



# **Laketon Township**

# **Zoning Ordinance**

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## CHAPTER 1 SHORT TITLE AND PURPOSE

### SECTION 1.01      TITLE

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

### SECTION 1.02      PURPOSE

- A.      This Ordinance is based upon the Laketon Township Master Plan and is intended to:
1.      Promote the public health, safety and general welfare;
  2.      Encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
  3.      Conserve natural resources and energy, to meet the needs of the township's citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
  4.      Ensure that uses of land shall be situated in appropriate locations and relationships;
  5.      Avoid the overcrowding of population;
  6.      Provide adequate light and air;
  7.      Lessen congestion on the public roads and streets;
  8.      Reduce hazards to life and property;
  9.      Facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and
  10.     Conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
- B.      This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

### SECTION 1.03      SCOPE

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annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants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



**SECTION 1.04           LEGAL BASIS**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended.

**SECTION 1.05           THE EFFECT OF ZONING**

Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance.

**SECTION 1.06           INTERPRETATION**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

## CHAPTER 2 DEFINITIONS

### SECTION 2.01 PURPOSE

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular.
- C. The word "shall" is mandatory; the word "may" is permissive.
- D. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or to be occupied.
- E. The words "his" and "he" include the words "her" and "she".
- F. The word "day" shall mean calendar day.
- G. All references to statutes shall be considered to be references to the statutes as amended from time to time.
- H. Terms not herein defined shall have the meaning customarily assigned to them.
- I. All references to section numbers shall refer to sections of this Zoning Ordinance, unless otherwise stated.
- J. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- K. The word "building" includes the word "structure."

### SECTION 2.02 DEFINITIONS – A

Accessory Building – A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or exclusively to 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.

Accessory Apartment - A single apartment unit contained within a single family home or apartment units above the first floor of commercial buildings meeting the regulations of this Ordinance.

Accessory Use – A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Agriculture – Land devoted to the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing cattle or bison, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar use and activities. The management and harvesting of a woodlot is also an agricultural activity.

Alley – A dedicated public way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

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

Architectural Features – Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

## **SECTION 2.03            DEFINITIONS – B**

Basement – A portion of a building partly underground with more than one-half (1/2) of its height below grade and the finished surface of the floor above is more than six (6) feet above grade plane. This term is synonymous with the term “cellar.” A basement shall not be considered a story.

Bed and Breakfast Establishment – A use within a detached single family 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 earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Board, Township – The words, “Township Board,” shall mean the Laketon Township Board.

Board, or Zoning Board of Appeals – See “Zoning Board of Appeals”.

Breezeway – Any structure connecting a main building to a freestanding accessory building.

Buildable Area – The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met.

Building – An independent structure, either temporary or permanent, having a roof supported by columns, walls, or any other support used for the enclosure of persons, animals, personal property, or carrying on business activities or other uses. When any portion thereof is

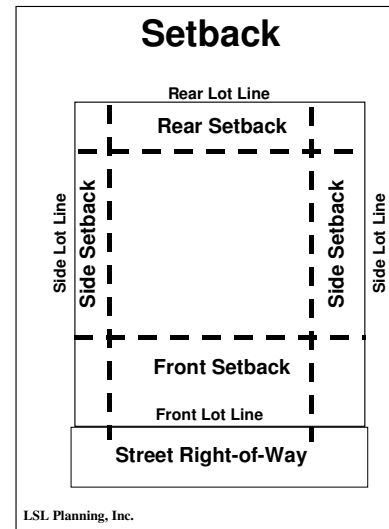
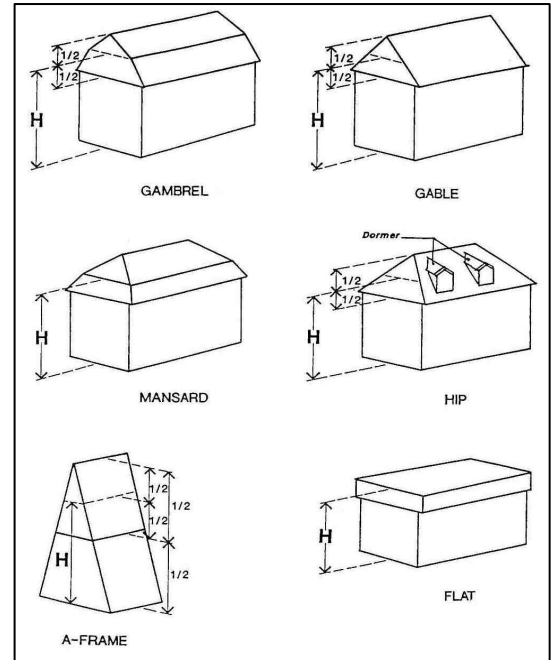
completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of the building shall be deemed a separate building.

**Building Height** – The vertical distance measured from the established grade to the highest point of the roof’s surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, height shall be measured from the average ground level of the grade at the building wall.

**Building, Main** – A building in which is conducted the principal use of the lot on which it is situated.

**Building Setback Lines** – The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes a line established as the required setback on a lot or parcel. Where a public or private easement for right-of-way purposes is part of the front yard, setbacks are measured from the right-of-way line or easement line rather than the property line.

- A. Front setback line – The line marking the setback distance from the front lot line that establishes the minimum required front yard.
- B. Rear setback line – The line marking the setback distance from the rear lot line that establishes the minimum required rear yard.
- C. Setback – Side setback line – Lines marking the setback distance from the side lot lines that establish the minimum required side yards.



**SECTION 2.04 DEFINITIONS – C**

**Clinic** – A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

**Clearing Land** – The removal of vegetation from any site, parcel or lot except when land is cleared and cultivated for bona fide forestry, agricultural or garden use in a district permitting such use. Mowing, trimming, pruning or removal of vegetation to maintain it in a healthy, viable condition is not considered clearing.

Condominium Subdivision – A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended. Also known as a site condominium.

Condominium Unit – Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium development with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

Commission, Planning – The Laketon Township Planning Commission.

Commercial Storage – A building or group of buildings in a controlled access or fenced area that may contain varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are not used on a daily basis.

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

Cul-de-Sac – A local street of short length, having one end open to traffic and being permanently terminated at the other end by a vehicular turn around.

Curb Level – The grade elevation as established by the County of Muskegon of the curb in front of the center of the building, or proposed building, or the elevation of the traveled street in the case where no curb exists.

## **SECTION 2.05        DEFINITIONS – D**

### **Day Care**

- A.     Day Care, Commercial – A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal 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 Commercial Day Care.
- B.     Day Care, Family – A permanently occupied single family residence in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than twenty-four (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, Group – A permanently occupied single family residence in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (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.

Development – The construction of a new building or other structures on a lot, the relocation of an existing building on another lot, or the use of open land for a new use. Development also means any man-made change to improved or unimproved real estate, including but not limited to parking, fences, pools, signs, temporary uses, clearing of land, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Drain Commissioner – The Muskegon County Drain Commissioner.

Drive-Through Facility – A commercial 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.

Drive-Through Restaurant – Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in vehicles.

Driveway – An improved path, meeting fire department specifications, that extends from a public right of way or approved private road to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.

Dwelling:

- A. Dwelling Unit – Any building or portion thereof used exclusively for residential purposes, having cooking and bathroom facilities, including single family, two family and multiple family dwellings, but not including motels, hotels, tourist rooms, cabins, tents, campers or travel trailers. A residential purpose shall not include short-term rentals, including sub-rentals for periods of less than thirty one (31) days or one (1) calendar month, whichever is less.
- B. Dwelling, Manufactured – A detached residential dwelling composed of two (2) or more units containing an assembly of materials or products intended to comprise part of a building or structure, which are assembled at other than the final location of the unit of the circumstances intended to insure conformity of quality and material content.
- C. Dwelling, Multiple-Family – A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- D. Dwelling, Single-Family (Detached) – A detached building used or designed for use exclusively by one (1) family.
- E. Dwelling, Two-Family – A detached building or portion thereof used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking. It may also be termed a duplex.

## **SECTION 2.06            DEFINITIONS – E**

Elderly Housing – A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons fifty-five (55) years of age or older or couples where either the husband or wife fifty-five (55) years of age or older. This does not include a development that contains a convalescent or nursing home as licensed under Act No. 139 of the Public Acts of

1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

Erected – The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential Services – The term “essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare. Wireless communication towers, wind energy conversion systems (WECS) and antennas shall not be considered essential services.

Excavation – Any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter.

## **SECTION 2.07            DEFINITIONS – F**

### Family

- A. One (1) or more persons related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of individuals living together in one (1) dwelling unit, having a relationship which is functionally equivalent to a family.
- B. The relationship must be of a permanent and distinct character, cooking as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit.
- C. This functional family shall not include any society, club, fraternity, sorority, association, lodge, organization, coterie, combine, federation, organization which is not a recognized religious order, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary and/or of resort-seasonal character in nature.
- D. The term "family" does not include any state licensed residential facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq., MSA 16.610(51) et seq.) except a state licensed family home as defined in section 3 of that Act (MCL 400.703, MSA 16.610(53)).

Farm – Except as provided below, a farm is real property used for commercial agriculture comprising at least forty (40) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership or corporation and including all necessary farm buildings, structures and machinery.

- A. A tract may be considered a farm if it is between five (5) and forty (40) acres, provided it is devoted primarily to an agricultural use and has produced a gross annual income from agriculture of \$2,000.00 per year or more per acre of cleared and tillable land.
- B. A smaller tract may be considered a farm if designated by the Department of Agriculture as a specialty farm in single ownership which has produced a gross annual income from an agricultural use of \$2,000.00 or more.

Fence – Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure.

Floor Area:

- A. Floor Area, Gross – For the purpose of computing the minimum allowable floor area, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas, and accessory structures.
- B. Floor Area, Usable – (For the purpose of computing parking space requirements) That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers and all that area devoted to employee workspace. The floor area, which is used or intended to be used principally for the storage or processing of merchandise, hallways, elevators or stair bulkheads or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area.

Flood Hazard Area – That area subject to flooding, on the average of at least once in every one hundred (100) years as established by the Federal Emergency Management Agency.

Flood Hazard Boundary Map (FHBM) – An official map of the community issued by the Federal Insurance Administration where the boundaries of the areas of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM) – An official map of the community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the township.

Flood Insurance Study – The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

Frontage – The continuous linear distance of a lot or parcel abutting upon a public right-of-way or private street or easement.

