers, contractors, or financial institutions associated with the project, provided that any sign surface does not exceed sixty-four (64) square feet and it is located a minimum of ten (10) feet from any property line or street right-of-way line. A temporary construction sign can be located on a site as long as work is progressing in accordance with a valid building permit.
 7. Portable signs as regulated in Section 16.04 G.
 8. Any other sign that is specifically permitted by the provisions of this Ordinance.
- B.** Signs permitted in the "NB", "GB" and "I" district.
1. Signs that are excepted from regulation in Section 16.02.
 2. Non-conforming signs in accordance with the provisions of Section 16.06.
 3. Portable signs as regulated in Section 16.04 G.
 4. Wall Signs - Wall mounted business signs shall be attached to a building parallel to the side on which it is attached and cannot project above the building roof line. Wall signs can be placed on two (2) sides of a building, provided the total sign surfaces do not exceed one hundred and fifty (150) square feet and any sign surface does not exceed ten (10) percent of the wall area to which it is attached.
 5. One (1) freestanding or one (1) ground mounted business sign is permitted along each street frontage of a parcel in accordance with the following:
 - (a) Freestanding Sign.
 - (1) The nearest portion of a sign cannot be located closer than ten (10) feet to any

- street right-of-way line or driveway.
- (2) The nearest portion of a sign cannot be located closer than twenty-five (25) feet to any side or rear lot line.
 - (3) No sign surface area shall exceed two (2) square feet for each five (5) feet of lot frontage measured at the front lot line, provided that no sign surface can exceed one hundred (100) square feet for a single use. If the sign serves more than one (1) use on a single parcel, the surface area requirements are increased by fifty (50) percent.
 - (4) No freestanding sign can exceed thirty (30) feet in height.
 - (5) The bottom of the sign surface shall be at least eight (8) feet above grade.
- (b) Ground Mounted Sign.
- (1) The maximum height of any sign is five (5) feet.
 - (2) The nearest portion of the sign cannot be located closer than ten (10) feet to any front lot line and a minimum of one hundred (100) feet from the point of intersection of two (2) street right-of-way lines.
 - (3) The nearest portion of the sign cannot be located closer than twenty-five (25) feet to any side or rear lot line or the nearest part of any driveway.
 - (4) No sign surface area shall exceed eighty (80) square feet.
 - (5) A portable sign can be used instead of a ground sign, provided it satisfies all of the

requirements for a ground sign.

- C. Additional signs permitted in any "I" District, **any NB, Neighborhood Business district or any GB, General Business district that has road frontage along Sheridan Road (M-66)** - Billboards are permitted, provided they comply with all provisions regulating billboards in the Highway Advertising Act (P.A. 106, 1972, as amended) and no sign surface exceeds four Hundred (400) square feet, they are not located within three hundred (300) feet of any residential district, **they shall not be located closer than one thousand (1000) feet from any other billboard located on the same side of the street, sign surfaces shall not be stacked one above another and the maximum height of any sign structure shall not exceed twenty-five (25) feet.**
- D. Billboards are permitted within the Agricultural/Rural Estate, Neighborhood Business and General Business districts subject to the issuance of a Special Use Permit in accordance with the procedures contained in Chapter 12 and in accordance with the following minimum requirements:
1. No sign surface shall exceed two-hundred (200) square feet.
 2. The nearest portion of the sign cannot be located closer than twenty-five (25) to any street right-of-way.
 3. The nearest portion of the sign cannot be located closer than one-hundred (100) feet to any side or rear property line.
 4. The nearest portion of the sign cannot be located closer than fifty (50) feet to the nearest part of any driveway.

SECTION 16.06 NON-CONFORMING SIGNS

- A. It is the intent of this Section to permit the continuance of a lawful use of any sign existing at the effective date of this Section, although such sign may not conform with the provisions of Chapter Sixteen, as amended. It is the intent of this Section

that non-conforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent of this Section that non-conforming signs shall be gradually eliminated and terminated upon their natural deterioration or accidental destruction. The continuance of all non-conforming signs within this Township shall be subject to the conditions and requirements set forth herein.

- B. The faces, supports, or other parts of any non-conforming sign, shall not be structurally changed, altered, substituted, or enlarged unless the resultant changed, outdoor advertising structure conforms to the provisions of Chapter Sixteen for the district in which it is located, except as otherwise provided for in this Section.
- C. Nothing in this Section shall prohibit the repair, reinforcement, alteration, improvement, or modernizing of a lawful non-conforming sign, provided that such repair, reinforcement, alteration, improvement, or modernizing does not exceed an aggregate cost of fifty (50) percent of its estimated value on the effective date of this Section, as determined by the Zoning Administrator unless the subject sign is changed by such repair, reinforcement, alteration, improvement or modernizing to a conforming structure.
- D. Any lawful non-conforming sign damaged by fire, explosion or an act of God, or by other accidental causes, may be restored, rebuilt or repaired provided that the estimated expense of reconstruction does not exceed fifty (50) percent of the estimated replacement cost thereof, as determined by the Zoning Administrator.
- E. Whenever the activity, business or usage of a parcel of land on which a sign is located or related has been discontinued for a period of one (1) year or longer, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the non-conforming sign located on or related thereto. At the end of this period of abandonment, the

non-conforming sign shall either be removed or altered to conform with the provisions of Chapter Sixteen.

- F. The Township Board may acquire any non-conforming sign with or without acquiring the property on which such sign or structure is located, by condemnation or other means, and may remove such sign.

CHAPTER SEVENTEEN

ADMINISTRATION AND ENFORCEMENT

SECTION 17.01 ZONING ADMINISTRATOR

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

SECTION 17.02 MUNICIPAL CIVIL INFRACTION CITATIONS AND PROCEDURES

A. The following Township Officials are authorized to issue citations for violation of provisions of the Zoning Ordinance which are designated to be municipal civil infractions, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction:

6. The Township Supervisor.
7. The Township Zoning Administrator.
8. Other persons authorized by the Township Board.

B. If a citation is based solely upon the complaint of someone who allegedly witnessed the violation, and not upon the personal observation of the official, then the citation must be approved in writing by the Township Supervisor.

C. Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.

D. Citations shall be served upon the alleged violator as provided by law.

E. Citations shall require the appearance at the District Court within a reasonable time after the citation has been issued.

F. The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

SECTION 17.03 ZONING COMPLIANCE PERMITS

A. No non-agricultural building or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be changed to another use, until a Zoning Compliance permit has been granted by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner and it shall state the existing and intended use of the structure and land. The application shall be accompanied by building plans and specifications, a plot plan, a site plan where required, and such other information concerning the lot, adjoining lots or other matters as may be necessary for determining if the provisions of this Ordinance are being met.

B. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved.

C. The application and plans filed by an applicant for a permit shall be checked by the Zoning Administrator. Such plans may

be reviewed by other Township Officials to check compliance with the laws and ordinances under their jurisdiction. If the Zoning Administrator is satisfied that the work described in an application for a permit and the plans filed therewith conform with the requirements of this ordinance a permit shall be issued, however:

1. Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance or the applicable construction codes.
 2. The Zoning Administrator, under no circumstances, is permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance to any person making application to excavate, erect, construct, enlarge, move, alter, improve, remove, convert, demolish or use either buildings, structures or land.
 3. The Zoning Administrator is not permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.
 4. The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance are met by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants or private agreements.
 5. If any application for such permit is not approved, the Zoning Administrator shall state in writing the reason for such disapproval.
- D. The Zoning Administrator shall have a reasonable period of time, not to exceed thirty (30) days to review all plans prior to taking appropriate action thereon.
- E. A Zoning Compliance Permit shall be displayed so as to be visible from a public street at the site where the authorized action is being undertaken.
- F. All Zoning Compliance permits shall expire one year from their date of issuance.

