

**CHAPTER 380
ZONING
ORDINANCE No. 75**

**BLUE LAKE TOWNSHIP,
MUSKEGON COUNTY,
MICHIGAN**

Adopted February 10, 2020

Chapter 380 – Zoning

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Chapter 380

ZONING

ARTICLE I

Title, Purpose, Scope, and Legal Basis

§ 380-1. Title.

This Chapter shall be known and may be cited as the “Blue Lake Township Zoning Ordinance,” as based upon the Blue Lake Township Master Plan.

§ 380-2. Purpose.

This Chapter is established for the following purposes.

- A. Promote and protect the public health, safety, and general welfare.
- B. Protect the stability of natural resources, and promote viable, orderly, and beneficial Developments within the Township.
- C. Provide adequate light, air, privacy, and convenience of safe access to property.
- D. Regulate the intensity of Use of land and Lot Areas and determine the area of Open Spaces surrounding Buildings and Structures necessary to provide adequate space and to protect the public health.
- E. Lessen and avoid congestion on all accessible Streets and roads.
- F. Prevent the overcrowding of land and undue concentration of Buildings and Structures, so far as possible and appropriate, in each Development by regulating the Use and bulk of Buildings in relation to the land surrounding them.
- G. Protect the environment and conserve the expenditure of funds for public improvements and services.
- H. Conserve lands, waters, and other natural resources for their most suitable purposes.
- I. Reduce hazards to life and property from Flooding or pollution of air and water.
- J. Secure safety from fire and other dangers.
- K. Facilitate Development of recreational and like educational public services; ensure appropriate locations and relationships of land Uses; ensure proper Development of housing and maintenance facilities; and enhance the social and economic stability of the Township.

§ 380-3. Scope.

Zoning effects all Structures, Buildings, activities, and land Uses within the Township. All Buildings, Structures, and Uses are also subject to this Chapter.

§ 380-4. Legal basis.

This Chapter is enacted pursuant to the State of Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

§ 380-5. Repeal.

The prior Zoning Ordinance, as amended, is repealed effective coincident with the effective date of this Code of Ordinances. The repeal of the prior Zoning Ordinance shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under it; the prior Zoning Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of any penalty, forfeiture, or liability.

Conditions that have been attached to land, Buildings, Structures, and Uses resulting from actions under the prior Zoning Ordinance shall remain in effect unless specifically waived by this Chapter, or through proper amendment, subject to the requirements of this Chapter.

§ 380-6. Conflicts with other laws.

The provisions of this Chapter are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large.

If there are found to be differences between the meaning or implication of any drawing, table, figure, title, or section heading, the text of this Chapter shall apply.

This Chapter shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed, or other laws, ordinances, or regulations, except those repealed herein by specific reference, or private restrictions placed upon property by covenant, deed or other private agreement, or restrictive covenants running with the land to which the Township Board is a party.

Conflict or Inconsistency:

- A. *Internal:* Unless otherwise specifically stated within this Chapter, if two or more provisions are in conflict or are inconsistent with one another, then the most restrictive provision shall apply.
- B. *Local Regulations:* Where this Chapter imposes greater restrictions, limitations, or requirements upon the Use of Buildings, Structures, activities, or land; the Height of Buildings or Structures; Lot Coverage; Lot Areas; Yards or other Open Spaces; or any other Use or utilization of land than are imposed or required by other existing laws

ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Chapter shall control.

- C. *Federal and state regulations:* Whenever a provision of this Chapter imposes a greater restriction or a higher standard than is required by any state or federal code or regulation, county or Township ordinance or regulation, the provision of this Chapter shall apply. Whenever a provision of any state or federal code or regulation, county or Township ordinance or regulation imposes a greater restriction or a higher standard than is required by this Chapter, the provision of the state or federal code or regulation, county or Township ordinance or regulation shall apply.
- D. *Private restrictions:* Whenever a private covenant, contract, commitment, agreement, or other similar private land Use regulation imposes a greater restriction or a higher standard than is required by a provision of this Chapter, the Township is not obligated to enforce the provisions of such private covenant, contract, commitment, agreement, or other similar regulation to which the Township is not a party.
- E. *State law amendments:* Whenever codes cited in this Chapter refer to Michigan law that has been amended or superseded, this Chapter shall be deemed automatically amended in reference to the new or revised code.

ARTICLE II Rules of Construction and Definitions

§ 380-7. Rules applying to text.

If the meaning of a provision of this Chapter is unclear in a particular circumstance, then the individual or body charged with interpreting or applying this Chapter shall construe the provision to carry out the intent of this Chapter, if the intent can be discerned from other provisions of this Chapter or law.

- A. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- B. Words or terms not herein defined shall have the meaning ordinary and customarily assigned to them.
- C. The particular shall control the general. For terms used in this Chapter, the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a “drug store,” as used in this Chapter, shall not be interpreted to be the same as a “Retail Store,” since each is listed as a separate and distinct use.
- 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 includes the singular, unless the context clearly indicates the contrary.
- E. A “Building” or “Structure” also includes any part thereof.

- F. The word “person” includes an individual, a firm, a corporation, a partnership, a limited liability company or corporation, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.
- G. Unless the context clearly indicates to the contrary, the conjunctions noted below shall be interpreted as follows.
 - (1) “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - (2) “Or” indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - (3) “Either ... or” indicates that the connection items, conditions, provisions, or events shall apply singularly but not in combination.
- H. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

§ 380-8. Definitions.

ABANDONMENT – The surrender, relinquishment, or cession of activity on a property that includes both the intention to Abandon and the effect of Abandonment that may include, but is not necessarily limited to, cessation of business activity, lack of physical occupancy, lack of property maintenance or utility service, removal of Structures, failure to pay taxes, etc.

ABUTTING (Lot or parcel) – A Lot or parcel which shares a common border with the subject Lot or parcel.

ACCESS MANAGEMENT –A technique to improve traffic operations and safety along a Major Street through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to and across from one another; and the promotion of alternatives to direct access.

- A. *Alternative Access* – A means of access that is not directly to a Street, including Frontage Streets, rear access Streets, and access to existing or proposed Streets.
- B. *Cross Access* – A method whereby access to property crosses one or more Contiguous or adjacent properties. These may include driveway or Parking Lot connections with cross Easements.
- C. *Shared Access* – A method whereby adjoining property owners share a common access to a Street. These accesses are generally located at the common property line but may be located entirely on one property with access to another property by Easement or other access agreement.

ACCESSORY APARTMENT – Residential apartment units or Dwellings above the first floor of a residence or residential Buildings.

ACCESSORY BUILDING – Except as otherwise specified by this Chapter, a Building or portion of a Building supplementary and/or subordinate to a Main Building on the same Lot Occupied by, Used, or devoted exclusively for an Accessory Use. When an Accessory Building is attached to a Main Building in a substantial manner, such as a wall or roof, the Accessory Building shall be considered a part of the Main Building. The Accessory Building can only be Used for an Accessory Use.

ACCESSORY USE – A Use naturally and normally incidental and subordinate to, and devoted exclusively to, the main Use of the land or Building.

ADULT USES OR ADULT-ORIENTED BUSINESSES – Any Use of land, whether vacant or combined with Structures or vehicles thereon, by which the property is devoted to displaying or exhibiting Material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting “specified sexual activities” or “Specified Anatomical Areas.” The term shall include the following:

- A. *Adult Cabaret* means a nightclub, Restaurant, or other establishment which Regularly features or displays:
 - (1) Live performances, displays, or dancing predominantly characterized by an emphasis on the exposure of any Specified Anatomical Area or by any Specified Sexual Activity; or
 - (2) Films, motion pictures, video cassettes, DVD’s, slides, computer displays, other photographic reproductions or other visual media predominantly characterized by an emphasis on the depiction or description of any Specified Sexual Activity or any Specified Anatomical Area.

- B. *Adult Merchandise Store* means an establishment that emphasizes Merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any Specified Sexual Activity or any Specified Anatomical Area. An establishment emphasizes Merchandise that is predominantly distinguished by its “emphasis on matter depicting, describing, or relating to any Specified Sexual Activity or any Specified Anatomical Area,” if any one or more of the following applies to the establishment:
 - (1) 25% or more of the establishment’s retail display space (excluding bathrooms, office areas, fitting rooms eating areas, storage areas, closets, or other nonpublic areas) is Used for the sale of Merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any Specified Sexual Activity or any Specified Anatomical Area.
 - (2) 25% or more of the establishment’s visible inventory is comprised of Merchandise that is predominantly distinguished or characterized by its emphasis on matter

depicting, describing or relating to any Specified Sexual Activity or any Specified Anatomical Area.

- (3) 25% or more of the establishment's gross revenues are generated by the sale or rental of Merchandise that is predominantly distinguished or characterized by its emphasis on matter depicting, describing or relating to any Specified Sexual Activity or any Specified Anatomical Area.
- (4) The establishment is Operated consistently with its being an Adult-Oriented Business (e.g., advertising is directed to an "adult only" market; the establishment self-imposes, or imposes consistent with state or federal law, prohibitions on minors being present in the establishment, etc.).

C. *Adult Motel* means a Hotel, Motel or similar establishment that:

- (1) Offers accommodation to the public for any form of consideration and provides Patrons with close-circuit television (as distinguished from Commercial cable services), transmissions, films, motion pictures, video cassettes, DVD's, slides, computer displays, other photographic reproductions or visual media that are characterized by an emphasis on the depiction or description of any Specified Sexual Activity or any Specified Anatomical Area; or
- (2) Offers a sleeping room for rent, or allows a tenant or occupant of a sleeping room to sub-rent the room, for a period of time that is less than 10 hours, if the rental of such rooms accounts for more than 10% of the establishment's gross revenues.

D. *Adult-Oriented Business* means a business or Commercial establishment engaging in one or more of the following enterprises, Uses, or activities: (a) Adult Cabaret; (b) Adult Merchandise store; (c) Adult Motel; (d) Adult Theater; (e) Escort Agency; (t) Nude or Semi-Nude Model Studio; or (g) Sexual Encounter Center.

E. *Adult Theater* means a theater, concert hall, auditorium, or similar establishment which Regularly features live performances predominantly characterized by an emphasis on the exposure of any Specified Anatomical Area or by any Specified Sexual Activity or which Regularly or primarily shows films, motion pictures, video cassettes, DVD's, slides, predominantly characterized by an emphasis on the depiction or description of any specifies sexual activity or any Specified Anatomical Area. This definition includes, without limitation, establishments which offer individual viewing booths.

F. *Employee* means a person who performs any service for any consideration on the premises of an Adult-Oriented Business on a full-time, part-time or contract basis, whether or not the person is treated as an Employee, independent contractor agent, or otherwise, and whether or not the person is paid a salary, wage, or other compensation by the Operator of the Adult-Oriented Business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

- G. *Escort* means a person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. *Escort Agency* means a person or entity which furnishes, offers to furnish, or advertises to furnish Escorts as one of its primary business purposes for a fee, tip or other consideration. An Escort Agency is deemed to be Operated in the location where (a) a request for an Escort is received, or (b) the Escort and the person requesting the Escort are together.
- I. *Material* means anything tangible, whether through the medium of reading, observation, viewing, sound, or in any other manner, including, but not limited to, anything printed, or written, any book, magazine, picture, photograph, video tape, video disk, DVD, film, computer display, transparency, slide, audiotape, audio disk, computer tape, holographic images, or any other medium used to electronically produce or reproduce images, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make content of Material apparent. This definition is intended to include Material which is the product of any technology, whether that technology is available on the effective date of the ordinance that added this definition or becomes available after that date.
- J. *Merchandise* means Material, products, and Novelties.
- K. *Novelty* means any instrument, device, or paraphernalia which depicts or describes any specific anatomical area or any specific sexual act, or which is designed for Use, or commonly Used, in connection with specific sexual activities, excluding condoms and other birth control and disease prevention products.
- L. *Nude, Nudity, or State of Nudity* means the knowing or intentional live display of a human genital organ or anus with less than a fully opaque covering or a female's breast with less than a fully opaque covering of the nipple and areola. Nudity, as used in this section does not include a woman's breastfeeding of baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- M. *Nude or Semi-Nude Model Studio* means any place where a person who displays any Specified Anatomical Area is provided to be observed, by any other person who pays money or any form of consideration, but does not include the following:
- (1) An educational institution funded, chartered, or recognized by the State of Michigan; or
 - (2) Any modeling session for a local, nonprofit organization, that is not open to the public or to any persons other than members of the organization, that is for the purpose of instruction in the artistic depiction in two-dimensional or three-dimensional media of the human form, during which no specified sexual activities occur and during which the model remains in a fixed pose.

- N. *Operate or Cause to Operate* shall mean to cause to function or to put or keep in a state of doing business. Operator means any person on the premises of an Adult-Oriented Business who exercises overall operational control of the business or a part of business, who can open or close the business to the public, or who causes to function or who puts or keeps the business open or in operation. A person may be found to be operating or causing to be Operated an Adult-Oriented Business regardless of whether that person is an owner or part owner of the business.
- O. *Patron* means a customer of the Adult-Oriented Business or a person from the general public, not an “Employee” of the business, who is on the premises to obtain, receive, or view the products, services, or performances offered by the business.
- P. *Regularly* means recurring, attending, or functioning at fixed or uniform intervals.
- Q. *Semi-Nudity or Semi-Nude or in a Semi-Nude Condition* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited in a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
- R. *Sexual Encounter Center* means an establishment, except that which is part of the practice of and under the supervision and control of a physician, psychologist, or psychiatrist licensed to practice in Michigan, that offers:
- (1) Activities between male and female persons and/or persons of the same sex when one or more of the persons exposes or displays any Specified Anatomical Area; or
 - (2) The matching and/or exchanging of persons for any specified sexual activities.
- S. *Specified Anatomical Area* means any or more of the following:
- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast at or below the top of the areola; or
 - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- T. *Specified Sexual Activity* means any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or
 - (2) A sex act, actual or simulated, including intercourse, oral copulation, or sodomy; or
 - (3) Masturbation, actual or simulated; or

- (4) Excretory functions as part of or in connection with any of activities set forth in (1), (2), or (3) above.

AGRICULTURE – The Use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

ALLEY – A public way or right-of-way not more than 30 feet in width that affords a secondary means of access to Abutting property but not being intended for general traffic circulation.

ALTERATIONS – Any change, addition or modification to and in the construction or type of Use of occupancy; any change in the supporting structural members of a Building, such as walls, partitions, columns, beams, roofs, girders, or any change that may be referred to herein as “Altered” or “reconstructed.”

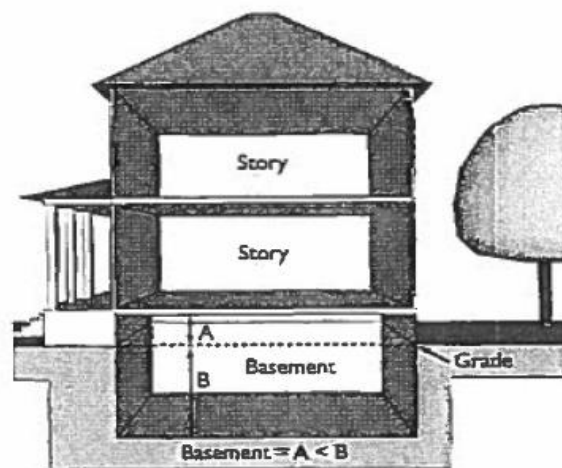
APPEAL – A request for a hearing or review of facts in connection with the administration of this Chapter as provided by Public Act 110 of 2006 as amended.

ARCADE – Any place of business or establishment containing more than three amusement devices.

ARCHITECTURAL FEATURES – Architectural Features of a Building include but are not limited to cornices, eaves, gutters, parapets, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

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 prior to Fill or grading.

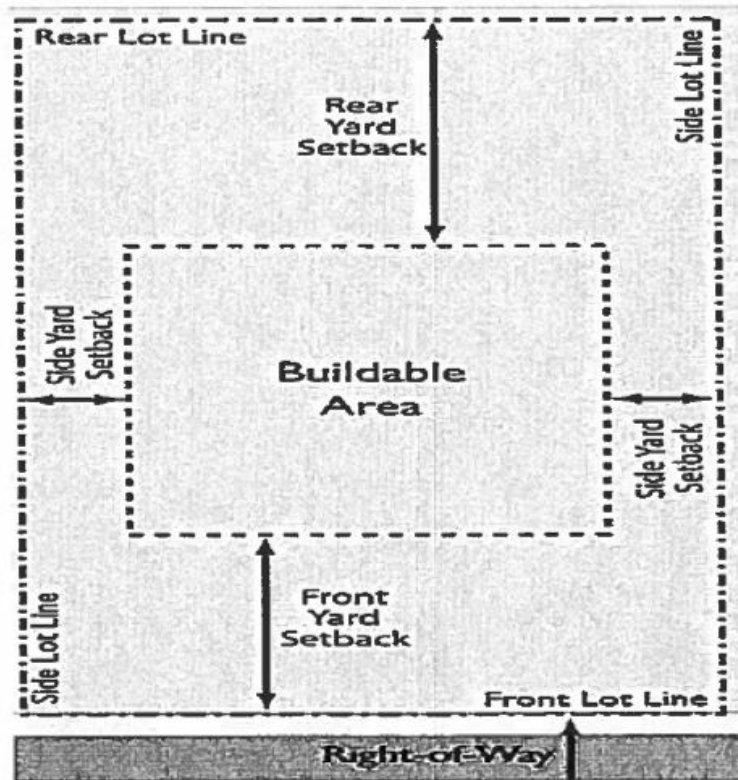
BASEMENT OR CELLAR – A portion of a Building having more than one-half of its Height below grade. (See graphic.)



BED AND BREAKFAST ESTABLISHMENT – A Use within a detached single Dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

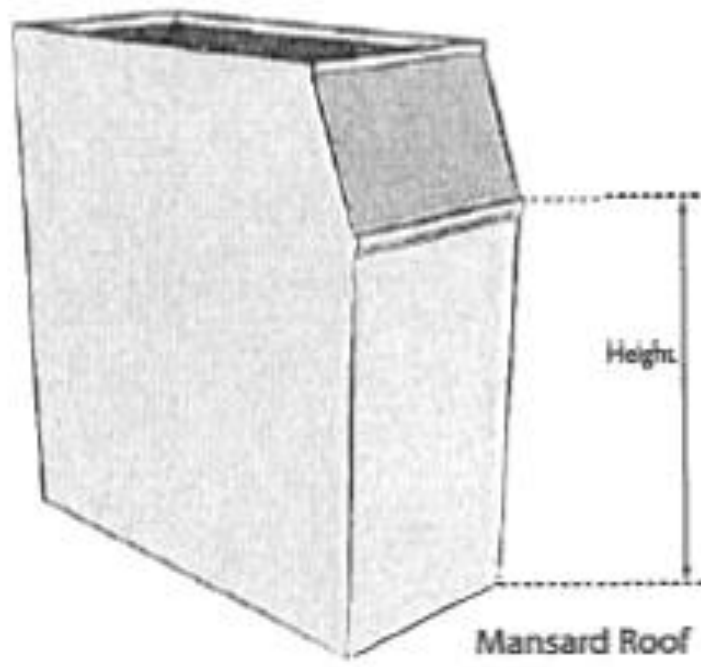
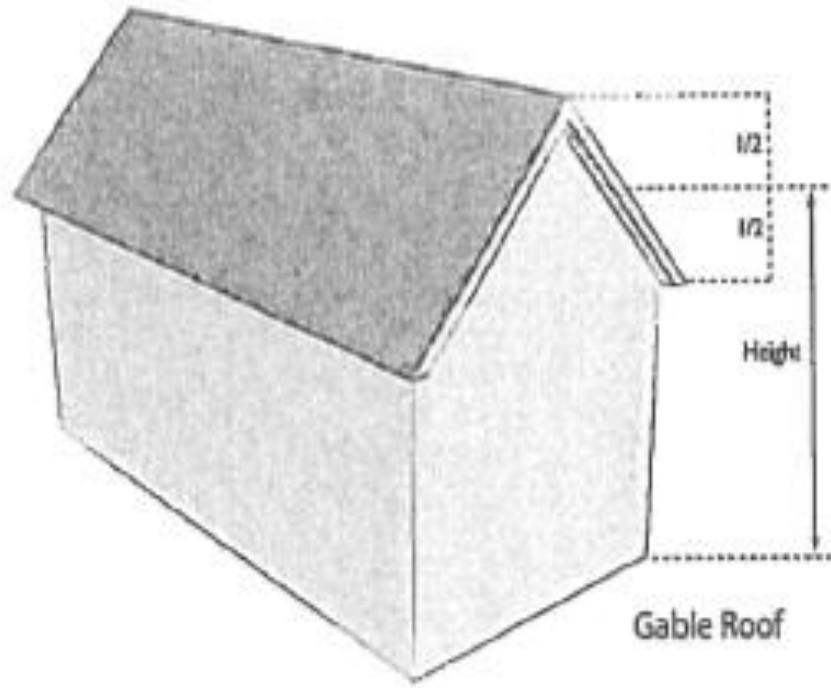
BERM – A mound of soil less than three feet in height, graded, shaped and improved with Landscaping in such a fashion as to be utilized for Screening purposes.

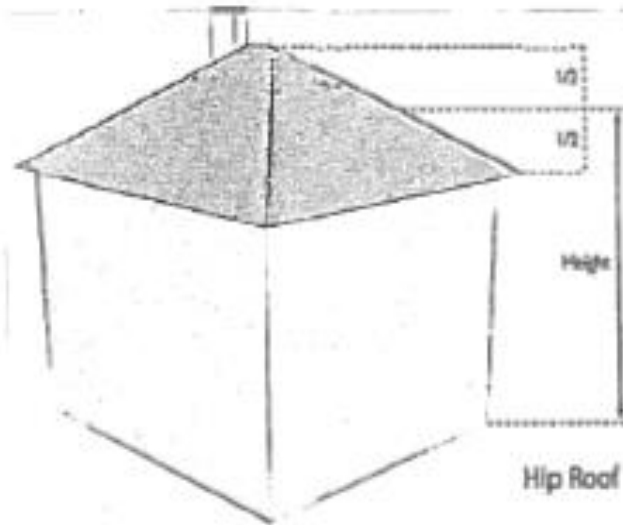
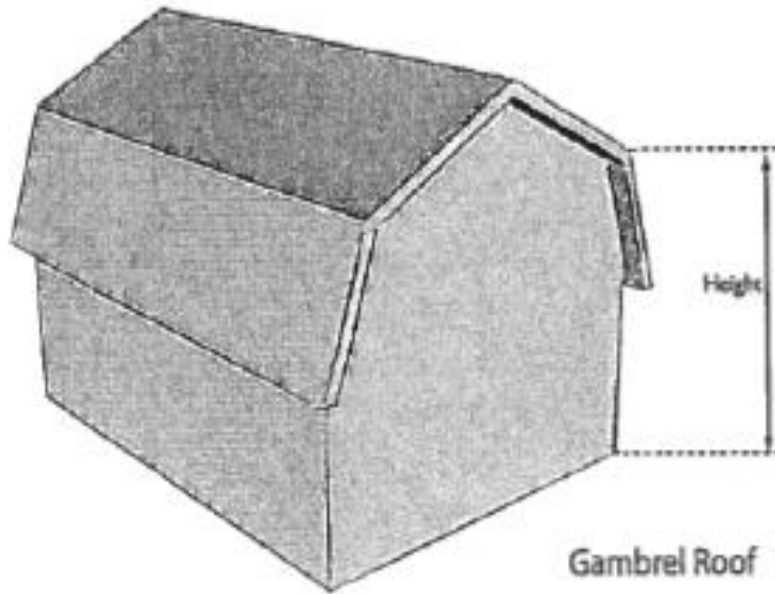
BUILDABLE AREA – The Buildable Area of a Lot is the space remaining after the minimum set back and Open Space requirements of this Chapter have been met. (See graphic.)



BUILDING – An independent Structure, either temporary or permanent, having a roof or canopy supported by columns, poles, posts, walls, or any other support Used for the enclosure, covering, protection, or storage of persons, animals, objects, vehicles, or chattels, or carrying on business activities or other Uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of the Building shall be deemed a separate Building.

BUILDING HEIGHT – The Building Height is the vertical distance measured from the natural grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the height shall be measured at the Average Grade. (See graphics.)





BUILDING, MAIN – A Building in which is conducted the main Use and/or principal residential Dwelling on the Lot on which it is situated.

BUILDING-MOUNTED SOLAR ENERGY COLLECTOR – A Solar Energy Collector attached to the roof or wall of a Building, or which serves as the roof, wall, or other element in whole or in part of a Building. It also includes Building-integrated photovoltaic systems (BIPV).

CANOPY, TREE – A deciduous tree whose mature height and branch Structure provide foliage primarily on the upper half of the tree. The purpose of a Canopy Tree is to provide shade to adjacent ground areas.

CARPORT – An open covered motor vehicle parking Structure accessory to a Main Building. It may be free standing or attached to another Structure, and may be permanent or temporary.

CLINIC – A Building or group of Buildings where human patients are admitted for examination and treatment by more than one health care professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

CLUB – An organization or association of persons for special purposes or for the promulgation of sports, arts, sciences, literature, hobbies, politics, or the like, but not operated for profit.

COMMERCIAL – This term relates to the Use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement. Business or “for profit” activities generally connote Commercial.

COMMON AREA – The part of a Development in which all members have an ownership interest, including but not limited to Streets, Alleys, walkways, maintenance facility and Open Space.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water or a combination of land and water designed and intended for the Use or enjoyment of the residents of the Development or of the general public.

CONDOMINIUM ACT – Public Act 59 of the Michigan Public Acts of 1978, as amended

CONDOMINIUM PROJECT, SITE – A division or Development of land on the basis of condominium ownership in accordance with the Condominium Act, that is not subject to the provisions of the Land Division Act (P.A. 288 of 1967, as amended), and within which the individual Condominium Units resemble Lots.

CONDOMINIUM UNIT – That portion of the condominium project designed and intended for separate ownership and Use, as described in the Master Deed of a condominium project.

CONSERVATION EASEMENT – A non-possessory, generally permanent interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or Open Space values of real property; assuring its availability for Landscaping, forest, recreational or Open Space values of real property; assuring its availability for Agricultural, forest, recreation or Open Space Use; protecting natural resources; or maintaining air or water.

CONTIGUOUS – Land, units, Lots and Districts situated so all acreage and/or land is touching, meeting, joining and/or adjoining.

CONVALESCENT OR NURSING HOME – A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. The Convalescent or Nursing Home shall conform to, and qualify for, license under applicable state law.

CUL-DE-SAC – A dead end Public or Private Street, generally short in distance, which terminates in a circular or semi-circular section of Street which allows for vehicle turnaround.

DAY CARE

Day Care: Facility receiving minor children or adults for care for periods of less than 24 hours in a day. Child care and supervision provided as an Accessory Use, while parents are engaged or involved in the main Use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation shall not be considered a Day Care Center.

- A. *Day Care Home, Family* – A Single Family residence, Occupied as such, in which care is provided for more than one but less than seven minor children or adults for periods of less than 24 hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the Family occupying the Dwelling is excluded from this definition.
- B. *Day Care Home, Group* – A Single Family residence, Occupied as such, in which care is provided for at least seven but not more than 12 minor children or adults for periods of less than 24 hours per day unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the Family occupying the Dwelling is excluded from this definition.
- C. *Day Care Center, Commercial* – A nonresidential facility where care is provided for any number of children or adults for periods of less than 24 hours per day, for more than two weeks in any calendar year. Child care and supervision provided as an Accessory Use, while parents are engaged or involved in the main Use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered a Commercial Day Care.

DECELERATION LANE – An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

DECK – An unroofed Structure Used for outdoor living purposes that may or may not be attached to a Building and that protrudes more than four inches above the finished grade.

DEED RESTRICTION – A restriction on the Use of a Lot or parcel of land that is set forth in the deed (or equivalent document) and recorded with the Muskegon County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

DENSITY – As applied in this Chapter, the number of Dwelling Units situated on or to be developed on a minimum acreage of land.

DISTRICT – A Zoning District pursuant to this Chapter.

DRIVE-IN OR DRIVE-THROUGH FACILITIES – A Commercial or other establishment whose character is significantly dependent on providing a driveway approach and service windows or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

DRIVEWAY, PRIVATE – An improved or unimproved path or Street extending from a public right-of-way or Private Street Easement to a single Building, Dwelling, or Structure, intended to provide ingress and egress primarily for occupants thereof. A driveway is located entirely within one Lot.

DWELLING AND/OR DWELLING UNIT – A Dwelling Unit is any Building or portion thereof having cooking facilities, that is Occupied wholly as the home, residence or sleeping place of one Family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, Tent, or portable Building be considered a Dwelling. In case of mixed occupancy, where a Building is Occupied in part as a Dwelling Unit, the part so Occupied shall be deemed to be a Dwelling Unit for the purpose of this Chapter and shall comply with the provisions thereof relative to Dwellings.