## **SECTION 2.08            DEFINITIONS – G**

Garage – A building constructed and used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which the building is located.



Grade – The ground elevation 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.

Greenbelt – A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties.

Groundwater Hazard Area – Any area designated on the Zoning Map as potentially hazardous in regard to development because of high groundwater table, and poor soil features affecting foundations and filter fields for septic tanks.

## **SECTION 2.09            DEFINITIONS – H**

Home Occupation – An occupation or profession carried on by an occupant of a dwelling unit as a secondary use that is incidental to the use of the dwelling unit for residential purposes. Without limiting the foregoing, a single-family 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.

Home Based Business – A business operation based on the same premises as a single-family dwelling which is clearly an incidental and secondary use of the dwelling, but conducted primarily in other locations off the premises. Examples of potential home-based businesses include construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, or landscaping services.

Hotel – A building occupied or used as a predominately temporary abiding place by individuals or groups of individuals, with or without meals. A hotel shall include accessory uses, including, but not limited to, gift shops, restaurants, and other similar uses primarily oriented to the customers of the hotel. A hotel is also considered a motel.

## **SECTION 2.10            DEFINITIONS – I**

Inoperative Vehicle – Any motor vehicle that is currently not licensed or capable of being started and safely and properly operated on a public or private street.

## **SECTION 2.11            DEFINITIONS – J**

Junk – For the purpose of this Ordinance, 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 of the purpose for which they were manufactured.

Junk Yard – The term “junk yard” includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery

or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

**SECTION 2.12 DEFINITIONS – K**

**Kennel** – Any establishment wherein or whereon three (3) or more dogs are confined or kept for sale, boarding, breeding or training purposes for remuneration.

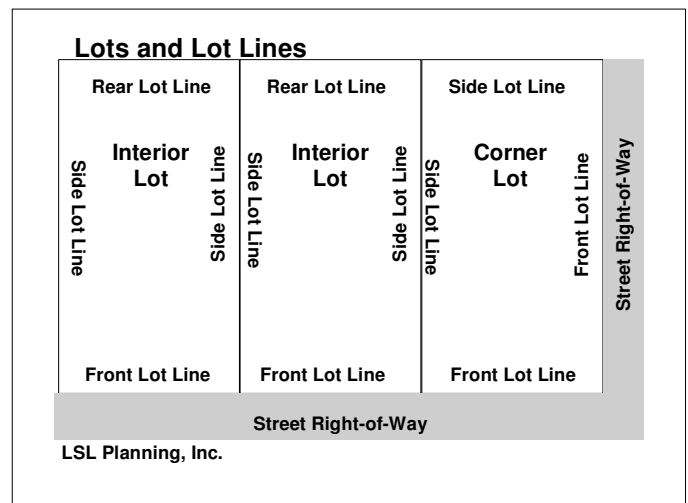
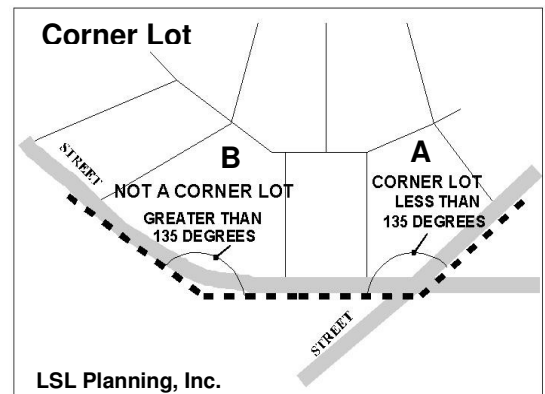
**SECTION 2.13 DEFINITIONS – L**

**Livestock** – Those species of animals used for human food and fiber or those species of animals used to 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, Off-Street** – Spaces dedicated for the use of vehicles for bulk pickups and deliveries, scaled to delivery vehicles, and expected to be used and accessible to the vehicles when required off-street parking spaces are filled.

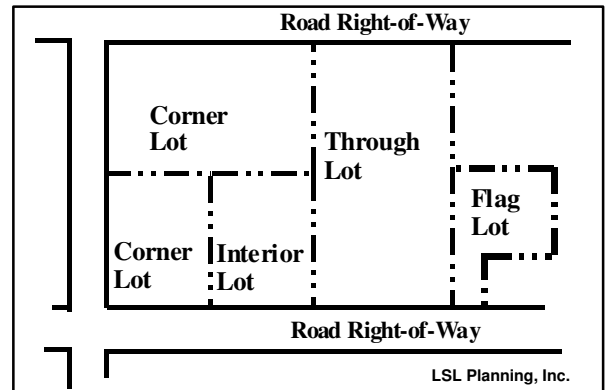
**Lot** – For the purposes of this Ordinance, a lot is a parcel of land having frontage on a public or private street of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage and area, and to provide the yards and other open spaces as are herein required. A lot may or may not be specifically designated as such on public records. A lot may also include a condominium unit and any limited common element under and surrounding the condominium unit, which together meet the minimum yard and area requirements of this Ordinance. The word lot includes the word plot and parcel.

- A. **Lot Area** – The total horizontal area within the lot lines of a lot, excluding road right-of-way or private street and access easements.
- B. **Lot, Corner** – A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet on an interior angle of less than one hundred thirty-five (135) degrees. See lot marked “A” in the corner lot diagram. Front setback requirements are applicable along both frontages.



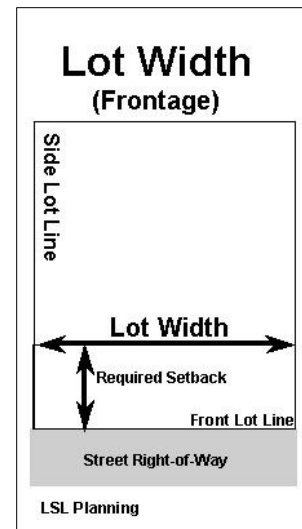
- C. Lot Coverage – The part or percentage of the lot occupied by buildings, including accessory buildings parking areas, driveways, patios, decks and other impervious surfaces.
- D. Lot Depth – Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- E. Lot, Interior – A lot other than a corner lot with only one (1) lot line on a street.
- F. Lot Line

1. Front Lot Line – In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from the right-of-way. On a corner or through lot, each line abutting a public or private street shall be a front lot line.
2. Rear Lot Line – Ordinarily, that lot line 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 ten (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 depth of rear yard. In case where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Lot, Through)
3. Side Lot Line – Any lot line not a front lot line or a rear lot line.



- G. Lot, Flag – A lot whose access to the public road is by a narrow, private right-of-way that is either a part of the lot or an easement across another property.
- H. Lot, Through – A lot other than a corner lot with frontage on two (2) or more parallel streets. All yards of through lots adjacent to streets shall be considered frontage and front yard setbacks apply.

- I. Lot Width – The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the required front setback for the district in which the lot is located.
- J. Lot of Record – A lot that is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has also been recorded.
- K. Lot, Waterfront – A lot having frontage directly upon a lake, river, or other significantly sized impoundment of water. The portion adjacent to the water is considered the front yard and the opposite side, abutting the street, shall be the rear yard.



**SECTION 2.14            DEFINITIONS – M**

Manufactured Home – A residential building, dwelling unit, dwelling room or rooms, or a building component, which 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.

Manufactured Home Community – Any parcel or tract of land licensed and regulated under provisions of the State Mobile Home Park Act, being Act 243 of the Public Acts of 1959, under the control of any person, upon which three (3) or more occupied manufactured homes are harbored on a continual or non-recreational basis, or which 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 incidental to the harboring or occupancy of manufactured homes.

Manufactured Home Subdivision – A “subdivision” as defined by the Land Division Act, Act 591 of 1997, as amended, which has been expressly established for the sole purpose of selling lots on which manufactured homes may be used and occupied for residential purposes, and which has been established in full compliance with all applicable provisions of the aforementioned Act and of all other applicable State, County, and Township regulations.

Marina – A facility located adjacent to a body of water and operated as a commercial enterprise for the sale, storage, or servicing of boats or other watercraft; or a dock or mooring located within a body of water and intended to be used by four (4) or more boats.

Master Plan – The Master Plan currently adopted by Laketon Township, including graphic and written materials, indicating the physical development of Laketon Township, and includes any unit or part of the plan and 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 Michigan Initiated Law 1 of 2008 as amended, being MCL 333.26421 et seq., as amended).
- 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 or such medical marihuana smoking or consumption is occurring on the property or a business, association, cooperative, or commercial operation or facility.

A medical marihuana dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 et seq., as amended) so long as the primary caregiver personally delivers 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 Ordinance and any other applicable Laketon Township ordinances, but also all applicable Michigan and federal laws and regulations.

Mezzanine – An intermediate floor in any story occupying space not to exceed one-third (1/3) of the floor area of the story.

Motel – See Hotel.

Motor Home – A motorized vehicular unit primarily designed for temporary dwelling in connection with travel and/or recreational usage. This term does not include manufactured homes.

Motor Vehicle, Major Repair Facilities – Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rust-proofing; or steam cleaning.

Motor Vehicle, Minor Repair Facilities – Any use whose primary activity involves minor repair and maintenance of passenger vehicles and light trucks and vans, including, but not limited to vehicle detailing, oil change establishments, audio or satellite installation, and auto glass installation and repair, but not including fuel sales.

Motor Vehicle Service Facilities – A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) is retailed directly to the public on the premises. Services may include the sale of minor accessories and the servicing and minor repair of automobiles when conducted as an accessory activity.

Motor Vehicle Wash Facilities – A building, or portion of a building, the primary purpose of which is that of washing motor vehicles, either as a self service or automatic process.

## **SECTION 2.15        DEFINITIONS – N**

Natural Features – Natural features shall include, but not be limited to; soils, wetlands, woodlots, floodways, landmark trees, overgrown fencerows, water bodies, topography, vegetative cover, steep slopes, or other significant features identified by the Planning Commission or Township Board.

Natural Vegetation – Includes bushes, shrubs, groundcover, and trees, on a lot or parcel. A groomed lawn shall not qualify as natural vegetative cover.

### **Non-conforming**

- A.     Non-conforming Building or Structure – A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not now conform to the provisions of the Ordinance in the Zoning District in which it is located.
- B.     Non-conforming Lots of Record – A lot, whether platted or unplatted, that conformed with all lot requirements at the time of recording but which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance.

- C. Non-conforming Use – A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

Non-Residential District – The C-1 Neighborhood Commercial and C-2 Service Commercial zoning districts.