SECTION 17.04 BUILDING PERMITS & CERTIFICATES OF OCCUPANCY

In addition to a Zoning Compliance Permit any person, firm or corporation shall not excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in Douglass Township without first obtaining a Building Permit from the Montcalm County Building Official or a determination is made that a Building Permit is not required. Provided further, no building, for which a Building Permit has been issued, shall be occupied until an Occupancy Permit has been issued by the Montcalm County Building Official.

SECTION 17.05 SCHEDULE OF FEES

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

SECTION 17.06 PERFORMANCE GUARANTEES

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.
- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements

indicated with the approved site plan, if not, said performance bond or cashier's check shall be forfeited.

- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.

SECTION 17.07 AMENDMENTS TO THE ORDINANCE

- A. Initiation of Amendments. This Ordinance may be amended or supplemented from time to time in accordance with Section **2.02 of Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act.** Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission, or by **any landowner or agent acting on the landowner's behalf** by petition to the Planning Commission.
- B. Amendment Petition Procedure. Individuals submitting petitions for amendment to this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. Such petitions shall include the following:
 - 1. The petitioner's name, address and interest in the petition and, if applicable, the name, address and interest of each person having a legal or equitable interest in any land which is to be rezoned.
 - 2. The nature and effect of the proposed amendment.
 - 3. 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 such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.

- 4. The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 - 5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 - 6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
 - 7. A remittance to cover the cost encountered in notifying and conducting a public hearing, such fee to be determined from time to time by the Township Board.
- C. Amendment Procedure. After initiation, amendments to this Ordinance shall be considered as follows:
 - 1. The Planning Commission shall authorize the preparation of the proposed amendment to be considered.
 - 2. **Prior to the Planning Commission submitting its recommendations for a proposed zoning ordinance amendment to the Township Board, the Planning Commission shall hold at least one public hearing. The Planning commission shall fix a reasonable time for the hearing of the request and a notice that a request has been received shall be published in a newspaper that**

circulates in the township. The notice shall be given not less than 15 days before the date the application will be considered.

3. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the zoning request and a notice that a request has been received shall be published in a newspaper that circulates in the Township, and sent by mail or personal delivery to the property owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property(s) in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:

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

(d) Indicate when and where written comments will be received concerning the rezoning request.

4. If 11 or more adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the rezoning request and a notice that a request has been received shall be published in a newspaper that circulates in the Township. He notice shall be given not less than 15 days before the date the application will be considered. The notice shall:

- (a) Describe the nature of the rezoning request.
- (b) State when and where the rezoning request will be considered.
- (c) Indicate when and where written comments will be received concerning the rezoning request.

5. At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made.
6. The Planning Commission shall hold public hearing, noting all comments and reports requested, or noting the absence of such.
7. Prior to voted approval, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical or grammatical errors. The omission of the name of any owner or occupant of property who may, in the opinion of the Township Planning Commission, be affected by such amendment or change shall not invalidate any ordinance amendment passed hereunder; it being the

intention of this Section to provide reasonable notice to the persons substantially interested in the proposed change that an ordinance is pending before the Township Board, proposing to make a change in the Zoning Map or the regulations set forth in this Ordinance. The changed text shall be forwarded as above without further hearing.

8. If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
9. The Planning Commission shall forward the proposed amendment to the Township Board with recommendation for approval or denial. Any decision or recommendation shall contain the reasons therefor.
10. If the Township Board shall deem any amendments, changes, additions, or

departures advisable as to the proposed amendment, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Board. After receiving the report, the Board shall grant a hearing on any proposed ordinance provision to any property owner who, by certified mail addressed to the Township Clerk, requests to be so heard and shall request the Planning Commission to attend any such hearing.

11. The Township Board shall publish the Ordinance amendment in a newspaper of general circulation within the Township within fifteen (15) days after adoption.
12. The Township Board shall then file the Ordinance in the official ordinance book of the Township within seven (7) days after publication, with a certification of the Clerk stating the vote on passage, date published, and date filed.

CHAPTER EIGHTEEN

PLANNING COMMISSION

SECTION 18.01 TOWNSHIP PLANNING COMMISSION

The Douglass Township Planning Commission has been established as specified in Public Act 168 of the Public Acts of 1959, as amended, being the Township Planning Commission Act. All powers, duties, and responsibilities provided by Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act for a zoning commission created there under, are transferred to the Planning Commission by resolution of the Township Board as provided in Section 11 of Public Act 168 of the Public Acts of 1959, as amended and this ordinance. The Planning Commission shall perform the duties of said Zoning Commission as provided in these acts, together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

SECTION 18.02 MEMBERSHIP, COMPENSATION AND FUNDING

- A. The Planning Commission shall consist of not less than five (5) nor more than nine (9) members, who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors and property owners of the Township. One (1) member of the Township Board shall be a member of the Planning Commission.
- B. All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. The Township Board

shall provide for the removal of a member of the Planning Commission for misfeasance or nonfeasance in office upon written charges and after a public hearing pursuant to Public Act 110 of 2006, as amended.

- C. The term of each member shall be for three (3) years, except that of the members first appointed, one-third (1/3) shall serve for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years. All vacancies for unexpired terms shall be filled for the remainder of such term. If no appointment is made, then members shall continue to hold office until replaced.
- D. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Board annually shall appropriate and make funds available for carrying out the purposes and functions permitted under this act, and may match Township funds with federal, state, county or other local government or private grants. The Township Board may accept and use gifts and grants, for Planning Commission purposes. Money so accepted shall be deposited with the Township Treasurer in a special non-reverting Planning Commission Fund for expenditure by the Planning Commission for the purpose designated by the donor. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.
- E. An elected official of the Township or an employee of the legislative body shall not serve simultaneously as a member or an employee of the Planning

Commission, except that one member of the Planning Commission may be a member of the legislative body.

SECTION 18.03 OFFICERS, MEETINGS PROFESSIONAL ADVISORS, AND RULES

- A. The Planning Commission shall elect a chairman, vice chairman, and secretary from its members, and create and fill such other offices or committees as it may deem advisable. The Commission may appoint advisory committees outside of its membership. The terms of all officers shall be one (1) year.
- B. The Planning Commission shall hold at least four (4) regular meetings each year and, by resolution, shall determine the time and place of such meetings. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman.
- C. The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- D. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

SECTION 18.04 RESPONSIBILITY FOR PREPARATION AND ADOPTION OF THE LAND

USE PLAN: PLAN CONTENT

The Planning Commission shall make and adopt a land use plan as a guide for the development of unincorporated portions of the Township. The

land use plan shall include maps, plats, charts, and descriptive, explanatory and other related matter, and shall show the Planning Commission's recommendations for the physical development of the unincorporated area of the Township.

SECTION 18.05 APPROVAL OF PUBLIC IMPROVEMENTS

- A. After the Planning Commission has adopted a Land Use Plan for the Township, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Township or in the planned section and district until the location, character, and extent thereof shall have been submitted to, and approved by, the Planning Commission.
- B. The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its entire membership.
- C. If the authorization or financing of the public way, ground, space, building, structure or utility is one which does not fall within the province of the Township Board, then the submission to the Planning Commission shall be by the board, commission or body having jurisdiction, and the Planning Commission's disapproval may be overruled by resolution of the Board, commission or body by a vote of not less than a majority of its membership.
- D. The failure of the Planning Commission to act within sixty (60) days after the official submission to the Commission shall be deemed approval.
- E. The Planning Commission shall promote public understanding of an interest in the land use plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

SECTION 18.06 APPROVAL OF PLATS

The Township Board shall refer plats or other matters relating to land development to the Planning Commission before final action is taken by the Township Board.

SECTION 18.07 SPECIAL USE PERMITS

The Planning Commission shall have the authority to issue special use permits as required by this Ordinance pursuant to Chapter Twelve.