- A. *Dwelling, Multiple Family* – A Building or portion thereof, Used or designed for Use as a residence for three or more families living independently of each other and each doing their own cooking in the Building. This definition includes three Family Buildings, four Family Buildings, and apartment houses.
- B. *Dwelling, Two Family* – A detached Building Used or designed for Use exclusively by two families living independently of each other and each doing their own cooking in the Building. It may also be termed a duplex.
- C. *Dwelling, Single Family (Detached)* – A detached Building Used or designed for Use exclusively by one Family.
- D. *Townhouse* – One of three or more attached Single Family Dwellings, in which each Dwelling has its own front and rear entrances.

EASEMENT – A right, distinct from ownership of the land, to cross property with facilities such as, but not limited to, Private Streets, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for Open Space, recreation, drainage or access purposes.

ERECTED – The word “Erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the Building. Excavation, Fill, drainage, and w 64 the like, shall be considered a part of Erection.

ESCROW – An amount of money held by the Township to pay the costs associated with reviewing and processing a zoning application or other Township action under this Chapter. Escrow fees are for services or costs above what is covered by a fixed application or other fee.

ESSENTIAL PUBLIC SERVICES – The phrase “Essential Public Services” means the Erection, construction, Alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and Accessory Structures reasonably necessary for the furnishing of adequate service by public utilities or municipal departments or commissions or for the public health or general

welfare, but not including cellular telephone or communications towers or Buildings, nor including those Buildings that are primarily enclosures or shelters of the above essential service equipment.

EXCAVATING – Excavating shall be the removal, digging, or moving of soil or earth below the Average Grade of the surrounding land and/or Street grade, whichever shall be highest, except common household gardening.

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

FARM – The land, plants, animals, Buildings, Structures, including ponds Used for Agricultural or aquacultural activities, machinery, equipment, and other appurtenances Used in the Commercial production of Farm products.

FARM MARKET – A Temporary Use within the Township, located on Commercial property, which sells produce and other Farm products.

FARM OPERATION – The operation and management of a Farm or a condition or activity that occurs at any time as necessary on a Farm in connection with the Commercial production, harvesting, and storage of Farm products, and includes, but is not limited to:

- A. Marketing produce at Roadside Stands or Farm Markets;
- B. The generation noise, odors, dust, fumes, and other associated conditions;
- C. The operation of machinery and equipment necessary for a Farm including, but not limited to, irrigation and drainage systems and pumps and on-Farm grain dryers, and the movement of vehicles, machinery, equipment and Farm products and associated inputs necessary for Farm Operations on the roadway as authorized by the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws;
- D. Field preparation and ground and aerial seeding and spraying;
- E. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides;
- F. Use of alternative pest management techniques;

- G. The fencing, feeding, watering, sheltering, transportation, treatment, Use, handling and care of Farm animals;
- H. The management, storage, transport, utilization, and application of Farm by-products, including manure or Agricultural wastes;
- I. The conversion from a Farm Operation activity to other Farm Operation activities; and
- J. The employment and Use of Farm labor.

FENCE – Any permanent barrier, partition, wall, Structure or gate Erected as a dividing or Screening Structure or enclosure, and not part of a Structure generally requiring a building permit.

FILLING – The depositing or dumping of any matter onto or into the ground, except common household gardening and Landscaping care.

FLEA MARKET – A temporary market often held outdoors, where antiques, used household goods, curios, and similar items are sold.

FLOODPLAIN AND RELATED TERMS –

- A. *Base Flood* – The Flood having a 1% chance of being equaled or exceeded in any given year.
- B. *Development* – Any man-made change to improved or unimproved real estate, including, but not limited to, Buildings, or other Structures, mining, dredging, Filling, grading, paving, Excavating or drilling operations.
- C. *Flood or Flooding* – A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland waters; or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- D. *Flood Hazard Area, Special* – The land within the Township subject to a 1% or greater chance of Flooding in any given year. Also known as “area of 100 year Flood,” and shown on the Flood Insurance Rate Map (FIRM) as “Zone A.”
- E. *Flood Insurance Rate Map (FIRM)* – An official map of the Township, on which the Federal Insurance Administration has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the Township.
- F. *Flood Insurance Study* – The official report for the Township provided by the Federal Insurance Administration containing Flood profiles, the water surface elevation of the Base Flood, and the Flood Hazard Boundary-Floodway Map.
- G. *Floodplain* – Land designated as Special Flood Hazard Area.

FRONTAGE – The portion of a Lot Abutting, adjoining, or having Frontage on a Street. Please also see “Lot Width.”

GARAGE – A Building Used primarily for the storage of self-propelled vehicles for the Use of the occupants of a Lot on which the Building is located.

GARAGE AND YARD SALES – No Garage or Yard Sale shall be held on a Lot or property for more than 14 days in total per calendar year or for more than three consecutive days.

GREENBELT – A vegetative strip intended to provide physical separation and visual Screening between potentially incompatible Uses; Screen or filter views of Building walls, loading areas, parked vehicles, and Outdoor Storage areas; moderate harsh or unpleasant sounds; filter air pollutants; and/or slow the effects of storm water runoff.

GREEN SPACE – A Yard or Landscape area that may include a Lawn, Greenbelt, Open Space, or Natural Features.

GROUND-MOUNTED SOLAR ENERGY COLLECTOR – A Solar Energy Collector that is not attached to and is separate from any Building on the Lot on which the Solar Energy Collector is located.

HALFWAY HOUSE – A residential treatment facility that provides transitional living arrangements for individuals acclimating from institutional living back into the community. Facilities may serve former prison inmates, recovering addicts or alcoholics.

HOME OCCUPATION – An occupation customarily conducted entirely within a Dwelling Unit that is clearly an incidental and secondary Use of the Dwelling. Without limiting the foregoing, a Single Family detached residence Used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a Home Occupation.

HOSPITAL – An institution providing health services, primarily for in-patients and medical or surgical care, including as an integral part of the institution, related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL OR MOTEL – A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

JUNK – For the purpose of this Chapter, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

JUNK/SALVAGE YARD – Vehicle wrecking yard, including any area of more than 2,000 square feet for the dismantling, demolition, storage, sale, processing, and keeping of junk for profit; this does not include uses established entirely within enclosed Buildings.

KENNEL – Any Lot or premises on which four or more dogs or cats, six months of age or older are kept temporarily or permanently for the purpose of breeding, boarding, pets or for sale.

LAND DIVISION ACT – Public Act 288 of the Michigan Public Acts of 1967, as amended, commonly called the “Michigan Land Division Act.”

LANDMARK TREE – A tree with a diameter of over 28 inches four feet off the ground.

LANDSCAPE – Land natural, planted or produced which enhances the beauty of the view, scene or vista of that land natural or planted.

LANDSCAPING – The planning and ornamental planting of gardens, parks, and a platted Lot, plot or parcel for the purpose of viewing planned or Natural Features and/or to improve the beauty of a view.

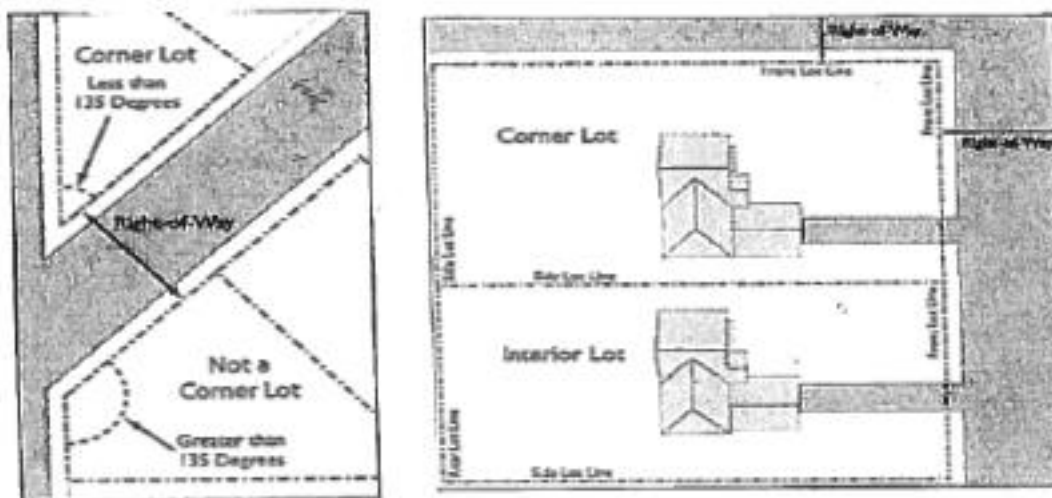
LAWN– A ground cover consisting of grass or sod kept closely mowed, commonly used as a primary ground cover.

LIVESTOCK – Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats alpacas, bison, captive cervidae, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs or cats.

LOADING SPACE – An off-Street space on the same Lot with a Building or group of Buildings, for temporary parking for a Commercial vehicle while loading or unloading merchandise or materials. Off-Street Loading Space is not to be included as off-Street Parking Space in computation of required off-Street parking.

LOT – A parcel of land Occupied (or intended to be Occupied) or utilized for a Use allowed in this Chapter, including one Main Building with its Accessory Buildings, and providing the Open Spaces, Parking Spaces, and Loading Spaces required by this Chapter. The word “Lot” shall include a platted Lot, plot or parcel. A Lot need not be a “Lot of Record.”

LOT AREA – The total horizontal area within the Lot Lines of a Lot excluding a Public Street right-of-way and any Private Street Easement or right-of-way. Lot Area does not include portions of a Lot located under water.



LOT, CORNER – A Lot located at the intersection of two Streets or a Lot bounded on two sides by a curving Street, if the angle formed is 135 degrees or less. (See graphics.)

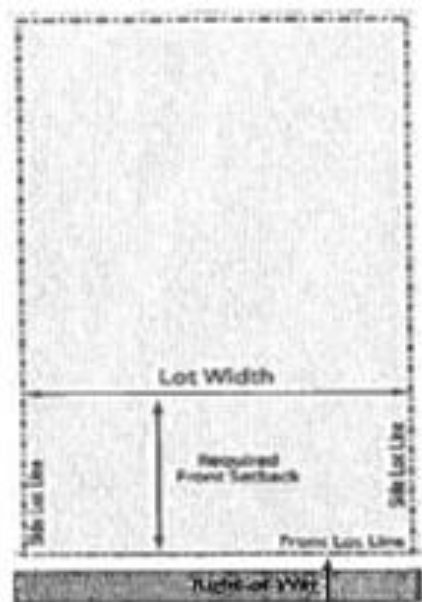
LOT COVERAGE – The part or percent of the Lot Occupied by Buildings, impermeable areas, and Structures, including pavement, Accessory Buildings or Structures.

LOT DEPTH – The mean horizontal distance from the Front Lot Line to the Rear Lot Line, or the two front lines of a Through Lot.

LOT, FLAG – A Lot whose access to the Public Street is by a narrow, private right-of-way that is either a part of the Lot or an Easement across another property.

LOT, INTERIOR – A Lot other than a Corner Lot with only one Lot Line fronting on a Street.
LOT LINES – The property lines bounding the Lot. (See graphics.)

- A. *Front Lot Line.* The line separating the Lot from the Abutting Public or Private Street right-of-way. A corner or Through Lot shall have a Front Lot Line Abutting each adjacent Public or Private Street right-of-way.
- B. *Rear Lot Line.* Ordinarily, that Lot Line that is opposite and most distant from the Front Lot Line of the Lot. In the case of an irregular or triangular-shaped Lot, a line at least 10 feet in length entirely within the Lot parallel to and at the maximum distance from the Front Lot Line of the Lot shall be considered to be the Rear Lot Line for the purpose of determining the depth of a Rear Yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the Rear Lot Line. (See Double Frontage Lot.)
- C. *Side Lot Line.* Any Lot Lines not a Front Lot Line or a Rear Lot Line. A Side Lot Line separating a Lot from another Lot or Lots is an interior Side Lot Line.



LOT OF RECORD – A Lot that lawfully exists in a subdivision or plat as shown on the records of the Muskegon County Register of Deeds, or a lawful Lot or parcel described by metes and bounds, that lawfully exists on record with the Muskegon County Register of Deeds.

LOT, THROUGH – A Lot other than a Corner Lot having Frontage on two more or less parallel Streets. If there are existing Structures in the same block fronting on one or both of the Streets, the required Front Yard Setback shall be observed on those Streets where the Structures presently front.

LOT, WIDTH – The horizontal distance between the Side Lot Lines, measured as nearly as possible at right angles to the Side Lot Line. (See graphic.)

MAIN BUILDING – The Building or Structure in which the main Use of the Lot or parcel is located. Storage Buildings, Garages, and other Accessory Uses and Structures shall not be considered Main Buildings.

MANUFACTURED HOME – A residential Building, Dwelling Unit, Dwelling room or rooms, or a Building component that is designed for long-term occupancy as a Dwelling Unit or portion of a Dwelling Unit, and is wholly or substantially constructed at an off-site location, transported to a site and Erected. A Manufactured Home is also commonly referred to as a mobile home or house trailer but it is not a modular home.

MANUFACTURED HOME PARK – A parcel or tract of land under the control of an individual, corporation, limited liability company, agency, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or Commercial entity upon which three or more Manufactured Homes are located on a continual, non-recreational basis and that is offered to the public for that purpose regardless of whether a charge is made therefore, together with any Building, Structure, enclosure, Street, equipment, or facility Used or intended for Use incident to the occupancy of thee Manufactured Homes.

MARINA – A commercial operation located adjacent to a body of water for the sale, storage, or servicing of boats or other watercraft; or a commercial operation located within a body of water for the docking or mooring of four or more boats.

MASTER PLAN – The Master Plan as adopted by the Planning Commission and approved by the Township Board, including graphic and written materials, indicating the general location for Streets, parks, schools, public Buildings, and all physical Development of the Township, and includes any part of the plan and any amendment to the plan.

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

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

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

A Medical Marihuana Dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana.

A Medical Marihuana Dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended) the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this Chapter and any other applicable Township ordinances, but also all applicable Michigan and federal laws and regulations.

MORATORIUM – A Moratorium is an authorized delay in the provision of government services or Development approval.” This shall be inclusive of denying applications for Development permits, including but not limited to building permits, or denying requests to connect newly-developed property to publicly owned utilities.

MUNICIPAL CIVIL INFRACTION – An act or omission that is prohibited by a provision of this Chapter for which the penalty has been designated as a Municipal Civil Infraction. A Municipal Civil Infraction is not a crime and is punishable by all of the civil remedies provided for in Act 12 of the Public Acts of 1994, as amended.

NATURAL FEATURE – Including but not limited to soils, Wetlands, woodlots, landmark and specimen trees, Floodplains, water bodies, groundwater, topography, vegetative cover, and geologic formations.

NATURAL VEGETATIVE COVER - Natural vegetation, including bushes, shrubs, groundcover, and trees, but not including a groomed lawn.

NONCONFORMING BUILDING – A Building or portion thereof lawfully existing at the effective date of this Chapter or amendments thereto, and that does not conform to the provisions of this Chapter. Also referred to as a lawful Nonconforming Building.

NONCONFORMING LOT – A Lot of Record which complied with all zoning and other requirements at the time of recording, that no longer conforms to the zoning regulations and requirements for Lot Area or dimension, Lot Width, or both.

NONCONFORMING STRUCTURE – A Structure or portion thereof lawfully existing at the effective date of this Chapter or amendments thereto, and that does not any longer conform to the provisions of this Chapter. This is referred to as a lawful Nonconforming Structure.

NONCONFORMING USE The lawful Use of any land or premises exactly as it existed at the time of enactment of this Chapter, or amendment thereto, which may be continued although the Use

does not conform to the current provisions of this Chapter. This is referred to as a lawful Nonconforming Use.

NUISANCE – An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

OCCUPIED – Includes the terms arranged, designed, built, Altered, converted to, rented, leased, or intended to be inhabited; not necessarily for Dwelling purposes.

OPEN SPACE – Undeveloped land not part of any required Yard that is set aside in a natural state, capable of being used for recreational purposes. This area may be a Greenbelt accessible and available to all occupants or landowners of Dwelling Units. This includes land unsuitable for building due to topography.

OPEN SPACE DEVELOPMENT – A Development which is permitted to have smaller Lot sizes in return for protected Open Space.

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

OUTDOOR FURNACE - An appliance or other type of device that:

- A. Is designed, intended, or used to provide heat or hot water or both to any Structure;
- B. Operates by burning wood or any other solid fuel (e.g. coal, paper pallets, agricultural products, etc.); and
- C. Is not located inside the Structure intended to receive the heat or hot water.

OUTDOOR STORAGE – The keeping, in an unroofed area, of any goods, Junk, material, merchandise or vehicles in the same place for more than 24 hours.

Unless associated with an immediate construction project, residential Uses shall not allow or involve the storage of machinery, equipment, inoperable or unlicensed vehicles or trailers, lumber piles, crates, boxes, Junk, debris, or other materials in any Yard. This shall include all such items whether in open areas visible or not visible from the Street, public right-of-way, or adjoining residential parcel or Lot.

OVERLAY ZONE – An additional set of regulations that apply in conjunction with those in the underlying Zoning District. A Planned Unit Development is an example of an Overlay Zone.

PARAPET WALL – An extension of a Building wall above the roof which may serve as an Architectural Feature and/or to Screen roof-mounted mechanical equipment.

PARKING LOT – A facility providing vehicular Parking Spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two vehicles.

PARKING SPACE – An off-Street space of at least 10 by 18 feet in area exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one motor vehicle and having direct unobstructed access to a Street or Alley.

PERFORMANCE GUARANTEE – A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with this Chapter, regulations and the approved plans and specifications of a Development. It can be a cash deposit, irrevocable letter of credit, or a bond.

PERSONAL SERVICE ESTABLISHMENT – A commercial business providing services for individuals who are generally on the premises (e.g., cosmetology, salons, barber shops, tanning centers, etc.).

PLANNED UNIT DEVELOPMENT (PUD) – The Use of a parcel of land that is planned and developed as a “single entity” containing the various Uses, Structures, Open Spaces, and other elements and that is designated and developed under one owner or organized group.

PLANNING COMMISSION – The Blue Lake Township Planning Commission.

PRINCIPAL USE – The main Use to which the premises are devoted and the principal purpose for which the premises exist.

PRIVATE STREET – Any undedicated path, trail, Street, access, or road that provides or is intended to provide the primary means of ingress and egress to two or more Lots or two or more principal Buildings or Dwelling Units, or combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease or an Easement. Any and extensions, additions, or branches of or to a Private Street shall be considered part of the Private Street that abuts the Public Road. A Private Street may also provide the primary means of ingress and egress to two or more Lots or Dwellings, even if each Lot or Dwelling has the required Frontage on a Public Road.

RECREATIONAL VEHICLE OR EQUIPMENT – A vehicle or equipment used for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, motorcycles, golf carts, ATVs, 4-wheelers, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RELIGIOUS INSTITUTION – A Building where persons regularly assemble for religious worship that is maintained by an organization that promotes public corporate worship.

RESTAURANT – A Building in which food is prepared and sold for consumption within the Building, as opposed to a Drive-Through Restaurant where food may be taken outside of the Building for consumption either on or off the premises.

RETAIL STORE – Any Building or Structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and/or use and not for resale.

ROAD COMMISSION – The Muskegon County Road Commission.

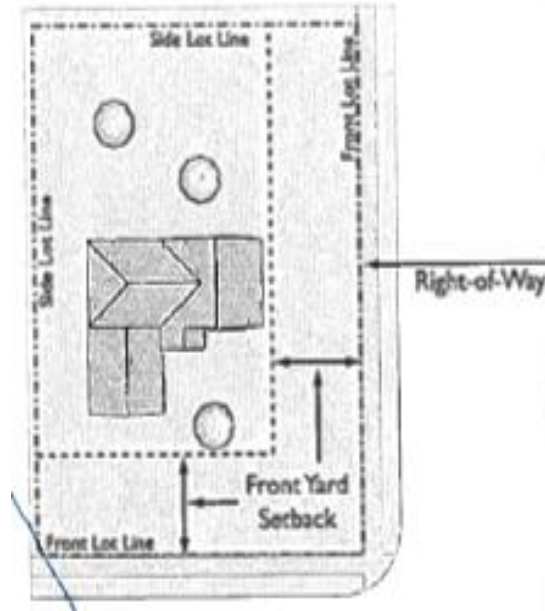
ROADSIDE STAND – A Farm Building or separate Structure Used for the display or sale of Agricultural products grown on the premises upon which the stand is located.

RUBBISH – Any solid waste, except human excreta, but including garbage, refuse, trash, Junk, ashes, Street cleanings, dead animals, offal and solid Agricultural Commercial, industrial, hazardous and institutional wastes and construction waste resulting from the operation of a contractor.

SCREEN – A Structure providing enclosure, such as a Fence, and a visual barrier between the area enclosed and the adjacent property. A Screen may also be a non-Structure, consisting of shrubs or other growing materials.

SETBACK – The minimum required horizontal distance from a Structure or a Building measured from the front, side, or Rear Lot Line, as the case may be, that describes an area termed the required Setback area or Yard on a Lot or parcel. No Building or Structure can be located within a Setback area. Where a Setback from a Public Street or Private Street is involved, the Setback shall be measured from the edge of the Public Road right-of-way or Easement or the Private Street right-of-way or Easement.

- A. *Front Setback* – The line marking the Setback distance from the front right-of-way line that establishes the minimum Front Yard Setback area, except for waterfront Lots, where the Front Setback shall be measured from the Ordinary High Water Mark to the Building or Structure and the Street shall be the Rear Setback line.
- B. *Rear Setback* – The line marking the Setback distance from the Rear Lot Line that establishes the minimum Rear Setback area, except from waterfront Lots, where the Front Setback shall be measured from the Ordinary High Water Mark to the Building or Structure and the Street shall be the Rear Setback line.
- C. *Side Setback* – The lines marking the Setback distance from the Side Lot Lines that establish the minimum Side Yard Setback area.



SHORELINE – See Ordinary High Water Mark

SIGNIFICANT NATURAL FEATURE – Any natural area as designated by the Planning Commission, the Township Board, the Michigan Department of Natural Resources, or other appropriate governmental agency; that exhibits unique topographic, ecological, hydrological, or historical characteristics such as a Wetland, Floodplain, water features, or other unique Natural Features.

SIGN (Definitions relating to Signs) – A device, Structure, fixture, or placard that is intended for purposes of attracting attention to the Lot where the Sign is located, except for Billboards and Directional Signs. (See also graphic following.)

- A. *Awning*: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a Building.
- B. *Balloon Sign*: A Sign composed of a non-porous bag of material filled with air.
- C. *Banner Sign*: A fabric, plastic, or other Sign made of non-rigid material without an enclosing structural framework.
- D. *Billboard*: Any large, outdoor Structure intended for the purposes of display concerning an activity, business, event, location, service, person, or something similar that is not located on the Lot that hosts the Billboard.

However any Structure that meets the definition of a Directional Sign shall not be considered to be a Billboard.

- E. *Directional Sign*: A Sign that gives directions, instructions, or facility information for the Use on the Lot on which the Sign is located, such as parking or exit and entrance Signs. A Directional Sign is also any Structure Erected adjacent to a Street that identifies, points

toward and gives the distance to any public or semi-public Building, off-Street parking area, recreation space, Club, lodge, church, institution, business, service, entertainment, activity or event.

- F. *Festoons*: A chain or garland of flowers, leaves, or ribbons, hung in a curve as a decoration.
- G. *Freestanding Sign*: A Sign supported on poles not attached to a Building or wall.
- H. *Government Sign*: A Sign that is constructed, placed, or maintained by the federal, state, or local government, or a Sign that is required by the federal, state, or local government. Signs otherwise permitted by the state or federal government are also considered Government Signs.
- I. *Ground Sign*: A Sign resting directly on the ground supported by a foundation not attached to a Building or wall.
- J. *Portable Sign*: A Sign designed to be moved easily and not permanently attached to the ground, a Structure, or a Building.
- K. *Real Estate Sign*: A Sign advertising the real estate upon which the Sign is located as being for sale or lease.
- L. *Temporary Sign*: A Sign not permanently attached to the ground, a Structure, or a Building. Temporary Signs may include Banners, Portable Signs, and any other Signs displayed for a limited period of time.
- M. *Wall Sign*: A Sign painted or attached directly to and parallel to the exterior wall of a Building extending no greater than 18 inches from the exterior face of the wall to which it is attached.
- N. *Window Sign*: A Sign installed inside a window and intended to be viewed from the outside.



SITE CONDOMINIUM PROJECT – A plan or project consisting of not less than two Site Condominium Units established in compliance with the Condominium Act. A Site Condominium Unit consists of an area of originally vacant land and a volume of surface or sub-surface vacant air space, designed and intended for separate ownership and use as described in the Site Condominium Project master deed, and within which a Building or other improvements may be or has been constructed by the condominium unit owner.

SITE PLAN – The documents and drawings required by this Chapter to ensure that a proposed land Use, Structure, Building, or activity is in compliance with this Chapter, other Township ordinances and codes, and state and federal statutes.

SMALL-SCALE SOLAR ENERGY COLLECTOR – A Solar Energy Collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the Lot on which they are erected. It may be comprised of the following: Building-integrated photovoltaic (BIPV) systems, flush-mounted solar panels, Ground-Mounted Solar Energy Collectors, or Building-Mounted Solar Energy Systems.

SOLAR ENERGY COLLECTOR – A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute, and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other form of generator energy for use in or associated with a principal land use on the Lot where the Solar Energy Collector is located, or if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other than the Lot where located.

SPECIAL LAND USE – A Use that, due to some characteristics of its operation, such as traffic, noise, odor, glare, or hours of operation, may be allowed in a District subject to special requirements different from those generally applicable to permitted Uses within the Zoning District in which the Special Land Use is located.

STATE LICENSED RESIDENTIAL FACILITY – A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan as amended, that provides resident care services under 24 hour supervision or care, but does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to correctional institutions.

A State Licensed Residential Family Facility includes a State Licensed Residential Facility providing resident services to six or fewer persons.

A State Licensed Residential Group Facility includes a State Licensed Residential Facility providing resident services to more than six persons.

A. *Adult Foster Care Facility* – A facility defined by the Adult Foster Care Facility licensing act (PA 218 of 1979), as amended, having as its principal function the receiving of adults for foster care. Such facility includes facilities and foster care Family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care.

- B. *Adult Foster Care Large Group Home* – An Adult Foster Care Facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- C. *Adult Foster Care Small Group Home* – An Adult Foster Care Facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
- D. *Adult Foster Care Family Home* – A private residence in which the licensee is a member of the household and an occupant, providing foster care for five or more days a week and for two or more consecutive weeks with the approved capacity to receive six or fewer adults.
- E. *Foster Family Group Home* – A private residence in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- F. *Foster Family Home* – A private residence in which one but not more than four minor, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, unattended by a parent or legal guardian.

STOP WORK ORDER – An administrative order which is either hand delivered, posted on the property, or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity or Use that is in Violation of this Chapter.

STORAGE AND REPAIR OF VEHICLES – The carrying out of repair, restoration and maintenance procedures or projects on vehicles, when such work is not conducted entirely within the interior of a Building.

STORY – That portion of a Building, other than a Basement 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. For the purpose of this Chapter, a Basement or Cellar shall be counted as a Story only if over 50% of its height is above the level from which the height of the Building is measured, or if it is used for business purposes.

STREET –

- A. *Private Street* – See the definition under “Private Street.”
- B. *Public Street* – A public thoroughfare located within a Public Street right-of-way which affords traffic circulation and principal means of access to Abutting property, including avenue, place, way, drive, lane, boulevard, drive, court, highway, Street, and other thoroughfare; except an ally. Also known as a “Public Road.”
- C. *Minor Street* – A local Public Roadway on which homes are located. Its primary purpose is to provide land access.
- D. *Major Street* – A Public Roadway whose principal function is the movement of traffic into and through the Township.

STRUCTURE – Anything constructed, installed, or Erected, the Use of which requires location on the ground or attachment to something on the ground. Also, any constructed, Erected, or placed material or combination of materials in or upon the ground having a fixed location, including but not limited to Buildings, radio towers, Billboards, light posts, Signs, swimming pools, animal enclosures (other than Fences), Garages, sheds, Decks, platforms, portable or movable vehicle Carports or enclosures, satellite dishes, tower, windmills, gazebos, tennis courts, Signs, and storage bins.

The following are excluded from the definition of “Structure.”

- A. Lawful Fences, sidewalks, and paving on Streets, driveways, or parking areas.
- B. Decks or patios, no portion of which is located:
 - (1) More than one foot above the ground (natural grade);
 - (2) Closer than five feet to any Lot Line.

TEMPORARY BUILDING OR USE – A Structure or Use permitted by the Zoning Administrator; to exist during periods of construction of the Main Building or for special events. Alternatively, a Use, activity, or event which is normally not allowed within a Zoning District, but may be allowed under certain circumstances pursuant to a temporary special event permit issued under this Chapter.