Nursing Home or Convalescent Home – A home, whether operated for profit or not, for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care.

## **SECTION 2.16 DEFINITIONS – O**

Ordinary High Water Mark (Shoreline) – The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

Open Air Business – Uses operated for profit substantially in the open air, including, but not limited to:

- A. Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, repair, rental, or storage services.
- B. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
- C. Retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, or similar recreation uses.

Open Space – That part of a zoned parcel, open and unobstructed from its lowest level to the sky, and accessible to residents upon the zoned parcel. The term may also be used to mean the required open space for Open Space Developments, as required by this Ordinance.

- A. Open Space, Dedicated – Common open space dedicated as a permanent recorded easement.
- B. Open Space, Usable – That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active or passive recreation.

## **SECTION 2.17 DEFINITIONS – P**

Parcel – A tract of land that can be legally described with certainty and is capable of being located by survey.

Parking Space, Off-Street – An off-street space of at least one hundred and sixty two (162) square feet exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

Planned Unit Development (PUD) – A zoning district for the development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Porch – A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned.

Principal Use – The primary use to which the premises is devoted.

## **SECTION 2.18            DEFINITIONS – Q    (RESERVED FOR FUTURE USE)**

## **SECTION 2.19            DEFINITIONS – R**

Recreational Vehicle – A vehicle designed to be used primarily for recreational purposes, including one used as temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for those purposes, including self-propelled motor homes, pick-up campers, travel trailers and tent trailers, provided any similar vehicle or unit which is fifty (50) feet or more in overall length shall be considered a manufactured home and shall be subject to all regulations of this Ordinance applicable to manufactured homes. This definition shall include boats, trailers, snowmobiles, off road vehicles, and other similar vehicles as determined by the Zoning Administrator.

Religious Institution – Religious institutions primarily provide meeting areas for religious activities. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on site as an accessory use.

Residential District – The R-1 Residential, R-2 Single-Family Residential, R-3, Single-Family Residential, R-4 Residential, and MHC Manufactured Home Community zoning districts.

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.

Right-Of-Way – Public or private land, property, or interest therein, devoted to transportation or utility purposes, and/or providing access to property.

## **SECTION 2.20            DEFINITIONS – S**

Salvage Yard – See Junk Yard.

Satellite Dish Antenna, or Dish Antenna – An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

Sexually Oriented Businesses – The term shall include adult bookstores, adult cabarets, adult live entertainment theaters, adult motion pictures, and massage parlors. The following definitions shall also be applicable to sexually oriented businesses.

- A. Adult Bookstore – An establishment used for the sale of books, magazines, posters, video cassettes, motion picture films, and other printed materials; or tapes or sex objects for other than contraceptive purposes; distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities,” or “specified anatomical areas,” as defined herein.
- B. Adult Live Entertainment Theater – An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear translucent clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”
- C. Adult Motion Picture Theater – An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities,” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.
- D. Massage Parlor – Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths.
1. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder.
  2. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massages therapists who meet one (1) or more of the following criteria:
    - a. Proof of graduation from a school of massage licensed by the State of Michigan;
    - b. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from massage therapists who are professional members of a massage association referred to in this Section;
    - c. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
    - d. A current occupational license from another state.
- L. Specified Anatomical Areas
1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and



2. Human male genitals in a discernible turgid state, even if completely or opaquely covered.

M. Specified Sexual Activities

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

Signs – See Section 18.02.

Site Condominium Unit – A development site for a dwelling unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 591 of 1997.

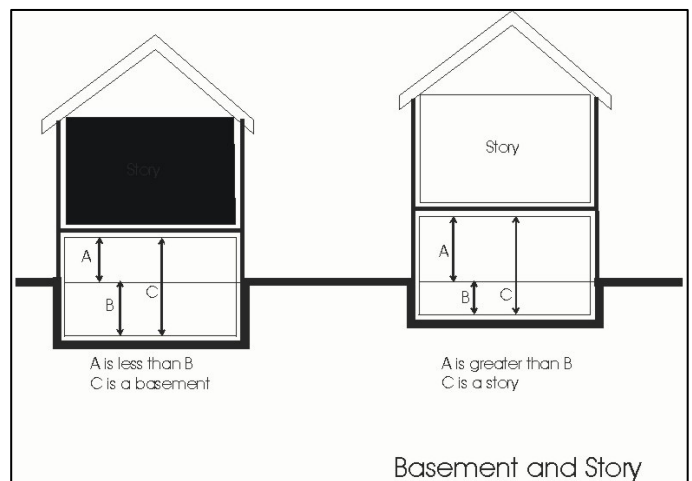
Special Land Use – A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare.

State Licensed Residential Facility – A residential care facility licensed by the State of Michigan under Act 218 of 1979 of the Public Acts of Michigan, or Act 116 of 1973 of the Public Acts of Michigan, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include the facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

- A. A Family Care Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.
- B. A Group Home Care Facility includes a state licensed residential facility providing resident services to more than six (6) persons but less than thirteen (13) persons.

Story – That part of a building, except a mezzanine, as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if no floor above, then the ceiling next above. A story, thus defined, shall not be counted as a story when more than fifty percent (50%) by cubic content is below the average height level of the adjoining ground.

Story, Half – Is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five percent (75%) of the floor area of the story immediately below it and is not used or designed or arranged or intended to be used in whole or in part as an independent housekeeping unit or dwelling.



Street, definitions associated with:

Access Easement – An improved or unimproved path or trail of ingress and egress, as reserved or as used by vehicles from a public road right-of-way to the abutting land(s) and land uses(s) whether undeveloped or developed, i.e. residential, commercial, industrial, and/or public origin.

Driveway – An undedicated, privately controlled, and maintained easement or other interest in land, improved or unimproved, that provides the means of access from a public or private street to fewer than three (3) lots or parcels.

Road Commission – The Muskegon County Road Commission.

Safe and Unimpeded Route of Travel – For vehicular access (i.e. ingress/egress) shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township or other agency or service in all weather conditions.

Street, Major – A public dedicated right-of-way, which collects traffic from local streets. Major Township streets include: Giles Road, River Road, Fenner Road, Memorial Drive, Scenic Drive, Whitehall Road, and Buys Road.

Street, Private – A privately controlled dedicated or undedicated, and improved or unimproved, maintained easement or other interest in land that provides the means of access from a public road right-of-way for ingress and egress to three (3) or more lots or parcels. The term “street” shall be synonymous with the terms road, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.

Street, Public – An improved right of way under certification of the Road Commission. The term “street” shall be synonymous with the terms road, avenue, place, way, drive, lane boulevard, highway or other thoroughfare.

Stop Work Order – An administrative order which is either 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 which is in violation of this Ordinance.

Structure – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

Swimming Pool – Any constructed or erected above-ground, in-ground or portable pool, hot tub or spa intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep.

## **SECTION 2.21      DEFINITIONS – T**

Temporary Building, Structure, 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, which period may not exceed six (6) months in a twelve (12) month time period.

**SECTION 2.22 DEFINITIONS – U (RESERVED FOR FUTURE USE)**

**SECTION 2.23 DEFINITIONS – V**

Variance – A relaxation of the terms and uses of the Zoning Ordinance where authorized by the Zoning Board of Appeals in accordance with the requirements of this Ordinance.

Vehicle, Commercial – All motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles.

**SECTION 2.24 DEFINITIONS – W**

Wireless Communications Tower, Commercial – A structure designed and constructed to support one or more antennas used for licensed telecommunications services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

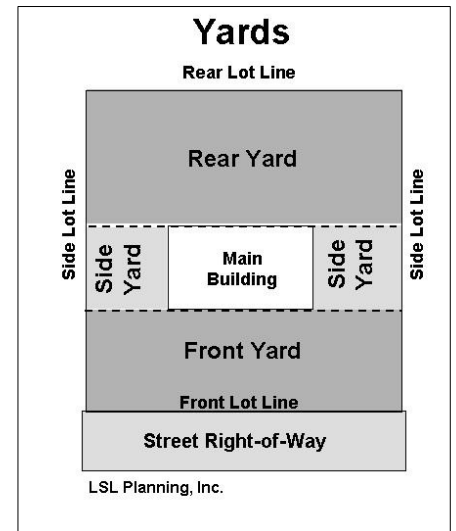
Wind Energy Conversion System (WECS) or Wind Turbine – shall mean equipment which converts wind energy into electricity through the use of a turbine generator and includes a turbine, blade, tower, base, transformer and all associated equipment and apparatus.

**SECTION 2.25 DEFINITIONS – X (RESERVED FOR FUTURE USE)**

**SECTION 2.26 DEFINITIONS – Y**

Yard – A required open space between a lot line and a building or structure or group of buildings or structures, other than a court, unoccupied and unobstructed by any building or structure or portion of a building or structure, except as provided within this Ordinance.

- A. Yard, Front – A yard extending between side lot lines across the front of a lot adjoining a private or public street. In the case of a waterfront lot, the area between the ordinary high water mark and the main building.
- B. Yard, Side – A yard extending from the rear line of the required front yard to the front line of the required rear yard.
- C. Yard, Rear – The yard extending across the rear of a lot between side lot lines. Depth of a required rear yard shall be measured in a manner that the yard established is a strip of the minimum width required by the district regulations with the inner edge parallel with the rear lot line.
- D. Yard, Required – The area between the property line and the setback line required by this Ordinance.



**SECTION 2.27        DEFINITIONS – Z**

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 Laketon Township Board to administer the provisions of this Ordinance.

Zoning Board of Appeals, or Board – The Zoning Board of Appeals of Laketon Township.

## CHAPTER 3 GENERAL PROVISIONS

### SECTION 3.01 ACCESS TO STREETS

- A. Every main building or structure hereafter erected or moved shall have continuous minimum frontage equal to the minimum lot width of the district on a lot adjacent to a public street, or an approved private street. All structures shall be located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- B. Any three (3) or more contiguous lots not having frontage on a public street shall have frontage upon a private street.

### SECTION 3.02 MAIN BUILDING OR PRINCIPAL USE

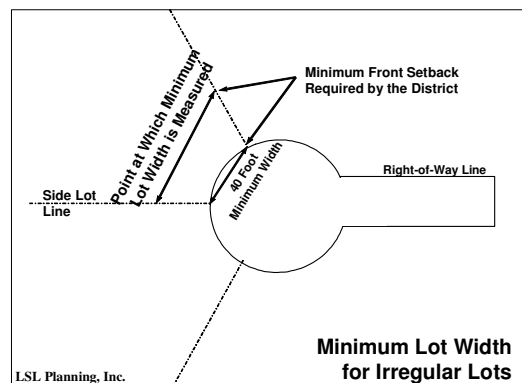
No lot may contain more than one (1) main building or principal use, with the following exceptions: groups of apartment buildings, retail business buildings, or other groups of buildings contained within a single integrated complex. An integrated complex may share parking, signs, access, and other similar features which together form a unified function and appearance that the Zoning Administrator deems to be a principal use collectively.