CHAPTER NINETEEN

BOARD OF APPEALS

SECTION 19.01 CREATION, MEMBERSHIP, TERM OF OFFICE, OFFICERS, RULES

- A.** There is hereby created a Board of Appeals consisting of three (3) members: the first member of such Board of Appeals shall be a member of the Planning Commission appointed by the Township Board; the second member shall be a member of the Township Board appointed by the Township Board; and the third member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township, provided that no elected officer of the Township nor any employee of the Township Board shall serve simultaneously as the third member or as an employee of the Township Board of Appeals.
- B.** Initially, one (1) member of the Board of Appeals shall be appointed for a term of three (3) years; one (1) member shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of one (1) year. Thereafter, each member, when appointed, shall have a term of three (3) years. Terms of members serving because of their membership on the Planning Commission or Township Board shall be limited to the time they are members of the Planning Commission or Township Board and the periods stated in the resolution appointing them.
- C.** The Board of Appeals shall elect one (1) of its members as its chairman and one (1) of its members as secretary, and shall prescribe rules for the conduct of its affairs. The member of the Township Board who is a member of the Board of Appeals shall not serve as the Chairman of the Board of Appeals. Copies of the rules shall be made

available to the public at the Office of the Township Clerk

- D. Alternate Members.**
1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member.
 2. An alternate member may also be called to serve in the place of a regular member when such member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.
 3. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

SECTION 19.02 POWERS AND DUTIES

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this Chapter which are more particularly specified as follows:

- A. Interpretation** - Decide any question involving the interpretation of any provisions of this Ordinance, including determination of the exact location of any district boundary of the Zoning Map if there is uncertainty with respect thereto.

B. Variances - Grant variances from the terms and provisions of this Ordinance as provided in this Chapter.

C. Appeals - Hear and decide appeals of decisions made by the Zoning Administrator in the enforcement of this Ordinance.

SECTION 19.03 COMPENSATION

Each member shall receive a reasonable sum as determined by the Township Board for services in attending each regular or special meeting of said Board of Appeals.

SECTION 19.04 REMOVAL

Members of the Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

SECTION 19.05 MEETINGS - RECORDS

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals, in the rules of procedure, may specify. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and which shall be a public record.

SECTION 19.06 PROCEDURE

A. The presence of two (2) members shall constitute a quorum, and the concurring vote of a majority of all members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the administrative official or body, or to decide on any matter upon which it is required to pass under this Ordinance or to effect any variation in such Ordinance.

B. Applications or appeals shall be taken within such time as shall be prescribed by the Zoning Board of Appeals, by general rule, by filing with the Zoning Administrator and with the Zoning Board of Appeals a notice of application or

appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record from which the application or appeal was taken.

C. Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and a notice that a request for a variance has been received shall be published in a newspaper that circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:

1. Describe the nature of the variance request.
2. Indicate the property that is the subject of the variance request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the variance request will be considered.

4. Indicate when and where written comments will be received concerning the variance request.
- D. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question regardless of whether the property or occupant is located in the zoning jurisdiction. If the persons name is not known, the term "occupant" may be used.
- E. Upon the day for hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice, as it deems proper, to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing.
- F. At the hearing, any party may be heard in person or by agent or attorney.
- G. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or

determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

- H. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for Montcalm County, as provided in Public Act 110 of 2006. An appeal to the Circuit Court for Montcalm County shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.

- I. Each appeal or application for variance shall be accompanied by a filing fee according to the fee schedule adopted by the Township Board. When a matter is referred by the Planning Commission, as required by the Zoning Ordinance, to the Board of Appeals for consideration, no fee shall be charged.

SECTION 19.07 STAY OF PROCEEDINGS

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

SECTION 19.08 TIME LIMIT ON VARIANCES

Any variance or exception granted by the Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted unless the applicant shall have taken substantial steps toward effecting the variance within said period; provided, however, that the Board of Appeals may extend such

period for a further period of time not exceeding one(1) year upon application and without further notice.

SECTION 19.09 VARIANCES PERMITTED

Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance, the Board of Appeals shall have power to vary or modify any of the provisions hereof so that the spirit of the Ordinance shall be observed, public safety promoted, and substantial justice done. The Board of Appeals may grant such variances only upon finding that all of the following conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same District.
- B. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this Chapter would involve practical difficulties.
- C. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same District and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

- E. The variance will not impair the intent and purpose of this Ordinance.
- F. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

SECTION 19.10 VARIANCES PROHIBITED

No variance granted under this Ordinance shall permit a use not otherwise permitted within the zoning district wherein the subject property is located.

SECTION 19.11 SPECIAL CONDITIONS

In considering any applications, the Board of Appeals shall review the case within the intent of the Ordinance. Before granting a variance, the Board of Appeals shall determine whether the variance would be unduly hazardous or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values, or psychological effects. For such purpose, the Board of Appeals may require the applicant to enlist experts, technicians and consultants. In authorizing a variance or exception, the Board of Appeals may, in addition to the conditions of approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest.

SECTION 19.12 RESUBMISSION

- A. No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Zoning Board of Appeals finds that at least one of the following conditions exist:
 - 1. That the conditions involving all of the reasons for the original denial have been significantly altered.

2. That new conditions or circumstances exist which change the nature of the original request.

CHAPTER TWENTY

DEFINITIONS

SECTION 20.01 RULES APPLYING TO TEXT

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

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

SECTION 20.02 ACCESSORY BUILDING

A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use.

SECTION 20.03 ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

SECTION 20.04 ADULT BOOK STORE

Any establishment, or part thereof, having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specific anatomical areas" as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

SECTION 20.05 ADULT DAY CARE FACILITY

An establishment having as its principal function the receiving of one (1) or more persons eighteen (18) years of age or older for the provision of supervision, personal care, and protection for periods of less than twenty-four (24) hours a day, four (4) or more days a week, for two (2) or more consecutive weeks. Adult day care facilities may be further defined as follows:

- A. **Adult Day Care Center.** A facility other than a private residence, receiving more than six (6) adults for group care periods of less than twenty-four (24) hours a day.
- B. **Adult Family Day Care Home.** A private residence in which one (1) but less than seven (7) adults are given care and

supervision for periods of less than twenty-four (24) hours a day except adults related to the family by blood, marriage or adoption.

- C. **Adult Family Group Day Care Home.** A private residence in which more than six (6) but not more than twelve (12) adults are given care and supervision for periods of less than twenty-four (24) hours a day except adults related to the family by blood, marriage or adoption.
- D. Adult day care facilities do not include adult foster care facilities or child care organizations as defined in this chapter.

SECTION 20.06 ADULT ENTERTAINMENT ESTABLISHMENT

A commercial establishment open to the public which:

- A. Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, distributes, circulates, disseminates, presents, exhibits, advertises, sells, rents, or leases a substantial or significant portion of its stock in trade, materials distinguished or characterized by specified anatomical areas; or which
- B. Utilizes a substantial or significant portion of its display areas, including, but not limited to, floor, shelf, rack, table, stand, or case, for the display of such material; or which
- C. Exhibits for a substantial or significant portion of the total presentation time, such material; or which
- D. Involves employees or customers who engage in conduct which is distinguished or characterized by specified sexual activities or specified anatomical areas.