TENT – A shelter of canvas, plastic, or the like supported by poles and fastened by cords or pegs driven into the ground.

USE – The purpose for which land or a Building is arranged, designed or intended, or for which land or a Building is Occupied.

UTILITY-SCALE SOLAR ENERGY COLLECTOR – A large-scale facility of Solar Energy Collectors with the primary purpose of wholesale or retail sales of generated electricity; also known as a Solar Farm.

VARIANCE – A modification of literal provisions of this Chapter granted when strict enforcement of this Chapter would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property.

VEHICLE REPAIR – Any major or Commercial activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

VEHICLE SERVICE STATION – A Building designed or Used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of the commodities on or in the vehicles and including space for storage, hand washing, minor repair, and servicing, but not including Vehicle Repair.

VETERINARY CLINIC – Any activity involving the permanent or temporary keeping or treatment of animals operated as a business.

VIOLATION – Violating, breaking, or dishonoring the law or this Chapter.

WETLAND – Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support Wetland vegetation or aquatic life. Wetlands are regulated by Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

WIND ENERGY CONVERSION SYSTEMS (WECS) – A surface area, either variable or fixed, for utilizing the wind for electrical power and a shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and the generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and the tower, pylon, or other Structure upon which any, all, or some combination of the above are mounted or any Building or accessory equipment.

Wind Energy Conversion Systems shall also mean any combination of the following:

- A. A mill or machine operated by wind acting on oblique vanes, blades, or sails that radiate from a horizontal shaft.
- B. A surface area such as a blade, rotor, or similar device (either variable or fixed) for utilizing the wind for electrical or mechanical power.
- C. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.
- D. The generator, alternator, or other device used to convert the mechanical energy of the surface area into electrical energy.
- E. The tower, pylon or other Structure upon which any, all, or some combination of the above are mounted.
- F. A Building or equipment accessory thereto.

WIRELESS TELECOMMUNICATION SERVICES – The (1) equipment and network components used in the provision of Wireless Telecommunication Services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, and cables, as well as (2) the structures designed to support or capable of supporting the equipment, including monopoles, self-supporting lattice towers, guyed towers, water towers, utility poles, or buildings.

YARD – A Yard is an Open Space on the same land with a Structure, Building, or group of Buildings, which Open Space lies between the Structure, foundation of 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. Also the area within required Setbacks.

- A. *Front Yard* – An Open Space extending the full width of the Lot, the uniform depth of which is measured at right angles to the Front Lot Line. For Lots with Frontage on a body of water, the Front Yard is at the water.
- B. *Rear Yard* – An open area extending across the full width of the Lot, the uniform depth of which is measured at right angles to the Rear Lot Line. For Lots with Frontage on a body of water, the Rear Yard is at the Street.
- C. *Side Yard* – An open unoccupied area between a Main Building and the Side Lot Lines, extending from the Front Yard area to the Rear Yard area. The width of the Side Yard shall be measured horizontally from and at right angles to the nearest point of the Side Lot Line.

ZONING ACT – The Michigan Zoning Enabling Act, Act 110 of 2006 of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR – The person designated by the Township Board to administer the provisions of this Chapter.

ZONING BOARD OF APPEALS – The Zoning Board of Appeals (the “ZBA”) of the Township.

ZONING COMPLIANCE PERMIT – Also referred to as a “zoning permit.” Such a permit shall be obtained before a Use is commenced or a Building or Structure is constructed or expanded as provided in this Chapter.

ZONING DISTRICT – See Article V of this Chapter. Also referred to as a “District.”

ARTICLE III General Provisions

§ 380-9. Chapter applicability.

Unless otherwise specified, the provisions of this Chapter apply to all Zoning Districts within the Township.

§ 380-10. Application of zoning.

- A. Any land Use, Structure, Building, or activity not specifically permitted by this Chapter is prohibited.
- B. When a Use or activity is not stated in this Chapter, the Zoning Administrator shall request an interpretation by the Zoning Board of Appeals to make a determination on the classification of the Use. The Zoning Board of Appeals shall forward the classification to the Planning Commission to amend this Chapter to address the Use, if deemed appropriate. An applicant may also petition the Township Board for an amendment to this Chapter to address a Use or activity not considered by this Chapter.

- C. All acreage designated as a Planned Unit Development in the Township shall be Contiguous.
- D. All Buildings, Structures or land may be Used, constructed, Altered or Occupied, only when in full conformity with all of the regulations specified in this Chapter for the Zoning District in which it is located in accordance with the procedures of this Chapter.
- E. Except as otherwise allowed by this Chapter, after the effective date of this Chapter, no Building, Lot, or Structure shall be Altered:
 - (1) To accommodate or house a greater number of persons or families than permitted by the Zoning District; or
 - (2) To have narrower or smaller Yards than permitted by the Zoning District.

§ 380-11. Main Building or principal Building Use.

Each Lot shall contain only one Main Building.

§ 380-12. Yard and area regulations.

- A. No Setback area, parking area, buffer or other space shall be reduced to less than the minimum required under this Chapter. No Lot, parcel, or other area shall be further reduced if already less than the minimum. No Lot shall be created that does not meet all of the minimum Lot size, access, width, Frontage, and other dimensional requirements of this Chapter.
- B. Where property is located on opposite sides of a Public Street right-of-way and is in common ownership, the property shall not be considered to be one Lot or parcel but shall be deemed separate Lots or parcels. Furthermore, the land on each side of the Public Street shall meet all applicable requirements specified by this Chapter or an individual Lot or Lots.
- C. In determining Lot, land, Yard, parking area or other Open Space 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 or Use shall be included in the calculation of space requirements for any other Building, Structure or Use.

§ 380-13. Lot Width; Frontage.

All Lots shall have Frontage on a Public Road or on a Private Street approved pursuant to Article XIII for a distance equal to or greater than the minimum Lot Width specified for the Zoning District in which the Lot is located. Cul-de-sac's shall not be permitted in Planned Unit Developments and therefore no consideration shall be permitted for an abbreviated Street Frontage to a Cul-de-sac configuration.

§ 380-14. Grading, Excavation, Filling and clearing of trees.

The Use of land for the Excavation, removal, Filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, trash, Rubbish, or other waste by-products is not permitted in any Zoning District except under the supervision of the Zoning Administrator or Building Inspector in accordance with Muskegon County Soil Erosion Control Regulations or state Wetland and other applicable regulations.

§ 380-15. Illegal Dwellings.

The Use of any portion of a partially completed Building, or any Garage or Accessory Building as a Dwelling Unit or sleeping area is prohibited in any Zoning District.

§ 380-16. Outdoor Furnaces.

Due to the Nuisance smoke and concerns regarding the public safety and welfare of residents living in relatively close proximity to one another, Outdoor Furnaces are prohibited in all Planned Unit Developments and must otherwise meet all of the following standards.

- A. The property must be included in the CO or any of the FR Districts.
- B. The Outdoor Furnace must be at least 40 feet from any other Structure.
- C. The Outdoor Furnace must be at least 50 feet from any Lot Line.
- D. An area of at least 10 feet around and above the Outdoor Furnace shall be free of any ignitable vegetation or debris.
- E. The Outdoor Furnace shall not be located in the Front Yard of any Lot.
- F. The chimney height of an Outdoor Furnace as measured from the ground at the base to the top of the chimney shall be at least as high as required by the manufacturer.
- G. The Outdoor Furnace shall be located at least 100 feet from any Dwelling or another Lot.

§ 380-17. Essential Public Services.

The Erection, construction, Alteration or maintenance of Essential Public Services shall be allowed in any Zoning District.

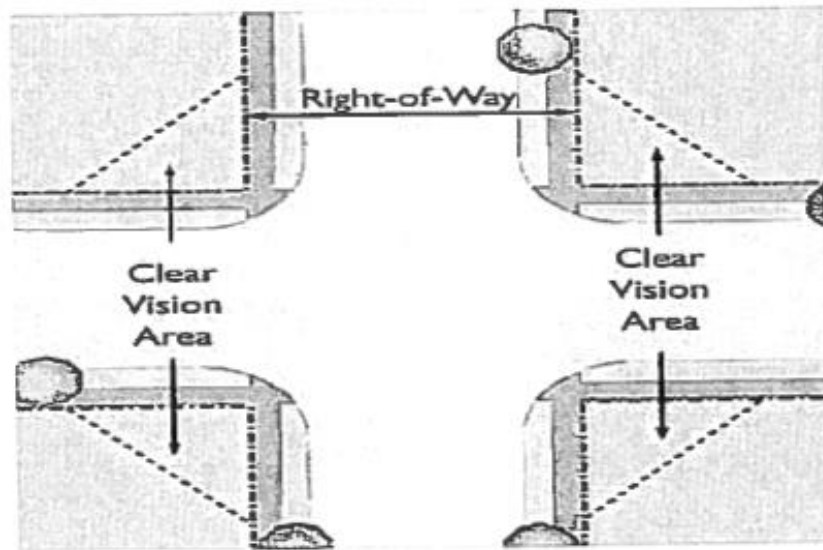
§ 380-18. Moving or razing of Buildings.

- A. The moving of a Building to a different location, even if on the same Lot, shall be considered the same as the Erection of a new Building and all provisions, regulations or requirements relative to the Erection of a new Building shall be applicable, including obtaining all required Township permits.
- B. No Building shall be razed until a demolition permit has been issued by the Zoning Administrator and a Zoning Compliance Permit has also been issued by the Zoning

Administrator. Permit issuance shall be subject to the razing of the Building within a specified timeframe and compliance with all regulations pertaining to the removal of debris, the Filling of Excavations, and disconnections from existing utilities. An Escrow deposit may be required to ensure performance.

§ 380-19. Clear vision at intersections.

No solid Fence, wall or planting Screen between 30 inches and eight feet in height as measured from grade, shall be located within a clear vision triangle. This triangle is formed by the intersection of the Street right-of-way lines. The clear vision triangle shall be line 10 feet on Minor Streets and 25 feet on Major Streets. (See graphic.)



§ 380-20. Height exceptions.

The height limitations contained in this Chapter do not apply to spires, belfries, cupolas, antennae (up to 30 feet high), water tanks, windmills, ventilators, chimneys, or other similar appurtenances usually required to be placed above the roof level of Structure.

§ 380-21. Projections into Yards.

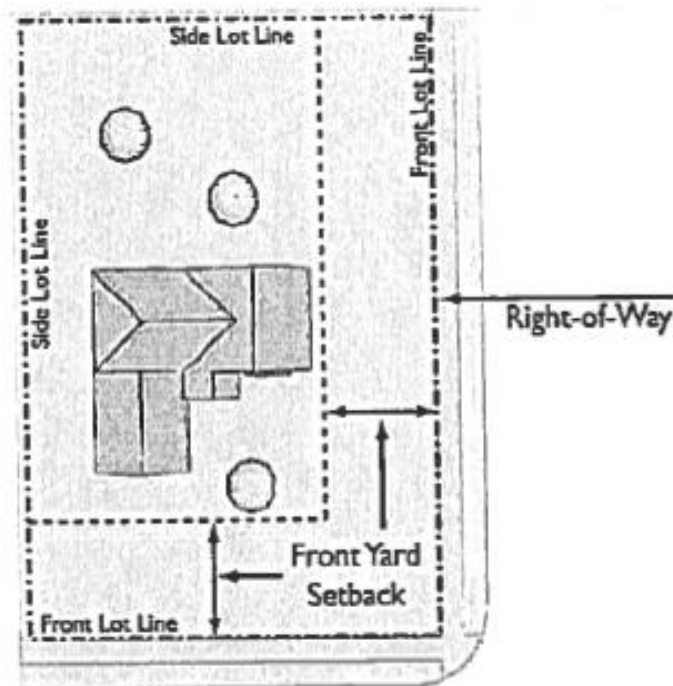
- A. Architectural elements attached to and necessary to the integrity of the Building, or the health or safety of occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be allowed to encroach upon the minimum Setback requirements of this Chapter, provided the projection into a required front or Rear Yard area is no closer than five feet from a Street right-of-way line or rear lot line. No encroachment shall be allowed into the Side Setback of the Lot.
- B. Unenclosed terraces, patios, porches, and Decks shall be allowed to encroach upon the minimum Front Yard requirements of this Chapter provided they are:
 - (1) Attached to the Main Building;

- (2) Not covered with a roof;
- (3) Elevated no more than 30 inches above the average surrounding final grade;
- (4) Located no closer than 15 feet from a Rear Lot Line or 10 feet from a Front Lot Line; and
- (5) Do not encroach into the Side Setback of the Lot.

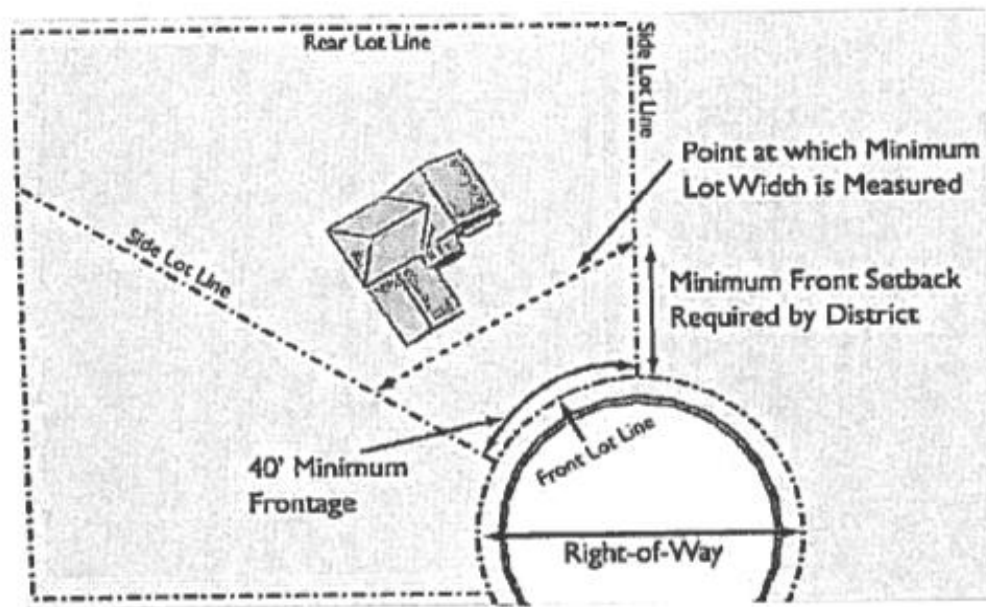
Those Structures covered above shall not be considered nonconforming, and therefore, shall be permitted to be rebuilt even if destroyed by an act of God or by the owner/occupant of the Structure.

§ 380-22. Lots and Setback measurement.

- A. All Lots shall have sufficient Buildable Area to meet required Setbacks and minimum Lot size requirements of this Chapter.
 - (1) Front Setbacks shall be measured from the Front Lot Line to the foundation of the Building or Structure.
 - (2) Rear Setbacks shall be measured from the Rear Lot Line to the foundation of the Building
 - (3) Side Yard Setbacks shall be measured from the Side Lot Lines to the drip line of the Building or Structure.



- B. No portion of a Lot can be Used more than once in complying with the provisions for Lot Area and Yard dimensions for construction or Alteration of Buildings.
- C. Corner Lots – Each line Abutting a Public or Private Street shall be a Front Lot Line, and the required Setback along both Lot Frontages shall be a required Front Yard. The two remaining Yards shall each be Side Yards.
- D. Average Setbacks – The required Front Yard Setback for a new Structure may align with (or provide the average Setback of) existing Main Buildings within three Lots of the Lot where the Front Yard Setbacks are:
 - (1) Less than the required Front Yard Setback for the Zoning District;
 - (2) On the same side of the Street and either side of the subject parcel; and
 - (3) In the same Zoning District as the subject parcel.
- E. Cul-de-sac Lots – Cul-de-sac Streets shall not be permitted in Planned Unit Developments. (See graphic.)



§ 380-23. Fences.

- A. General Requirements:
 - (1) All Fences Erected by individual property owners shall be located on the owners' property. Fences are allowed on the property line; however, the Zoning Administrator may require a survey where a property line location is questionable.
 - (2) Fence height shall be measured from the existing natural grade.

- (3) No Fence or wall shall be Erected which constitutes a fire hazard either of itself or in connection with the existing Structures in the vicinity, nor which will interfere with access by the Fire Department.
- (4) It is unlawful to construct any private Fence or barrier within a public right-of-way.
- (5) Except if needed for Homeland Security, barbed wire and razor wire are prohibited in all Districts.
- (6) All Fences shall be maintained in a good condition so that they do not result in an unreasonable hazard to persons who might come near them.
- (7) A Fence used for keeping livestock shall be constructed as a split rail Fence, a two-board Fence, an electric wire Fence, a woven wire Fence, a composite Fence, or a plastic Fence.
- (8) Any electric Fence shall be labeled as electric at least every 50 feet.

B. Residential Districts:

- (1) Fencing which is essentially open (e.g., wrought iron, chain link, split rail, or picket Fence) may be up to 48 inches in height in the front.
- (2) Stockade Fence and masonry walls shall be limited to three feet in height in any Front Yard, and in any Rear Yard of any waterfront Lot.
- (3) Except as provided in subsection (2) above, Fences may be up to six feet in height behind the front Building line.
- (4) Fences in excess of the height in subsections (1), (2), or (3) may be authorized by the Zoning Board of Appeals, per Section 603 of the Zoning Act, after a public hearing and consideration of the following standards:
 - (a) The effect upon the adjoining properties;
 - (b) Whether the Fence will affect the light and air circulation of any adjoining properties;
 - (c) Whether the Fence will adversely affect the view from the adjoining property;
 - (d) The reason for the request to construct the Fence higher than permitted by the Ordinance;
 - (e) The size, type, and kind of construction, proposed location, and general character of the Fence; and
 - (f) The size of other Fences on properties which are adjoining and in the surrounding neighborhood.

- (5) The aesthetic side of the Fence shall face the surrounding property.

§ 380-24. Accessory Buildings and Uses.

General Requirements

- A. Accessory Buildings, Structures and Uses are permitted only in connection with, incidental to, and on the same Lot with a Main Building, Structure or Use which is permitted in the particular Zoning District.
- B. No Accessory Building shall be allowed on any Lot which does not contain a Main Building.
- C. Accessory Buildings shall be stick-built or the equivalent new Building construction. No mobile home, tank, Junk object, salvage materials, trailer, vehicle or similar item shall be utilized as an Accessory Building or storage Structure.
- D. Within a Residential District:
- (1) No more than two detached Accessory Buildings shall be permitted on any Lot;
 - (2) The maximum Building Height of Accessory Structures shall be 30 feet (see also definition of Building Height); and
 - (3) In any PUD, the total square footage of all Accessory Buildings located on a Lot shall not exceed the ground floor area of the principal Building located on the same Lot.
- E. In Residential Districts, existing nonconforming Accessory Structures may be replaced on the existing footprint provided they are wholly contained, within the property, meet the required Front Yard Setback and design requirements, and do not inhibit emergency access.
- F. Attached Accessory Buildings and Structures shall be made structurally part of the Main Building and shall conform to the District Setback requirements of the Main Building.
- G. Detached Accessory Buildings and Structures shall be a minimum of 10 feet from another Building or Structure (unless properly fire suppressed) and 30 feet from any rear or side property line.
- H. Accessory Building(s) shall not be Erected in any required Front Yard or occupy any portion of a required Greenbelt or buffer in any District.
- I. No Accessory Building shall be Used in any part for residential Dwelling, boarding, or sleeping purposes.
- J. In the R-1 Residential District, the R-2 Residential District, and any PUD, the architectural character of Accessory Structures over 200 square feet shall be compatible with, and

similar to, the Main Building with respect to materials, scale, design, and aesthetic quality as determined by the Zoning Administrator.

- K. Freestanding solar panels shall be considered an Accessory Structure and shall meet the separation and setback requirements of Accessory Buildings and Structures.
- L. Amateur radio communication towers and windmills shall be prohibited in any PUD.
- M. Wireless communications antenna may be attached to a lawful existing Telecommunications tower, water tower, or other Structure after the issuance of a Zoning Compliance Permit.
- N. A swimming pool may be allowed on a Lot, subject to the requirements of the Building Code. Pools are only allowed in Side and Rear Yards and may not be located under electrical wires. A minimum of a 10 foot Setback shall be provided from side and Rear Lot Lines which shall include any associated steps or Decks around the pool.

§ 380-25. Commercial and noncommercial Wind Energy Conversion Systems (WECS).

Commercial (those that have as their primary purpose the supply of energy to the commercial power grid) and noncommercial (those that have as their primary purpose the supply of onsite energy needs) Wind Energy Conversion Systems shall not be permitted in any Planned Unit Development in the Township. Due to the potential dangers and hazards of Commercial and noncommercial Wind Energy Conversion Systems and with concerns for the public safety and welfare of those living in the Planned Unit Development or in relatively close proximity to the Planned Unit Development, Commercial and noncommercial Wind Energy Conversion Systems shall be prohibited in the Planned Unit Development or within a one mile radius of the Planned Unit Development. Commercial Wind Energy Conversion Systems are otherwise permitted by Special Land Use in any Zoning District. Noncommercial Wind Energy Conversion Systems are permitted as an accessory use in any Zoning District.

§ 380-26. Home Occupations.

Home Occupations are allowed in Single Family Dwellings in all Zoning Districts subject to all of the following conditions and requirements.

- A. Only members of the Family residing in the Dwelling shall be engaged in the Home Occupation.
- B. The Use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its Use for Single Family residential purposes by its occupants, and not more than 25% of the floor area or 500 square feet of the Dwelling Unit, whichever is less, shall be Used in the conduct of the Home Occupation. No part of the Home Occupation shall be conducted outdoors or within any Accessory Building.
- C. There shall be no change in the outside appearance of the Building that would indicate the presence of a Home Occupation or departure from the Single Family residential character of the Dwelling.

- D. There shall be no sale of products or services except as are produced on the premises or those products which may be directly related to and incidental to the Home Occupation.
- E. There shall be no outdoor, on-site storage of materials, equipment, or accessory items and/or display of materials, goods or supplies used in the conduct of the Home Occupation.
- F. The Home Occupation will not create traffic congestion, parking shortages, or otherwise adversely affect the pedestrian or vehicular circulation of the area.
- G. Any parking for vehicles associated with the Home Occupation shall be provided off the Street. No Commercial vehicles exceeding a rated capacity of one ton may be parked on the Lot hosting the Home Occupation.
- H. No equipment or process shall be used in the Home Occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in the line voltage off the premises.

§ 380-27. Storage and Repair of Vehicles.

The carrying out of repair, restoration and maintenance procedures or projects on vehicles, when such work is not conducted entirely within the interior of a Building, shall be subject to the following limitations:

- A. The vehicles worked upon shall be owned by and titled in the name of the resident.
- B. Procedures or projects exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out within a completely enclosed Building.
- C. In any PUD, all inoperable or unlicensed vehicles and all unassembled parts of vehicles shall be stored in a Building. In all other Zoning Districts, all inoperable or unlicensed vehicles and all unassembled parts of vehicles shall be stored in a Building or obstructed from view from any Street or occupied Building.

In any PUD, it shall be unlawful for the owner, tenant or lessee of any Lot to permit the open storage or parking outside of a Building or semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery, unless parked thereon while in use for construction actively being conducted on the Lot.

In any PUD, no vehicles may be parked in any required off-Street Parking Lot for the sole purpose of displaying a vehicle for sale.

§ 380-28. Outdoor Storage.

Unless associated with an immediate construction project, residential Uses shall not involve the storage of machinery, equipment, inoperable or unlicensed vehicles or trailers, lumber piles, crates,

boxes, Junk, debris, or other materials in any Yard or open area that is visible from the Street, public right-of-way, Alley or adjoining residential parcel or Lot.

§ 380-29. Storage of Recreational Vehicles.

- A. Storage in a Residential District shall be allowed only when it is accessory to the Principal Use of the Lot or adjacent Lot when owned by the same person.
- B. No storage shall be permitted closer than five feet to any Dwelling Unit, nor closer than three feet to any Side Lot Line, nor in the Front Yard.
- C. The Recreational Vehicle must be in working order and regularly used by the occupants of the Dwelling on the Lot where the Recreational Vehicle is stored.

§ 380-30. Garage and Yard Sales.

No Garage or Yard Sale shall be held on a Lot or property for more than 14 days in total per calendar year or for more than three consecutive days.

§ 380-31. Temporary Uses and Buildings.

- A. Temporary Uses, Buildings and Structures, not Used for Dwelling purposes, may be placed on a Lot or parcel and Occupied only under the following conditions as authorized by a permit issued by the Zoning Administrator.
- B. Construction Buildings and Structures, including trailers, incidental to construction work on a Lot, are permitted provided:
 - (1) Construction Buildings and Structures may only be Used for the storage of construction materials, tools, supplies and equipment; or for construction management and supervision offices; or for temporary on-site sanitation purposes, which shall be required on all construction sites; and
 - (2) Construction Buildings and Structures shall be removed from the Lot within 15 days after an occupancy permit is issued by the building official for the permanent Structure on such Lot, or within 15 days after the expiration of a building permit issued for construction on the Lot.
- C. Sales offices or model homes may be placed on a Lot provided:
 - (1) The location of the office shall be specified in the permit;
 - (2) The permit shall be valid for a period of up to one year, but the permit may be renewed by the Zoning Administrator for up to two successive one year periods or less, at the same location if the office is still incidental and necessary; and
 - (3) Only transactions related to the Development in which the Structure is located shall be conducted within the Structure. General offices for real estate, construction,

Development or other related businesses associated with the project shall not be allowed.

D. The Temporary Uses shall meet all of the following standards.

- (1) The nature of the Temporary Use and the size and placement of any temporary Structure shall be planned so that the Temporary Use or Structure will be compatible with existing Development.
- (2) The Lot shall be of sufficient size to adequately accommodate the Temporary Use or Structure.
- (3) The location of the Temporary Use or Structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the Temporary Use or Structure.
- (4) Off-Street parking areas are of adequate size for the particular Temporary Use or Structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and Nuisances.
- (5) Signs shall conform to the provisions of this Chapter,
- (6) Any lighting shall be directed and controlled so as to not create a Nuisance to neighboring property owners.

§ 380-32. Representations and promises of developers and property owners.

If, pursuant to any zoning approval (including, but not limited to, the granting of a zoning permit or Variance or the approval of a Special Land Use, Planned Unit Development, Site Plan, or other zoning approval), the property owner or applicant makes any representation, promise, or offer of a condition or voluntary restriction should the zoning approval be approved or granted, such promise, condition, voluntary restriction, or representation shall be deemed to be an enforceable condition of any such zoning approval, whether or not such promise, condition, voluntary restriction, or representation was made orally or in writing, and whether or not it is reflected in the zoning approval motion, resolution, permit or other Township Board approved documents. If the Township Board deems such promise, representation, voluntary restriction, or condition to have been a consideration by the Township Board or the body which granted the zoning approval, then the promise, condition, voluntary restriction, or representation shall be deemed an express and enforceable condition of the zoning approval.

§ 380-33. Minimum requirements for Dwellings outside of mobile home parks.

All Dwelling Units located outside of mobile home parks shall comply with the following requirements.

- A. All Dwelling Units shall provide a minimum height between the interior floor and ceiling of 7.5 feet or if a mobile home, it shall meet the requirements of the United States

Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.

- B. The minimum width of any Single Family Dwelling Unit shall be 24 feet for at least 67% of its length, measured between the exterior part of the walls having the greatest length.
- C. There shall be a foundation of concrete or block around the entire exterior perimeter of all Dwellings. The foundation shall provide a maximum exposed foundation above grade of 16 inches and a minimum exposed foundation above grade of eight inches.
- D. All Dwellings without Basements shall provide a crawl space below the entire floor of the Dwelling four feet in depth, with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Township may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
- E. All Dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the Township or, if a mobile home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards."
- F. The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
- G. All Dwellings shall be connected to a sewer system and water supply system approved by the County Health Department.
- H. All Dwellings shall provide steps or porch areas, permanently attached where there exists an elevation differential of more than one foot between any door and the surrounding grade. All Dwellings shall provide a minimum of two points of ingress and egress.
- I. All additions to Dwellings shall meet all the requirements of this Chapter.
- J. All Dwellings in a PUD shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or alternatively with window sills or roof drainage systems, concentrating roof drainage at collection points along sides of the Dwellings. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular Dwelling. 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.
- K. Prior to issuance of a building permit for any Dwelling Unit, construction plans, including a plot plan adequate to illustrate compliance with the requirements of this Chapter, shall be submitted to the Zoning Administrator. If the Dwelling Unit is a mobile home, there shall

also be submitted adequate evidence to assure that the Dwelling complies with the standards applicable to mobile homes set forth in this section.

- L. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled “Mobile Home Construction & Safety Standards” effective June 15, 1976, as amended. All other Dwellings shall meet the requirements of the construction code adopted by the Township.