### SECTION 3.03 ALLOCATION OF LOT AREAS AND CONFIGURATION OF LOTS

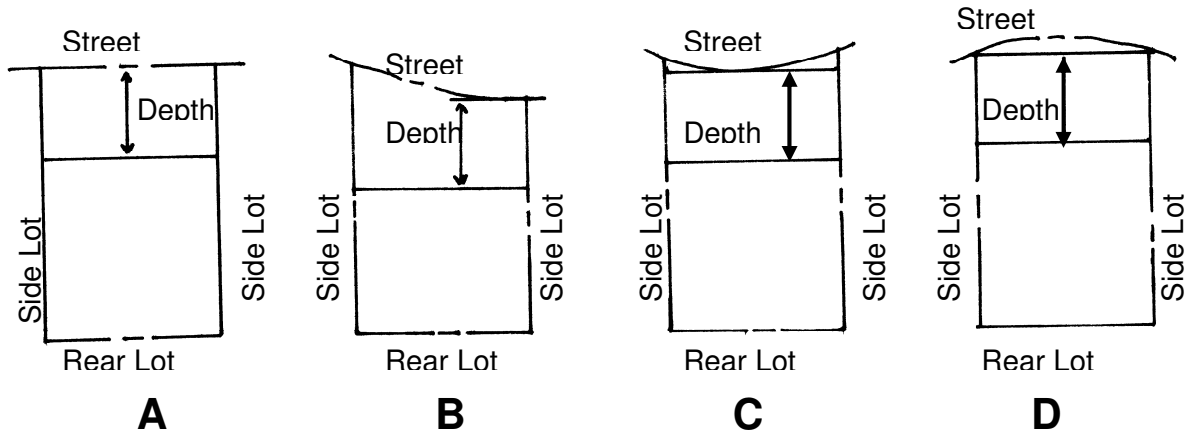
No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings. Lot area is the total horizontal area within the lot lines of a lot, excluding road rights-of-way or private street easements.

### SECTION 3.04 YARD AND AREA REQUIREMENTS

- A. Front setbacks shall be measured from the right-of-way or easement line to the nearest foundation or building wall of the building or structure.
- B. The side and rear yard setbacks shall be measured from the lot line to the nearest foundation or building wall of the building or structure.
- C. Through lots shall have two (2) front setbacks.
- D. Corner and through lots shall have two (2) front lot lines and two (2) front yards.
- E. The waterfront (front) setback shall be measured from the ordinary high water mark.
- F. Irregular Lots
1. The minimum distance between side lot lines at the street right-of-way of a cul-de-sac shall be forty (40) feet measured in a straight line.



2. The minimum required lot width shall be measured at a straight line drawn between the two (2) side lot lines. This line will be drawn from the points along the side lot lines at which the required front setback distance for the district is met. If the minimum lot width is not met at the required setback distance, the minimum required setback line shall be moved further into the lot to the point at which the minimum lot width is met.
3. Depth of required front yards shall be measured from the inner-most point of the ordinary high watermark or street line (right-of-way) inward for a distance of the required front yard depth, as in diagrams A, B, C, and D below.



G. Projections Into Yards

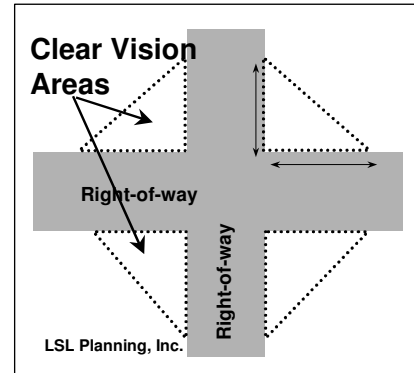
1. Except as otherwise allowed by this Section, every part of a required yard or court shall be open (exclusive of eaves) from its lowest point to the sky unobstructed, except that fire escapes and chimneys may be permitted by the Zoning Administrator where they do not obstruct light and ventilation.
2. Unenclosed porches, decks steps, patios or similar construction may project into a required front or rear yard setback for a distance not exceeding ten (10) feet. No projection is allowed into a required side yard.

H. Lot Width to Depth Ratio

1. Except as may be permitted in 2, below, for lots under twenty (20) acres, no lot created after the adoption date of this Ordinance shall have a depth exceeding four (4) times its width, as measured at the front lot line.
  2. Where steep topography, unusual soil conditions, or drainage problems exist, the Zoning Administrator, upon application for a land division in accordance with the Township's Land Division Ordinance, may permit a greater width to depth ratio. The permit may be issued when a division meeting the required ratio would result in an unnecessary waste of land or otherwise create an unusual or odd-shaped lot.
- I. In no case shall a division or combination of any new or residual lot or parcel be created that does not meet the Land Division Act, Act 288 of 1967, the Township Land Division Ordinance or Subdivision Ordinance and the requirements of this Ordinance.

**SECTION 3.05 CLEAR VISION AREA**

- A. No plantings, berms, or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle driver approaching the intersection or entering or exiting the driveway.
- B. On corner lots, the clear vision area shall mean a triangular area formed by the right-of-way lines into a property and a line connecting them at points:
1. Twenty-five (25) feet from the intersection of the street lines where the speed limit is fifty-five (55) miles per hour.
  2. Twenty (20) feet from the intersection of the street lines where the speed limit is forty-five (45) miles per hour.
  3. Fifteen (15) feet from the intersection of the street lines where the speed limit is thirty (35) miles per hour.
  4. Ten (10) feet from the intersection of the street lines where the speed limit is twenty-five (25) miles per hour.
  5. Ten (10) feet from the intersection of driveway entry points with any street.
- C. This shall not prohibit the maintaining of shrubbery less than thirty (30) inches in height in this area.

**SECTION 3.06 BUILDING AND STRUCTURE HEIGHT EXCEPTIONS**

Height requirements may be exceeded by the following: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, water tanks, public monuments, church spires, radio and television antennas and towers, and roof structures housing necessary mechanical appurtenances.

**SECTION 3.07 MECHANICAL APPURTENANCES**

Mechanical appurtenances such as blowers, ventilating fans, and air conditioning units shall be screened and placed not closer than five (5) feet to adjoining properties or buildings and shall not be located in the front yard of any lot.

**SECTION 3.08 CLEARING AND FILLING LAND**

- A. Unless associated with an approved site plan, agricultural, forestry, or public works project, it shall be unlawful for any person, individual, partnership, corporation, association or other legal entity to engage in land clearing, including the stripping and removal of topsoil or the clear cutting of trees, from any working area of over one (1) acre.
- B. No filling of land in excess of one (1) acre with borrow fill, sand, gravel, cinders, industrial waste, or any material of any form or nature shall be allowed without a zoning compliance permit issued by the Zoning Administrator.

- C. Every application for a permit to fill land shall be accompanied by a specification sheet showing the grade level proposed for the fill, a statement as to the materials to be used, the period of time over which the fill will be brought in and the contour of the lot after the proposed fill is completed. The application will be made in writing to the Zoning Administrator.
- D. Except in floodplain and regulated wetland areas, up to six hundred (600) cubic yards of landscaping materials may be brought into a parcel without a permit provided that the materials do not interfere with storm water flow and percolation.
- E. The Zoning Administrator may consult the Township Engineer when making his determination. The Zoning Administrator may issue the permit to fill land after he has determined that the following are met:
1. That the fill will not unreasonably raise the natural grade of the land beyond that of neighboring properties in such a way that it raises site elevation to block views of neighboring properties or inhibits the essential natural character of the area.
  2. That the filling will not cause surface water to collect or to run off into adjoining lands contrary to normal and natural drainage.
  3. That the fill material will not unreasonably cause blowing dust, grime, fumes or odors.
  4. That the fill will not decay or rot in such a manner as to cause holes or soft areas to develop in the filled lands.
  5. That upon completion of the filling, the property will be left in such a condition that it may be properly used for the use designated for the area in the Zoning Ordinance and maps.
  6. That the filling shall not be operated to prohibit light and air to the adjoining properties.
  7. That fill in wetlands, floodplains or shoreland areas is permitted by the appropriate state or federal entities and that a soil erosion control permit is obtained as necessary.
  8. That the filling operations will not be conducted before 8:00 a.m. or after 10:00 p.m. local time.
  9. That the transportation of the fill material will be made in trucks or vehicles properly suited to such transport so that it will not be spread upon the highways and roads in the township.

### **SECTION 3.09 EXCAVATIONS**

Topsoil or sand may be removed from a lot or parcel of one (1) acre or less for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed six hundred (600) cubic yards of material, then the applicant shall obtain a Special Land Use permit in compliance with the zoning district and Chapter 17 of this Ordinance. In addition, topsoil or sand may be moved from one part of a lot to another part of the lot if such action will not cause, or be likely to cause sand blows, drainage problems, stagnant water pools, or possible future injury to adjoining properties.



**SECTION 3.10 BUILDING IN GROUNDWATER HAZARD AREAS**

An applicant applying for a permit to build on property located in a designated groundwater hazard area (see areas designated on the Township zoning map) shall be informed by the Building Official of all problems and hazards likely to result from construction in this area. The applicant must sign an affidavit stating that he has been informed of the potential hazard. The signed affidavit shall be recorded with the title to the property in the office of the County Register of Deeds prior to the issuance of a building permit.

**SECTION 3.11 ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance of essential public services shall be permitted as authorized or regulated by law and other ordinances in any District, except those as otherwise provided for in this Ordinance. Wind Energy Conversion Systems and Commercial Wireless Telecommunication Towers are not essential services.

**SECTION 3.12 EXTERIOR LIGHTING**

- A. All lighting of a high intensity nature shall be directed away from and be shielded to prevent the shedding of light onto, adjacent properties or roadways.
- B. Light poles and fixtures used to illuminate parking lots or storage areas shall be limited to twenty five (25) feet in height.
- C. Lights used for canopies for the uses as motor vehicle service facilities, drive-through establishments and other similar uses shall be completely recessed in the canopy structure and shall not extend lower than the underside surface of the canopy.
- D. Lighting of parking areas, buildings, or structures shall be minimized to reduce light pollution and preserve the rural character of the township.