SECTION 20.07 ADULT FOSTER CARE FACILITY

An establishment having as its principal function the receiving of persons eighteen (18) years of age or older for the provision of supervision, personal care and protection, in addition to room and board, for twenty-four (24) hours a day, five

(5) or more day a week, and for two (2) or more consecutive weeks for compensation, as licensed and regulated by the state under Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities may be further defined as follows:

- A. **"Adult Foster Care Camp" or Adult Camp** means an adult foster care facility with the approved capacity to receive more than four (4) adults who shall be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.
- B. **"Adult Foster Care Congregate Facility"** means an adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care.
- C. **"Adult Foster Care Family Home"** means a private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
- D. **"Adult Foster Care Large Group Home"** means an adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who shall be provided foster care.
- E. **"Adult Foster Care Small Group Home"** means an adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.
- F. Adult foster care facility does not include any of the following:
 - 1. Adult day care facilities as defined in this Chapter.
 - 2. Nursing homes, homes for the aged, or hospitals as defined in this Chapter and as licensed under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, or facilities operated under the Mental

Health Code and Social Welfare Acts, being Act No. 258 of the Public Acts of 1974 and Act No. 28 of the Public acts of 1939, respectively.

3. A Child care organization as defined in this Chapter if the number of residents who become eighteen (18) years of age while residing in the facility does not exceed the following:
 - (a) Two (2), if the total number of residents is ten (10) or fewer.
 - (b) Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - (c) Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - (d) Five (5), if the total number of residents is twenty-one (21) or more.
4. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.
5. A veterans facility created under Act No. 152 of the Michigan Public Acts of 1885, as amended.

SECTION 20.08 AGRICULTURE

The cultivation, raising, and storage of crops, animals, and animal products carried out by a farming operation or on a farm as defined in this Chapter.

SECTION 20.09 AIRPORT

An area of land that is used for or incidental to the landing, take off, and parking of aircraft, including buildings and facilities. For the purpose of this definition, airport related buildings and facilities may include control towers, passenger terminal buildings, fixed base operators, hangars, rental care facilities, aircraft

fueling facilities, air cargo facilities, fire and rescue equipment and facilities, visual and electronic navigational aids, meteorological equipment and stations, airport maintenance facilities and buildings, automobile parking for employees and passengers, viewing areas, and contiguous reserve land held for such uses and purposes.

SECTION 20.10 ALLEY

A public way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

SECTION 20.11 ALTERATION - STRUCTURAL

Any change in the supporting members of any building or structure, including, but not to the exclusion of, other supporting members, bearing walls, columns, posts, beams, girders and any architectural change of the interior or exterior which may affect the structural integrity of the building.

SECTION 20.12 APARTMENT BUILDING

"See Dwelling - Multiple Family" as defined by this Chapter.

SECTION 20.13 AUTOMOBILE REPAIR - MAJOR

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

SECTION 20.14 AUTOMOBILE REPAIR - MINOR

Minor repairs, incidental replacement of parts, and motor service to passenger automobiles and trucks not exceeding two (2) tons capacity, but not including any operation specified under "Automobile Repair - Major".

SECTION 20.15 AUTOMOBILE SALVAGE

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or

dumping of dismantled, partially dismantled, or wrecked vehicles or there parts.

SECTION 20.16 AUTOMOBILE SERVICE STATION

A building, structure, or land used for the retail sale of fuel, lubricants, grease, and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing but not including major automobile repair or bulk fuel distributing.

SECTION 20.17 AUTOMOBILE WASH ESTABLISHMENT; ALSO REFERRED TO AS CAR WASH ESTABLISHMENT

A building, or portions thereof, the primary purpose of which is that of washing motor vehicles, either manually or automatically.

SECTION 20.18 AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

SECTION 20.19 BASEMENT

A portion of a building located totally below, or partly below and partly above grade, where the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

SECTION 20.20 BED AND BREAKFAST ESTABLISHMENT

A use which is subordinate to the principal use of a single family dwelling unit, and a use in which transient guests are provided a sleeping room and breakfast in return for payment.

SECTION 20.21 BERM

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

SECTION 20.22 BILLBOARDS

See "Signs" as defined by this Chapter.

SECTION 20.23 BOARD OR TOWNSHIP BOARD

The Douglass Township Board.

SECTION 20.24 BOARD OF ZONING APPEALS

The Douglass Township Board of Zoning Appeals or Board of Appeals.

SECTION 20.25 BOARDING HOUSE

Also referred to as a lodging house, rooming house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging, or lodging and meals, for pay or compensation of any kind on a weekly or longer basis to more than two (2) persons other than members of the family occupying such dwellings.

SECTION 20.26 BUILDABLE AREA

The space on a lot remaining after the minimum open space requirements of this Ordinance have been satisfied.

SECTION 20.27 BUILDING

Any structure which is constructed or erected, either temporary or permanent, having a roof intended to be impervious to weather, supported by columns, walls, or any other supports, which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or conducting business activities or other similar uses. The definition includes tents, awnings, and vehicles situated on private property and serving in some way the function of a building, but not including screened enclosures not having a roof impervious to weather.

SECTION 20.28 BUILDING HEIGHT

The vertical distance measured from the reference level to the highest point of the roof surface.

SECTION 20.29 BUILDING INSPECTOR

The Building Inspector of Montcalm County or an authorized representative serving Douglass Township.

SECTION 20.30 BUILDING - MAIN OR PRINCIPAL

A building in which is conducted the principal or main use of the lot on which it is situated.

SECTION 20.31 BUILDING, EXISTING

Any permanent building is considered to be in existence if completed or the foundations of which are complete and the construction of which is being carried out at the time this Ordinance takes effect.

SECTION 20.32 BUILDING PERMIT

The written authority of the Building Inspector, issued on behalf of the Township, permitting the construction, moving or alteration of a building or structure in conformity with the provisions of this Ordinance and the Building Code.

SECTION 20.33 BUILDING SETBACK

The distance between the lot line, street right-of-way line, or other reference line established by the provisions of Section 20.106 and the nearest point of any building or structure located on a lot or parcel.

SECTION 20.34 BUILDING SETBACK LINE

The line situated at ground level being parallel to the street right-of-way line or property line or other reference line established by the provisions of Section 20.106, which defines the actual distance of the nearest point of a building or structure from a street or property line.

SECTION 20.35 BUILDING SETBACK LINE, MINIMUM

The line situated at ground level, parallel to the street right-of-way or property line or other reference line established by the provisions of

Section 20.106, which defines the area of a lot or parcel within which no part of a building or structure shall project or be located, except as otherwise provided by this Ordinance.

SECTION 20.36 CAMP OR CAMPGROUND

Temporary or permanent buildings, tents, or other structures, together with their appurtenances pertaining thereto, established or maintained as temporary living quarters, operated continuously for a period of five (5) days or more for recreation, religious, education, or vacation purposes.

SECTION 20.37 CARPORT

Any roofed structure or shelter or a portion of a building open on two (2) or more sides which may or may not be attached to a dwelling, other than an attached or detached garage, used for the purpose of storing motor vehicles.

SECTION 20.38 CARWASH

See "Automobile Wash Establishment" as defined in This Chapter.

SECTION 20.39 CERTIFICATE OF ZONING COMPLIANCE

A permit signifying compliance with the provisions of the Ordinance to a use, activity, bulk, and density and with the requirements of all other development codes and ordinances currently in effect.

SECTION 20.40 CHILD CARE ORGANIZATION

A facility for the care of children under eighteen (18) years of age, as licensed and regulated by the State under Act No. **116** of the Public Acts of 1973, and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- A. "Child Care Center" or "Day Care Center" means a facility other than a private residence, receiving more than six (6) pre-school or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately

available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours, described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child Care Center" or "Day Care Center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- B. **"Foster Family Home"** is a private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent, or legal guardian.
- C. **"Foster Family Group Home"** means a private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. **"Family Day Care Home"** means a private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- E. **"Group Day Care Home"** means a private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less

than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

SECTION 20.41 COMMISSION OR PLANNING COMMISSION

The Planning Commission for Douglass Township.

SECTION 20.42 COMMON OPEN SPACE

Any area or space other than required yard areas which is unobstructed and unoccupied by buildings, roads, or other man-made structures and is readily accessible to all those for whom it is required.