§ 380-34. Essential Public Services.

- A. Essential Public Services such as the Erection, construction, Alteration, or maintenance of underground utilities, water transmission or distribution systems, and waste disposal systems, including mains, drains, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and Accessory Structures reasonably necessary for the furnishing of adequate service by public utilities or municipal departments or commissions or for the public health or general welfare, but not including cellular telephone or communications towers or Buildings, and not including those Buildings that are primarily enclosures or shelters of the above essential services.
- B. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and the treatment of turf to handle storm waters. This will include the establishment of retention basins to inhibit damage by storm water runoff.

§ 380-35. Aquifer protection.

The purposes of the following provisions are to protect and preserve the aquifers and subterranean water resources underlying the Township, and to limit and control the removal of water obtained from the subterranean watercourses and aquifers underlying the Township.

- A. It shall be unlawful for any person to extract water from any aquifer or subterranean watercourse underlying any part of a residential Development located in the Township, except for personal Use.
- B. It shall be unlawful for any person to remove off-premises, for the purpose of resale or Commercial Use, any water extracted from any aquifer or subterranean watercourse underlying any part of any residential Development in the Township.
- C. Off-premises removal of water extracted from aquifers or subterranean water courses underlying a residential Development located in the Township is not permitted unless a water extraction permit is obtained from the Township Board. The permit shall specifying well depth and the volume permitted for extraction shall be granted if the applicant strictly complies and agrees to continue to comply with all of the following.
 - (1) At the time of application or re-issuance of the water extraction permit, an applicant shall present in writing all details pertaining to the proposed extraction.

- (2) The issuance of the water extraction permit shall not allow, imply, or grant permission, sanction, or approval for the lowering or depleting of the aquifer watercourse, pressure, or supply of water of any other well or spring dependent upon the same aquifer or watercourse.
- (3) The depth and amount of volume extraction shall be limited to the specifications of the extraction permit.
- (4) The applicant shall demonstrate that the aquifer or subterranean water resources from which the water is proposed to be extracted will not be materially diminished or impaired, and that no other landowners or occupiers in the vicinity will be materially or adversely impacted. As a condition of the grant of a permit, the applicant shall be required to pay a fee to reimburse the Township for its actual costs in reviewing the application, including the costs of retaining an engineer or hydrologist or both to review the application and to subsequently review and monitor the applicant's water extraction operations.
- (5) Such permit is subject to revocation for noncompliance with the terms of this Chapter. Any such permit for the extraction shall be renewable, but no original or renewal permit shall be valid for more than five years.
- (6) Any original or renewal of a water extraction permit shall not be granted until the Township, shall hold a public hearing, first providing at least 15 days written notice by publication in a newspaper of general circulation within the Township, which notice shall set forth the nature of the permit application and advise of the time, date, and location of the hearing. Thereafter, the Township Board shall make a final determination as to the application.

§ 380-36. Wireless Telecommunication Services.

- A. Wireless Telecommunication Services are permitted on Township-owned property, with a lease. The Township is not obligated to approve a lease for this purpose.
- B. Wireless Telecommunication Services are permitted by Special Land Use in, all the Zoning Districts except the PUD District (unless the applicant is able to show that the PUD District is the only available option to provide necessary service which cannot otherwise be provided).
- C. A condition of any Special Land Use for Wireless Telecommunication services shall be a commitment by the applicant to allow collocation on any tower controlled by the applicant, to reduce the number of towers erected in the Township.

§ 380-36A. Prohibition of Recreational Marihuana Establishments.

- A. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act" for purposes of this Section), are prohibited in all Zoning Districts, and shall not be permitted as Home Occupations under Section 380-26 of this Chapter.

- B. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Chapter or prior to the addition of this Section to the Chapter, shall be deemed to have been a legally established use under the provisions of this Chapter; that use shall not be entitled to claim legal nonconforming status.
- C. Violations of this Section are subject to the violations and penalties pursuant to Section 380-183 of this Chapter and may be abated as nuisances.

ARTICLE IV
Animal Control

§ 380-37. Raising, keeping, or housing of pets; running at large.

Raising, keeping, or housing of commonly classified pets such as dogs, cats, birds, and other small animals used as pets shall be permitted within the Township as provided below.

- A. Such pets must be properly housed and contained so as not to become a nuisance as to noise, odor, or sanitation; all enclosures shall be not less than 20 feet from the Lot Lines of the Lot upon which the pets are kept.
- B. A pet is permitted to run at large within the Lot Lines of the Lot upon which the pets are kept.
- C. No person shall permit a pet to run at large outside the Lot Lines of the Lot upon which the pet is kept unless accompanied by the pet owner or some person having control of the pet.

§ 380-38. Raising or keeping of domestic animals.

Raising or keeping of domestic animals, including horses, ponies, cattle, livestock, mules, donkeys, sheep, goats, pigs, fur-bearing animals, fowl, and rabbits shall be permitted within the Township as provided below.

- A. The Lot must have at least 2.5 acres in Lot Area; in the event horses, ponies, cattle, livestock, or pigs are kept upon the Lot, an additional 1/2 acre in Lot Area shall be required for each head of livestock or swine in excess of two.
- B. The above animals and fowl shall be confined within a Building, Structure or fenced enclosure located at least 50 feet from any well used for water for human consumption and from any Dwelling Unit, whether located upon the same Lot or an adjacent Lot. Further, any such Building, Structure, or fenced area shall not be located closer than 20 feet from the Lot Lines of the Lot upon which the animals or fowl are kept.
- C. No Animals or fowl shall be permitted to run at large upon a Street or within 50 feet of any well or Dwelling.

- D. The enclosure, Structure, or Building for animals shall be so maintained to prevent offensive odors therefrom or from attracting rodents, flies, vermin, or insets upon the Lot.
- E. Animal litter and barn type waste shall not be permitted to accumulate, so as to become an annoyance or neighborhood nuisance.
- F. A special use permit has been considered under the provisions of Chapter 380, Zoning, Article XX, "Special Land Uses," and approved by the Planning Commission and the Township Board.

§ 380-39. Kennels.

A kennel is any Structure or Lot on which four or more dogs over six months of age are kept or raised for compensation.

**ARTICLE V
Nonconformities**

§ 380-40. Intent.

It is recognized that there exist certain Buildings, Structures, Uses, and Lots that were lawful before this Chapter was adopted, and which were legally established, but would be prohibited, regulated or restricted under the current regulations of this Chapter. It is the intent of this Chapter to allow Nonconforming Lots, Buildings and Structures, and Uses to continue until they are removed, but not to encourage their survival.

Nonconforming Lots, Lots, Buildings, Structures, and Uses are hereby declared by this Chapter to be incompatible with this Chapter and the Zoning Districts in which they are located. It is the intent of this Chapter that, unless otherwise expressly permitted, nonconformities shall not be enlarged upon, intensified, expanded, or extended without proper approvals, nor be Used as grounds for adding other Buildings, Structures or Uses prohibited elsewhere in the Zoning District or this Chapter.

§ 380-41. General requirements.

- A. No Building, Structure, or part thereof shall be constructed, Erected, moved, placed, maintained, reconstructed, Used, extended, enlarged or Altered, except in full conformity with the regulations herein specified for the Zoning District in which it is located.
- B. No Use shall be established on any Lot except in full conformity with the Use regulations of the Zoning District in which it is located.
- C. Nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated Use of any Building for which a building permit was issued or on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Chapter and upon which actual Building construction has been diligently conducted. A building permit shall be valid only in the event that the construction that is the subject

of the permit commences within 60 days after the date of issuance and shall be completed within one year of the issuance date (absent any extensions granted by the Township).

- D. The Township Board may acquire, through purchase or condemnation, Nonconforming Lots, Uses, Buildings and Structures.

§ 380-42. Nonconforming Uses.

- A. If a Nonconforming Use is Abandoned or does not occur for any reason for a period of 12 consecutive months or longer, any subsequent Use shall fully conform to the requirements of this Chapter.
- B. A Nonconforming Use shall be considered Abandoned if one or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to Abandon the Nonconforming Use:
 - (1) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - (2) The property, Buildings, or grounds have fallen into disrepair;
 - (3) Signs, Structures, or other indications of the existence of the Nonconforming Use have been removed;
 - (4) Removal of equipment or fixtures that are necessary for the operation of the Nonconforming Use; or
 - (5) Other actions, which in the opinion of the Zoning Administrator constitute an intention on the part of the property owner, tenant, or lessees to Abandon the Nonconforming Use.
- C. Uses that are nonconforming solely because of height, area, parking or loading provisions may be expanded provided that the Zoning Administrator determines that all of the following are applicable:
 - (1) For the purposes of this subsection, expansion shall include extension or enlargement of the Use;
 - (2) All Zoning District requirements (and other Ordinance requirements) are satisfied with respect to the expansion;
 - (3) The expansion shall not substantially extend the life of any Nonconforming Use by reason of parking and loading provisions; and
 - (4) The Nonconforming Use is made conforming or less nonconforming by the addition of parking and/or Loading Space. Thereafter any subsequent expansion of the Nonconforming Use or change in Use will not be allowed if it requires even greater parking and/or Loading Space.

- D. A Nonconforming Use not addressed in subparagraph C, above, may be enlarged when authorized by the Zoning Board of Appeals, subject to all of the following provisions:
- (1) The enlargement, when allowed, shall not exceed 25% of the area devoted to a Nonconforming Use at the effective date of this Chapter or relevant amendment thereto;
 - (2) Any Building Used for the Nonconforming Use shall not be nonconforming or require a Variance to effectuate the enlargement of the Nonconforming Use;
 - (3) The expansion does not create, or make worse, any adverse effect on surrounding properties or the neighborhood; and
 - (4) The expansion does not intensify the Use or unreasonably extend its probable duration.
- E. An existing Nonconforming Use may be changed to another Nonconforming Use provided that all the following determinations are made by the Zoning Board of Appeals:
- (1) The proposed Use shall be as compatible or more compatible with the surrounding neighborhood than the previous Nonconforming Use;
 - (2) The proposed Nonconforming Use shall not be enlarged or increased, or extended to occupy a greater area of land than the previous Nonconforming Use, except as any otherwise allowed by this section;
 - (3) Appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Chapter; and
 - (4) Once returned to a more conforming Use, the previous Nonconforming Use shall be considered Abandoned and may not be reestablished. Subsequent Uses shall all conform to the requirements of the Zoning District.

§ 380-43. Nonconforming Buildings.

- A. Any Building or Structure existing and lawful at the time of enactment of this Chapter, or amendments thereto, may be continued although the Structure does not conform to the current provisions of this Chapter.
- B. Repairs and maintenance work may be made as are required to keep a Nonconforming Building or Structure in a sound condition.
- C. In the event fire, wind, an act of God, or the public enemy damages any Nonconforming Building or Structure, it may be rebuilt or restored provided it meets the Zoning District requirements and the total costs of repair or restoration shall not exceed 50% of the taxable value of the Building or Structure before the Building was damaged. The Zoning Administrator shall determine the cost of reconstruction.

- D. A Nonconforming Building shall not be expanded in any manner that increases its nonconforming condition. However, it may be expanded in other dimensions, or along the same plane of the existing nonconforming Setback, provided it does not encroach over a property line and it is in full conformance with the remainder of this Chapter.

§ 380-44. Nonconforming Lots.

- A. If a Nonconforming Lot has less than the minimum required area, Frontage, or width required for the Zoning District in which it is located, the area, Frontage, or width may be maintained, unless regulated by subparagraph C, below, but shall not be made more nonconforming.
- B. Where a Commercial Nonconforming Lot can provide the side and Front Yard requirements of its zone, the permitted Uses of the Zoning District shall be allowed.
- C. Where a residential Lot of Record in lawful existence at the time of the adoption or amendment of this Chapter does not meet the minimum requirements for Lot Width, dimension, or Lot Area such Lot of Record may be Used for any purposes permitted by the Zoning District in which the Lot is located, provided that the Lot meets at least 80% of the required Lot Area, Lot Width, dimension, and Side Yard required by that Zoning District and further provided that any Building or Structure constructed on the Lot complies with all other Yard Setback requirements.
- D. If two or more adjoining Lots of Record or combination of Lots and portions of Lots of Record, in existence at the time of the passage of this Chapter, or an amendment thereto, with continuous Frontage and under single ownership do not meet the requirements established for Lot Width, dimension, or Lot Area, the land involved shall be considered to be an undivided single Lot for the purposes of this Chapter, and no portion of such Lot shall be Used or divided in a manner which diminishes compliance with Lot Width, dimension, or area requirements established by this Chapter.
- E. A Nonconforming Lot may only be expanded if it is brought into closer conformity with the regulations specified for the Zoning District in which it is located.

§ 380-45. Nonconforming Signs.

- A. Every permanent Sign in lawful existence at the time of adoption of this Chapter or an amendment to it which does not conform to the height, size, area, location, or other requirements of this Chapter is deemed nonconforming.
- B. Nonconforming Signs may not be expanded, enlarged, or extended, but they may be maintained and repaired as allowed by this Chapter so as to continue their useful life.
- C. A nonconforming Sign may be diminished in size or dimension, or the copy on the Sign may be amended or changed, without adversely affecting the status of the Sign as a nonconforming Sign.

D. Abandonment or destruction: If a Sign loses its legal nonconforming designation or status, the Sign (and all portions thereof) shall be removed immediately and shall not be repaired, replaced or rebuilt unless it fully complies with all requirements of this Chapter. A nonconforming Sign shall lose its lawful nonconforming designation and status if the Zoning Administrator determines that any of the following is applicable:

- (1) The Sign is relocated, moved, rebuilt or replaced.
- (2) The Sign is destroyed. A Sign shall be deemed destroyed if any of the following occurs.
 - (a) The Sign is torn down or demolished;
 - (b) The Sign is wrecked or ruined;
 - (c) Such damage has been done to the Sign that it cannot be returned to its prior state by routine repair, but only by replacement or material rebuilding; or
 - (d) More than 50% of the face of the Sign has been shattered, or a portion of the Sign face touches the ground.

If a Sign is destroyed, subsection E below (which applies only to repairs and maintenance) shall not be applicable.

- (3) Even if a Sign has not been destroyed, but damage or deterioration has occurred to the point of 50% or more as defined in subsection E, below, the Sign shall be deemed to have lost its legal nonconforming status.
- (4) The Structure or size of the Sign is Altered in any material way other than a change of copy, or normal maintenance which does not physically Alter the Sign, or as allowed by subsection C above.
- (5) There is a material change in the Use of the premises where the Sign is located.
- (6) A building permit is issued for any construction on the premises where the Sign is located which increases the total Building square footage by more than 5% or 5,000 square feet, whichever is lies.
- (7) The Sign is Abandoned.

E. Repair. This subsection E shall not apply if a legal nonconforming Sign has been destroyed, since a destroyed Sign automatically loses its legal nonconforming designation and status. If a legal nonconforming Sign suffers 50% or more damage, destruction, or deterioration, it must be brought into full compliance with this Chapter or be removed. In order to determine whether or not a Sign has been damaged or has deteriorated by 50% or more, the cost of physically repairing the Sign shall be compared to the costs of physically replacing the Sign. If less than 50% damage or deterioration has occurred pursuant to such comparison, the Sign may be repaired to its exact original state.

§ 380-46. Burden of proof.

The burden of proof for establishing or proving the existence or any aspect of a lawful Nonconforming Structure, Lot or Use (as well as the size, scope, intensity, and extent thereof) is on the owner of the property involved.

ARTICLE VI
Establishment of Zoning Districts

§ 380-47. Establishment of Districts.

For the purpose of this Chapter, the Township is divided into the following Zoning Districts:

CO	Conservancy District
R-1	Residential 1 District
R-2	Residential 2 District
R-3	Residential 3 District
FR-R4	Forest/Recreational/Residential 4 District
FR-R5	Forest/Recreational/Residential 5 District
FR-R6	Forest/Recreational/Residential 6 District
FR-I	Forest/Recreational/Institutional District
C	Commercial District
MR	Mobile Home Park District
PUD	Planned Unit Development

§ 380-48. Zoning District Map.

The location and boundaries of the Zoning Districts are established as shown on the map entitled “Zoning District Map” on file with the Township Clerk. The Zoning Administrator shall regularly update the “Zoning District Map” to illustrate any changes in the Zoning District boundary lines resulting from amendments to this Chapter as adopted by the Township Board. The “Zoning District Map” together with all information shown thereon shall be as much a part of this Chapter as if fully set forth and described herein.

§ 380-49. Resolution of Zoning District boundaries.

Where Zoning District boundaries may be uncertain, the following procedures and determinations shall prevail.

- A. Where Zoning District boundaries follow roads, Streets, highways, Alleys, utility Easements, or railroad rights-of-way, the boundary lines shall be construed to be the center line of the rights-of-way or Easements unless clearly shown to the contrary.
- B. Where any uncertainty exists as to the exact location of a Zoning District boundary line, the Planning Commission, upon written application, or upon its own initiative, shall determine the location of the boundary line. Any such determination so made by the Planning Commission shall be forwarded to the Zoning Administrator who shall record the determination upon the “Zoning District Map.”

ARTICLE VII
Conservancy (CO) District

§ 380-50. Purpose.

It is the purpose of this Zoning District to protect and enhance the exceptional water and adjacent land resources of the Township with particular emphasis placed upon the White River Floodplain, the Township's lakes, and other surface water bodies and drainage ways. The regulations set forth in this Article are designed to prohibit or limit those Uses that may be incompatible with or degrade the Township's water resources and to encourage those Uses that are compatible with or otherwise enhance these critical water resource areas.

§ 380-51. Mapped and unmapped Conservancy Districts.

Those water and attendant land areas of the White River Floodplain are indicated on the "Zoning District Map" as a CO (Conservancy) District. All other areas adjacent to streams, lakes and ponds are not indicated on the map but are included in these regulations and shall be assumed as not less than that area between the water level and a line not less than 100 feet horizontally set back from the high water level of any subject water body, stream, or drainage way.

§ 380-52. Principal Uses permitted.

Land within this Zoning District may be Used for one or more of the following purposes.

- A. Wild crop harvesting.
- B. Hunting.
- C. Fishing.
- D. Beaches (swimming).
- E. Sustained yield forestry.

§ 380-53. Accessory Uses permitted.

Those Accessory Uses common to the permitted Principal Uses and Special Land Uses are allowed. However, no Buildings for human habitation nor any Structures that will significantly interfere with the free flow of Flood waters or cause stream bank or lakefront erosion shall be allowed.

§ 380-54. Special Land Uses.

Upon application to and approval by the Planning Commission, the following Special Land Uses shall be permitted.

- A. Walk in Tent campgrounds shall be permitted where vehicular access is available to emergency vehicles and campgrounds adequately provide for water supply and waste disposal and otherwise do not cause any significant environmental damage.

- B. Hiking, bicycle, snowmobiling, and cross country skiing trails are permitted subject to the Planning Commission's findings that the location, width, grades, and maintenance will not have significant environmental impact. Recreation vehicular Uses of trails shall not be allowed except where the Planning Commission finds it necessary or appropriate to complete a trail system. The Planning Commission must be reasonably assured as to the adequacy of the trail design, including exact location, trail grading, surfacing, width, safety, and adequate maintenance to minimize adverse environmental impacts and to ensure that adjoining properties and Uses will not be adversely affected.
- C. Hunting, camping, and dog and gun Clubs are permitted provided that no Buildings, campgrounds other than Tent campgrounds, or parking areas are located in Floodplain areas or within 200 feet of any water body and provided further that any plans for physical improvement or Development be found by the Planning Commission not to adversely affect the environment.
- D. Canoe or boat liveries and Marinas are allowed provided they are not less than 100 feet from adjoining properties and no significant adverse water or land impact is found by the Planning Commission.
- E. Ski or toboggan slopes and facilities are allowed provided the Planning Commission finds no adverse land or water impacts.

§ 380-55. Height.

No permitted Building or Structure shall exceed 35 feet in height.

§ 380-56. Lot Area and Coverage.

The minimum Lot Area shall be 20 acres and Lot Coverage by any principal or Accessory Buildings shall not exceed 5% of the total Lot Area.

§ 380-57. Yards.

No Buildings or parking areas shall be located less than 100 feet from any adjoining right-of-way or property line.

**ARTICLE VIII
Residential (R-1) District**

§ 380-58. Purpose.

This Zoning District provides for those areas where Single Family residences of limited Lot Areas exist and where similar residential Development may be ultimately provided with community or public sewage treatment and disposal facilities or other utilities and public services on a reasonably efficient basis. It is intended to provide areas for residential living free of incompatible Uses with adequate light and air and Yard areas.

§ 380-59. Principal Uses permitted.

The following Uses are permitted as Principal Uses in this Zoning District.

- A. Single Family Dwellings.
- B. Public parks, playgrounds, recreation areas, schools, and churches.
- C. Family Day Care Homes.
- D. Adult Foster Care Family Homes.
- E. Foster Family Homes.

§ 380-60. Accessory Uses permitted.

Those Buildings, Structures, and Uses customarily accessory to allowed Principal Uses are permitted.

§ 380-61. Special Land Uses.

Upon application to and approval by the Planning Commission, the following Special Land Uses shall be permitted.

- A. Home Occupations.
- B. Bed and Breakfast Establishments.
- C. Site Condominium Projects consisting of Uses allowed in the Zoning District, whether by right or by Special Land Use.
- D. Group Day Care Homes.
- E. Adult Foster Care Small Group Homes.
- F. Foster Family Group Homes.

§ 380-62. Height.

No Building or Structure shall exceed a height of 40 feet.

§ 380-63. Lot Area and Coverage.

Total Lot Area shall be not less than 11,000 square feet. Total Building area, including Accessory Buildings, shall not exceed 30% of the total Lot Area.

§ 380-64. Yard requirements.

There shall be a Front Yard of not less than 30 feet, Side Yards of not less than 15 feet, and a Rear Yard of not less than 50 feet. However Accessory Buildings and Structures may be placed in the Rear Yard if set back not less than seven feet from rear and side property lines.

§ 380-65. Lot Frontage and Lot Width.

Lot Frontage and Lot Width shall not be less than 80 feet in width at any point on the Lot.

§ 380-66. Floor area for Single Family Dwelling.

There shall be a minimum floor area of 750 square feet. Dwellings with more than one Story shall have a ground floor of at least 750 square feet.

ARTICLE IX
Residential (R-2) District

§ 380-67. Purpose.

This Zoning District is established to provide for Single Family residential Uses in those areas that are not anticipated to require public sewage collection treatment facilities, but rather will be dependent upon on-site treatment and disposal or upon small area systems. This localized treatment approach requires larger Lot sizes in order to protect on-site water supply and to reduce treated wastewater loadings of the ground-water resources. This District also provides residential choice in the form of neighborhoods or areas of Dwellings sited upon larger Lots.

§ 380-68. Principal Uses permitted.

The same Principal Uses permitted in the R-1 Residential District are permitted in this Zoning District.

§ 380-69. Accessory Uses permitted.

The same Accessory Uses permitted in the R-1 Residential District are permitted in this Zoning District.

§ 380-70. Special Land Uses.

- A. The same Special Land Uses in the R-1 Residential District are permitted in this Zoning District.
- B. Two Family Dwellings.
- C. Multiple Family Dwellings.

§ 380-71. Height.

The same height limits permitted in the R-1 Residential District are permitted in this Zoning District.

§ 380-72. Lot Area and Coverage.

The minimum Lot Area shall be 40,000 square feet. Lot Coverage by Buildings shall not exceed 15% of the total Lot Area.

§ 380-73. Yards.

Yard requirements in the R-2 Residential District shall be the same as in the R-1 Residential District, except that the Side Yards shall not be less than 20 feet in width.

§ 380-74. Lot Frontage and Lot Width.

Lot Frontage and Lot Width shall not be less than 100 feet in width at any point on the Lot.

§ 380-75. Floor area for Single Family Dwelling.

There shall be a minimum floor area of 750 square feet. Dwellings with more than one Story shall have a ground floor of at least 750 square feet.

**ARTICLE X
Residential (R-3) District**

§ 380-76. Purpose.

This Zoning District is established to provide for Single Family residential Uses in those areas that are not anticipated to require public sewage collection treatment facilities, but rather will be dependent upon on-site treatment and disposal or upon small area systems. This localized treatment approach requires larger Lot sizes in order to protect on-site water supply and to reduce treated wastewater loadings of the ground-water resources. This District also provides residential choice in the form of neighborhoods or areas of Dwellings sited upon larger Lots.

§ 380-77. Principal Uses permitted.

Land within this Zoning District may be Used for one or more of the following purposes.

- A. Single Family Dwellings.
- B. Family Day Care Homes.
- C. Adult Foster Care Family Homes.
- D. Foster Family Homes.

§ 380-78. Accessory Uses permitted.

Those Accessory Uses customary to those Principal Uses and Special Land Uses are permitted.

§ 380-79. Special Land Uses.

The following Special Land Uses may be permitted upon application to and the affirmative findings of the Planning Commission.

- A. Group Day Care Homes.
- B. Adult Foster Care Small Group Homes.
- C. Foster Family Group Homes.

§ 380-80. Height.

No Building or Structure shall exceed 35 feet in height.

§ 380-81. Lot Area and Coverage.

Total Lot Area shall be more than 40,000 square feet, but not more than 2-1/2 acres (108,900 square feet). Total Building area or coverage, including Accessory Buildings, may not exceed 10% of the total Lot Area.

§ 380-82. Lot Frontage and Lot Width.

Lot Frontage and Lot Width shall not be less than 165 feet at the Front Lot Line.

§ 380-83. Yard requirements.

There shall be a Front Yard of not less than 30 feet, Side Yards of not less than 40 feet, and a Rear Yard of not less than 50 feet. No Structures of any kind, sewer systems, or water wells shall be within these required Yards. However, Accessory Buildings and Accessory Structures may be placed in the required Rear Yard if at least 20 feet from the Rear Lot Line.

§ 380-84. Floor area for Single Family Dwelling.

There shall be a minimum floor area of 750 square feet.

ARTICLE XI
Forest/Recreational/Residential 4 (FR-R4) District

§ 380-85. Purpose.

This Zoning District is provided in order that the extensive land areas of the Township that consist of forested, rolling topographic outwash plains are appropriately protected as exceptional natural, forest, and recreational resource areas and are provided for those Uses which are compatible with such land and vegetative resources. In addition, this Zoning District is provided to encourage

seasonal recreational Uses and to allow limited low Density residential Uses in these areas in order to minimize insufficient public services and facilities, to reduce hazards to the land and forest resources and to residents of the Township, and to maintain the integrity of the Township's exceptional land and water resources.

§ 380-86. Principal Uses permitted.

Land within this Zoning District may be Used for one or more of the following purposes.

- A. Single Family Dwellings.
- B. Agricultural and sustained yield forestry Uses.
- C. Golf courses other than miniature golf courses, public parks, and parkways.
- D. All Uses permitted in Conservancy District.
- E. Family Day Care Homes.
- F. Adult Foster Care Family Homes.
- G. Foster Family Homes.

§ 380-87. Accessory Uses permitted.

Those Accessory Uses customary to those Principal Uses and Special Land Uses are permitted.

§ 380-88. Special Land Uses.

The following Special Land Uses may be permitted upon application to and the affirmative findings of the Planning Commission.

- A. Hiking, bicycling, snowmobiling, cross-country skiing, and horseback trails shall be permitted subject to the Planning Commission's findings that the location, improvement and maintenance of such trails will not cause significant environmental damage and that adjoining properties will not be adversely affected. Those trails will be permitted only upon the Planning Commission's finding that the following requirements are fully satisfied.
 - (1) The location and improvement of the proposed trail system is reasonably safe and will not cause significant environmental damage.
 - (2) The system proposed for the trail maintenance is capable of implementation and is maintained.
 - (3) The proposed trail system will not unreasonably affect adjoining property.
 - (4) The proposed plan for operating the trail system, including hours of the day for Use, safety, emergency facilities, regulation and control of trails and off-trail areas, and

available toilet and waste disposal facilities, is found by the Planning Commission to be adequate for environmental protection and health and safety of the trail users and the general community.

- (5) Assembly and rest areas shall include adequate parking areas, toilet facilities, and solid waste containers. Buildings and their Uses shall be subject to approval by the Planning Commission, including any limitations or requirements found necessary by the Planning Commission.
- B. Hunting, gun, dog, fishing, and boating organizations and Clubs and similar Uses (including a Marina) shall be allowed subject to the following requirements.
- (1) All improvements, Buildings, and Structures shall be allowed only if found by the Planning Commission to not pose any health or safety hazards or to pose significant damage to the environment.
 - (2) Proposed plans for the operation, Use, and maintenance of the property and facilities do not pose hazards, adversely affect adjoining properties, or adversely affect the environment.
 - (3) Proposed plans adequately provide for water supply, wastewater treatment and disposal, and solid waste disposal.
 - (4) No Building, Structure, parking area, or other improvement may be less than 100 feet from adjoining public right-of-way or property lines.
- C. Site Condominium Projects consisting of Uses allowed in the Zoning District, whether by right or by Special Land Use.
- D. Group Day Care Homes.
- E. Kennels.
- F. Adult Foster Care Small Group Homes.
- G. Foster Family Group Homes.
- H. Raising or keeping of domestic animals.
- I. Flea Markets.
- J. Campgrounds designed to accommodate recreational camping vehicles and tents, in compliance with all State requirements.
- (1) The Density of camp sites shall not exceed five camp sites per acre of total Lot Area. The total Lot Area for campgrounds shall be at least 25 acres.
 - (2) No camp sites shall be located less than 100 feet from any property line.