**SECTION 3.13 MOVING OF STRUCTURES**

No house, structure, manufactured dwelling, or other building shall be moved within the Township or from outside Laketon Township into the township unless it complies with the Township Building Code, as determined by the Building Inspector, and unless a zoning compliance permit is granted by the Zoning Administrator. The Zoning Administrator may set a reasonable time limit for completion of all moves and may require a performance bond to assure lawful completion.

**SECTION 3.14 TENTS AND BASEMENT DWELLINGS**

- A. The use of a tent or recreational vehicle as a dwelling unit for more than fourteen (14) days is prohibited in all Districts, unless the tent or recreational vehicles is located in a licensed campground.
- B. The use of any basement as a residence or dwelling unit is prohibited in all Districts. This provision shall not exclude underground homes or similar dwelling units from locating in the township.

**SECTION 3.15 SITE ELEVATION**

The lower floor level of any building (not including any basement) within two hundred (200) feet of a road right-of-way shall be a minimum of two (2) feet above the elevation of the center of the road.

**SECTION 3.16 REPAIR AND/OR SALE OF MOTOR VEHICLES**

- A. All mechanical work on trucks, cars or race cars, stock or otherwise, not titled and registered to the occupant of a dwelling or on any vehicles not owned by an occupant of the premises is prohibited in any Residential District. Long-term mechanical work on owner-operated vehicles may be performed by the occupant-owner but must be performed entirely within an enclosed building. Parts or vehicles not in a legally operative condition shall be stored inside.
- B. A property owner may be permitted to display and sell motor vehicles titled to someone in the residence in Residential Districts or on properties with residential uses, provided that the display not exceed two (2) vehicles in any calendar year for a period not to exceed thirty (30) calendar days. The display shall not obstruct the clear vision area.

**SECTION 3.17 ACCESSORY VEHICULAR STORAGE**

- A. Unless associated with an approved home-based business, outdoor storage or use of house trailers, utility trailers, campers, trucks over 1.5 tons, buses, boats, or any commercial or recreational vehicles shall not be permitted in any Residential District except as provided in this Section.
- B. The outdoor storage of utility trailers, recreational vehicles with attendant trailers is prohibited within the front yard except that recreational equipment may be parked within any yard for cleaning, loading, or unloading for not more than forty-eight (48) hours within a seven (7) day period.
- C. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any calendar year.
- D. Where the configuration or physical characteristics of the lot does not make storage in the side or rear yard feasible, the Zoning Administrator may allow front yard storage after considering the effects on the surrounding property and the community. Inadequate area in the side or rear yard for the needs of the applicant shall not be a reason for permitting storage in the front yard. The Zoning Administrator may require screening as a condition for granting the front yard storage.

**SECTION 3.18 ACCESSORY BUILDINGS AND USES****A. Permit and Site Plans Required**

- 1. All accessory buildings must obtain a building permit if over two hundred (200) square feet in area. Accessory buildings of less than two hundred (200) square feet in area or accessory buildings that do not require a building permit for the State Construction Code shall obtain a zoning compliance permit.

2. A site plan is required as part of the permit application for an accessory building or pool.

B. Accessory Structures

1. An accessory building attached to the main building shall meet the required setbacks of the main building.
2. No accessory building shall be permitted on any lot which does not contain a main building.
3. No accessory building or structure shall be used for dwelling purposes.
4. No accessory building shall be used for commercial or business use unless a Special Land Use Permit, in accordance with Chapter 17, is issued for a home-based business.
5. The activities carried on in, or in relation to an accessory building shall not create a nuisance.
6. In subdivisions, site condominium projects and planned unit developments, the appearance of accessory structures and buildings shall be aesthetically compatible with the main structure.
7. No accessory building shall occupy any portion of a required greenbelt or buffer in any District.
8. After the construction of an accessory building upon a parcel of land, no subsequent division of that land shall be made which would cause the building located thereon to be in violation of the terms of this Ordinance. At the time of the request for a building permit for an accessory building, the applicant may be required to sign and record an affidavit to the County Register of Deeds showing consent to this requirement.
9. With respect to the placement of a detached accessory building in a front yard:
  - a. In subdivision developments, accessory structures shall not be located in any portion of a front yard.
  - b. Accessory structures shall not be placed in a waterfront setback, except as exempted in Section 14.04.
  - c. On parcels of over two (2) acres in area with a minimum of two hundred (200) feet of frontage, accessory structures may be permitted in a front yard adjacent to a street provided the setback is a minimum of sixty (60) feet, unless the major road setback requirement applies (see Section 3.29).
10. No garage attached or detached, shall exceed the ground floor square footage of the dwelling.
11. Size, number, height limits and setback requirements for detached accessory structures are provided in the table following, additionally:

- a. Accessory structures attached to a main building (e.g. a garage attached to a home) shall not be considered when determining the square footage and number of structures permitted. A detached garage shall not be considered an accessory building unless the main dwelling has an attached garage.
- b. The number of accessory structures permitted includes those permitted in the Shorelands Management Overlay District.
- c. The Zoning administrator may grant minor height adjustments for accessory structures to match the pitch of the dwelling unit.

Lot Size	Total Maximum size of all accessory structures (sq. ft.)	Number of Buildings Permitted	Maximum Building Height (ft.) See also definition of building height	Accessory Building Setback from any dwelling unit (ft.)	Minimum Setback for accessory structures from side/rear lot lines (ft.)
Lots: less than 12,000 sq. ft.	520	2	14	10	5
Lots: 12,000 sq. ft. to .99 acre	624	2	16	10	5
1 acre but less than 1.99 acres	960	2	18	10	5
2 acres but less than 4.99 acres	1,200	3	20	15	10
5 acres but less than 9.99 acres	2,000	3	22	15	15
10 acres but less than 19.99 acres	2,500	4	24	15	15
20 acres or more	3,000	.4	24	15	15

### SECTION 3.19 SATELLITE DISH ANTENNAS

#### A. Applicability

1. These regulations are formulated to ensure that adequate protection measures are provided in the Ordinance for ensuring that sight distance is not impaired, that the dish antennas are located and constructed in a manner that will not afford the potential for injury, and to ensure that the intent and purposes of this Ordinance are met.
2. Satellite dish antennas and other similar structures may be permitted as accessory structures in any Zoning District.
3. Any person who proposes to construct a satellite dish antenna subject to these requirements must first obtain a zoning compliance permit from the Zoning

Administrator. The person seeking the permit, if not the owner of the lot or parcel of land, must provide evidence to the Township that the owner of the lot or parcel of land consents to its construction and assumes all liability for its construction, operation and use.

4. In Residential Districts, satellite dish antennas or other similar devices one (1) meter or less in diameter, or in Nonresidential Districts satellite dish antennas or other similar devices one (1) meters or less in diameter shall not be subject to the regulations of this Section.
  5. The Zoning Administrator may vary any provision of this Section if its enforcement inhibits or prevents the proper operation of the satellite dish antenna. In these instances, the Zoning Administrator may require additional screening or impose other reasonable conditions intended to reduce the visual effects from adjacent properties.
- B. Roof-mounted satellite dish antennas or other similar roof-mounted devices over two (2) meters in diameter are permitted in Commercial and Industrial Districts only, provided that the antenna complies with the height requirements for the District in which they are located.
- C. Ground-mounted satellite dish antennas or other similar devices (exceeding one (1) meter in diameter, or in Nonresidential Districts exceeding two (2) meters diameter) are permitted as accessory structures in all Zoning Districts subject to the following conditions:
1. Maximum height shall be fifteen (15) feet.
  2. Satellite dish antennas or other similar devices shall comply with setback requirements for the District in which they are located and shall not be permitted in required front or side yards.
  3. All electrical and antenna wiring shall be placed underground.
  4. The site of the antenna shall be screened from view through the planting of evergreens of sufficient concentration to reasonably conceal the antenna. Alternative screening is acceptable if approved by the Zoning Administrator.
  5. Any ground-mounted antenna shall be located and designed to withstand a wind force of one hundred (100) miles per hour. The satellite dish antenna or other similar device shall be securely mounted and anchored to a pole and secured in accordance with the requirements of the manufacturer and the Building Code.
  6. The surface of the dish shall be painted or treated as not to reflect glare from sunlight and shall not be used as a sign or message board. All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.

### **SECTION 3.20 FENCES**

- A. Property line fences shall be approved and a zoning compliance permit issued by the Zoning Administrator prior to construction. Except that seasonal fences, such as snow fences and open fencing of less than twenty-four (24) inches in height, which are temporary in nature (up to 6 months) shall not require a permit.
- B. Location

1. Fences, hedges and screens of plant material shall be erected or planted entirely within the owner's property unless erected jointly by written agreement on the property line by abutting property owners.
  2. The written agreement between abutting property owners shall specify the responsibility for maintenance, upkeep and removal if and when required by the Township. The agreement shall be approved by the Zoning Administrator and placed on file with the Township.
  3. Exception: Livestock confining fences shall not be closer than twenty five (25) feet from any adjoining property line.
  4. Exception: Fowl confining fences shall not be closer than ten (10) feet from any adjoining property line.
- C. The Zoning Administrator may require a staked survey prior to the issuance of a zoning compliance permit if there is concern over the location of a property line.
- D. All fences shall be kept clean and in a good state of repair and vegetation must be kept trimmed not to overgrow their intended size and shape specified at the time of approval.
- E. Trees shall be planted in a manner so that branches protruding into adjacent property will be at a height of not less than eight (8) feet above the ground.
- F. Fences or walls which are not maintained or which no longer serve the purpose for which they were erected, or which have been abandoned, shall be removed by the latest owner, or by the Township at the expense of the latest owner.
- G. All protective fences required by State and Federal statues or Laketon Township codes and ordinances to regulate or prevent access to places of natural and/or manmade hazards shall be permitted in all Districts. This includes fences limiting access to building sites under construction.
- H. Solid fences or berm in the required front yard shall not exceed a height of three (3) feet. An open fence, not more than twenty percent (20%) solid, may be permitted in the front yard provided it does not exceed a height of four (4) feet.
- I. No more than one (1) boundary line fence shall be permitted on any given parcel. In this section, a boundary line fence is defined as any fence that is more or less parallel to the property line.
- J. Fencing in any other portion of a lot in a Residential District shall not exceed six (6) feet.
- K. Fences may not be placed within fifty (50) feet of the ordinary high water mark of Muskegon Lake and Bear Lake and within one hundred (100) feet of the bluffline of Lake Michigan. Fences across water frontage (behind the designated setback) and road frontage (outside the right-of-way) may be up to four (4) feet high if they are of a chain-link, split rail, or wrought iron design or up to three (3) feet high if of solid design.
- L. All fences shall be constructed with the finished side exposed toward the outside of the fenced area. The support posts shall be placed on the inside and in a manner which

serves to enhance aesthetic appearance of the neighborhood or surrounding areas except in cases where the Zoning Administrator deems impractical.