SECTION 20.43 COMPOSTING

Any process whatsoever by which organic matter is broken down into humus.

SECTION 20.44 COMPOSTING FACILITY

Any use of land whereby organic matter is broken down into humus by any process whatsoever except a crop farming operation which spreads and discs-in grasses, leaves and/or other organic matter as a soil amendment.

SECTION 20.45 COMPREHENSIVE PLAN, MASTER PLAN, GENERAL DEVELOPMENT PLAN, BASIC PLAN

The plan so designated by the Planning Commission which, among other things, conveys land use policy, a major street plan, and plan for public facilities and which is designed to provide and accomplish the objectives of Act 168 of the Public Acts of Michigan of 1959, as amended.

SECTION 20.46 CONDOMINIUM

Means a form of ownership which includes a divided interest in a building and/or lot and an undivided interest in all other lands and improvements, which are maintained through an

association of co-owners. This form of ownership is most often applied to multi-family residential uses; however, it also can apply to single-family homes, commercial and industrial developments, boat slips, and many other land uses.

SECTION 20.47 CONDOMINIUM ACT

Means Public Act 59 of 1978, as amended.

SECTION 20.48 CONDOMINIUM DWELLING

Means the structure built upon a lot or condominium unit which is intended for residential purposes.

SECTION 20.49 CONDOMINIUM PROJECT PLAN

Shall include all of the following as required in Section 66 of the Condominium Act as amended, being P.A. 59 of 1978.

- A. Cover sheet.
- B. A survey plan.
- C. A flood plain plan if condominium lies within or abuts a flood plan area.
- D. A site plan.
- E. A utility plan.
- F. A floor plan.
- G. The size, location, area and horizontal boundaries of each condominium unit.
- H. A number assigned to each condominium unit.
- I. The vertical boundaries and volume of each unit comprised of enclosed air space.
- J. Building sections showing the existing and proposed structures and improvements, including their location on the land. Any proposed structure and improvement shown shall be labeled either a "must be built" or "need not be built" to the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping and an access road, the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are shown and designated.

- K. The nature, location, and approximate size of the common elements.

SECTION 20.50 CONDOMINIUM UNIT

Means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

SECTION 20.51 CONDOMINIUM COMMON ELEMENTS

The portions of the condominium project other than the condominium units.

SECTION 20.52 CONDOMINIUM LIMITED COMMON ELEMENTS

The portion of the common elements reserved in the Master Deed for the exclusive use of less than all of the co-owners.

SECTION 20.53 CONDOMINIUM LOT

For purposes of determining zoning compliance of condominiums, the term "lot" shall mean an individual condominium unit along with any limited common element or general common element ascribed to the unit.

SECTION 20.54 CONDOMINIUM GENERAL COMMON ELEMENT

The common elements other than the limited common elements.

SECTION 20.55 CONDOMINIUM; MOBILE HOME PROJECT

A condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

SECTION 20.56 CONDOMINIUM MASTER DEED

Means the condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

SECTION 20.57 CONDOMINIUM SUBDIVISION

Shall be a division of land on the basis of condominium partnership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

SECTION 20.58 CONDOMINIUM; MULTIPLE FAMILY CONDOMINIUM PROJECT

A building or portion thereof which contains two (2) or more dwelling units.

SECTION 20.59 CONDOMINIUM; SINGLE FAMILY CONDOMINIUM PROJECT

A condominium project in which each dwelling unit constitutes a separate and unattached building.

SECTION 20.60 CONVALESCENT HOME, NURSING HOME OR HOME FOR THE AGED

An institutional facility, other than a private home or facility defined in this Chapter, having as its principal function the provision of care, and supervision of individuals for twenty-four (24) hours a day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978 as amended.

SECTION 20.61 DEVELOPER

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing development.

SECTION 20.62 DEVELOPMENT OR TO DEVELOP

A development includes the construction of any new buildings or other structure on a lot, the relocation of any existing buildings, or the use of a tract of land for any new uses. To develop is to create a development.

SECTION 20.63 DIMENSIONAL NON-CONFORMITY

A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

SECTION 20.64 DISH ANTENNAS

A parabolic type antenna designed to receive radio, television, and microwave communication.

SECTION 20.65 DISTRICT OR ZONE

A portion of the Township under which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance. The terms "zone" and "district" are considered synonymous.

SECTION 20.66 DRIVE-IN ESTABLISHMENT, DRIVE-THROUGH ESTABLISHMENT

A commercial business establishment which offers goods or services to customers in vehicles, including an establishment where customers may serve themselves.

SECTION 20.67 DWELLING

Any building used in whole or in part as a home, residence or sleeping place, either permanently or temporarily, including mobile homes, one family, two family and multi-family buildings and boarding houses, but not including hotels, motels, tents, recreational vehicles or other unconventional structures.

SECTION 20.68 DWELLING - SINGLE FAMILY DETACHED

A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family or domestic unit only.

SECTION 20.69 DWELLING - MOBILE HOME

A vehicular portable structure built on a permanent chassis which, in accordance with Section 6.03(6) of the National Manufactured Housing and Safety Standards Act of 1974, cannot be removed, and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is or is intended to be attached to the ground, to another structure, or to a utility system on the same premises for more than thirty (30) consecutive days; and which is registered with the State of Michigan, for which a certificate of

title is granted, and, further, is constructed to the minimum standards as required by the Department of Housing and Urban Development.

SECTION 20.70 DWELLING - PRE-MANUFACTURED

Pre-manufactured is an assembly of materials or products intended to comprise all or part of a building or structure, and that is assembled at other than the final location of the unit of the building or structure, by a repetitive process under circumstances intended to insure uniformity of quality and material content. All pre-manufactured units shall be constructed to the minimum construction standards as promulgated by the State of Michigan, State Construction Codes for Pre-Manufactured Units, and shall have a certificate of compliance to those standards affixed to each unit as prescribed by state regulation or, in the alternative, be constructed to the minimum construction codes as adopted by the Township from time to time, prior to placement within the Township unless a pre-manufactured unit meets the definition of a mobile home and is placed within the Township as a mobile home.

SECTION 20.71 DWELLING - MULTIPLE FAMILY

A building used or designed as a residence for three (3) or more families or domestic units living independently of each other.

SECTION 20.72 DWELLING -TWO (2) FAMILY OR DUPLEX

A detached building containing two (2) dwelling units and designed for use by two (2) families or domestic units living independently.

SECTION 20.73 DWELLING - EARTH BERMED

A dwelling where the ground floor area is partly below grade to provide climatic noise or life safety protection, but is so designed not to include any portion of a basement in the floor area calculation.

SECTION 20.74 DWELLING - EARTH SHELTERED

A dwelling where the ground floor is partly below grade to provide climatic noise or life safety protection, but so designed to meet the requirements of the Building Code effective in the Township and may include all or part of a basement in the floor area calculation.

SECTION 20.75 DWELLING UNIT

One (1) or more rooms designed or used as an independent housekeeping establishment for one family or domestic unit and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.

SECTION 20.76 EASEMENT

A grant of a right to use land for specified purposes. It is a non-possessory interest in land granted for limited use purposes.

SECTION 20.77 ERECTED

Includes built, constructed, reconstructed, moved upon, or any other physical operation on the premises required for the building. Excavation, fill, drainage, and the like, shall be considered part of erection.

SECTION 20.78 ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance, by public utilities, municipal departments or commissions, or private public utility contractors, of underground or overhead gas, electrical, steam or water transmissions, or distribution systems, collections, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations, gas regulatory stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare. This definition shall not include

sanitary landfills, recycling centers, or non-public utility transfer stations, or buildings not reasonably necessary to house the forgoing.