- (3) Water supply and solid and wastewater disposal and treatment systems and facilities shall be approved by the Muskegon County Health Department and a finding by the Planning Commission that the facilities do not contribute significant pollutants to the receiving ground or surface waters.
- (4) All improvements proposed shall not pose significant environmental, health, or safety impacts or hazards.
- (5) Roadways shall be adequate to service guests but no more extensive than is necessary and shall be maintained in a passable condition adequate for access of ingress, egress, and on site movement of emergency vehicles.
- (6) Adequate toilet and laundry facilities shall be provided.
- (7) No Buildings, Structures, or parking areas shall be located less than 100 feet from any adjoining property or public right-of-way. Tree removal shall be minimized in the construction and maintenance of the facilities.
- (8) The 100 foot Yard areas shall be maintained in a natural condition and existing trees and vegetative cover shall not be removed except to maintain the safety and health of the campgrounds.
- (9) Retail sales as an Accessory Use to a campground shall be limited to convenience food goods, convenience items, and repair parts for camping equipment.
- (10) Improvements, including camping sites, land between individual sites, roadways, Buildings, and Structures shall not exceed 60% coverage of the total Lot Area. Building coverage shall not exceed 3% of the total Lot Area including Accessory Buildings.

§ 380-89. Height.

No Building or Structure shall exceed 35 feet in height.

§ 380-90. Lot Area and Coverage.

Total Lot Area shall be more than 2-1/2 acres (108,900 square feet) but not more than five acres (217,800 square feet). Total Building area or coverage, including Accessory Buildings, may not exceed 10% of the total Lot Area.

§ 380-91. Lot Frontage and Lot Width.

Lot Frontage and Lot Width shall not be less than 165 feet at the Front Lot Line.

§ 380-92. Yard requirements.

There shall be a Front Yard of not less than 30 feet. Side Yards of not less than 40 feet, and a Rear Yard of not less than 50 feet. No Structures of any kind, sewer systems, or water wells shall be within these required Yards.

§ 380-93. Floor area for Single Family Dwelling.

There shall be a minimum floor area of 750 square feet. Dwellings with more than one Story shall have a ground floor area of at least 750 square feet.

ARTICLE XII
Forest/Recreational/Residential 5 (FR-R5) District

§ 380-94. Identical to FR-R4 District.

Except as described below, the FR-R5 District shall be identical to the FR-R4 District.

§ 380-95. Lot Area and Coverage.

Total Lot Area shall be more than five acres (217,800 square feet) but not more than 10 acres (435,600 square feet). Total Building area or coverage, including Accessory Buildings, may not exceed 10% of the total Lot Area.

§ 380-96. Lot Frontage and Lot Width.

Lot Frontage and Lot Width shall be not less than 260 feet at the Front Lot Line.

ARTICLE XIII
Forest/Recreational/Residential 6 (FR-R6) District

§ 380-97. Identical to FR-R5 District.

Except as described below, the FR-R6 District shall be identical to the FR-R5 District.

§ 380-98. Lot Area and Coverage.

Total Lot Area shall be more than 10 acres (435,600 square feet). Total Building area or coverage, including Accessory Buildings, may not exceed 10% of the total Lot Area.

§ 380-99. Lot Frontage and Lot Width.

Lot Frontage and Lot Width shall be not less than 260 feet at the Front Lot Line.

ARTICLE XIV
Forest/Recreational/Institutional (FR-I) District

§ 380-100. Purpose.

This Zoning District provides for the protection of property developed and used for the operation of institutional camps at the time this Zoning District was initially established in 2004. Any use of the property in this Zoning District for anything other than the development and operation of institutional camps shall require rezoning of the property or a use variance if allowed by the Zoning Act.

§ 380-101. Camp Development and Use.

The following uses are included within the concept of institutional camp development and operation.

- A. Camping serves public and private youth organizations and family groups from schools, scouting organizations, religious and other organizations.
- B. The objective of camping services is to protect the environment, focusing on undisturbed lake and forest areas against uses incompatible with maintaining the natural state of the environment.
- C. These camping organizations typically expect one or more of the following:
 - (1) A pleasant outdoor experience in a natural environment;
 - (2) An educational learning experience involving conservation and nature;
 - (3) An extended stay ranging from a weekend to several weeks;
 - (4) A period of rest and physical rejuvenation; and
 - (5) Fellowship and comradeship in a group experience.
- D. Youth and adult resident camping facilities would include overnight accommodations for large and small groups.
- E. Certain youth and adult resident camping facilities are designed to assist persons with disabilities in attaining independence and dignity by creating opportunities for participation in the community by:
 - (1) Providing recreation and leisure opportunities for all people of all abilities to increase independence and quality of life;
 - (2) Providing an accessible outdoor environment where the out-of-doors and nature can be enjoyed by anyone, regardless of ability or disability; and

- (3) Providing that the property be kept in a rustic and natural state to the extent feasible, while still integrating accessibility features.
- F. Food preparation, storage, and service facilities including kitchens and dining halls are available.
- G. Bath and toilet facilities are available.
- H. Health and first aid facilities are available.
- I. Maintenance and service facilities are available.
- J. An internal system of access roads and hiking trails is available.
- K. Outdoor recreational and educational facilities would ordinarily include:
 - (1) Natural forest areas;
 - (2) Cabins and open spaces for the erection of tents;
 - (3) Field spaces for sports and physical training;
 - (4) Waterfront and pool facilities for swimming, fishing, and boating (including Marinas);
 - (5) Areas for campfires and outdoor meetings;
 - (6) Trails for winter activities such as cross country skiing; and
 - (7) Stables and horseback riding facilities.
- L. Indoor facilities for high-quality educational and conference meetings would ordinarily include:
 - (1) Auditoriums; and
 - (2) Halls and labs for crafts, computers, fine arts including music, dance, painting, drawing, sculpture, and other educational endeavors.

ARTICLE XV
Commercial (C) District

§ 380-102. Purpose.

This Zoning District provides for retail convenience goods and services for residents and recreational Uses in the area. The population of this general area will not support major shopping services that are provided by the Muskegon metropolitan area, and to a lesser degree by the White Lake Area, but convenience goods and services may be supported in limited numbers. With

increased organized recreational Development and Uses, supporting recreational goods and services can be supported. This Zoning District is designed to meet these limited needs.

§ 380-103. Principal Uses permitted.

The following Principal Uses are allowed in this Zoning District:

- A. Retail sale and services, including food, drugstore, hardware, liquor, gifts, antiques, gasoline stations, clothing, furniture, variety goods, laundromats, car washes, dry cleaning and laundry pickup outlets, florists, jewelry, shoes, books, newsstands, and repair of appliances, radios, and televisions.
- B. Services including banks, offices, art and photo studios, Motels, Hotels, inns, Clinics, Drive-In food services, Vehicle Service Stations, and Veterinary Clinics.
- C. Entertainment Uses including theaters, Restaurants, taverns, bowling Alleys, skating rinks, tennis courts, golf driving ranges, miniature golf, and baseball ranges.
- D. Recreational Equipment sales and services when goods, services, repair operations, and equipment are entirely housed or conducted within an enclosed Building or displayed outdoors in an area not exceeding 1,000 square feet and located other than in the required Yard areas set forth below.
- E. Electrical, plumbing, and automotive repair shops provided that all materials, equipment, and parts are stored within an enclosed Building.
- F. Public utility Buildings and Structures, including water and sewer system component facilities.
- G. Lodges, Clubs, fraternities, and Religious Institutions.
- H. Commercial Day Care Centers.
- I. Adult Foster Care Small Group Homes.
- J. Personal Service Establishments.

§ 380-104. Accessory Uses permitted.

Those Building, Structures, and Uses customarily accessory to allowed Principal Uses permitted.

§ 380-105. Special Land Uses.

Upon application to and approval by the Planning Commission, the following Special Land Uses shall be permitted.

- A. Highway services and facilities in the area of major intersections or interchanges of federal or state highways, when such proposed Uses are found by the Planning Commission to meet the traveling public's needs for goods and services attendant to highway travel.

- B. Wholesale services and goods, including building contractors, food goods, laundry facilities, and construction materials if the Uses will be enclosed and will not be hazardous or injurious to the -general welfare or appearance of the community.
- C. Adult Uses or Adult-Oriented Businesses.
- D. Adult Foster Care Large Group Homes.

§ 380-106. Height.

No Building or Structure shall exceed a height of 40 feet.

§ 380-107. Yards.

A Front Yard of not less than 30 feet shall be provided. The initial 20 feet of any such Front Yard as measured from the property line shall not include Buildings, parking areas or other Structures except access drives, traffic Signs, and sidewalks. A Rear Yard of 15 feet and Side Yards of 15 feet shall be permitted.

§ 380-108. Lot Frontage and Lot Area.

Lot Frontage shall be not less than 260 feet, and Lot Area shall be not less than one acre (43,560 square feet).

ARTICLE XVI
Mobile Home Park (MH) District

§ 380-109. Purpose.

This Zoning District allows the Development of medium to high Density residential environments that are consistent with and promote the general health, safety, convenience, and welfare of citizens residing in mobile homes.

§ 380-110. Principal permitted Uses.

Mobile home parks are allowed in this Zoning District as a Principal Use.

§ 380-111. Special Land Uses permitted.

Upon application to and approval by the Planning Commission, the following Special Land Uses shall be permitted, based upon a consideration of the standards in Section 380-154, and a consideration of the principle to preserve land in this Zoning District for mobile home parks to the extent practicable.

- A. Single Family Dwellings.
- B. Public parks, playgrounds, recreation areas, schools, and churches.

§ 380-112. General requirements.

All mobile home parks shall comply with the Mobile Home Commission Act, Act No. 419 of the Public Acts of 1976, MCL 125.1101 *et seq.*, as amended.

§ 380-113. Location consideration for mobile home park.

In those instances where a map amendment is required to allow a Mobile Home Park District, the Planning Commission and the Township Board shall consider the following factors.

- A. The location of a mobile home park will be compatible with surrounding existing land Uses or zoned Uses. That existing surrounding land Uses or zoned Uses will not adversely affect the living environment of the proposed mobile home park.
- B. The proposed mobile home park shall not create traffic hazards or conflicts with existing traffic patterns or those official traffic arteries or patterns proposed for future Development by the Township, county or state. Mobile home parks shall not generate traffic on Minor Streets, but rather they shall have direct access to Major Streets.
- C. Mobile home parks shall be so located so to allow for the feasible connection to any existing or proposed future municipal water, sanitary sewer, or storm drainage system.
- D. No Mobile Home Park District or Development shall be located in areas where:
 - (1) High water tables exist periodically or continually;
 - (2) In Floodplains;
 - (3) In areas where soil types are not conducive to on-site sanitary sewage collection and treatment; or
 - (4) In areas where the discharge of treated or untreated sanitary or storm water runoff which is not of a potable water quality will be utilized for human body contact or as a municipal water supply source.

§ 380-114. Accessory Uses.

Uses customarily incidental to the permitted Principal Use are permitted, including:

- A. Parking areas;
- B. Solid waste collection and storage facilities;
- C. Laundry and rest room facilities;
- D. Open Space and recreational Uses;
- E. Meeting rooms, group kitchen and food service facilities when designed solely for the Use of residents of the Development;

- F. Maintenance and storage Buildings when designed solely for the operation and maintenance of the mobile home park; and
- G. Park offices and residential quarters for the park manager.

§ 380-115. Height.

The limitation shall be the same as for the R-1 and R-2 Residential Districts.

§ 380-116. Lot Area and dimensions; Street Frontage.

No mobile home park shall contain less than 10 acres in total Lot Area. The mobile home park shall have no less than 300 feet of Frontage on a Major Street.

§ 380-117. Yards and Setbacks.

There shall be a Front Yard Setback of not less than 50 feet. Parking may not occupy the initial 25 feet of any Front Yard, but may occupy the second 25 feet of any Yard not adjoining the Street right-of-way. Side and Rear Yards shall not be less than 25 feet in which no mobile home or other Structure, except fencing, shall be located.

ARTICLE XVII
Planned Unit Development (PUD) District

§ 380-118. Purpose.

It is the purpose of this Zoning District to coordinate Development on larger sites in order to achieve the following:

- A. Permit flexibility in the regulation of land Development allowing for higher quality of projects through innovation in land Use, design, and layout;
- B. Provide the opportunity for compatible Uses with Single Family Dwellings;
- C. Allow clustering of Single Family Dwellings to preserve Common Open Space, or Natural Features;
- D. Ensure compatibility of design and function between neighboring properties;
- E. Promote efficient provision of public services, utilities, and transportation facilities;
- F. Provide convenient vehicular access throughout a Development and minimize adverse traffic impacts;
- G. Provide adequately for pedestrians to create walkability;
- H. Provide adequate housing opportunities;
- I. Develop convenient recreational facilities as an integral part of Developments;

- J. Ensure the type, scale, and mass of Uses and Structures will relate harmoniously to each other and to adjoining existing and planned Uses;
- K. Encourage Development that is consistent with the goals stated within the Community Master Plan; and
- L. Not allow agricultural or commercial or industrial uses, Townhouses, mobile home parks, Wind Energy Conversion Systems, Solar Energy Regulatory Systems, or Wireless Telecommunication Services.

These PUD regulations are not intended to be used for circumventing the more specific standards and requirements of this Chapter, or the planning upon which they are based. Rather, these provisions are intended to result in a Development that is substantially consistent with the zoning requirements as generally applied to the proposed Uses, but with specific modifications that, in the judgment of the Township, assure a superior quality of Development. If this improved quality is not apparent upon review, a site shall not qualify for modifications allowable under this Article.

§ 380-119. Eligibility criteria.

To be eligible for PUD approval, the applicant shall demonstrate that all of the following criteria will be met.

- A. The PUD shall provide one or more of the following benefits not possible under the requirements of another Zoning District:
 - (1) Preservation of Significant natural features or historic resources;
 - (2) Preservation of Open Space;
 - (3) A complementary mixture of housing types;
 - (4) Common Open Space equal to 50% of the total land area of the PUD for passive or active recreational Use; or
 - (5) Redevelopment of a nonconforming site where creative design can address unique site constraints.
- B. All landowners involved in a proposed PUD shall provide to the Township Board a signed agreement among all involved parties, which is subject to the approval of the Township Attorney.
- C. When proposed construction is to be phased, the project shall be designed in a manner that allows a phase to fully function on its own regarding services, utilities, circulation, facilities, and Open Space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of users of the Open Space area and residents of the surrounding area.

§ 380-120. Type of PUDs.

An application meeting the eligibility criteria may request rezoning to the PUD District based on the requirements contained in this Chapter. The rezoning shall be concurrent with approval of a preliminary PUD plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.

The Planning Commission shall make a recommendation to the Township Board regarding a list of permitted Uses that shall be finalized by the Township Board and incorporated as part of the Development Agreement, based upon the provisions of the following table and this Article .

PUD requirements are as follows:

- A. The total Contiguous minimum acreage that shall be required for a PUD in the Township is 20 acres;
- B. The affected property shall be located as permitted by the Official Zoning Map of the Township.
- C. Uses permitted in the pre-PUD Zoning District shall be allowed in the PUD, with additional Uses as provided in this Article; and
- D. The required Open Space shall be 20% of the total land area in the PUD.

§ 380-121. PUD standards.

- A. The purpose of the PUD is to promote neighborhood Development which provides a variety of housing opportunities. Planned Unit Development is intended to integrate pedestrian and cyclist links among neighborhoods and to adjoining facilities.
- B. To encourage flexibility and creativity consistent with the intent of the PUD, the Township Board (upon recommendation of the Planning Commission) shall determine appropriate Lot dimensions and Building and Lot requirements. In no case, however, shall the overall Lot dimensions or requirements be less than 50% of the pre-PUD Zoning District.
- C. The PUD may also include any Special Land Uses permitted in the pre-PUD Zoning District. The list of allowed Uses shall be established in the Development Agreement.
- D. Design Standards:
 - (1) Public dead-end or Cul-de-sac Streets shall be prohibited. Eyebrow, court, or stub Streets are preferred for Public Streets.
 - (2) Where adjoining areas are not developed, the arrangement of Streets within the proposed PUD shall be required to be extended to the boundary line of the project to make provision for the future projection of Streets into adjoining areas.

- (3) The Planning Commission may recommend and the Township Board may require that the Development provide such amenities as are reasonable.
- (4) Open Space areas shall adhere to the requirements of Section 380-103.
- (5) Common space areas shall adhere to the requirements of Section 380-99.
- (6) All utilities in a PUD shall be located underground.
- (7) The overall density of a PUD shall not be greater than the density allowed by the pre-PUD Zoning District.

§ 380-122. Mixed Use of PUD.

- A. Mixed Uses in a PUD shall include a mixture of Uses that are considered mixed Use to be consistent with the pre-PUD Zoning District and the Master Plan. A minimum of 40% of the PUD land area shall be Occupied by residential or recreational Uses. The list of Uses allowed shall be established in the PUD approval.
- B. To encourage flexibility and creativity consistent with the intent of the PUD, the Planning Commission shall make a recommendation and the Township Board shall determine the appropriate Lot dimensions and Building and Yard requirements. In no case, however, shall the overall Lot dimensions or Yard requirements be less than 50% of the pre-PUD Zoning District.
- C. Site Design Standards.
 - (1) The applicant shall demonstrate that the proposed Lot dimensions and Building and Yard requirements shall result in a higher quality of Development than would be possible using conventional zoning standards.
 - (2) Dead-end or Cul-de-sac Streets shall not be permitted. Eyebrow, court, or stub Streets are preferred.
 - (3) Where adjoining areas are not developed, the arrangement of Streets within the proposed PUD may be required to be extended to the boundary line of the project to make provision for the future projection of Streets into adjoining areas.
 - (4) To encourage a true integration of mixed Uses and improved efficiency in land Use, the overlap in parking requirements may be permitted between Uses that have alternating peak-parking demands or where the mixture of Uses on a site would result in multi-purpose trips.
 - (5) Pedestrian gathering and seating plazas, greenways, and tree lined drives shall be located within Parking Lots and throughout the site to provide an inviting pedestrian environment, protection of pedestrians from vehicular circulation for improved traffic operations, and views. Other site amenities may be required as appropriate, including bike racks, bus stops, bus turnouts, benches, information

kiosks, art, planters, or Streetscape elements to separate Main Buildings from the Parking Lots.

- (6) Open Space areas shall adhere to the requirements of Section 380-103.
- (7) Building design shall meet the standards of the underlying pre-PUD Zoning District.

D. Driveway Access and Circulation

- (1) Access may be limited to one major entrance along any Major Street, plus any entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least 500 feet apart and a traffic impact study is provided to the Planning Commission that demonstrates overall traffic operations and safety will be improved.
- (2) The PUD shall be adjacent to and front upon a Major Street.
- (3) Main access points shall be spaced from existing signalized intersections to ensure proper spacing and efficient flow of traffic if the main access point might be signalized in the future.
- (4) The site design shall direct traffic flow to use the main access points. Stacking or queuing depth at site access points shall be sufficient to accommodate expected peak hour volumes without conflict to inbound or internal circulation. Interior drives shall provide adequate circulation between uses.
- (5) Additional road right-of-way may be required by the Township to accommodate improvements to the existing Major Street system that are planned or required to mitigate traffic associated with the PUD.

§ 380-123. Open Space requirements for all PUDs.

A. All PUDs shall meet the following requirements for Open Space.

- (1) Designated Open Space shall be set aside through an irrevocable conveyance, approved by the Township Attorney, such as a recorded Deed Restriction, covenants that run perpetually with the land, a Conservation Easement, or dedication to a land trust. The dedicated Open Space shall forever remain Open Space, subject only to Uses on the approved Site Plan. Further Use of Open Space for other than recreation or conservation purposes, except for Easements for utilities, shall be strictly prohibited. Any change in Use of the Open Space from what is shown on the approved Site Plan shall require Planning Commission approval, and shall not diminish compliance with the requirements of this Article.
- (2) Nothing herein shall prevent the conveyance of Open Space to a public agency or other nonprofit entity for recreational or conservation Use.

- (3) The designated Open Space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, recreation, visual impact, and access.
 - (4) The Open Space and access to it shall be permanently marked and designed so all property owners in the Development need not trespass to reach recreational or Common Open Spaces.
- B. The following land areas shall not be included or counted as dedicated Open Space for the purposes of meeting minimum Open Space requirements:
- (1) Setback areas of individual Lots in the PUD;
 - (2) The area of any Street right-of-way or Private Street Easement;
 - (3) Surface water and detention or retention basins, unless designed to have the appearance of a natural Wetland, in which case they may be counted for up to 50% of the required Open Space;
 - (4) Parking and loading areas except those exclusively associated with a recreation facility or Common Open Space area;
 - (5) Any river or stream;
 - (6) Utility Easement areas; and
 - (7) Any other undeveloped areas not meeting the intent and standards for Open Space stated in this section as determined by the Planning Commission.
- C. Common Open Space shall be planned in locations visible and accessible to the Development. The Planning Commission shall determine if the proposed Open Space is usable and functional. The Open Space may either be centrally located, located to preserve Natural Features, located to buffer adjacent Uses, or located to connect Open Spaces throughout the Development, provided the following areas shall be included within the Open Space area:
- (1) Any Significant natural features;
 - (2) Where a PUD abuts a body of water, at least 50% of the Shoreline, as well as reasonable access to it, shall be a part of the Common Open Space;
 - (3) A minimum 25 feet wide undisturbed Open Space Setback shall be maintained from the edge of any stream or Wetland, although the Planning Commission may permit trails, boardwalks, observation platforms, or other similar Structures that enhance passive enjoyment of natural amenities within the Setback; and
 - (4) Where land adjacent to the PUD includes Open Space, public land, or existing or planned bike paths, Open Space connections shall be provided between the PUD

and the adjacent land. Trails between adjoining Open Space Developments shall be constructed to allow future interconnection.

D. Common Open Space

- (1) The Common Open Space within a PUD shall not be less than 50% of the total land area of the PUD.
- (2) All Common Open Space shown on the final Development plan must be reserved or dedicated by lease or conveyance of title to the successor association or by means of a restrictive covenant. The terms of the instrument must include provisions guaranteeing the continuity of proper maintenance of those portions of the Open Space land requiring maintenance.
- (3) Common Open Space may contain Accessory Structures for recreational purposes and maintenance.
- (4) Common Open Space shall include picnic areas, playgrounds, scenic open areas, and recreational facilities.
- (5) Common Open Space areas shall have at least 100 feet in width, except for trails and bike paths.

§ 380-124. PUD review process.

A. Pre-Application Meeting

- (1) An applicant for a PUD shall attend a pre-application meeting with the Planning Commission, or consultants if deemed advisable by the Zoning Administrator, or both.
- (2) The purpose of the pre-application meeting is to determine general compliance with the PUD eligibility and design requirements, and to identify issues of significance regarding the proposed application.
- (3) If the applicant proceeds with the PUD application, a report on the findings of the pre-application meeting shall be forwarded to the Planning Commission by the Zoning Administrator.

B. The applicant shall prepare and submit to the Township Board a request for rezoning to the PUD District, including appropriate fees, 10 copies of a preliminary PUD Site Plan meeting the requirements of Site Plan review (Article XIV), and a narrative which details how the plan relates to the purposes of the PUD District, phases of Development, and approximate time frames for each phase. Material shall be submitted at least 45 days prior to the meeting at which the Planning Commission shall first review the request.

C. During the PUD review process, the Zoning Administrator may recommend, and the Planning Commission may require, additional information from the applicant determined

reasonably necessary to demonstrate compliance with the review standards of this chapter. This information may include, but is not limited to, soil reports, hydrological tests, traffic studies, and Wetland determinations.

- D. The Planning Commission shall review the PUD rezoning request and the preliminary PUD Site Plan, and shall conduct a public hearing in accordance with the requirements of the Zoning Act.
- E. The Planning Commission shall review the preliminary PUD Site Plan in consideration of public hearing comments, technical reviews from the Township staff, other comments from consultants and applicable review agencies, and compliance with the standards and requirements of this Chapter. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD rezoning request and preliminary Site Plan.
- F. The Planning Commission recommendation to the Township Board shall be based on the following standards.
 - (1) The PUD shall satisfy the purposes of this Article.
 - (2) The PUD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. Architecture shall provide coordinated and visually appealing styles, Building forms, and building relationships.
 - (3) The PUD shall be adequately served by essential public facilities and services, such as Streets, police and fire protection, and drainage systems.
 - (4) Water supply shall be provided by wells and sewage by septic systems for each main facility and/or main Dwelling.
 - (5) The proposed type and Density of Use shall not result in an unreasonable increase in the Use of public services, public facilities, and utility capacities.
 - (6) The design of the PUD shall minimize the negative impact on the Street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points, and nearby intersections.
 - (7) Natural Features shall be preserved, insofar as practical, by removing only those areas of natural vegetation or making only those Alterations to the topography which are reasonably necessary to develop the site.
 - (8) Natural drainage ways shall be preserved insofar as practical, by minimizing grading and tree and soil removal in and to natural drainage swales.
 - (9) Slopes of over 15% are protected and maintained in a natural state.

- (10) The proposed PUD shall not have an unacceptable significant adverse effect on the quality of the Natural Features in comparison to the impacts associated with a conventional Development.
 - (11) The proposed PUD shall not have an adverse impact on future Development as proposed in the Master Plan.
 - (12) The proposed PUD shall not impede the continued Use or Development of surrounding properties for Uses that are permitted in this Chapter.
 - (13) The proposed PUD shall adequately consider pedestrian and cyclist safety and circulation, and tie sidewalks, paths, and trails into public facilities and adjoining properties.
- G. Following receipt of the Planning Commission’s recommendation, the preliminary PUD Site Plan shall be considered by the Township Board.
- H. If the application and associated Site Plan review packet is determined to be insufficient, does not fully respond to the Planning Commission issues, or more information is required, the Township Board may direct the applicant to prepare additional information or revise the PUD plan, or direct the advisory staff or consultants to conduct additional analysis. The application shall not be considered until the information has been submitted.
- I. If the Township Board believes there is new information that might modify the recommendation of the Planning Commission or if the Township Board does not follow the recommendation of the Planning Commission, the application may be returned to the Planning Commission for reconsideration. The Planning Commission shall provide a new recommendation to the Township Board within 60 days after the Township Board referral. No additional public hearings are required by the Planning Commission.
- (1) The Township Board shall also hold a public hearing on the PUD rezoning request and the preliminary PUD Site Plan.
 - (2) Approval or Approval with Conditions.
 - (a) Upon determination that a PUD and Site Plan request is in compliance with all of the standards and requirements of this Chapter and other applicable Township requirements, the Township Board shall approve the PUD rezoning and the preliminary PUD Site Plan.
 - (b) The Township Board may impose reasonable conditions with the approval of a PUD. Conditions of any approval are attached to the land and will remain through subsequent owners. The applicant shall submit to the Planning Committee a revised PUD Site Plan that demonstrates compliance with the conditions.

- (c) Approval of the PUD shall constitute approval of the rezoning and the Zoning Map shall be changed to indicate the zoning of the property to the appropriate PUD District.
- (3) Denial: Upon determination that a PUD rezoning or Site Plan does not comply with all of the standards and regulations set forth in this Chapter or other Township requirements, or requires extensive revision, the Township Board shall deny the PUD application. Re-submittal of a denied application shall be considered a new application.

§ 380-125. Final approvals.

- A. Final PUD Site Plans shall be submitted to the Planning Commission for review and approval in accordance with the Site Plan Review provisions of this Chapter. If final PUD Site Plans for at least the first phase of the project are not submitted and approved within a two year period from the approval of the PUD rezoning, the right to develop under the approved PUD preliminary Site Plans shall terminate and a new application must be filed.
- B. In reviewing a final PUD Site Plan, the following standards and requirements shall apply.
 - (1) Final PUD Site Plans shall be in substantial conformance with the approved PUD preliminary plan.
 - (2) Each final PUD Site Plan shall either individually or in combination with previously approved Contiguous project areas meet the standards of this Article and the approved PUD preliminary plan regarding layout, Density, Open Space, and land Use.
 - (3) Each final PUD Site Plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PUD.

§ 380-126. Time Extensions.

The two year time period for the validity of the preliminary PUD approval may be extended for one year if requested for in writing through the Zoning Administrator by the petitioner prior to the expiration of the PUD preliminary plan approval, and if granted by the Planning Commission, provided that the reasons for the delay are beyond the general control of the applicant and the applicant is pursuing the PUD completion at a reasonable pace.