- M. No fence in a Nonresidential District shall exceed eight (8) feet in height. Razor wire is prohibited in all Districts. Barbed wire strands are only permitted as part of keeping livestock.
- N. Fence height shall be measured from the average grade within four (4) feet of either side of the fence location. Berm and fence combinations are limited to the total height limit of a fence.

### **SECTION 3.21 HOME OCCUPATIONS**

Home occupations are permitted as residential accessory uses in any Residential District, subject to the following requirements.

- A. No person other than members of the immediate family residing on the premises 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 residential purposes by its occupants, and not more than twenty percent (20%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one (1) sign not exceeding four (4) square feet in area, non-illuminated.
- D. The home occupation shall be operated entirely within the main building.
- E. There shall be no sale of stock and trade products except as are incidental to the home occupation.
- F. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in the Residential District in which it is located. Any need for parking generated by the conduct of the home occupation shall be met off the street on the property's driveway.
- G. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, wireless internet or communication signal or television receivers off the premises, or cause fluctuation in line voltage off the premises.

### **SECTION 3.22 NON-CONFORMING LOTS, USES AND BUILDINGS**

- A. Intent
  - 1. It is recognized that there exists within Zoning Districts certain buildings and structures, uses, and lots which were lawful before this Ordinance was adopted,

and which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit non-conforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.

2. Non-conforming lots, buildings, structures, and uses are declared by this Ordinance to be incompatible with the Districts in which they are located. It is the intent of this Ordinance that, unless otherwise permitted, nonconformities shall not be enlarged upon, expanded, or extended without proper approvals, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the District.

#### B. General Requirements

1. No structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations herein specified for the Zoning District in which it is located.
2. No use shall be established on any lot, land or premises except in conformity with the use regulations of the Zoning District in which it is located.
3. No building shall be established on any lot, land or premises except in conformity with the regulations of the Zoning District in which it is located.
4. Nothing in this Ordinance 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 Ordinance and upon which actual building construction has been diligently conducted. A building permit shall be valid only in the event that construction that is the subject of the permit commences within sixty (60) days after the date of issuance and shall be completed within one (1) year of the issuance date.
5. The Township may acquire, through purchase or condemnation, non-conforming lots, uses, buildings and structures. The Township Board may take these actions in the manner provided for by law.

#### C. Non-conforming Uses

1. The lawful use of any land or premises exactly as it existed at the time of enactment of the Zoning Ordinance, or amendment thereto, may be continued although the use does not conform to the current provisions of the Zoning Ordinance.
2. If a non-conforming use is abandoned for any reason, any subsequent use shall conform to the requirements of this Ordinance.
3. A non-conforming use shall be considered abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute intent on the part of the property owner to abandon the non-conforming use:
  - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
  - b. The property, buildings, and grounds, have fallen into disrepair;
  - c. Signs or other indications of the existence of the non-conforming use have been removed;



- d. Removal of equipment or fixtures that are necessary for the operation of the non-conforming use; or
  - e. Other actions, which indicate an intention on the part of the property owner or lessee to abandon the non-conforming use.
4. Uses non-conforming solely because of height, area, parking or loading provisions may be expanded provided that the Zoning Administrator determines that all of the following occur. For the purposes of this subsection expansion shall include extension or enlargement of the use.
    - a. All Zoning District Requirements are satisfied with respect to the expansion;
    - b. The expansion shall not substantially extend the life of any non-conforming use by reason of parking and loading provisions; and
    - c. The non-conforming use is made conforming or less non-conforming by the addition of parking and/or loading space. Thereafter any subsequent expansion of the non-conforming use or change in use will not be allowed if it requires even greater parking and/or loading space.
  5. A non-conforming use not addressed in subparagraph 4, above, may be enlarged when authorized by the Zoning Board of Appeals, subject to the following provisions:
    - a. The enlargement, when permitted, shall not exceed twenty-five percent (25%) of the area of the area devoted to a non-conforming use at the effective date of this Ordinance, or amendment thereto.
    - b. Any building used for the non-conforming use shall not be non-conforming or require a variance to effect the enlargement of the non-conforming use.
    - c. That the expansion does not create, or make worse, any adverse effect on surrounding properties or the neighborhood.
    - d. That the expansion does not intensify the use or unreasonably extend its probable duration.
  6. An existing non-conforming use may be changed to another non-conforming use provided that all of the following determinations are made by the Board of Appeals:
    - a. The proposed use shall be as compatible as or more compatible with the surrounding neighborhood than the previous non-conforming use.
    - b. The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use, except as may otherwise be permitted by this Section.
    - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.
  7. Once returned to a conforming use, the previous non-conforming use shall be considered abandoned and may not be reestablished. Subsequent uses shall conform to the requirements of the District.
- D. Non-conforming Buildings

1. Any building or structure existing and lawful at the time of enactment of the Zoning Ordinance, or amendments thereto, may be continued although the structure does not conform to the current provisions of the Zoning Ordinance.
2. Repairs and maintenance work may be made as are required to keep a non-conforming building or structure in a sound condition.
3. In the event fire, wind or an act of God or the public enemy damages any non-conforming building(s) or structure(s), it may be rebuilt or restored as it previously existed.
4. A non-conforming building shall not be expanded in any manner that increases its non-conforming condition. However, it may be expanded in other dimensions, provided that it is in conformance with this Ordinance.

E. Non-conforming Lots

1. If a non-conforming lot has less than the minimum required area or width required for the Zoning District in which it is located, the area or width may be maintained, unless regulated by subparagraph 3, below, but shall not be made more non-conforming.
2. Where a non-conforming commercial or industrial lot can provide the side and front yard requirements of its zone, the permitted uses of the District shall be allowed.
3. Non-conforming residential lots of sixty (60) feet or less may be utilized provided a minimum of three (3) foot side yard setback can be maintained.
4. Where two (2) or more non-conforming adjacent vacant lots are in the same or similar ownership and each contain less than minimum required area or width of the Zoning District in which it is located, the lots shall be considered a single lot for zoning purposes. These lots may not be used individually but shall be combined to create a lot that conforms as closely as possible to the District regulations.
5. A non-conforming 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.

### SECTION 3.23 LANDSCAPING AND SCREENING

- A. If required, a landscape plan shall be submitted as part of a site plan review application. The landscape plan shall include, but not necessarily be limited to, the following items:
1. Location, spacing, size and descriptions for each plant type proposed for use within the required landscape area.
  2. Typical straight cross-section including slope, height, and width of berms and swales, type of ground cover, or height and type of construction of wall or fence, including footings.
  3. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
  4. Identification of natural features, natural drainage areas, existing trees and vegetative cover to be preserved or removed.
  5. Identification of areas to be grass or other ground cover and method of planting.
- B. The Planning Commission may require landscape screening in conjunction with any approval of a site plan. When screening is required for a use in Nonresidential District

between a Residential and a Nonresidential District, it shall be placed on the Nonresidential District side. The Planning Commission shall approve the location, size, shape, materials and other specifications for screening, subject to the general requirements of this Section.

C. Landscaping requirements for uses that require site plan review:

1. All existing live trees in excess of twelve (12) inches in diameter, measured at four and one half (4½) feet above the ground shall be preserved as much as practical.
2. All required front setbacks shall be landscaped with a minimum of one (1) canopy or shade tree and four (4) shrubs, for each thirty (30) lineal feet (or major portion thereof) of frontage abutting the right-of-way. Access ways from public or private rights-of-way shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
3. All required side and rear setbacks shall be landscaped with a minimum of one (1) canopy, understory, or evergreen tree and four (4) shrubs, for each forty (40) lineal feet (or major portion thereof) along property lines. The quota of landscaping materials required of side and rear yards may be clustered in appropriate areas of the required yards.
4. Parking lots exceeding twenty (20) parking spaces shall provide the equivalent of one (1) landscape island for every twenty (20) spaces of parking. Landscape islands shall be at least one hundred eighty (180) square feet in size, with a minimum width of three (3) feet. Landscape islands shall be landscaped with one (1) canopy or ornamental tree and two (2) shrubs for every sixty (60) square feet of landscaping island. Where practical, landscape islands should be recessed to accommodate stormwater runoff.
5. Additional landscaping may be required adjacent to the front or side of buildings to break up long building expanses and walls void of windows.
6. Landscaping may be required to serve as windbreaks.
7. Landscaping requirements may be waived if the existing vegetation to be retained on site meets or exceeds Ordinance requirements for landscaping and screening.

D. Landscaping Standards

1. All required yards shall be landscaped only with living materials.
2. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
3. A raised, rolled, or sub-surface curb or curb stops shall protect all landscape islands and landscaped areas immediately adjacent to parking spaces. There shall also be a means of protecting site trees against injury from mowing equipment.
4. Unless used as street trees, all landscaped areas shall be arranged to simulate a natural setting such as staggered rows or clusters.
5. Landscaping shall be designed to blend with that on adjacent parcels where a road, walkway or other pathway flows between parcels.
6. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months.

- 7. Trees shall be planted in a manner so that branches protruding into adjacent property will be at a height of not less than eight (8) feet above ground.
- 8. Minimum plant sizes at time of installation shall be according to the chart below.