SECTION 20.79 FAMILY OR DOMESTIC UNIT

- A.** An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling unit or;
- B.** A collective number of individuals domiciled together in one (1) dwelling place whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

SECTION 20.80 FARM

All contiguous land operated as a single unit on which farming is carried on directly by the owner or his agent or by a tenant farmer. For purposes of this Ordinance, farm uses include:

- A.** The cultivation of the soil for purposes of producing crops therefrom, including orchards.
- B.** The operation of green houses and nurseries.
- C.** The operation of poultry or livestock farms, except the keeping of fur bearing animals or game.
- D.** Equestrian facilities.
- E.** Buildings necessary for the storage or housing of farm implements, products, or animals or otherwise used for the operation of the farm, excluding dwelling units. A farm shall be further defined as ten (10) or more contiguous acres in one ownership, which has been devoted primarily to farm

use. (Parcels of land in one (1) ownership, which are contiguous but which constitute an integral part of a farming operation being conducted on land otherwise qualifying as a farm, shall be considered as one (1) for the purpose of calculating the above acreage.)

- F.** The following uses are, for the purposes of this Ordinance, specifically enumerated as non-farm uses:
 - 1. The keeping of fur bearing animals;
 - 2. Apiaries when not associated with and secondary to another bona fide farming operation;
 - 3. Fish hatcheries;
 - 4. Stockyards, slaughterhouses, and meat processing operations;
 - 5. Milk pasteurization plants when not associated and secondary to a single farming operation;
 - 6. Stone quarries, gravel or sand pits;
 - 7. Stables; and
 - 8. Intensive livestock operations meaning any livestock operation if it involves confined feeding and or production.

SECTION 20.81 FARM - SPECIALIZED

Any tract of land requiring a minimum of twenty (20) contiguous acres used for specialized animal and farm operations such as the keeping of fur bearing animals fish hatcheries, apiaries or intensive livestock operations. Such farms may include related dwellings, customary barns, and similar buildings.

SECTION 20.82 FARM BUILDINGS

Any non-dwelling building or structure on a farm which is essential and customarily used on farms of that type for the purposes of their agricultural activities.

SECTION 20.83 FENCE

Any permanent barrier, partition, or structure erected as a dividing structure or an enclosure, and not part of a structure requiring a building permit. Fence does not include retaining walls.

SECTION 20.84 FILLING

The depositing or dumping of any matter onto, or into the ground, except common household gardening.

SECTION 20.85 FLOOD PLAIN

Those areas which are subject to inundation at a high flood water level in a flood of one (1) percent yearly probability as determined by an engineer or agency designated by the Township Board.

SECTION 20.86 FLOOD HAZARD AREA

That area subject to flooding on the average of once in every hundred years based on information supplied by the U.S. Geological Survey or the Michigan Department of Natural Resources.

SECTION 20.87 FLOOR AREA, NON DWELLINGS

The area of all floors in a building computed by measuring the dimensions of the outside walls of a building, excluding elevator shafts, stairwells, hallways, bulk heads, floor space used for basic utilities such as lavatories, and heating and cooling equipment, mezzanines, attics or portions thereof with headroom of less than seven (7) feet, verandas, porches, patios, carports, parking garages, terraces, atriums, and decks.

SECTION 20.88 FLOOR AREA HABITABLE DWELLINGS

The area of all floors computed by measuring the dimensions of the outside walls of a building, excluding porches, patios, terraces, breezeways, carports, verandas, garages, basements, or portions thereof not meeting Building Code requirements for ingress and egress and attics or portions thereof with headroom of less than seven (7) feet.

SECTION 20.89 GARAGE - PRIVATE

An accessory building or a portion of a main building used primarily for the storage of not more than three (3) vehicles, each for use of the occupants of the premises and not exceeding

seven hundred and sixty-eight (768) square feet in area.

SECTION 20.90 GARAGE - PUBLIC OR COMMERCIAL

Any building not a private garage, used for commercial parking, storing, caring for, renting, servicing, repairing, refinishing, equipping, adjusting for remuneration, hire or sale of any vehicle or for housing more than four (4) motor vehicles.

SECTION 20.91 GARDEN MARKET

Refer to "Farm Market".

SECTION 20.92 GASOLINE SERVICE STATION

See "Automobile Service Station", as defined in this Chapter.

SECTION 20.93 GRADE - AVERAGE GRADE

A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

SECTION 20.94 GREENBELT OR BUFFER STRIP

A planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees, or a mixture of both, spaced not more than twenty (20) feet apart and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart and which grow at least five (5) feet wide and five (5) feet or more in height after three (3) full growing seasons, which shall be planted and maintained in a healthy growing condition by the property owner.

SECTION 20.95 HOME OCCUPATION

Any use customarily conducted entirely within a dwelling unit, accessory building or farm building

and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the property for dwelling purposes and does not change the character thereof. Provided further, that no article or service is sold or offered for sale on the premises, except as such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery or outdoor storage or signs not customary in residential areas.

SECTION 20.96 JUNK YARD, SALVAGE YARD

A place where junk, waste, discarded, salvaged, or salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to wrecked motor vehicles, used building materials and equipment, and other manufactured goods that are worn, deteriorated, or obsolete.

SECTION 20.97 KENNEL

Any place on which five (5) or more dogs, cats, or other household pets, of any combination thereof, four (4) months of age or older are kept, either temporarily or permanently, for any reason other than veterinary medicine, including board, breeding, or sale.

SECTION 20.98 LOT

A plot or parcel of land having a minimum of forty (40) feet of frontage and access upon a public street or approved private street, whether or not the plot or parcel is part of a recorded plat.

SECTION 20.99 LOT AREA

The total area encompassed within the lines of a lot, excluding street or road rights-of-way.

SECTION 20.100 LOT, CORNER

A corner lot shall mean a lot of which the entirety of at least two (2) adjacent sides abut a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

SECTION 20.101 LOT COVERAGE

That area of a lot that is covered by all buildings and structures located thereon. This shall be deemed to include all porches, arbors, decks, breezeways, balconies, patio roofs and any other structure or building, whether open, box type or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, hedges used as fences, or swimming pools.

SECTION 20.102 LOT, INTERIOR

A lot other than a corner lot.

SECTION 20.103 LOT, THROUGH

An interior lot having frontage on two (2) streets.

SECTION 20.104 LOTS - CONTIGUOUS

Lots which are abutting.

SECTION 20.105 LOT LINE, FRONT

Front lot line, in the case of a lot abutting only one (1) street, shall mean the line separating such lot from the street right-of-way; in the case of a through lot or a corner lot, any lot line adjacent to a street right-of-way shall be considered a front lot line.

SECTION 20.106 LOT LINE, REAR - INTERIOR LOTS

That lot line which is opposite and most distant from the front lot line. The rear lot line in any irregular or triangular lot, for the purpose of this Ordinance, shall be a line entirely within the lot, at least ten (10) feet long and generally parallel to and most distant from the front lot line.

SECTION 20.107 LOT LINE, REAR - CORNER LOTS

In the case of residential corner lots, the Zoning Administrator shall, at the time of application for a building permit on the principal building, designate a lot line opposite one (1) of the two (2) front lot lines, which shall thenceforth be considered the rear lot line, and the remaining lot line, also being opposite a front lot line, shall thence forth be considered a side yard line. In

the case of non-residential corner lots, the Planning Commission shall make such determination and designation prior to final site plan approval.

SECTION 20.108 LOT LINE, SIDE

Any lot line not a front lot line nor a rear lot line.

SECTION 20.109 LOT OF RECORD

A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Montcalm County, Michigan, prior to the effective date of this Ordinance; or a tract of land described by metes and bounds which is the subject of a deed or land contract recorded at the Office of the Register of Deeds prior to the effective date of this Ordinance.

SECTION 20.110 LOT WIDTH

The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot lines.