§ 380-127. Revisions to approved PUD plans.

- A. The Zoning Administrator may approve certain minor deviations to an approved PUD Site Plan when an applicant or landowner who was granted PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to the approved PUD Site Plan in writing, accompanied by a PUD Site Plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved plan.

- B. Within 14 days of receipt of request to amend the Site Plan, the Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval as noted below.
- C. The Zoning Administrator may approve the proposed revision upon finding the change would not Alter the approved design or provisions of the Agreement, would not reduce the area devoted to Open Space, and all applicable regulations of this Chapter will still be met. The Zoning Administrator shall inform the Planning Commission and the Township Board of the approval in writing.
- D. The Zoning Administrator shall consider the following when determining a change to be minor.
 - (1) The square footage of residential Buildings may be reduced or increased by 10% of the originally approved area, provided the overall Density of Buildings does not increase, the minimum square footage and parking requirements are met, and the Buildings do not extend into any required Open Space or required Setback.
 - (2) Gross floor area of non-residential Buildings may be decreased or increased by up to 10% or 2,000 square feet, whichever is smaller, of the originally approved area, provided parking requirements are met and the Building does not extend into any required Open Space or required Setback.
 - (3) Floor plans may be changed if consistent with the character of the Use.
 - (4) Relocation of a Building by up to five feet is allowed, if consistent with required Setbacks, Open Space, and other requirements.
 - (5) Height of Buildings may be lowered.
 - (6) Designated woodlands or areas not to be disturbed may be increased.
 - (7) Plantings on the approved Landscape plan may be replaced by similar types of Landscaping on an equal or greater basis; any trees shown as preserved on the final Site Plan and subsequently lost during construction shall be replaced at the equivalency of a caliper-per-caliper basis on the site.
 - (8) Improvements or slight relocation of site access or circulation, such as inclusion of Deceleration Lanes, boulevards, curbing, or pedestrian/bicycle paths, where appropriate, are permitted.
 - (9) Changes of Building materials to another of higher quality, or a slight change in the color of the exterior material, as determined by the Building Official, is permitted.
 - (10) Grade change of up to two feet is allowed, after review by the Township Engineer.
 - (11) Modification of entry design, or change of placement or reduction in size of Signs, which is consistent with the intent of the approved PUD plan, is permitted.

- (12) Internal rearrangement of Parking Lots which does not affect the number of Parking Spaces or Alter access locations or design is permitted.
 - (13) Changes to the location of Accessory Buildings and Structures, when the new location will be consistent with the Building envelope identified on the approved plan, is permitted.
 - (14) Changes required or requested by the Township, county, or state for safety reasons are permitted.
- E. Where the Zoning Administrator determines that a requested amendment to the approved Site Plan is major, re-submittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications are inconsistent with the approved preliminary PUD Site Plan, a new preliminary PUD Site Plan shall be submitted according to the procedures outlined in this Article as a new application. In all cases, a change in Use to a more intensive Use than approved in the preliminary PUD Site Plan shall be considered major and require submission of a new preliminary PUD Site Plan for review and approval by the Township Board.

§ 380-128. Development agreement.

- A. Prior to any site preparation or the issuance of any zoning approval permit, the applicant shall submit a proposed Development Agreement stating the conditions upon which PUD approval is based, for review and approval by the Township Board. The Development Agreement, after review by the Township Attorney and the Planning Commission, shall be entered into between the Township Board and the applicant and be recorded with the Muskegon County Register of Deeds.
- B. At a minimum, the Development Agreement shall provide:
- (1) A certified boundary survey of the acreage comprising the proposed Development;
 - (2) Proof of property control and the manner of ownership of the developed land and the manner of ownership and of dedicated Common Areas in addition to a mechanism to protect any designated common open areas;
 - (3) Satisfactory provisions to provide a Performance Guarantee for the future financing of any improvements shown on the plan for site improvements, Open Space areas, and Common Areas which are to be included within the Development;
 - (4) Provisions to ensure adequate protection of Natural Features;
 - (5) A copy of the approved preliminary PUD Site Plan signed by the applicant and the Township Supervisor, Township Clerk, or appointed designee; and
 - (6) Such other matters as are required by the Township Board.

§ 380-129. Performance Guarantees.

The Township Board may require in the Development Agreement one or more Performance Guarantees in accordance with this Chapter.

ARTICLE XVIII
Development Standards

§ 380-130. Access Management regulations.

The purposes of Access Management regulations are to coordinate access to all Streets in the interest of enhancing traffic safety, reducing congestion, maintaining traffic capacity, and minimizing highway expansion while providing continuing opportunities for growth and Development. It is the intent of this Chapter that land Uses have Shared Access and provide Cross Access or Alternative Access wherever possible.

- A. *Access Spacing.* The minimum horizontal distance between any two accesses on the same side of the Street, whether Streets or driveways, as measured from their centerlines, shall be 275 feet. This spacing requirement shall apply to all Uses and may be accomplished by any of the following means:
- (1) By owing sufficient Frontage on the Street to meet the spacing requirement; or
 - (2) By assembling sufficient Frontage to meet the spacing requirement; or
 - (3) By sharing access via shared driveways, Easements, or Cross Access agreements; or
 - (4) In the event the access spacing standards cannot be satisfied on an individual parcel due to Frontage deficiencies, one temporary Private Driveway may be approved, provided an Access Management plan is submitted by the applicant, and approved by the Planning Commission, that incorporates the principles of shared driveways, cross Easements, or Alternative Access, and further provided the access design is approved by the Michigan Department of Transportation or Muskegon County. Single Family Dwellings shall not be required to have an Access Management plan.
- B. *Residential Access.* No new private residential driveway access shall be permitted directly to the Street unless no other alternative is available. Wherever two or more residential Lots are created which have no Alternative Access, a single shared driveway or road access shall be required.
- C. *Existing Individual Driveways.* If a Lot or Use has one or more existing individual driveway accesses to a Street, the accesses shall be allowed to remain in Use provided they are not relocated or altered. In the event such accesses are altered, they shall be made to more fully comply with the access requirements of this section.
- D. *Access Design and Approval.* The design of any direct access to the Street shall be as required and approved by the Michigan Department of Transportation or the Muskegon

County Road Commission. The requirements of this section shall supersede the issuance of a driveway permit by the Michigan Department of Transportation or the Muskegon County Road Commission.

- E. *Flexibility Allowed.* As part of the Site Plan review process, the actual location of an access may be varied by the Planning Commission if it can be demonstrated that the intent of this section to minimize the number of individual driveways and coordinate accesses is enhanced in the interest of maintaining Street capacity, reducing congestion, and improving traffic safety.

§ 380-131. Private Streets.

- A. Private Streets are permitted in all Zoning Districts for residential Uses only, subject to the design, construction, and maintenance standards of this Article.
- B. Private Streets shall be reviewed by the Planning Commission through the Site Plan review process and shall include construction specifications.
- C. Design standards for Private Streets shall meet all of the following requirements:
 - Right-of-way width: 66 feet;
 - Width of traveled surface: 20 feet;
 - Base: minimum four inches of 98% compacted MDOT 22A aggregate;
 - Maximum grade: 7%.
- D. Any Lot created with Frontage on both a Public Street and Private Street shall have its driveway access only off the Private Street.
- E. Regulation Michigan State Highway stop Signs shall be positioned and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices on all Private Streets.
- F. A Private Street shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Planning Commission to ensure adequate drainage and runoff.
- G. Private Streets in excess of 200 feet in length shall provide a turnaround area for emergency vehicle access.
- H. Storm water drainage Easements shall be provided as part of the Private Street approval process.
- I. The Private Street shall be given a name and road Signs shall be installed in accordance with the standards and approval of the Planning Commission. Private Streets shall have a standard stop Sign where the Private Street abuts any Public Street or where two or more Private Streets abut.

- J. The method and construction technique to be used in the crossing of any natural stream, Wetland, or drainage course shall satisfy the requirements of the Township Engineer and any other agency having jurisdiction.
- K. Cul-de-sac or dead end Streets shall be prohibited.
- L. Dwelling addresses shall be posted in a conspicuous place at the drive entrance of each parcel and at the entrance of the Private Street.
- M. All Private Streets shall have names approved by the Muskegon County Road Commission.
- N. All Private Streets shall be under the control of an approved and recorded road maintenance agreement and Deed Restrictions which provide for the perpetual maintenance of the Private Streets and/or Easements to a necessary and reasonable standard to serve the several interests involved. These documents shall be subject to review and approval by the Township Attorney before recording and shall contain the following provisions:
 - (1) Method of initiating and financing of Private Street maintenance in order to keep it in a reasonably good and usable condition;
 - (2) A workable method of apportioning the costs of maintenance and improvements among the Lots served by the Private Street;
 - (3) An authorization that if repairs and maintenance are not made as necessary, the Township Board may exercise a special assessment district to bring the Private Streets up to the design standards specified in this Chapter and assess owners of parcels on the Private Street for the improvements, plus an administrative fee;
 - (4) A notice that no public funds are to be used to build, repair, or maintain the Private Street; and
 - (5) Such other language as is required by the Township.
- O. Private Streets shall be continuously maintained in a way that they are readily accessible to and usable by emergency vehicles in all types of weather.

§ 380-132. Dumpsters and site lighting.

- A. Dumpsters
 - (1) Outdoor trash containers or dumpsters exceeding 150 gallons in capacity may be permitted for a reasonable period on any property undergoing construction activities. The placement of the container shall be included in the submitted Site Plan.
 - (2) Adequate vehicular access shall be provided to the containers for truck pickup via public access or vehicular access aisle that does not conflict with the use of off-Street parking areas or entrances to or exits from Main Buildings.

- (3) A solid, ornamental Screening wall or Fence shall be provided around all sides of the containers. An access gate shall also be provided and be of the height that completely screens the containers. The maximum height of walls, Fence, and gate shall be six feet.
- (4) The container or containers, and the Screening walls, Fence, and gate shall be maintained in a neat and orderly manner, free from loose Rubbish, wastepaper, and other debris.

B. Site Lighting

- (1) Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any residential Use.
- (2) Light fixtures shall be no higher than 30 feet and shall be provided with light cut-off fixtures that direct light downward.
- (3) Lighting attached to Buildings or other Structures shall not permit light to be directed horizontally.
- (4) Lights used for canopies shall be completely recessed in the canopy Structure and shall not extend lower than the underside surface of the canopy.

§ 380-133. Greenbelts, buffers, and Landscaping.

- A. It is the intent of this Chapter to protect existing site vegetation as a means of retaining community character. Significant site vegetation, including Landmark Trees, shall be protected as much as practical and noted for protection on the Site Plan. If existing plant material is labeled “to remain” on a Site Plan by the applicant or is required by the Planning Commission, protective techniques, such as but not limited to fencing or barriers placed at the drip line around the perimeter of the plant material, shall be installed prior to grading and construction activities. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved.
- B. The purpose of Greenbelts is to provide physical and visual separation between potentially incompatible Uses.
- C. A required Greenbelt shall be strip at least 15 feet in width. The Greenbelt shall have a minimum of one evergreen tree, of at least five feet in height for every 10 feet of length. The Greenbelt shall be situated to provide an effective sound and visual permanent buffer. Protected vegetation may be considered in lieu of the evergreen quota. The Planning Commission may alter plant material requirements or may require additional Landscaping, Berming, a wall, or a stockade Fence in addition to the Greenbelt area, in order to provide an effective Screen.

- D. Greenbelt and Landscaping materials shall contain Natural Vegetative Cover, and groomed lawns where permitted. Pavement, gravel, or other hard surfaces are not considered Landscaping.
- E. Any plant materials required as part of the Greenbelt which die shall be replaced by the property owner or any applicable association.
- F. The Township Board may require a Performance Guarantee to ensure the installation of required Landscaping.
- G. For public, Commercial, and industrial Uses, the required Front Yard shall have a minimum of one Canopy Tree of at least 1-1/2 inches in diameter four-feet off the ground for every 10 feet of Frontage.
- H. Ornamentals, shrubbery, and perennials shall also be creatively placed in Setbacks (including the side and Rear Setbacks) to accentuate the site (not necessarily to serve as a buffer). Landscaping should be placed to:
 - (1) Define cross-access Easements, pedestrian ways, and outdoor amenities like seating;
 - (2) Serve as windbreaks where warranted;
 - (3) Provide shade for parking areas;
 - (4) Break up large expanses of Building walls without windows; and
 - (5) Provide for long term viability (for example, so as not to block the view of on-site Signs in the future).
- I. The owner of or any applicable association responsible for property required to be Landscaped by this Chapter shall at all times maintain such Landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced promptly. Prompt removal is the responsibility of the property owner or any applicable association.

§ 380-134. General parking requirements.

In all Zoning Districts, there shall be provided, before any Building or Structure is occupied, or is enlarged or increased in capacity, off-Street Parking Spaces for motor vehicles as listed in the following parking table.

Parking Table	
Uses	Minimum Parking Spaces Required
Single Family Dwelling	Two per Dwelling

Two-Family Dwelling	Two per Dwelling
Multi-Family Dwelling	One and one-half per Dwelling
Assisted Living	One per three Dwellings
Park	Three per acre of park land
Marina	Two per three boat berths
Golf Course	Six per hole
Bowling Alley	Three per lane
Health Club	Five per 1,000 square feet of floor area
Movie theatre, auditorium, stadium	One per four seats
Recreational Community Center	Three per 1,000 square feet of floor area
Library	Three per 1,000 square feet of floor area
Church	One per four seats in primary gathering
Day Care Center	One and one-half per employee
Hospital	Two per bed
Funeral Homes/Mortuaries	One per 150 square feet of floor area
Nursing Home	One and one-half per 1,000 square feet of floor area
Medical/Dental Clinic	Four per 1,000 square feet of floor area
Office Building	Two and one-half per 1,000 square feet of floor area
Uses	Minimum Parking Spaces Required
Hotel/Motel	One per room
Building Materials/Lumber store	One and one-half per 1,000 square feet of floor area
Discount Retail Store	Three per 1,000 square feet of floor area
Shopping Center	Three per 1,000 square feet of floor area
Supermarket	Three per 1,000 square feet of floor area
Pharmacy	Three per 1,000 square feet of floor area
Furniture/Carpet Store	One per 1,000 square feet of floor area
Bank	One and one-half spaces per 1,000 square feet of floor area
Eating and Drinking Establishments	One per three persons of legal capacity
Dry Cleaners	One and one-half per 1,000 square feet of floor area
Other uses not specifically mentioned	Those provisions for off-Street parking facilities for a use which is so mentioned and to which the

	<p>unmentioned use is similar in terms of parking demand shall apply. The most recent edition of Parking Generation by the Institute of Transportation engineers should be used for reference.</p>
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§ 380-135. Location of parking.

The off-Street parking required by this Chapter shall be provided in accordance with the following requirements.

- A. *Off-Street Parking.* Off Street parking shall not be nearer than 10 feet to any Main Building.
- B. *Other Land Uses.* The off-Street parking required may be located on each site or in Parking Lots within 300 feet of and readily accessible to each site.
- C. *Joint Use Of Facilities.* Provision of common parking for several Uses in the same vicinity is encouraged. Where activities may have alternate schedules the Planning Commission may permit reduced total parking provided a deferred parking area is reflected on the approved Site Plan.

§ 380-136. Parking Lot requirements.

- A. All parking areas and access driveways shall be constructed of a durable and dust-free surface. They shall be graded and drained so as to dispose of surface water which might accumulate within or upon the parking areas and access driveways, and they shall be completely constructed prior to a Certificate of Occupancy being issued, unless a Performance Guarantee has been submitted in accordance with the procedures of this Chapter.
- B. The pavement surfacing of the portion of any driveway between the paved portion of the Street and the edge of the Street right-of-way shall be hard surfaced with a pavement having an asphalt or concrete binder, if the Street is also hard surfaced with a pavement having an asphalt or concrete binder.
- C. Illumination for all Parking Lots shall meet the following standards.
 - (1) All lighting shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto, adjacent properties or Streets.
 - (2) Light poles used to illuminate Parking Lots or storage areas shall be limited to 25 feet in height.
 - (3) Lights used for canopies shall be completely recessed in the canopy Structure and shall not extend lower than the underside surface of the canopy.

- (4) Lighting of parking areas, Buildings, or Structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
 - (5) The source of illumination in all Parking Lots Abutting a Residential District or Use shall not be higher than 25 feet above the Parking Lot surface.
 - (6) No Parking Lot shall be illuminated by means of lighting attached to Buildings or other Structures that permit light to be directed horizontally.
- D. When a non-residential Parking Lot is situated on a parcel which adjoins, or is directly across a roadway from, a Residential District, the Parking Lot shall be set back 25 feet, excluding any drives, from the property line or right-of-way line, unless a greater Setback is required by any other provision of this Chapter. The Yard shall contain a Greenbelt as specified in this Chapter. Abutting the Parking Lot and designed to effectively screen the parking from neighboring Residential Districts and Uses.
 - E. Adequate ingress and egress to the Parking Lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining Uses and Streets.
 - F. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the Lot or Setback lines, or over a sidewalk. Such devices shall be securely anchored into the Parking Lot to ensure that they remain stationary.
 - G. Plans for the layout of off-Street parking facilities shall be in accordance with the Parking Space dimensions of this Chapter. The minimum Parking Space dimensions for a layout not provided for in the regulations shall be 10 feet in width, eighteen feet in length.

§ 380-137. Parking Lot plans.

Plans for the Development, expansion or reconfiguration of any Parking Lot shall be submitted and subject to approval in conformance with the Site Plan review requirements of this Chapter.

The construction of any Parking Lot shall be in accordance with the requirements of the provisions of this Chapter. Such construction shall be completed and approved by the Zoning Administrator before actual Use of the property as a Parking Lot, and before a Certificate of Occupancy is issued.

§ 380-138. Off-Street loading requirements.

On the same premises with every Building or Structure involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained 1) an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and 2) off-Street Loading Spaces in relation to floor areas as follows:

- A. Up to 20,000 square feet = one space required;
- B. Twenty thousand square feet or more, but less than 50,000 square feet = two spaces required; and

C. One additional space for each additional 50,000 square feet or fraction thereof.

Loading Spaces shall be placed so as to avoid undue interference with public Use of dedicated rights-of-way and parking areas.

All Loading Spaces shall be at least 10 feet by 50 feet, or a minimum of 500 square feet in area. A minimum 14 foot clearance height shall be provided.

Loading Spaces shall only be permitted off-Street and in the Rear Yard or interior Side Yard.

All dedicated Loading Spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless surface.

§ 380-139. Deferred parking.

If an applicant demonstrates that the required amount of Parking Spaces is excessive, the Planning Commission may defer construction of a portion of the required Parking Spaces for nonresidential Uses if the following conditions are met.

- A. Areas shown for deferred parking shall be shown on a Site Plan and shall be sufficiently large to permit the construction of the total number of Parking Spaces required by this Article. Such areas shall not be Used for any other propose required by this Chapter and shall be kept open.
- B. Alterations to the deferred Parking Area to add Parking Spaces may be initiated by the owner or the Zoning Administrator based on parking needs. Parking Spaces shall be added in accordance with the approved Site Plan; further approval of the Site Plan shall not be required.
- C. Deferral of a portion of the otherwise required Parking Area shall not eliminate the need for the owner to comply with all other requirements of this Chapter.

§ 380-140. Maximum parking limitations.

To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no Parking Lot shall have Parking Spaces totaling more than an amount equal to 10% greater than the minimum Parking Space requirements, except as may be approved by the Planning Commission pursuant to a parking need study submitted by the applicant.

§ 380-141. Signs prohibited.

- A. The following types of Signs are expressly prohibited in the Township:
 - (1) Signs imitating or resembling to the point of creating confusion official traffic signals;
 - (2) Any Sign not expressly permitted by this Chapter;

- (3) Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of business advertisement or attraction) hung to draw attention to a business or merchandise on display;
 - (4) Abandoned Signs, which shall be removed within 30 days of the cessation of use or activity;
 - (5) A rotating or moving Sign in which the Sign itself or any portion of the Sign moves in a revolving or similar manner;
 - (6) Any Sign that obstructs free access to or egress from a required door, window, fire escape, or other required exit from a Building or Structure; and
 - (7) Any Sign which makes use of the words “Stop, Look or Danger” or any other words, phrase, symbol, or characters, in such a manner as to interfere with, mislead, or confuse drivers.
- B. No business vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a Sign, shall be parked in any area Abutting a Street.

§ 380-142. Signs exempted.

The following Signs shall be exempt from and allowed by the provisions of this Chapter:

- A. Governmental Signs;
- B. Signs for Essential Public Services;
- C. Historical markers;
- D. Memorial Signs or tablets;
- E. Signs with an address and name of the owner or occupant of the Lot, of not more than one square foot in area, attached to a mailbox, light fixture, or exterior wall;
- F. Window Signs provided the total area of all Signs within one foot of the window shall not obscure more than 50% of the window area;
- G. Flags or insignia of any nation, state, local government, community organization, or educational institution; and
- H. Signs in the FR-I District.

§ 380-143. Sign regulations applicable to all Zoning Districts.

- A. It shall be unlawful for any person to Erect, place, maintain, or continue a Sign upon any lands in the Township except in accordance with the provisions of this Chapter.

- B. All Signs shall be stationary, securely anchored or fastened to the ground or Structure, and designed and constructed to withstand a 90 mile per hour ground wind load.
- C. Real Estate Signs shall not exceed four square feet in total area and shall be removed within 30 days after completion of the sale or lease of the property.
- D. No Sign shall be placed in, or extend into, or obstruct clear vision in any public right-of-way.
- E. The leading edge of the Sign shall be a minimum of one foot away from the Street right-of-way.
- F. Construction sites are permitted the use of Signs subject to the following restrictions.
 - (1) Sites are permitted one sign where work is scheduled to begin.
 - (2) Signs shall not be larger than 32 square feet in total area and shall not exceed eight feet in height.
 - (3) Signs shall not be Erected until a building permit has been issued for the Building or project which is the subject of the proposed Sign and construction activity has begun.
 - (4) Signs shall be removed within 15 days after the issuance of any occupancy permit for the Building or Structure which is the subject of the Construction Sign.
- G. On-site Directional Signs shall not exceed four square feet in total area per Sign, shall not be higher than three feet, and shall not be located closer than five feet to any right-of-way line. No more than two Directional Signs per Street Frontage are permitted for any property or Use.
- H. One Wall Sign is permitted per Lot in the Commercial District. No Wall Sign shall project above the Roof Line, or exceed 100 square feet.
- I. Temporary Signs are permitted subject to the following restrictions.
 - (1) Temporary Signs of four square feet in size or less, located on the property on which a Garage or Yard Sale is conducted (so long as no Lot displays such a Sign or Signs for more than 14 days per calendar year), are exempt from the permit requirement.
 - (2) No Temporary Sign shall be displayed on any one Lot or parcel for more than 30 consecutive days for any one permit period and no more than two permits shall be issued for any Lot or parcel during any calendar year.
 - (3) No Temporary Sign shall exceed 32 square feet in total area.
 - (4) No Temporary Sign shall be closer than five feet from any right-of-way or property line.

- J. Awning Signs are permitted in the Commercial District.
- K. One Freestanding Sign or one Ground Sign shall be permitted per Lot in the Commercial District, up to a size of 100 square feet.
- L. Banner Signs, Portable Signs, and Balloon Signs are permitted in the Commercial District.
- M. One Freestanding Sign or one Ground Sign shall be permitted per Lot in the R-1, R-2, R-3, FR-R4, FR-R5, FR-R6 Districts, if the Lot conforms to the minimum Lot size requirements in its particular Zoning District, up to a size of four square feet.

§ 380-144. General Sign provisions.

- A. *Purpose and Intent.* This Article is intended to regulate the size, number, location and manner of display of Signs in the Township consistent with the following purposes.
 - (1) To protect and further the health, safety, and welfare of residents, property owners, and visitors.
 - (2) To prevent traffic hazards and pedestrian accidents caused by Signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
 - (3) To conserve and enhance community character.
 - (4) To promote uniformity in the size, number, or placement of Signs within Zoning Districts.
 - (5) To promote the economic viability of commercial areas by minimizing visual clutter, and allowing for placement of Signs to safely direct motorists to their destination.
 - (6) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the communication rights of businesses and other non-business uses.
 - (7) To recognize that special circumstances or events may create a need for temporary Signage for a limited and reasonable period of time.
 - (8) The purpose of this Article does not include the regulation of the content or any information included on the Sign.
- B. *Substitution Clause.* Signs which contain non-commercial speech are permitted anywhere that advertising or business Signs are permitted subject to the same regulations applicable to such Signs. The owner of any Sign which is otherwise allowed by this Article may substitute non-commercial language in lieu of any other commercial or non-commercial language. This substitution may be made without any additional approval or permitting. The purpose of this provision is to prevent an inadvertent favoring of commercial speech

over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message.

- C. *General.* It shall be unlawful for any person to Erect, place, or maintain a Sign in the Township except in accordance with the provisions of this Chapter.
- D. *General Setbacks.* Unless a different Setback is specified for a particular Sign elsewhere in this Chapter, all Signs must be set back at least 10 feet from all other property boundaries.
- E. *Traffic Hazards.* No Sign may be constructed, Erected, displayed, maintained, reconstructed, or located so that it creates a hazard for vehicle or pedestrian traffic. If the Muskegon County Road Commission or State of Michigan traffic engineers or the Township Board determines that any Sign is a traffic hazard, the Zoning Administrator shall notify the owner to remove the Sign. In determining whether a Sign may be causing a traffic hazard, the Township Board may consider, but is not limited to, the following:
 - (1) Height, area, supporting Structure, and distance from ground level of the Sign;
 - (2) Lighting of the Sign;
 - (3) Location of the Sign in relation to Streets;
 - (4) Drives, points of ingress and egress, parking areas, sidewalks, and other vehicular or pedestrian access ways;
 - (5) Location of the Sign in relation to nearby Buildings and Structures; and
 - (6) Whether the Sign may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic Sign, signal, or device, or be distracting to motorists.
- F. *Maintenance.* All Signs shall be properly maintained in good condition and reasonable repair at all times. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts must be replaced in a timely fashion. The Zoning Administrator has the authority to order the repair or removal of any Sign that is unsafe, as defined by the Michigan Building Code.
- G. *Lawful Nonconforming Signs.* The regulations for lawful nonconforming Signs are contained in Article IV of this Chapter.

§ 380-145. Billboards.

Billboards are allowed in the Commercial District, adjacent to U.S. 31, as a Special Land Use, subject to the following regulations. For purposes of these conditions, double-faced Billboards (i.e., Structures with back-to-back faces containing or able to contain advertising) and V-shaped Billboards having only one face visible to traffic proceeding from any given direction on a Street shall be considered as one Billboard. Otherwise, Billboards having more than one face, including

Billboards with tandem (side-by-side) or stacked (one-above-the-other) faces, shall be considered as multiple Billboards and shall be prohibited in accordance with the minimum spacing requirements set forth below. A Billboard's surface display area containing or able to contain advertising shall be considered to be the Billboard's face(s).

- A. Not more than three Billboards may be located per any given linear mile of Street, regardless of the fact that such Billboards may be located on different sides of the Street. The linear mile measurement shall not be limited to the Township's boundaries if the particular street extends beyond such boundaries.
- B. No Billboard may be located within 1,320 feet of another Billboard, regardless of the fact that any two such Billboards may be located on opposite sides of the Street from each other. The 1,320 feet measurement shall not be limited to the Township's boundaries.
- C. No Billboard may be located within 250 feet of the CO, R-1, or R-2 Zoning Districts, of a pre-existing Dwelling, of a pre-existing church, or of a pre-existing school. If the Billboard is illuminated, the required distances shall be increased to 350 feet.
- D. No Billboard may be located closer to a Street than 75 feet from the Front Lot Line adjoining the Street. No Billboard may be located closer than 10 feet or the height of the Billboard from any other Lot Line of the Lot on which the Billboard is located, whichever is greater.
- E. A Billboard's face may not exceed 300 square feet. Double-faced Billboards and v-shaped Billboards may have two faces, but neither one may exceed 300 square feet.
- F. The bottom of the Billboard's face must be at least 20 feet above the grade of the ground upon which the Billboard sits, or above the grade of the abutting Street, whichever is higher. The top of the Billboard's face may not be more than 35 feet above the grade of the ground upon which the Billboard sits, or above the grade of the abutting Street, whichever is higher.
- G. No portion of the face or structure of the Billboard may be illuminated. Neither digital nor electronic billboards are permitted.

ARTICLE XIX Site Plan Review

§ 380-146. Purpose.

The purpose of this Article is to provide for consultation and cooperation between the applicant and the Township in order that the applicant may realize planned objectives in the Use of land, as described in the Master Plan, and within the regulations of this Chapter. It is also intended to ensure that the Development or Use be completed with minimum adverse effect on the Use of adjacent Streets, and on existing and future Uses, and on the environment in the general vicinity.