Plant Type	Minimum Size
Deciduous Canopy Tree	2 in. caliper
Deciduous Ornamental Tree	2 in. caliper
Evergreen Tree	6 ft. height
Deciduous Shrub	18 in. height
Upright Evergreen Shrub	2 ft. height
Spreading Evergreen Shrub	18 to 24 in. spread

- 9. Mixing of Species: The overall landscape plan shall not contain more than twenty-five percent (25%) of any one (1) plant species.
- 10. Where a berm is provided for the purposes of screening and buffering, it shall have a maximum slope of one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3) with a crest area at least two (2) feet wide.
- 11. The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

PROHIBITED SPECIES	
Common Name	Horticultural Name
Box Elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows (except Peach Leaf)	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifola

- E. The Planning Commission may require a performance guarantee in accordance with the requirements of Section 20.04 of sufficient amount to insure the installation of all required landscaping.
- F. Dumpsters, including waste receptacles and compactors, shall be designed, constructed and maintained according to the following requirements:

1. Dumpster location and details of construction shall be shown on site plans and shall meet the following design requirements:
  - a. The enclosure shall be a minimum of twelve (12) feet by twelve (12) feet in size.
  - b. The base of the enclosure shall be constructed of six (6) inches of reinforced concrete pavement that shall extend six (6) feet beyond the base or gate to support the front axle of a refuse vehicle.
  - c. The enclosure shall be a minimum of three (3) sides with a gate on the fourth side and an enclosing lid or cover.
  - d. The minimum height of the enclosure walls shall be six (6) feet.
  - e. The enclosure shall be constructed of brick or decorative concrete material that complements the material of the principal structure.
  - f. A wooden enclosure may be used provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine.
  - g. Landscape plantings may be required, where appropriate, along the wall of the enclosure to better screen the dumpster and enhance the view of the site.
2. Dumpsters shall not be located in the required rear yard or side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than, twenty (20) feet from any adjacent Residential District.
3. Dumpsters shall be easily accessed by refuse vehicles without potential damage to vehicle parked in designated parking spaces.

### **SECTION 3.24 REGULATIONS APPLICABLE TO ALL SINGLE FAMILY DWELLINGS OUTSIDE MANUFACTURED HOME COMMUNITIES**

Any single-family dwelling, whether constructed and erected on a lot, or a manufactured home outside a manufactured home community, may be permitted only if it complies with all of the following requirements:

- A. The dwelling shall meet the minimum square footage requirements for the District in which it is located.
- B. Design Features
  1. The dwelling unit shall have a minimum width across any front, side, and rear elevation view which is the lesser of:
    - a. Twenty-four (24) feet; or
    - b. The average width of the homes on the same street within six hundred (600) feet in either direction.
  2. Dwellings shall have a minimum roof pitch of four (4) inches to one (1) foot of rise.

3. All dwellings shall have either a roof overhang of not less than four (4) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
  4. Where elevation differences make it necessary, the dwelling shall contain permanently attached steps connected to exterior door areas or to porches connected to the door areas.
  5. The dwelling shall not contain additions or rooms or other areas that are not constructed with similar quality work as the original structure, including permanent attachment to the main building and construction of a foundation as required by the adopted Township Building Code.
  6. The dwelling shall contain an interior storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever is less. Attic space shall not be included in this calculation.
  7. The dwelling unit shall be no greater in length than two and one-half (2½) times its width.
  8. The dwelling unit shall have at least two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.
- C. The dwelling shall conform to the Building Code and all other pertinent construction and fire codes. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where the standards allow standards of construction which are less stringent than those imposed by the Building Code, then the less stringent Federal or State standard or regulation shall apply. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- D. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to the manufactured home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time the standards may be amended. The units shall not be more than three (3) years old and shall have completed inspection reports that are traceable to the unit number (serial number) of the proposed dwelling, which must be submitted before a building permit can be issued.
- E. The dwelling shall be placed upon and secured to a permanent foundation meeting the requirements of the Building Code. The area between the elevation of the lot and the structure shall have a wall of the same dimensions of the dwelling and constructed of materials and type as required in the applicable code for single-family dwellings. In the event that the dwelling is installed pursuant to the manufacturer's set-up instructions, the dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission.
- F. If the dwelling has wheels, towing mechanisms or undercarriages, they shall be removed.
- G. The dwelling shall have adequate water and wastewater facilities.
- H. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity.

1. Compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans (which may include elevation sketches or photographs) submitted for a particular dwelling, subject to appeal in accordance with the provisions of Section 19.03.
  2. Any determination of compatibility shall be based upon the standards set forth in Section 3.24(B) regarding dwellings as well as the character, design and appearance of one (1) or more residential dwellings located outside of manufactured home parks within three hundred (300) feet of the subject dwelling where the area is developed with dwellings to the extent of not less than twenty percent (20%) of the lots situated within the area; or where the area is not so developed, by the character, design and appearance of one (1) or more residential dwellings located outside manufactured home parks in the township.
- I. The requirements of this Section shall not be construed to prohibit innovative design concepts involving matters such as solar energy, view, unique land contour, or relief from the common or standard designed home.
- J. The foregoing requirements shall not apply to manufactured homes located in a State licensed manufactured home community except as required by State or Federal law or otherwise specifically required in any Township Ordinance pertaining to these parks.

### SECTION 3.25 PRIVATE STREETS

- A. The Township determines that it is in the best interest of the public health, emergency response, safety, and welfare of the Township and its citizens to regulate the construction, improvement, extension, relocation, and use provision for private property access. These provisions have been enacted to assure that private streets:
1. Will not be detrimental to the public health, safety, or general welfare;
  2. Will not adversely affect the development policies of the Township;
  3. Will be designed and constructed such that the materials, base width, surface and grade shall assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles, over its entire length and throughout the seasons of the year;
  4. Will be constructed so as to protect against or minimize soil erosion and prevent damage and/or adverse affects to the lakes, streams, ponds, wetlands, and the drainage thereof, including natural environment of the township and in response to all applicable Federal, State, County or Township statutes, regulations and/or ordinances including but not limited to State of Michigan Public Act No. 451 of 1994, as amended.
- B. General Requirements
1. Newly constructed streets shall meet the requirements of the *Table of Private Street Requirements* of paragraph F of this Section.
  2. A private street existing on the effective date of this Ordinance may continue in existence and be maintained and used, though it may not comply with the provisions of this Ordinance. The private streets shall be continuously maintained so as to provide a safe and unimpeded route of travel.

3. Any private street existing on the effective date of this Section to which one (1) or more additional lots or parcels are created or otherwise permitted access, the entire length of the existing private street shall be upgraded to comply with the applicable requirements of Section 3.25, F.
- C. Frontage and Access
1. A shared driveway may service two (2) contiguous lots.
  2. Any three (3) or more contiguous lots not having frontage on a public street shall have the frontage upon a private street.
  3. All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.
  4. A lot fronting on a public road which is part of a land division involving a shared drive or private street shall take access from the shared drive or private street.
  5. All private streets shall have direct access to a public street, subject to authorization/approval of the Road Commission prior to construction activity on the private street.
- D. Permits
1. No individual, association, corporation, organization or entity, either public or private, shall construct, extend or relocate a private street without first having obtained a private street permit from the Township Board.
  2. The Building Inspector shall not issue building permits for construction of any building or structure on lots served by a private street until construction of the private street as approved by the Township has been completed and properly inspected.
  3. If necessary, a Soil Erosion and Sedimentation Control permit shall be obtained from the County of Muskegon or others as may be required by Public Act No. 451 of 1994, as amended.
  4. A County Road Commission permit for the entry of a private street to a public street shall be provided prior to the issuance of a zoning compliance permit.
  5. All other required State of Michigan permits shall be obtained prior to the commencement of grading and road construction.
  6. The Planning Commission shall review design and construction plans during their consideration of the application for a private street permit. Additionally, the Planning Commission shall have the right to such additional reviews or consultations by applicable professionals such as attorney, engineer, or planner, etc., in the course of their review and determination regarding the private street proposal. Cost for these reviews will be the responsibility of the applicant.
- E. Application: At a minimum, an application for a zoning compliance permit shall be accompanied by the appropriate fees and shall contain the following documents:
1. A completed zoning compliance permit application form containing the name(s) of the owner(s) and any other parties having a legal interest in the private street and the property on which it is to be constructed.
  2. A survey of the private street right-of-way prepared by a Michigan Licensed Land Surveyor, together with surveys for each parcel to be served by the private street.



3. A proposed maintenance agreement as described in Section 3.25, I.
4. A detailed written description of the access easement and the development to be served by the private street.
5. Sufficient copies of a site plan, drawn to scale, prepared by a licensed engineer or surveyor in Michigan, showing the following items.
  - a. The exterior boundaries of the parcel(s) on which the private street will be constructed.
  - b. The precise location, grade, route, elevation, dimensions, and design of the proposed private street and any proposed extensions thereto, and including the location and distance to any public streets which the private street is to intersect with, and existing and proposed curb cuts.
  - c. The location of all public utilities, including, but not limited to water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
  - d. The location of any lakes, ponds, streams, wetlands, and drains within the proposed right-of-way or within one hundred (100) feet thereof.
  - e. The location of any existing buildings and structures located, or proposed to be constructed if such information can be anticipated, within one hundred (100) feet of the private street right-of-way.
6. The applicant shall include, at the time of application, a proposed name for the private street to be authorized under the permit application. The applicant shall have cleared the use of the name with the following organizations:
  - a. County Road Commission
  - b. Consumers Energy
  - c. Emergency Services (Fire Department, County Sheriff)
  - d. U.S. Postal Service
7. Street signs shall be approved and installed in accordance with the requirements of the County Road Commission.

F. Design Requirements and Construction Standards

1. Construction specifications and materials for proposed new construction or reconstructed private streets are required as summarized in the Table of Private Street Requirements. The Township may request a specific design and/or construction standard applicable to the permit request and/or situation.
2. Design and construction must include provisions for adequate drainage and snow storage and/or removal.
3. The paved access between a private street and a public paved road shall meet specific construction standards regarding the safe ingress and egress of vehicles from and to the public and private streets. The construction standards or requirements shall include, but not be limited to, location, width of access opening, curbing and/or gutter requirement, tapers, grades, etc. The specific requirements shall be determined by the Road Commission and specified on the permit.