SECTION 20.111 MEZZANINE

An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than fifty (50) percent of the floor area of the story in which the level or levels are located.

SECTION 20.112 MINI-STORAGE RENTAL BUILDINGS OR USES

A building or group of buildings used or intended to be used for the housing of residential or recreational accessory items when leased to an individual or a number of individuals by a single owner. It is not intended nor will it be allowed that commercial or industrial warehousing or storage be permitted, nor shall perishable items, toxic or hazardous chemicals, or agricultural chemicals or supplies be permitted to be stored in mini-storage units. All units shall be completely enclosed, and no dwelling, living, repairs, or work shall be allowed in any of these units.

SECTION 20.113 MOBILE HOME

See "Dwelling--Mobile Home" as defined in this Chapter.

SECTION 20.114 MOBILE HOME PARK

Mobile home park means a parcel or tract of land under the control of a person upon which two (2) or more mobile 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 mobile home and which is not intended for use as a temporary trailer park in accordance with the Mobile Home Commission Public Act 96 of Michigan Public Acts of 1987, as amended

SECTION 20.115 MOBILE HOME SUBDIVISION

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Public Act 288 of Michigan Public Acts of 1967, as amended.

SECTION 20.116 MODULAR HOME

See "Dwelling - Pre-manufactured" as defined in this Chapter.

SECTION 20.117 MOTEL

A building or group of buildings providing transient accommodations with motor vehicle parking contiguous to the building. The term "motel", shall include: drive-in hotel, tourist court, motor hotel, tourist room, motor court, tourist cabin, motor inn, motor lodge, or transient cabin. For the purpose of this Ordinance, "Motel" and "Hotel" are considered synonymous.

SECTION 20.118 NON-CONFORMING CURB CUT OR DRIVEWAY

An existing curb cut or driveway providing access to a lot or parcel from a public or private street which at the time of the effective date of this Ordinance does not meet the minimum spacing and/or design requirements applicable to the district in which it is located.

SECTION 20.119 NON-CONFORMING LOT

A lot existing at the effective date of this Ordinance (and not created for the purpose of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

SECTION 20.120 NON-CONFORMING PROJECT.

Any structure, development, or undertaking that is incomplete at the effective date of this Ordinance and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

SECTION 20.121 NON-CONFORMING SIGN

A sign that does not conform to one or more of the regulations set forth in this Ordinance.

SECTION 20.122 NON-CONFORMING USE

A non-conforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a non-conforming use.) The term also refers to the activity that constitutes that use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a non-conforming use.)

SECTION 20.123 NON-CONFORMING SITUATION

A situation that occurs when, on the effective date of this Ordinance, an existing lot, structure, or curb cut, or use of an existing lot or structure or curb cut, does not conform to one or more of the regulations applicable to the district in which the lot, curb cut, or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this

Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance.

SECTION 20.124 NURSERY (PLANT MATERIAL)

A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables or Christmas trees.

SECTION 20.125 OCCUPIED

Arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

SECTION 20.126 OPEN AIR BUSINESS

Includes uses operated for profit substantially in the open air including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Outdoor recreational establishments consisting of uses for activities such as tennis courts, archery ranges, shuffleboard and horseshoe courts, raffle ranges, miniature golf, golf driving ranges, amusement parks, or similar recreational uses (transient or permanent).

SECTION 20.127 PARKING AREA

An off-street open area for the parking of motor vehicles for a fee or as an accommodation for clients, customers, residents, visitors, occupants, or the general public. Parking areas

shall include access drives within the actual parking area.

SECTION 20.128 PERSON

A legal entity or individual human being, including a firm, association, copartnership, partnership, corporation, society, or organization.

SECTION 20.119 POND

An outdoor body of standing water, accumulated in an artificially constructed basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water in a depth of greater than two (2) feet when filled to capacity.

SECTION 20.130 PORCH - ENCLOSED

A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

SECTION 20.131 PORCH - OPEN

A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

SECTION 20.132 PRIMARY COUNTY ROAD

A main traffic artery as designated by the Montcalm County Road Commission.

SECTION 20.133 PRINCIPAL USE

The primary use to which the premises is devoted.

SECTION 20.134 PUBLIC UTILITY

Any person, firm, corporation, or governmental department, board, or commission duly authorized under township, state, or federal regulations to furnish electricity, gas, steam, communications, transportation, water, wastewater removal, or similar essential

services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals shall not be considered a Public Utility.

SECTION 20.135 RECREATION CENTER

Either buildings or facilities, or both, owned by either a profit or non-profit corporation, association, or person, which are available for use by the general public or on a membership basis. Uses and activities shall include only the following: theaters; exercise facilities; court games such as tennis, paddle ball, handball, and volleyball; bowling alleys; archery; golf driving ranges; ice arenas; pool and billiards; ping pong; swimming pools; roller skating rinks; and restaurants and taverns when designed as an integral part of the facility and incidental to one (1) or more of the other permitted uses.

SECTION 20.136 RECREATION VEHICLE

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

SECTION 20.137 RECREATION VEHICLE PARK

Includes a Campground as regulated in Public Act 368 of 1978, as amended and a Seasonal Mobile Home Park as regulated in Public Act 96 of 1987, as amended, and the provisions of this Ordinance.

SECTION 20.138 RESTAURANT

A public eating place where food is prepared and sold for immediate consumption.

SECTION 20.139 ROADSIDE STAND

A facility incidental to a farm for the seasonal sale of farm produce grown or raised within Douglass Township by the owner or proprietor of the Roadside Stand.

SECTION 20.140 SIGNS

A sign shall mean any structure, as hereinafter further specifically defined, which generally

attempts to convey information or advertising to the general public.

- A. Billboard (advertising sign).** Any sign advertising a business, service, or entertainment which is not conducted on the land upon which the sign is located or parcels or products not primarily sold, manufactured, processed, or fabricated on such land.
- B. Business Sign.** Any sign advertising a business, service, or entertainment conducted on the land where the structure is located or products primarily sold, manufactured, processed, or fabricated on such land.
- C. Freestanding Sign.** A sign supported on poles or pylons and not attached to a wall or building.
- D. Ground Mounted Sign.** A sign resting on or attached directly to the ground and not attached to a wall or building.
- E. Identifying Sign.** Any structure on the same premises it identifies which serves:
 - 1. Only to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution;
 - 2. Only to tell the name or address of an apartment house, hotel, motel, mobile home park, or subdivision; or
 - 3. Only to inform the public as to the use of a parking lot.
- F. Nameplate.** A structure affixed flat against the wall of a building which serves solely to designate the name and profession or business occupation of a person or persons occupying the building.
- G. Permanent Sign.** A sign or advertising display of a permanent nature which is attached to, mounted on, or supported by any building, structure, post, framework, stake, or other means of support which is not readily movable or portable, and which sign is of such nature as to be maintained in one position or location.
- H. Political Sign.** A temporary sign used solely for the purpose of displaying the name, party, or other related information of

political candidates running for office in primary or general elections or issues placed upon a ballot to be voted upon in a primary or general elections or issues placed upon a ballot to be voted upon in a primary or general election.