§ 380-147. Applicability.

- A. In accordance with the provisions of this Article, the Planning Commission shall approve a Site Plan for the proposed Development, activity, or Use prior to the issuance of any permits for the creation of a Use or the Erection of a Building in the Districts and conditions cited below. The Site Plan packet shall include any associated documentation and narrative required to assist the reviewers with their task. No Use, activity, Building, or Structure as follows shall be commenced, conducted, expanded, or constructed absent Site Plan approval by the Planning Commission.
- B. Site plan review and approval shall be required for all of the following:
 - (1) Special Land Uses in any Zoning District;
 - (2) Public Land Uses in any Zoning District;
 - (3) Planned Unit Developments in any Zoning District;
 - (4) Private Streets;
 - (5) Essential Public Services; and
 - (6) Any expansion, enlargement, or change to any of the proceeding.
- C. Where a new Use is being established in an existing lawful Main Building and is a permitted Use in the underlying Zoning District, and will not result in expansion of the footprint, size, or Height of the Building, the Site Plan for the new Use may be approved through an administrative review process by the Zoning Administrator.

§ 380-148. Site plan procedure and submittal.

- A. Ten copies of a preliminary Site Plan may be submitted by the applicant for review by the Planning Commission prior to final Site Plan submittal. The purpose of this optional procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final Site Plan approval.
- B. Additional Information. Planning Commission, prior to granting final approval of a Site Plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person to assist in determining the appropriateness of the Site Plan. This material may include, but need not be limited to, aerial photography, photographs, impacts on Significant natural features and drainage, traffic study, soil tests, and other pertinent information.
- C. Site plan submittal shall include the information listed below in subsection F. The Zoning Administrator shall review the Site Plan packet for completeness. Incomplete Site Plan packets will not be accepted by the Zoning Administrator or placed on the Planning

Commission's agenda. Preliminary Site Plans shall be at a scale not to exceed one inch equals 100 feet.

- D. Applicants have the option to submit a final Site Plan review packet without an optional preliminary review.
- E. Except as provided below, site plans should be prepared by a surveyor and shall be based on a survey.
- F. Site plans for PUDs and uses in the Commercial Zoning District shall be prepared by a surveyor and a certified engineer and shall include the following information:
 - (1) A general location sketch showing at a minimum: properties, Streets, and Uses of land within one mile of the area;
 - (2) Legal description of the subject property;
 - (3) North arrow and plan scale;
 - (4) Name and address of the property owner or petitioner and ownership interest;
 - (5) Name and address of the person who drafted the plan and the date on which the plan was prepared;
 - (6) Existing zoning and Use of all properties Abutting the subject property;
 - (7) All Buildings, parking, Easements, and driveways within 100 feet of all property lines;
 - (8) Existing and proposed Uses, Buildings, and Structures;
 - (9) Property lines and dimensions;
 - (10) Existing adjacent Streets and proposed Streets;
 - (11) Parking Lots and access points;
 - (12) General location of utilities, storm water management features, septic systems, and wells;
 - (13) Location of proposed buffer strips or Screening;
 - (14) General topographical features at contour intervals no greater than five feet;
 - (15) Significant Natural Features; and other natural characteristics, including but not limited to Open Space, Wetlands, stands of trees, Landmark Trees, brooks, ponds, Floodplains, hills, slopes of over 15% and similar natural assets or hazards;
 - (16) Seal of the professional responsible for the preparation of the Site Plan;

- (17) Narrative: A written text describing in general terms:
 - (a) The overall objectives of the proposed Development;
 - (b) Size (in acres) of the subject property and approximate number of acres allocated to each proposed Use and gross area in Building, Structures, parking, Streets and drives, and Open Space;
 - (c) Dwelling Unit densities if applicable;
 - (d) Proposed method of providing sewer and water service, as well as other public and private utilities; and
 - (e) Anticipated grading and Filling and proposed method of storm water management;
- (18) Property lines for each site unit or Lot shown and dimensioned;
- (19) Buildable Area for proposed Structures (i.e., Setbacks shown) on the subject property for each Lot or site unit;
- (20) Specifications for and location of existing and proposed utilities;
- (21) All existing and proposed drives (including dimensions and radii, acceleration/Deceleration Lanes serving the site, and cross-sections of internal roads serving the Development);
- (22) Location and specifications for curbing, parking areas (including the dimensions of a typical Parking Space and the total number of Parking Spaces to be provided), fire lanes, and unloading areas;
- (23) Location and size of all surface water drainage facilities, including storm event data;
- (24) All existing vegetation noted to be protected and a detailed Landscaping plan including data on species, number, and size of plant materials to be used;
- (25) Location of profiles of all proposed fencing and walls;
- (26) Dedicated Open Space, marked and described and recorded to protect such lands in perpetuity;
- (27) Exterior lighting showing area of illumination (via a photometric chart) and indicating the type and height of fixture to be used;
- (28) Any Signage;
- (29) Elevation drawings of proposed Buildings;

- (30) Location and specifications for trails and sidewalks;
- (31) Development Agreement, if any;
- (32) Easement descriptions and dedications;
- (33) Approved Street names; and
- (34) Profile of proposed buffer strips, Screening, Fence design, and timing of Landscaping improvements.

§ 380-149. Administrative fees.

- A. Any Site Plan application shall be accompanied by a non-refundable fee or fees in accordance with the schedule or resolution of fees established by the Township Board. Such fee(s) shall be for the purpose of payment of the administrative costs and services expended by the Township in the implementation of this Article and the processing of the application. No part of such fee(s) shall be refundable to the applicant.
- B. An Escrow fee or fees may also be collected by the Township pursuant to this Chapter for site plans pertaining to PUDs and uses in the Commercial Zoning District. Such fees are intended to reimburse another party or parties retained by the Township to provide expert consultation and advice regarding the application.

§ 380-150. Changes in the approved Site Plan.

Changes to an approved Site Plan shall be allowed only under the following circumstances.

- A. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not Alter the basic design or any specified conditions imposed as part of the original approval.
- B. Minor changes shall include only the following:
 - (1) Change in any Building size, up to 5% in gross floor area;
 - (2) Movement of Buildings or other Structure by no more than 10 feet;
 - (3) Replacement of plant material specified in the Landscape plan with comparable materials of an equal or greater size;
 - (4) Changes in Building materials to a comparable or higher quality;
 - (5) Changes in floor plans which do not Alter the character of the Use; or
 - (6) Changes required or requested by any county, state or federal regulatory agency in order to conform to other laws or regulations.

- C. A proposed change determined by the Zoning Administrator not to be minor shall be submitted to the Planning Commission as a Site Plan amendment, and shall be reviewed in the same manner as the original application, including payment of an application fee. The previously approved Site Plan shall be provided to the Planning Commission for comparative purposes. Proposed changes shall be noted on the Site Plan and included in narrative form.
- D. Every Use, Structure, Building, and activity covered by an approved Site Plan shall fully comply with the approved Site Plan unless and until the approved Site Plan is modified by the Planning Commission and the Township Board, as applicable, to allow such change in Use, Structure, Building, or activity.

§ 380-151. Review standards.

- A. During the Site Plan review process, the Zoning Administrator may recommend, and the Planning Commission may require, additional information from the applicant determined reasonably necessary to demonstrate compliance with the review standards of this Article. This information may include, but not be limited to, soil reports, hydrological tests, traffic studies, or Wetland determinations.
- B. In addition to the pre-application meeting, a workshop may be required by the Planning Commission; or, if not required, the workshop may be requested by the applicant to discuss the Site Plan, solicit feedback, and receive requests for additional materials supporting the proposal.
- C. The Planning Commission shall review the Site Plan.
- D. The Planning Commission shall review the Site Plan based upon the standards and requirements of this Chapter. The Planning Commission shall make a decision to approve, approve with conditions, or deny the Site Plan.
- E. The review of the preliminary Site Plan shall be based on the following standards.
 - (1) The Development, activity, or Use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. Architecture should provide coordinated and visually appealing styles, Building forms, and Building relationships.
 - (2) The Development, activity, or Use shall be adequately served by essential public facilities and services, such as police and fire protection.
 - (3) The proposed type and Density of Use shall not result in an unreasonable increase in the Use of public services, public facilities, and utility capacities.
 - (4) Natural Features shall be preserved, insofar as practical, by removing only those areas of natural vegetation or making those Alterations to the topography which are reasonably necessary to develop the site.

- (5) Natural drainage ways shall be preserved insofar as practical, by minimizing grading, and tree and soil removal in and to natural drainage swales.
- (6) Slopes of over 15% shall be protected and maintained in a natural state.
- (7) The Development, activity or Use shall not have an unacceptable significant adverse effect on the quality of the Natural Features.
- (8) The Development, activity or Use shall not have an adverse impact on future Development as proposed in the Master Plan.
- (9) The Development, activity, or Use shall not impede the continued Use or Development of surrounding properties for Uses that are permitted in this Chapter.
- (10) The Development, activity, or Use shall adequately consider pedestrian and cyclist safety and circulation, and tie sidewalks, paths and trails into public facilities and adjoining properties, as applicable.

§ 380-152. Final approval.

Final Site Plan approval shall be requested from the Planning Commission in accordance with the provisions of this Chapter.

The following standards shall be utilized by the Planning Commission in reviewing and approving or denying all Site Plans. A Site Plan may not be approved unless all of the following applicable standards are met. These standards are intended to provide a frame of reference for the applicant in the preparation of Site Plans as well as for the Planning Commission in making decisions concerning them.

- A. The Uses and configuration proposed will not adversely affect the public health, safety, or general welfare.
- B. The Site Plan shall provide reasonable visual and sound privacy for all Dwellings located within and adjacent to a Development.
- C. Removal or Alteration of Significant Natural Features shall be restricted to those areas which are reasonably necessary to develop the site.
 - (1) Landmark Trees and significant vegetation slated or protection shall be marked on site to prevent their damage during construction.
 - (2) A plan for Natural Feature protection during construction shall be provided.
 - (3) Provisions shall be made to accommodate storm water on-site wherever practical.
 - (4) Areas of natural drainage such as swales, Wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas

for natural habitat, preserve drainage patterns, and maintain the natural characteristics of the land.

- D. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided within the site.
- E. The minimum number of driveway and access points shall be provided at appropriate locations to maximize convenience and safety.
- F. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent Streets. Lighting of Buildings or Structures shall be minimized to reduce blight pollution.
- G. All loading and unloading areas and outside storage areas, including areas for the storage of trash, shall comply with this Chapter.
- H. The Uses and configuration shall not have significant negative impacts on adjoining properties and Uses or the environment.
- I. The general purpose and spirit of this Chapter and the Master Plan shall be maintained.

§ 380-153. Conditions of approval.

- A. As part of an approval of any Site Plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest or to meet the review standards.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act.
- C. Approval of a Site Plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners
- D. A record of all conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the Site Plan is expressly approved by the Planning Commission in accordance with this Chapter.
- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- F. The Zoning Administrator shall make periodic inspections of Developments or properties for which Site Plans have been approved. Non-compliance with the requirements and conditions of the approved Site Plan shall be considered Violations of this Chapter.

§ 380-154. Revocation.

Every Structure, Building, land Use, or activity covered by or subject to an approved Site Plan must fully comply at all times with that Site Plan. If a Violation of the Site Plan (or any conditions of approval attached thereto) occurs, then the Planning Commission shall have the authority to revoke the approved Site Plan after reasonable notice has been given to the property owner.

§ 380-155. Time limit and extensions.

The two year time period for the validity of any Site Plan approval may be extended for one year, if applied for in writing through the Zoning Administrator by the applicant prior to the expiration of the Site Plan approval, and if granted by the Planning Commission, provided that the reasons for the delay are beyond the general control of the applicant.

§ 380-156. Performance Guarantees.

The Planning Commission may require Performance Guarantees in accordance with this Chapter for any Site Plan approval.

ARTICLE XX
Special Land Uses

§ 380-157. Scope.

This Article provides a set of procedures and standards for Special Land Uses, which because of their unique characteristics require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the surrounding area. For purposes of this Chapter, all Special Land Uses within the various Districts are subject to the conditions and standards of this Article.

§ 380-158. Application and review procedures.

- A. An application for a Special Land Use shall be submitted through the Zoning Administrator, accompanied by:
 - (1) The payment of an application fees or fees and any required Escrow fee(s) as established by the Township Board;
 - (2) A completed application form, as provided by the Township Board;
 - (3) A complete Site Plan; and
 - (4) A narrative describing the proposed Special Land Uses.
- B. Applications for a Special Land Use (if complete) shall be submitted at least 30 days prior to the next Planning Commission meeting.

- C. The Planning Commission shall hold a public hearing on the application, noticed in accordance with the Zoning Act and this Chapter. The Planning Commission shall then review the application and other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township Planner, Township Engineer, Township Attorney, or other party. The Planning Commission shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed on an approval.
- D. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one year from the date of disapproval, except as may be allowed by the Zoning Administrator after learning of new and significant material facts or substantially changed conditions that might result in favorable action upon re-submittal.
- E. A Special Land Use approved pursuant to this Article shall be valid for one year from the date of approval. The Development shall be under substantial construction within one year after the date of approval of the Special Land Use, except as noted below.
 - (1) The Planning Commission may grant one or more six month extension of the approval, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.
 - (2) The extension shall be approved if the applicant presents reasonable evidence to the effect that the Development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 - (3) If neither of the above provisions are fulfilled so the extension is not granted and construction is not timely begun, or the six month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- F. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable requirements of this Chapter, or any condition of the Special Land Use approval; the Planning Commission shall have that same authority if construction is timely begun but then not timely continued to finish the construction in a timely and reasonable manner. Prior to revocation, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

§ 380-159. Existing Special Land Uses.

Uses of land or Development projects granted Special Land Use status by the Township prior to the adoption of this Zoning Ordinance may continue such approved status provided the rules, regulations, requirements, and conditions under which the Special Land Use was approved are met.

§ 380-160. General Standards.

- A. In addition to the standards established for specific Uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of Site Plans under this Chapter.

- B. No Special Land Use may be approved unless all of the following standards are met. Each application shall be reviewed for the purpose of determining that a proposed Special Land Use 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 general vicinity and not change the essential character of the area in which it is proposed;
 - (2) Be adequately served by essential public facilities and services such as Streets, police and fire protection, drainage Structures, and refuse disposal;
 - (3) Not create excessive additional requirements at public cost for public facilities and services;
 - (4) Not involve Uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production or effects of traffic, noise, smoke, fumes, glare, or odors;
 - (5) Be sufficiently designed to maintain adequate provision for the protection of the health, safety, convenience, and social and economic welfare of those who will use the Special Land Use, and residents and landowners adjacent to the Special Land Use;
 - (6) Be consistent with the intent of this Chapter and the intent of the Master Plan;
 - (7) Not create or substantially add to traffic hazards in the area;
 - (8) Not have significant adverse environmental, ecological, or natural resource impact; and
 - (9) Not have significant adverse impacts upon adjoining properties or Uses.

- C. The Planning Commission may impose additional conditions and safeguards on a Special Land Use approval, if the conditions are deemed necessary to accomplish the following purposes. Failure to comply with the conditions may result in the revocation of the Special Land Use approval, pursuant to this Chapter. Conditions imposed shall be those necessary to ensure that the proposed Special Land Use will:
 - (1) Meet the intent and purpose of this Chapter for the land Use or activity under consideration;

- (2) Relate to and promote compliance with the standards established in this Chapter for the land Use or activity under consideration;
 - (3) Protect the general welfare;
 - (4) Protect individual property rights; and
 - (5) Ensure that the intent and objectives of this Chapter will be observed.
- D. The Planning Commission shall adopt a statement of findings and conditions relative to the Special Land Use that specifies the basis for the decision and any conditions imposed.

§ 380-161. Performance Guarantee.

The Planning Commission may require a Performance Guarantee in accordance with this Chapter to ensure compliance with any conditions associated with the granting of the Special Land Use.

§ 380-162. Special Land Use specific requirements.

The general standards and requirements of this Article are basic to all Special Land Uses. The specific and detailed requirements set forth hereafter relate to particular Uses and are requirements which shall be met by those Special Land Uses in addition to the foregoing general standards and requirements. Any Special Land Use listed in this Chapter not addressed as follows shall be reviewed under the general standards of this Article.

§ 380-163. Specific standards. Specific standards by Use.

- A. Banquet hall, conference center, or community center.
- (1) The Lot shall have Frontage on an approved paved road.
 - (2) The minimum Lot size shall be two acres with a minimum of 200 feet of Street Frontage.
 - (3) Access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.
 - (4) Where the site abuts a Residential District, Screening shall be provided along that property line. Grass, plant materials, and sight-obscuring Fences or walls shall be considered by the Planning Commission when determining Screening needs.
- B. Recreation facility (outdoor or indoor).
- (1) The facility shall be located on a Lot with at least two acres, plus an additional 15,000 square feet for 100 seating capacity or fraction thereof in excess of 100.
 - (2) The facility shall have a minimum of 200 feet of Street Frontage on a paved Major Street.

- (3) Access driveways shall be located no less than 150 feet from the centerline of the intersection with any Street or 50 feet from the centerline of the intersection with any residential driveway.
- (4) The main and Accessory Buildings and Structures shall not be located within 50 feet of any Residential District.
- (5) Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling or shining over the property line.
- (6) Where the Use abuts property within a Residential District, a transitional strip at least 30 feet in width shall be provided along that property line. Grass, plant materials, and sight-obscuring Fences or walls, of a type approved by the Planning Commission, shall be placed within the transition strip.
- (7) A minimum of 100 feet shall separate all Uses, Buildings, and Structures permitted herein, including Fences, from any public Street or highway Uses for access or exit purposes. This area shall be Landscaped in accordance with plans approved by the Planning Commission
- (8) Where the site adjoins a Residential District, outdoor loudspeaker systems shall not be used.
- (9) The location, design, and operation shall not adversely affect the continued use, enjoyment, and development of adjacent properties.

C. Wireless Telecommunication Services.

- (1) For construction of a tower:
 - (a) The Lot size shall be a minimum of 20,000 square feet.
 - (b) The tower shall be of a monopole design unless an alternative design can be presented that blends suitably in the community Landscape.
 - (c) The tower shall be set back from all Lot Lines a minimum distance equal to one-half the height of the tower. All other Buildings, Structures, and guy wires shall meet the minimum Setback requirements of the Zoning District where located.
 - (d) A security Fence at least six feet in height shall be constructed around the tower and supports.
- (2) Where possible, the collocation on tower facilities shall be required in order to minimize the number of separate towers and individual locations throughout the Township. As a condition of approval, the applicant shall agree to permit future users to collocate on the tower facility and shall demonstrate that it is not feasible to locate the proposed antenna on public lands or on an existing tower.

- (3) Unless located on the same site or tower with another user, no new tower shall be Erected within a one-half mile radius of an existing radio, television, cellular, or wireless communications tower.
- (4) No Signs except warning or other cautionary Signs shall be permitted on the site.

D. Adult Uses or Adult-Oriented Businesses.

- (1) The purpose and intent of this subsection is to minimize the negative secondary effects associated with Adult Uses or Adult-Oriented Businesses through regulating, but not excluding, the location and operation of Adult Uses or Adult-Oriented Businesses within the Township. It is recognized that Adult Uses or Adult-Oriented Businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private land uses. The regulation of Adult Uses or Adult-Oriented Businesses is necessary to ensure that their negative secondary effects will not adversely impact the health, safety and general welfare of Township residents, nor contribute to the blighting or downgrading of surrounding areas. The provisions of this subsection are not intended: (a) to violate the guarantees of the First Amendment to the United States Constitution or Article I, Section 5 of the Michigan Constitution of 1963; (b) to deny adults access to Adult Uses or Adult-Oriented Businesses and their products; (c) to deny Adult Uses or Adult-Oriented Businesses access to their intended market; or (d) to legitimize activities which are prohibited by Township ordinance or by state or federal law. The Township further states that it would have passed and adopted what might remain of this subsection following the removal, reduction, or revision of any portion of this subsection found to be invalid or unconstitutional.
- (2) Special Land Use approval shall not be granted to any Adult Use or Adult-Oriented Business unless it meets all of the following requirements. Any Adult Use or Adult-Oriented Business granted Special Land Use approval shall continue to comply with all of the requirements of this subsection at all times while the business is operational.
 - (a) No Adult Use or Adult-Oriented Business shall be located on a Lot that is within 1,000 feet of another Adult Use or Adult-Oriented Business. For purposes of this subsection (a), and subsections (b) and (c) below, the distance between a proposed Adult Use or Adult-Oriented Business and another Sexually Oriented Business; the boundary of any land in a Residential Zoning District or approved as a Planned Unit Development; or land used for any Dwelling; government park; school; library; licensed childcare facility; playground; or church or place of worship, shall be measured in a straight line from the nearest property line of the Lot upon which the proposed Adult Use or Adult-Oriented Business is to be located to the nearest property line of the Lot for any of the above described purposes.

- (b) No Adult Use or Adult-Oriented Business shall be located on a Lot that is within 400 feet of the boundary of any land in a Residential Zoning District, or approved as a Planned Unit Development for residential purposes.
- (c) No Adult Use or Adult-Oriented Business shall be located on a Lot within 400 feet of any Dwelling; any governmental park; school; library; licensed child care facility; playground; or church or place of worship.
- (d) No Adult Use or Adult-Oriented Business shall be located within any Main or Accessory Building or Structure already containing another Adult Use or Adult-Oriented Business.
- (e) The proposed use shall conform to all requirements of the Zoning District in which it is located.
- (f) The proposed use shall be in compliance with all other ordinances of the Township and with all statutes, laws, rules and regulations of the county, state and federal government and, to the extent required, all governmental approvals must be obtained.
- (g) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent Street.
- (h) Any Sign or Signs proposed for the Adult Use or Adult-Oriented Business may not include photographs, silhouettes, drawings, or pictorial representations of Specified Anatomical Areas, Specified Sexual Activities or obscene representations of the human form.
- (i) Entrances to the proposed Adult Use or Adult-Oriented Business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two inches in height stating that: “persons under the age of 18 are not permitted to enter the premises,” and “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- (j) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining Street or a neighboring property.
- (k) Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday. All Adult Use or Adult-Oriented Business shall remain closed on Sundays and legal holidays.

- (l) All off-Street Parking Lots shall be illuminated after sunset during all hours of operation of the Adult Use or Adult-Oriented Business, and until one hour after the business closes.
- (m) Any booth, room or cubicle available in any Adult Use or Adult-Oriented Business, except an Adult Motel, that is used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:
 - i. Be handicap accessible to the extent required by law;
 - ii. Be unobstructed by any floor, lock or other entrance and exit control device;
 - iii. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
 - iv. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
 - v. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental Building code authority.

E. Raising or keeping of domestic animals. See Section 380-38.

F. Kennels. See Section 380-39.

G. Commercial Wind Energy Conversion Systems.

- (1) The Lot size shall be at least 20 acres.
- (2) The WECS shall not be allowed in the Front Yard.
- (3) No WECS may be artificially lit except as required by applicable state or federal regulations.
- (4) No WECS may display advertising except for the brand or manufacturer's name.
- (5) All transmission and power lines shall be underground.
- (6) No portion of the WECS may be located closer to any Lot Line than 1,500 feet.
- (7) Shadow flicker (i.e. alternating changes in light intensity caused by the moving blade) shall not be detectable to such an extent as to cause a nuisance.

- (8) Sound and vibration levels of the WECS equipment shall not cause undue annoyance at any Lot Line.
- (9) The WECS shall not interfere with or disrupt radio, television, telephone, or similar signals.
- (10) Every wind turbine included with the WECS shall be equipped with an over speed braking system.
- (11) A decommissioning plan shall be included with the Special Land Use application. The plan shall include:
 - (a) The anticipated life of the project;
 - (b) The estimated, indexed cost of decommissioning;
 - (c) Bonding or other guarantee to cover the cost of the decommissioning, property restoration, and associated costs; and
 - (d) The anticipated manner by which the project will be decommissioned and the property restored.

§ 380-164. Termination of a Special Land Use approval.

In the event that a Special Land Use approval is granted, the individual or successor in interest as to the property involved shall not Use the property in question such that it would exceed the rights granted by the Special Land Use approval or Violate any conditions attached thereto. In the event that the Use of the property exceeds those rights given by the Special Land Use approval or Violates the conditions attached thereto, the Special Land Use is subject to termination. The Planning Commission shall have the authority to terminate a Special Land Use approval after reasonable notice and hearing.

ARTICLE XXI
Zoning Board of Appeals

§ 380-165. Membership and procedures.

- A. The Zoning Board of Appeals shall consist of three individuals, appointed by the Township Board, who shall serve a term of three years. A member who is also on the Township Board shall serve only as long the member's Township Board term. Membership shall be representative of the population distribution and of the various interests present in the Township. A member of the Planning Commission shall also be a member of the Zoning Board of Appeals.
- B. A Township Board member may not be chairperson of the Zoning Board of Appeals.
- C. Meetings shall be held at the call of the Chairperson, and at other times as the Zoning Board of Appeals in its rules of procedure may specify. The Chairperson, or the acting

Chairperson in the Chairperson's absence, may administer oaths and compel the attendance of witnesses.

- D. All meetings of the Zoning Board of Appeals shall be open to the public. The ZBA shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record.
- E. Alternates.
 - (1) The Township Board may appoint up to two alternate members for the same term as regular members of the Zoning Board of Appeals.
 - (2) An alternate member may be called to sit as a regular member of the Zoning Board of Appeals to serve in place of a regular member for the purpose of reaching a decision in any situation permitted by the Zoning Act.
 - (3) The alternate member having been called to serve on a case shall serve on that case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
 - (4) The records maintained by the Zoning Board of Appeals shall reflect the attendance and participation of an alternate member.

§ 380-166. Vacancies and removal.

- A. *Vacancies:* If a vacancy occurs in the membership of the Zoning Board of Appeals, the Township Board shall appoint another person to the Zoning Board of Appeals for the balance of the unexpired term.
- B. *Removal:* A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a known conflict of interest constitutes malfeasance in office. Whenever a member of the Zoning Board of Appeals has a conflict of interest with respect to a matter presented to the Zoning Board of Appeals, the member shall state on the record the nature of the conflict of interest, and the member shall not participate in the Zoning Board of Appeals discussion, consideration, deliberation, or decision in the matter.

§ 380-167. Interpretations.

The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Chapter, Appeals involving interpretations of this Chapter made by the Township, and may make decisions on any other questions on which the ZBA is authorized by the Zoning Act to pass. In exercising all of its powers, the ZBA shall apply the standards of this section.

- A. *Text Interpretations:* The ZBA may hear and decide upon Appeals for the interpretation of the provisions of this Chapter. In deciding text interpretations, the ZBA shall apply the standards of this section.
- (1) Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Chapter, and not have the effect of amending this Chapter.
 - (2) Interpretations shall give weight to practical interpretations by the Township if applied consistently over a long period of time.
 - (3) Records shall be kept of all interpretations.
 - (4) Where the intent of this Chapter is unclear and the facts cannot be read to support only one interpretation, the benefit of the doubt shall go to the property owner.
- B. *Map Interpretations.:* When there is any question as to the location of any boundary line between Zoning Districts, upon an Appeal involving an interpretation of the zoning map, the ZBA shall establish the boundary based upon the map and all available information relating thereto and shall establish the boundaries to carry out the intent and purposes of this Chapter.
- C. Any Appeal shall be filed in writing with the ZBA within 14 days of the date when the Township makes the interpretation from which the Appeal is taken.

§ 380-168. Appeals.

- A. Upon application, the Zoning Board of Appeals shall hear and decide Appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other official or body charged with the administration of this Chapter. Any person aggrieved and with standing may make an Appeal to the Zoning Board of Appeals. The grounds of every Appeal shall be stated in writing as part of the application.
- B. An application for Appeal shall be filed with the Zoning Board of Appeals within 14 days after the date of the decision that is the basis of the Appeal. The appealing party shall file the notice of Appeal with the Zoning Board of Appeals on the form required by the Township and shall pay the required fee or fees with the Zoning Administrator. The notice shall specify the nature and grounds of the Appeal.
- C. The Zoning Administrator shall transmit to the ZBA all the papers constituting the record upon which the action being Appealed was taken.
- D. An Appeal stays all proceedings in furtherance of the action appealed, except as otherwise provided in this Zoning Ordinance.
- E. The ZBA shall fix a reasonable time for the hearing of the Appeal, and give due notice to the applicant and all property owners and occupants as required by the Zoning Act.

- F. Following the public hearing, the ZBA shall decide the matter within a reasonable time. The ZBA may reverse or affirm, wholly or partly, or modify the order, decision, or determination.

§ 380-169. Variances.