- I. Portable Sign.** A sign painted on or in any manner affixed to a supporting structure which is not permanently attached to the ground or another stationary structure.
- J. Real Estate Sign.** Any temporary structure used only to advertise, with pertinent information, the sale, rental, or leasing of the premises upon which it is located.
- K. Signs.** Any device, stationary or portable, permanent or temporary, whether open or closed, having a display area. It shall include such devices, whether supported completely or partially, in or upon the ground surface or in or upon any other structure, or painted, adhered to, or otherwise secured on any other structure, which device is used or intended for use in advertising, display, or publicity purposes. The term "sign" as used in this Ordinance, means permanent, temporary, and portable signs except where the language of this Ordinance specifically mentions a specific type of sign.
- L. Sign Structure.** The supports, uprights, and bracing and framework for the sign. In the case of a sign structure consisting of two (2) or more facings, where the angle formed between the reverse side of each facing (or the projection thereof) exceeds forty-five degrees (45°), each facing shall be considered a separate sign structure and separate sign surface.
- M. Sign Surface.** The entire area within a single continuous perimeter enclosing all elements of the sign which forms an integral part of the display. As indicated above, if two (2) or more facings create an angle exceeding forty-five degrees (45°), each such sign facing shall constitute a separate sign surface.
- N. Temporary Sign.** A display sign, banner, or other advertising device constructed of

cloth, canvas, fabric, or other temporary material, with or without a structural frame, intended for a limited period of display, and shall include decorative displays for holidays and public demonstrations.

- O. **Wall Sign.** A sign painted or attached directly to the exterior wall of a building or a permanently attached awning or canopy.

SECTION 20.141 SETBACK

See "Building Setback" as defined in this Chapter.

SECTION 20.142 SITE PLAN

A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, structures, parking, loading facilities, streets, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by Chapter Thirteen of this Ordinance.

SECTION 20.143 SOIL REMOVAL

Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

SECTION 20.144 SPECIAL USE

A special procedure wherein certain uses may be permitted after review when the effect of such uses on adjoining lands and the general welfare of the Township may require special consideration and often also conditional regulations to insure compatibility and proper development in accordance with the intent of this Ordinance.

SECTION 20.145 SPECIFIED ANATOMICAL AREA

This shall refer to the following:

- A. Less than completely and opaquely covered:
 - 1. Human genitals, pubic region or pubic hair; or
 - 2. Perineum, buttock or anus; or

- 3. Female breast below a point immediately above the top of the areola.

- B. Human male genitals in a discernible erect or turgid state, even if completely and opaquely covered.

SECTION 20.146 SPECIFIED SEXUAL ACTIVITIES

This shall refer to the following:

- A. Human genitals in a discernible state of sexual stimulation or arousal.
- B. Acts or representations of human masturbation, sexual intercourse, sodomy, or bestiality, excretory functions, sadism,, masochism, lewd exhibition of genitals.
- C. Fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus or female breast.

SECTION 20.147 STABLE - PRIVATE

A building or group of buildings used or to be used for the housing of horses or other domestic animals owned by an individual for the use of himself and his immediate family. A minimum of five (5) acres is required for a private stable. In order to maintain a private stable, the owner of the property must have five (5) acres for the first horse and an additional one (1) acre for each horse or other domestic animal owned thereafter. In order to house more than fifteen (15) horses or other domestic animals, the owner must comply with all requirements for a public stable. Domestic animals include but are not limited to horses, goats, cows, pigs, or other similarly domesticated farm animals, excluding dogs and cats which can be regulated as a kennel.

SECTION 20.148 STABLE - PUBLIC

A building used for housing horses or other domestic animals for commercial enterprise.

SECTION 20.149 STORY

That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no

floor above it, then the space between the floor and the ceiling next above it.

- A. A "Mezzanine" shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or, if the vertical distance from floor next below it to the floor next above it is twenty-four (24) feet or more.
- B. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or, if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building including the family of the same.

SECTION 20.150 STORY - HALF

The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story.

SECTION 20.151 STREET

- A. **Public Street.** A publicly controlled right-of-way which affords the principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare.
- B. **Private Street.** A privately owned and maintained permanent, unobstructed easement which provides direct access to more than one (1) legally described parcel and for which a permit has been issued in accordance with this Ordinance.

SECTION 20.152 STREET RIGHT-OF-WAY

A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated for public use or reserved as an approved private street.

SECTION 20.153 STRUCTURE

Any constructed, erected, or placed materials or combination of materials with a fixed location

above, on, or below the ground, or attachment to something having such location, including buildings, signs, billboards, light posts, utility poles, radio and television antennas, swimming pools, gazebos, tennis courts, sheds, and storage bins; but excluding fences, sidewalks, driveways, and streets.

SECTION 20.154 SWIMMING POOL

An artificially constructed basin for the holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than two (2) feet of water.

SECTION 20.155 THEATER

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

SECTION 20.156 USE

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

SECTION 20.157 USE - ACCESSORY

A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises. (See USE - PRINCIPAL)

SECTION 20.158 USE - PERMITTED BY RIGHT

A use or uses which, by their very nature, are allowed within the specified Zoning District, provided all applicable regulations of Douglass Township are met. Permitted use includes the principal use of the land or structure, as well as accessory uses unless specifically stated to the contrary.

SECTION 20.159 USE - PRINCIPAL

The primary purpose for which land or a structure or building is used.

SECTION 20.160 USE - TEMPORARY

A use or activity which is permitted only for a limited time and subject to specific regulations and permitting procedures.

SECTION 20.161 WASTE DUMPSTER

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

SECTION 20.162 YARD

An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves, provided that an eight (8) foot height clearance is provided above the adjacent ground level.

SECTION 20.163 YARD - FRONT

A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

SECTION 20.164 YARD - REAR

A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line, and the nearest line of the main building.

SECTION 20.165 YARD - SIDE

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

SECTION 20.166 ZONE

See "District" as defined in this Chapter.

SECTION 20.167 ZONING BOARD

The Zoning Board of Douglass Township. As used herein, the term Zoning Board is intended to be synonymous with "Planning Commission".

SECTION 20.168 ZONING PERMITS

See "Certificate of Zoning Compliance" as defined in this Chapter.

CHAPTER TWENTY-ONE

PENALTIES

SECTION 21.01 VIOLATION & PENALTIES

Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this ordinance is hereby declared to be a nuisance, per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, or the Township Board issued in pursuance of this ordinance shall be a violation of this ordinance. Any such violation is hereby declared to be a nuisance, per se. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$150.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, attorney's fees, and expenses. For purposes of this Section, "subsequent offense" means a violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense.

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

SECTION 20.02 VIOLATION DECLARED NUISANCES

Any building or structure erected, altered, enlarged, rebuilt, or moved, or any use carried on in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any court of competent jurisdiction may order such nuisance abated and the owner guilty of maintaining a nuisance per se.

SECTION 20.03 PROCEDURE

The Township Board, the Board of Appeals, the duly authorized Attorney for the Township, the Prosecuting Attorney for Montcalm County, or any owners or occupants of any real estate within the Township may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

CHAPTER TWENTY-TWO
MISCELLANEOUS PROVISIONS

SECTION 22.01 SEVERABILITY

The provisions of this Ordinance are severable and it is the intention of the Douglass Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Board that this Ordinance would have been adopted had such unconstitutional provisions not been included therein.

SECTION 22.02 CODIFICATION

It is the intention of the Township Board that the provisions of this Ordinance shall become and be made a part of a Douglass Township Development Code; and that sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be corrected by the Township Board without need of public hearing by filing a corrected or codified copy of same with the Township Clerk and publishing such changes in a newspaper of general distribution within the Township within fifteen (15) days of such authorization.

SECTION 22.03 ADMINISTRATIVE LIABILITY

No officer, agent, employee, or member of the Planning Commission, Township Board, or Board of Appeals shall render himself personally

liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

SECTION 22.04 REPEAL

The former Zoning Ordinance of the Township, effective, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder. All other ordinances and parts of ordinances, or amendments thereto, of Douglass Township in conflict with the provisions of this Ordinance, except those ordinances and parts of ordinances or amendments thereto which are more restrictive than this Ordinance, are hereby repealed.

SECTION 22.05 EFFECTIVE DATE

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Douglass, Montcalm County, Michigan at a meeting held thereof, duly called and held on the ____ day of _____, in order to be given publication in the manner prescribed by law and shall be given immediate effect.