- A. *Non-use (Dimensional) Variances:* The ZBA may authorize upon written application in specific cases Variances from the terms of this Chapter where, owing to special conditions related to the applicant's property, a literal enforcement of the provisions of this Chapter would result in a practical difficulty to the applicant. A Variance from the terms of this Chapter shall not be granted by the ZBA unless and until a written application for a Variance is submitted and the ZBA finds that all of the following standards are met.
- (1) 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 Zoning District. Exceptional or extraordinary circumstances or conditions include:
 - (a) Exceptional narrowness, shallowness, or shape of a specific property on the effective date of this Chapter;
 - (b) Exceptional topographic conditions or other extraordinary situation on the land, Building or Structure;
 - (c) By reason of the Use or Development of the property immediately adjoining the property in question, the literal enforcement of this Chapter would create practical difficulties; or
 - (d) Any other physical situation on the land, Building, or Structure deemed by the ZBA to be extraordinary or exceptional.
 - (2) 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 condition or situation.
 - (3) The Variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The possibility of increased financial return shall not in itself be deemed sufficient to warrant a Variance.
 - (4) The Variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - (5) The Variance will not impair the intent and purpose of this Chapter.
 - (6) The immediate practical difficulty causing the need for the Variance request was not created by any affirmative action of the applicant or the applicant's predecessors in title.

(7) The Variance is the minimum Variance necessary.

B. *Use Variances:* Subject to other provisions of this Chapter, the ZBA shall have the jurisdiction to decide applications for Use Variances. The ZBA shall not grant a Use Variance unless it finds that an unnecessary hardship will occur unless the Variance is granted. Additionally, the ZBA shall not grant a Use Variance unless it also finds that all of the following standards below are met.

(1) The Variance request, if granted, will be the minimum Variance (i.e., the least variation or change from the particular requirement of the Article involved) that will make possible the reasonable Use of the land, Structure, or Building involved.

(2) The granting of the Variance will not be injurious or detrimental to neighboring properties or residents.

(3) The Variance will not be detrimental to the public welfare or change the essential character of the neighborhood.

(4) The Variance will not impair the intent or purpose of this Chapter.

(5) The problem or condition for which the Variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.

(6) The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township Board to amend the provision of this Chapter involved rather than to grant a Variance for the condition or situation.

(7) There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a Structure or Building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, Structure, or Building involved.

(8) The Variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same Zoning District and vicinity. A possible increased financial return shall not, of itself, be deemed sufficient to warrant a Variance.

(9) The land cannot reasonably be Used according to this Chapter unless a Variance is granted.

No Use Variance shall be granted unless at least two-thirds of all members of the Zoning Board of Appeals vote in favor of such Use Variance. Furthermore, before the members of the ZBA may vote on a given Use Variance request, the matter shall be referred to the Planning Commission. The Planning Commission shall be asked for its recommendation

regarding the proposed Use Variance request. The Zoning Board of Appeals may take final action regarding such a Use Variance request once the Planning Commission has forwarded its recommendation on the particular Use Variance request to the Zoning Board of Appeals or 45 days has elapsed since the referral to the Planning Commission, whichever occurs first.

§ 380-170. Application and hearing.

- A. Applications for Variances shall be submitted to the Zoning Administrator who will review the application for completeness and validity, then transmit it to the Zoning Board of Appeals if complete. Applications not meeting the requirements shall be returned to the applicant for completion.
- B. A valid application for a Variance to the Zoning Board of Appeals shall consist of all of the following:
 - (1) Ten copies of a Site Plan drawn to scale, which is sufficient to describe the nature of the request;
 - (2) A complete application form as provided by the Township;
 - (3) Payment of the required application fee or fees;
 - (4) An Escrow deposit where applicable;
 - (5) A legal description and/or parcel number of the entire property that is the subject of the request; and
 - (6) Other materials as may be required by the Zoning Board of Appeals.
- C. A public hearing shall be held and noticed pursuant to the provisions of this Chapter and the requirements of the Zoning Act.

§ 380-171. Decisions of the Zoning Board of Appeals.

- A. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the appellant on any matter. The ZBA shall render its decision upon any Appeal or application submitted to it within a reasonable time after the hearing thereon. However, no Use Variance shall be granted unless at least two-thirds of all of the members of the ZBA vote in favor thereof.
- B. The ZBA may require a Performance Guarantee and may impose reasonable conditions in conjunction with the approval of an Appeal, Variance, or any other decision that it is required to make. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the standards by which the decision is reached.

- C. For each decision of the Zoning Board of Appeals, a record shall be prepared including at a minimum the following items:
- (1) Description of the applicant's request;
 - (2) The ZBA's motion and vote;
 - (3) A summary or transcription of all competent material and evidence presented at the hearing; and
 - (4) Any conditions attached to an affirmative decision.
- D. The decision of the Zoning Board of Appeals shall be final. However, a party aggrieved by the decision of the ZBA may Appeal to the Circuit Court, within the authority granted by the Zoning Act.
- E. No Variance granted by the ZBA shall be valid for a period longer than 12 months from the date of its issuance if not used. However the applicant may, upon written request, seek up to one 12 month extension of the implementation of the Variance from the ZBA. The ZBA may grant an extension provided that the original circumstances creating the need for the extension were reasonably beyond the control of the applicant.

§ 380-172. Performance Guarantee.

The Zoning Board of Appeals may require a Performance Guarantee to ensure compliance with any conditions associated with the granting of a Variance.

§ 380-173. Re-submission.

No application that has been decided by the Zoning Board of Appeals shall be submitted for reconsideration by the ZBA within a one year period from the date of the original application unless the ZBA finds that at least one of the following conditions exists:

- A. That the conditions involving the reasons for the original denial have been significantly Altered; or
- B. That new conditions or circumstances exist which change the nature of the original request.

§ 380-174. Lack of jurisdiction.

The Zoning Board of Appeals is without jurisdiction to hear any Appeals or matters involving a decision to grant or deny a request for:

- A. A Planned Unit Development (PUD); or
- B. A Special Land Use.

However, the ZBA shall have jurisdiction to entertain Variance or interpretation requests related to subsections A and B above.

§ 380-175. Termination of a Variance.

In the event that the Zoning Board of Appeals grants a Variance, the individual or successor in interest as to the property involved shall not Use the property in question such that it would exceed the rights given by this Chapter or the Variance or fail to follow any conditions placed thereon by the ZBA. In the event that the Use of the property exceeds those rights given by this Chapter or the Variance, or the property owner fails to follow the conditions placed upon the Variance, the Variance shall be subject to termination. The ZBA shall have the authority to terminate a Variance after notice and hearing.

§ 380-176. No advisory opinions.

The Zoning Board of Appeals shall not give advisory, informal, or hypothetical opinions or decisions beyond the authority granted to it by the Zoning Act.

ARTICLE XXII
Small Scale Solar Energy Collectors and Systems

§ 380-177. Applicability.

This Article applies to any system of Small-Scale Solar Energy Collector systems. This Article does not apply to Solar Energy Collectors mounted on fences, poles, or on the ground with collector surface areas less than five square feet and less than five feet above the ground, nor does this Article apply to Utility-Scale Solar Energy Collector systems. Nothing in this Article shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.

§ 380-178. General Requirements.

- A. Applications. In addition to all other required application contents as required by this Chapter, equipment and unit renderings, elevation drawings, and Site Plans depicting the location and distances from Lot Lines and adjacent Structures shall be submitted for review. No Small-Scale Solar Energy Collector system shall be installed or operated except in compliance with this Chapter.
- B. Glare and reflection. The exterior surfaces of Solar Energy Collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring Dwellings or onto Streets.
- C. Installation.
 - (1) A Solar Energy Collector shall be permanently and safely attached to the ground or Structure. Solar Energy Collectors, and their installation and use, shall comply with Building codes, electrical codes, and other applicable Township and state requirements.

- (2) Solar Energy Collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
 - (3) The applicant shall certify that the construction and installation meet or exceed the manufacturer's construction and installation standards.
- D. Power lines. On site power lines between solar panels and inverters shall be placed underground.
 - E. Fire risk. Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
 - F. Abandonment and removal. A Solar Energy Collector system that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the Township every six months after the 12 months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the Lot to its condition prior to the development of the system within one year of abandonment.

§ 380-179. Building-Mounted Solar Energy Collectors.

These systems may be established as Accessory Uses to Principal Uses in all Zoning Districts subject to the following conditions.

- A. Maximum height. The maximum height in the Zoning District in which the Building-Mounted Solar Energy Collectors are located shall not be exceeded by more than three feet.
- B. Obstruction. Building-Mounted Solar Energy Collectors shall not obstruct solar access to adjacent properties.

§ 380-180. Ground-Mounted Solar Energy Collectors.

These systems may be established as Accessory Uses to principal uses in all Zoning Districts subject to the following conditions.

- A. Location.
 - (1) Rear and Side Yards. The unit may be located in the Rear Yard or the Side Yard but shall be subject to the Setbacks for Accessory Structures.
 - (2) Front Yard. The unit may be located in the Front Yard only if located no less than 150 feet from the Front Lot Line.
- B. Obstruction. Ground-Mounted Solar Energy Collectors shall not obstruct solar access to adjacent properties.

- C. Maximum number. There shall be no more than one Ground-Mounted Solar Energy Collector unit per Principal Building on a Lot.
- D. Maximum size.
 - (1) Residential uses. There shall be no more than one percent of the Lot area up to 1,500 square feet of collector panels on a Ground-Mounted Solar Energy Collector system.
 - (2) Agricultural and commercial uses. There shall be no more than 10,000 square feet of collector panels on a Ground-Mounted Solar Energy Collector system.
- E. Maximum height.
 - (1) Residential uses. The maximum height shall be six feet, measured from the natural grade below the unit to the highest point at full tilt.
 - (2) Agricultural and commercial uses. The maximum height shall be 16 feet, measured from the natural grade below the unit to the highest point at full tilt.
- F. Minimum Lot Area. A Lot must have at least 82,500 square feet in Lot Area to establish a Ground-Mounted Solar Energy Collector system.
- G. Screening. Screening shall be required in cases where a Ground-Mounted Solar Energy Collector unit impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.

ARTICLE XXIII
Utility-Scale Solar Energy Collectors and Systems

§ 380-181. Applicability.

This Article applies to Utility-Scale Solar Energy Collector systems and does not apply to Small-Scale Solar Energy Collector systems primarily intended for on-site usage.

§ 380-182. General requirements.

- A. Applications. An application for Special Land Use approval for a Utility-Scale Solar Energy Collector system shall include a Site Plan as well as meet all applicable Special Land Use criteria. Additionally, applications must include equipment and unit renderings, elevation drawings, and distances from Lot Lines and adjacent Structures as well as meet the criteria in this Article. No Utility-Scale Solar Energy Collector system shall be installed or operated except in compliance with this Article.
- B. Glare and reflection. The exterior surfaces of Solar Energy Collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into Dwellings on other Lots or onto Streets.

- C. Location. Solar energy equipment shall be located in the area least visibly obtrusive to adjacent residential properties while remaining functional.
- D. Obstruction. Solar Energy Collectors shall not obstruct solar access for other properties.
- E. Installation.
 - (1) A Solar Energy Collector shall be permanently and safely attached to the ground. Solar Energy Collectors, and their installation and use, shall comply with Building codes, electrical codes, and other applicable Township, county, state, and federal requirements.
 - (2) Solar Energy Collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
 - (3) The applicant shall certify that the construction and installation meet or exceed the manufacturer's construction and installation standards.
- F. Power lines. On site power lines between solar panels and inverters shall be placed underground.
- G. Energy storage system. When an energy storage system is included as part of the Solar Energy Collector system, the energy storage system must be placed in a secure temperature-controlled enclosure when in use. When no longer in use, batteries must be properly disposed of in accordance with applicable laws and regulations. The energy storage system shall prevent leaking into groundwater and shall be designed to present no unacceptable risk to human health or the natural environment. An energy storage system must be part of a contiguous Solar Energy Collector system which includes a ratio of at least 20 acres of collection for each acre of storage.
- H. Fire risk. Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
- I. Transportation plan. A proposed access plan during construction and operational phases shall be provided. The plan shall show proposed service road ingress and egress locations onto adjacent Streets and the layout of the internal Street system.
- J. Abandonment. A Solar Energy Collector system that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the Township every six months after the 12 months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the Lot to its condition prior to the development of the system within one year of abandonment.
- K. Mitigation risk plan. An application for a Utility-Scale Solar Energy Collector system shall include a risk mitigation plan for review by the Township.

§ 380-183. Utility-Scale Solar Energy Collector systems.

Utility-Scale Solar Energy Collector systems may be established as a Special Land Use only in the portions of the FR-R6 District that include Sections 14, 23, and 35 of the Township, subject to the following requirements.

- A. Minimum Setbacks. The minimum Setback for all Yards shall be 100 feet; however, as a condition of approval, the Township may require increased Setbacks if it is determined that greater separation is necessary to adequately protect adjacent residents and property owners.
- B. Maximum height. The maximum height of the system shall be 20 feet, measured from the natural grade below the unit to the highest point at full tilt.
- C. Minimum Lot acreage. The minimum Lot Area to establish a Utility-Scale Solar Energy Collector system shall be 20 acres.
- D. Maximum noise. Noise emanating from the Solar Energy Collector system shall not exceed 50 decibels (dBA) as measured from any Lot Line of the Lot on which the system is located.
- E. Screening. A six feet tall opaque, unperforated fence shall be erected and maintained around the entire Solar Energy Collector system.
- F. Decommissioning. A decommissioning plan signed by the responsible party and the land owner (if different) addressing the following shall be submitted prior to approval of a Utility-Scale Solar Energy Collector system. The plan shall include the following.
 - (1) Defined conditions upon which decommission will be initiated (e.g., end of land lease, no power production for 12 months, abandonment, etc.).
 - (2) Removal of utility-owned equipment and non-utility-owned equipment, which may include but not be limited to conduit, structures, fencing, solar panels, and foundations.
 - (3) Restoration of property condition which existed prior to the development of the system.
 - (4) Specification of the timeframe from completion of decommissioning activities.
 - (5) Description of any agreement (i.e., lease) with landowner regarding decommissioning, if applicable.
 - (6) Identity of the entity or individual responsible for decommissioning.
 - (7) Plans for updating the decommissioning plan.

(8) A performance guarantee shall be posted in the form of a bond, letter of credit, cash, or other form acceptable to the Township to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two cost estimates from qualified contractors for full removal and disposal of equipment, foundations, and structures associated with the system. These amounts will assist the Township when establishing the initial performance guarantee amount. The performance guarantee amount shall be valid throughout the lifetime of the system, and it shall be adjusted by the Township every five years based upon at least two new cost estimates from qualified contractors obtained by the responsible party. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two years from the annual anniversary of Special Land Use approval.

G. Transfer of ownership. Prior to a change in the ownership or operation of a Solar Energy Collector system, including but not limited to the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township at least 60 days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Solar Energy Collector system or the underlying property, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Solar Energy Collector system or the underlying property shall not be permitted to operate that system until compliance with the terms of this Chapter, including requirements for continuing security and escrow funds, has been established.

ARTICLE XXIV

Administration, Enforcement, and Miscellaneous Matters

§ 380-184. Administration and enforcement.

The Zoning Administrator shall be designated by the Township Board to administer and enforce this Chapter.

If the Zoning Administrator shall find that any provision of this Chapter is being Violated, the Zoning Administrator shall notify the person responsible for the Violation, indicating the nature of the Violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of any Violation, and shall take any other action authorized by this Chapter to ensure compliance with or to prevent Violation of its provisions

§ 380-185. Zoning administrator duties and Zoning Compliance Permits.

A. The Zoning Administrator shall have the authority to issue Zoning Compliance Permits in accordance with the requirements of this Chapter. The Zoning Administrator may attach reasonable conditions to the granting of a Zoning Compliance Permit.

B. It shall be unlawful to commence a Use or change the type of Use of land, or to change the type of Use or type of occupancy of any Building, or to extend any Use on any Lot on which there is a Nonconforming Use, or to construct or expand any Building or Structure,

until the Zoning Administrator has determined the action to be in compliance with all applicable provisions of this Chapter and has issued a Zoning Compliance Permit.

- C. Prior to the issuance of a Zoning Compliance Permit, it shall be unlawful for a person to commence land clearing or Excavation for the construction, relocation, or repair of any Structure or Building regulated by this Chapter.
- D. The Zoning Administrator shall not approve the issuance of a Zoning Compliance Permit if all final plans, Development Agreements, Escrow fees, and any required Performance Guarantees are not provided to the Township.
- E. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Zoning Compliance Permit for any Excavation or construction or Use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Chapter.
- F. Issuance of a Zoning Compliance Permit shall in no case be construed as waiving any provision of this Chapter or any other Township ordinance.
- G. The Zoning Administrator shall refuse to issue a Zoning Compliance Permit if the property is in Violation of this Chapter or any other Township ordinance.
- H. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with all requirements of this Chapter and all other applicable Township, county, and state ordinances, laws, and regulations.
- I. A Zoning Compliance Permit shall not be issued until all applicable fees, charges, and expenses have been paid in full.
- J. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Chapter-to any person making application under this Chapter.
- K. The Zoning Administrator shall have the authority to make inspections of Buildings or premises necessary to carry out the required duties in the enforcement of this Chapter.
- L. The Zoning Administrator may not make changes to this Chapter or to vary the terms of this Chapter in carrying out duties under this Chapter.
- M. If the Zoning Administrator does not approve an application for a Zoning Compliance Permit, the reasons for the rejection shall be stated in writing on an appropriate form.
- N. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those required by this Chapter in situations where basic clarification is desired before proceeding with the further work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval.

- O. The Zoning Administrator shall enforce this Chapter and may issue Stop Work Orders and Municipal Civil Infraction citations or tickets for the Violation of this Chapter.

§ 380-186. Schedule of fees, Escrow charges, and expenses.

- A. Except as may be provided for otherwise in this Chapter, the Township shall determine and set fees to be collected for all applications for zoning matters, permits, and approvals. These fees shall be collected prior to the issuance of any permit or certificate being issued, and other official actions required by this Chapter. No application shall be considered complete until all applicable fees have been paid the Township. Furthermore, Township employees and officials shall not commence work on a given zoning application or matter until any and all fees have been paid to the Township in full. The fee schedule shall be that adopted by resolution of the Township Board as amended from time to time.
- B. In addition to regularly established fees, the Township Board at its discretion may also require an applicant to submit to the Township, at any time during the zoning review process, an amount of money determined by the Township Board to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters.
- C. Such costs and expenses to be charged or assessed to the applicant for reimbursement of the Township's reasonable costs and expenses may include but shall not be limited to Township Attorney fees, Township Engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in questions, significant Township employee time, special meeting costs, and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. Any monies, paid or deposited by an applicant, which are not used or spent by the Township pursuant to an Escrow fee shall be refunded.
- D. If, for some reason, the applicant does not pay, or the Township does not collect, zoning Escrow fees during the zoning review process, the Township will bill such costs and expenses to the applicant after the zoning review process has been completed and the applicant or landowner shall promptly pay/reimburse the Township for the same.

§ 380-187. Performance Guarantees.

- A. As a condition of approval of a Site Plan review, Special Land Use, Planned Unit Development, Zoning Compliance Permit, Variance, or other approvals authorized by this Chapter, the Township Board, the Planning Commission, the Zoning Board Of Appeals, and the Zoning Administrator may require a Performance Guarantee or guarantees of sufficient sum to assure compliance with this Chapter, to assure compliance with a condition of approval of a permit, and to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed Development.

- B. The features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, survey monuments and irons, Streets, curbing, Landscaping, fencing, walls, Screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.
- C. Performance Guarantees shall be processed in the following manner.
- (1) Prior to the issuance of a building permit, Zoning Compliance Permit, or other approval or permit, the applicant or an agent shall submit an itemized cost estimate of the required improvements that are subject to the Performance Guarantee, which shall then be reviewed and approved by the Zoning Administrator.
 - (2) The amount of the Performance Guarantee shall be not more than 100% of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
 - (3) The required Performance Guarantee shall be payable to Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township Board.
 - (4) The Zoning Administrator shall not sign off on the issuance of a Zoning Compliance Permit until all final plans, Development Agreements, Escrow fees, and any required Performance Guarantees are provided.
 - (5) The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the Performance Guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the Performance Guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
 - (6) When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements with a statement of the reasons for any rejections.
 - (7) If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the Performance Guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
 - (8) The Zoning Administrator shall maintain a record of required Performance Guarantees.

§ 380-188. Zoning ordinance amendments.

- A. An amendment to this Chapter may be initiated by the Planning Commission on its own motion, by the Township Board on its own motion, or by any person filing an application therefore with the Planning Commission.
- B. The following guidelines shall be considered by the Planning Commission, and may be used by the Township Board in consideration of amendments to this Chapter.
 - (1) Text Amendment
 - (a) The proposed text amendment would clarify the intent of this Chapter.
 - (b) The proposed text amendment would correct an error in this Chapter.
 - (c) The proposed text amendment would address changes to the state legislation, recent case law, or opinions from the Attorney General of the State of Michigan.
 - (d) The proposed text amendment would promote compliance with changes in other county, state, or federal regulations.
 - (e) In the event the amendment will add a Use to a District, that Use shall be fully consistent with the character of the range of Uses provided for within the District.
 - (f) The amendment shall not create incompatible land Uses within a Zoning District, or between adjacent Districts.
 - (g) The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items.
 - (h) As applicable, the proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
 - (i) The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the Township.
 - (2) Map Amendment (Rezoning)
 - (a) The proposed rezoning is consistent with the goals, policies, and future land Use map of the Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the proposed rezoning is consistent with recent Development trends in the area.
 - (b) The proposed District and the Uses allowed are compatible with the site's physical, geological, hydrological, and other environmental features. The

potential Uses allowed in the proposed Zoning District shall also be compatible with surrounding Uses in terms of land suitability, impacts on the community, Density, potential influence on property values, and traffic impacts.

- (c) If rezoned, the site is capable of accommodating the Uses allowed, considering existing or planned infrastructure including Streets, sanitary sewers, storm sewer, water, sidewalks, and Street lighting.

C. Consideration of Amendment by the Planning Commission. Upon receipt of a report and summary of hearing comments from the Planning Commission as provided for in the Zoning Act, the Township Board may modify the proposed amendment or adopt it as presented by the Planning Commission. The modified language may be referred back to the Planning Commission for additional comment.

D. Amendment Procedure.

- (1) Filing of Applications: All petitions for amendments to this Chapter shall be in writing, signed and filed with 10 copies provided to the Zoning Administrator, who will forward them to the Planning Commission.
- (2) All petitions for amendments to this Chapter, without limiting the right to file additional material, shall contain the following:
 - (a) The petitioner's name, address, and interest of every person having a legal or equitable interest in the land;
 - (b) The nature and effect of the proposed amendment;
 - (c) If an individual property or several adjacent properties are proposed for rezoning, the present zoning classification, the zoning classification of all Abutting Districts, and all public and private rights-of-way and Easements bounding and intersecting the land under consideration;
 - (d) Any changed or changing conditions in the area or in the Township which make the proposed amendment reasonable and necessary to the promotion of the public health, safety, and general welfare; and
 - (e) All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.
- (3) The Zoning Administrator, after examining the submitted materials and approving the application as to form and content, shall refer the request to the Planning Commission for study and report to the Township Board.
- (4) Before submitting its recommendations of the petition to amend, the Planning Commission shall hold at least one public hearing. Written notice of the meeting will be given in accordance with the Zoning Act.

- (5) The Planning Commission shall then refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefore.

§ 380-189. Enforcement.

- A. All Planned Unit Development applications must include preliminary bylaws for an owner's association. Upon approval of the Planned Unit Development application, the applicant shall convey by deed all Private Streets, sidewalks, walkways, curbs, gutters, storm water drainage facilities, utilities, and all other Common Areas and Open Space areas to the owner's association. Members of the association shall have control by parties having ownership in the Planned Unit Development. The Township shall be provided with Easements necessary to supervise the maintenance of all utilities owned by the Township. The owner's association shall preserve and maintain for the owners and occupants of the units the land set aside for Common Open Space, parks, recreational facilities, designated land for recreational Use and common off-Street parking established for the Planned Unit Development. The owner's association shall be empowered to collect dues and assessments necessary to enforce covenants, conditions, and restrictions and any rules and regulations deemed necessary for the governing of Development and Use of each Lot and Common Areas within the Planned Unit Development. The owner's association may not be dissolved nor may it convey any property within the Planned Unit Development without the express written approval of the Township Board. If an owner's association becomes inactive, the Township Board shall be authorized to assess the costs of performing maintenance on the individual property owners based on the pro-rata share of the maintenance costs.
- B. Recreational trail systems and recreational spaces shall be maintained in a reasonable safe state by the owner's association. This shall include the prevention of environmental damage to these systems and adjoining property.
- C. No Lot, Structure, Building, or Use in the Township shall be Used, Erected, or conducted in such a manner as to cause a Nuisance to adjacent property or Uses. Any Structure, Building, Lot, or Use that Violates any provision of this Chapter shall be deemed to be a Nuisance per se.
- D. Any Building or Structure which is Erected, moved, placed, reconstructed, demolished, extended, enlarged, Altered, maintained, or changed in Violation of any provision of this Chapter is a Nuisance, per se.
- E. A Violation of this Chapter constitutes a Municipal Civil Infraction offense. Any person who Violates, disobeys, omits, neglects, or refuses to comply with any provision of this Chapter, or any permit or approval issued hereunder, or abets another person in Violation of this Chapter, shall be in Violation of this Chapter and shall be responsible for a Municipal Civil Infraction.
- F. For purposes of this section, "subsequent offense" means a Violation of the provisions of this Chapter committed by the same person within 12 months of a previous Violation of

the same provision of this Chapter or similar provision of this Chapter for which the person admitted responsibility or was adjudged to be responsible. Each day during which any Violation continues shall be deemed a separate offense.

- G. The Township Board, the Zoning Administrator, and their duly authorized representatives are charged with the duty of enforcing this Chapter and are empowered to commence and pursue any and all necessary and appropriate actions in the District Court or Circuit Court of Muskegon County, Michigan, or any other Court having jurisdiction, to restrain or prevent any noncompliance with or Violation of any of the provisions of this Chapter, and to correct, remedy or abate the noncompliance or Violation. Any person aggrieved or adversely affected by this noncompliance or Violation may institute suit or join the Township Board in the suit to abate the same.
- H. The rights and remedies provided above are cumulative and in addition to other remedies provided by law.

§ 380-190. Stop Work Order (Moratorium).

The Township Board shall determine the adequacy of the necessary infrastructure of the new or existing Development's ability to receive adequate public services. A Moratorium shall be issued for a determined period of time when the Township Board determines a Development shall overburden public facilities and services, or present a significant threat to public health or safety. An extension of a Moratorium may be established by the Township Board.

If no construction has begun or no Use established in a Development, the approval of the final Site Plan shall lapse and be of no further effect after the establishment of a Moratorium. In its discretion and for good cause, the Planning Commission may extend for one year the period for the beginning of construction or the establishment of a Use.

Upon notice from the Zoning Administrator that any Use is being conducted or that any work on any Building or Structure is proceeding contrary to the provisions of this Chapter, such work or Use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work. The Stop Work Order shall state the conditions, if any, under which work or the Use will be permitted to resume. Any person who shall continue to work in or about the Structure, land, or Building, or continue the Use, after having been served with a Stop Work Order, except work that the person is directed by the Zoning Administrator to perform to remove a Violation, shall be in Violation of this Chapter.

§ 380-191. Notice and hearings.

Whenever a public hearing on a zoning application or matter is required by this Chapter or by the Zoning Act, notice of the public hearing shall be published and delivered in accordance with the requirements of the Zoning Act.

§ 380-192. Time limits.

If a zoning approval or permit under this Chapter has been granted with a specific time limit and the Use has not commenced or substantial construction has not begun pursuant to that approval within the time limit specified, the zoning approval or permit shall automatically expire (and be void) at the end of that time limit. No extension to that time limit shall be granted except by the Planning Commission, unless otherwise provided in this Chapter. If a zoning approval or permit is silent with regard to a time limitation, the time limitation shall be deemed to be one year, and the zoning approval or permit shall expire (and be void) after one year if the Use has not been commenced or substantial construction has not begun within that time limitation. A time extension may be granted only by the Planning Commission unless otherwise provided in this Chapter.

§ 380-193. Proof of ownership.

The Zoning Administrator shall require proof of ownership from an applicant (including copies of a recorded deed or land contract) before the issuance of a Zoning Compliance Permit.

§ 380-194. Surveys.

The Zoning Administrator shall have the authority to require that an applicant or property owner provide the Township with a current survey by a registered surveyor or engineer for the Lot involved (including providing a sealed survey drawing by such professional surveyor or engineer and with property boundaries staked by such professional) if the Zoning Administrator determines that it is reasonably necessary in order for the Planning Commission to determine whether the zoning Setback, area, and other applicable requirements are met. The Zoning Administrator shall also require the professional surveyor or engineer place stakes at specified relevant areas along the property lines and any Setback lines or Building envelopes. All such surveying costs shall be paid for by the applicant or property owner.