4. Any private street which terminates at a dead-end shall have a means for vehicle turn around either by use of a cul-de-sac or a continuous loop private street system. The radius of the cul-de-sac shall be determined based upon the recommendation of the Fire Chief and/or other personnel responsible for emergency services, who shall base their recommendation on adequate turning, access, and escape areas for emergency vehicles.
5. The Township Board may require adequate easement for the cul-de-sac to eventually link with other access easements, public or private streets.
6. The private street shall be constructed with a storm-water runoff management system as deemed necessary by the Township to maintain pre-development rates of runoff from parcels served by the proposed private street.
7. The crossing of any watercourse or wetlands shall be accomplished in a manner that satisfies the requirements of the Township and any county or state agency having jurisdiction.
8. Any debris resulting from the construction of a private street shall be properly disposed of.
9. Length of Private Streets
  - a. No private street shall extend for a distance greater than that specified in the *Table of Private Street Requirements* of this Section without a second private street access, complying with this Section, being provided to another public street.
  - b. The maximum length of a proposed private street may be exceeded if the Township Board, after recommendation of the Planning Commission, finds that at least one (1) of the following conditions exist. The Township Board shall establish the maximum length of the proposed private street.
    - (1) That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. The significant natural features shall be clearly identified and marked on the proposed private street plans.
    - (2) That not allowing a longer private street would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the Planning Commission and Township Board prior to confirming this finding.
    - (3) That other methods of access are available so that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the private street. Planned access shall be reviewed by the Fire Chief and the recommendation forwarded to the Planning Commission and Township Board.
10. Right-of-Way/Easement Width: All private streets constructed after the effective date of this Ordinance shall have a recorded permanent right-of-way and easement with a minimum width of sixty-six (66) feet. The Township Board may reduce the easement width to no less than fifty four (54) feet under the standards of Section 3.25(G)(3).
11. The layout of the private street and the intersections of the private street with either a public or private street shall ensure that clear vision, safe turning and stopping distance is provided. The minimum distance between intersections of

public and/or private street right-of-way shall not be less than three hundred (300) feet, as measured along the road centerline.

12. The Township, as a condition of the private street construction permit may require the applicant(s) to post a performance guarantee in accordance with the requirements of Section 20.04 in order to insure compliance with the requirements of these regulations. If required, the amount of the performance guarantee shall be equal to the total estimated cost of construction of the private street as approved by the Township.

Table of Private Street Requirements			
Right-of-way width	66 ft.	Right-of-way shall expressly permit public or private utilities to be constructed therein.	
Cleared height area	14 ft.	For passage of emergency vehicles.	
Cleared area within right-of-way	26 ft.	Thirteen (13) feet each side of the centerline of the private street right-of-way.	
		Cleared area width shall be perpetually maintained for the entire length of the proposed private street right-of-way.	
Pavement width (Traveled surface, centered within the right-of-way)	16 ft.	Serving 6 or fewer parcels	Twelve inch sand sub-base and 4 inches of 22A gravel. Connection with public street must be paved if the public street is also paved.
		Serving more than 6 parcels	Twelve inch sand sub-base and 6 inches of MDOT 1011t bituminous aggregate
		Materials may be substituted with any other paving material deemed by the Township Board to satisfy the intent and purpose of this Section.	
Shoulder Width	2 ft. each side	Four inches of compacted gravel with a slope of 0.22 feet slope from outside edge of pavement surface to toe of slope.	
Maximum Length	1,320 ft.	Measured from public road right-of-way along centerline of private street right-of-way unless a second location for ingress and egress from a public road is provided.	
Maximum Grade	7%	--	

G. Review Standards; Modification Of Certain Requirements

1. The Township Board shall determine the following prior to approving a private street permit application:
  - a. The proposed private street will not be detrimental to the public health, safety, or general welfare.
  - b. The proposed private street meets the standards of Section 3.25.A.
  - c. The proposed private street will not adversely affect the future use of land.
  - d. That the private street is constructed to assure a safe and unimpeded route of travel.
  - e. The construction of the private street as proposed will conform to the requirements of this Section, unless modified by subparagraph 3, below.

2. The Township Board may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.
3. Upon application, the Township Board may modify any of the private street requirements of this Section after finding that all of the following conditions exist:
  - a. Topography, soils, and/or other significant natural features physically preclude or prevent compliance with the requirements of this Section without substantial alteration of those natural features. These natural features shall be clearly identified and described in the application of any modification.
  - b. The justification of any modification is not due solely to financial considerations, which, upon approval of the requested modification would provide a financial benefit.
  - c. That no other reasonable private street design alternative are available that would comply with the requirements of this Section.
  - d. That the appropriate officials or consultants designated by the Township Board reviewed the request for the modification.

#### H. Maintenance, Repairs and Agreements

1. Private streets shall be maintained in a manner that complies with the provisions of this Ordinance.
2. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the township. All driveways and private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel.
3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owner's association served by the private street.
4. Required private street maintenance or restrictive covenant agreements.
  - a. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township with a recordable private street maintenance or restrictive covenant agreement among the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.
  - b. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that the agreement shall be recorded and shall run with the land. A copy of the agreement shall be furnished to the Township prior to the issuance of the private street permit.

#### I. Inspections/Certificate of Compliance

1. The Township shall inspect the private street after layout, clearing grade base and surface completion to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
  2. The applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a licensed engineer certifying that the private street has been completed in accordance with the requirements of the permit as issued.
  3. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance.
  4. Authorized Township personnel shall have the right to jointly enter upon the property where the private street is or will be located to conduct such inspections as may be required to administer these regulations.
- J. Fees for the required permits shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, Road Commission engineer, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.
- K. Indemnity – As a condition of applying for and obtaining a private street permit for road construction, all applicant(s) and owner(s) of a private street shall agree to indemnify and hold the Township, and anyone else authorized by the Township to assist in the private street review process, harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street and/or the proper or improper construction, maintenance or repair of a private street.

### **SECTION 3.26 SITE CONDOMINIUMS**

- A. It is recognized that Michigan Statutes provides for the implementation of developments consisting of single-family detached residential dwelling units and sites, hereafter referred to as "Site Condominiums", through procedures other than those enabled by the Land Division Act (PA 288, Public Acts of 1967, as amended). The intent of this Section is to provide procedures and standards for review of these developments, in order to ensure that they will be consistent and compatible with other single-family residential developments in the community, and not detrimental to the orderly development of the adjacent area.
- B. General Requirements
1. All site condominium units shall meet the minimum frontage and area requirements of a lot or parcel for the Zoning District in which it is located.
  2. The site condominium unit shall be considered the main building and principal use on each separate lot or parcel within the development.
  3. All buildings and uses shall be subject to the requirements of the Zoning District in which is located, as if it each was a separate lot.
- C. Site Plan Review

1. Site plan review will be conducted in accordance with the provisions of Chapter 15.
2. The following items will be required in addition to those required by Section 15.03, C, as applicable, for submission with any site plan, unless deemed unnecessary by the Zoning Administrator.
  - a. Location, size, shape, area and width of all condominium lots.
  - b. Existing and proposed site condominium buildings or buildings envelopes.
  - c. A street construction, paving and maintenance plan for any private streets within the proposed site condominium.
  - d. The site condominium Master Deed.

### **SECTION 3.27 DESIGN STANDARDS**

With the exception of single and two family dwellings, all proposed development subject to site plan approval shall comply with the following architectural guidelines:

- A. The applicant shall use quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape, and maintain a positive image for the township.
- B. Buildings shall possess architectural variety, but enhance the overall cohesive community character. The scale and proportion of existing structures in the area should be considered. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.
- C. The first floor of commercial buildings facing a public street shall be comprised of at least fifty percent (50%) clear glass.
- D. Any side of a building facing a public street shall be covered with, or constructed of, at least fifty percent (50%) of the following materials:
  1. Brick.
  2. Decorative concrete block.
  3. Cut stone.
  4. Other materials approved as part of the site plan.
- E. Architectural features of the buildings shall include details and ornaments such as archways, colonnades, cornices, peaked rooflines or towers.
- F. Building walls over one hundred (100) feet in length shall be broken up with varying building lines, windows, architectural accents and trees. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and clearly identifiable entrance.

### **SECTION 3.28 PONDS**

- A. No person shall commence the excavation, dredging, or construction of a dam that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a zoning compliance permit approving the specific plans for a pond.

- B. Proposed ponds of less than one (1) acre in size shall be reviewed by the Zoning Administrator under Section 15.02, B and shall require a plot plan.
- C. Ponds (or man made lakes) in excess of one (1) acre shall be reviewed by the Planning Commission considered under Section 15.03.
- D. Applications for ponds larger than five (5) acres and/or ponds which are located within five hundred (500) feet of a lake, river, stream, or open county drain shall be required to be submitted to the Michigan Department of Environmental Quality to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, applies to the proposal.
- E. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells) and method of water discharge, the method of filtration and treatment of the water, if required.
- F. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. This minimum slope angle must be maintained and extended into the pond to a water depth of three (3) feet.
- G. No pond shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
- H. No pond shall be constructed, installed or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- I. Ponds on parcels of less than twenty (20) acres in size may be required to be fenced by a minimum of a four (4) foot fence, and may be required to maintain one or more safety stations in compliance with the following:
  - 1. U.S. Coast Guard approved ring buoys securely connected to forty (40) feet of rope mounted on posts located at five hundred (500) feet intervals around the perimeter of the pond.
  - 2. A twelve (12) foot long pole shall be attached to one (1) safety station.
- J. No pond shall be used or maintained unless adequate public health measures are periodically taken to ensure that the existence and/or use thereof will not cause the spread of disease, stagnation or otherwise provide conditions dangerous or injurious to the public health.
- K. The discharge pipe from any pond without a direct outlet to an established drain shall not exceed two (2) inches in diameter. The discharge pipe shall be constructed with galvanized iron or such other standard and durable material as may be approved by the Building Official.
- L. No pond shall be wholly or partially emptied in any manner that will cause water to flow upon adjacent properties.

**SECTION 3.29 MAJOR STREET SETBACK**

A one hundred (100) foot setback from the right-of-way line shall be provided for parcels fronting Giles Road, River Road, Fenner Road, Scenic Drive, Whitehall Road, Bear Lake Road and Buys Road. With respect to existing structures within the required major street setback, they may be reconstructed on the same building footprint if destroyed by an Act of God, provided the structure cannot reasonable meet the major street setback requirements.

**SECTION 3.30 WECS OR WIND TURBINES 70 FEET OR LESS IN HEIGHT**

A building mounted wind turbine or a free-standing wind turbine which is 70 feet or less in height (measured from ground to highest reach of turbine) shall be considered a permitted accessory use in any zoning district if it meets the following standards and requirements.

1. All wind turbine installations shall comply with the Laketon Township Building and Electrical Codes. Permit applications shall be accompanied by a drawing of the wind turbine structure including its location on the property.
2. All components of the wind turbine shall conform to applicable State and National codes and standards.
3. Wind turbines shall be kept in the original manufactured color.
4. Wind turbines shall not be artificially lit except as required by law.
5. Wind turbines shall not display advertising.
6. A free-standing wind turbine shall be set back from the nearest property line a distance at least equal to 1.5 times the turbine's maximum height. Only monopole towers shall be permitted.
7. The owner shall, at its expense, complete decommissioning of a wind turbine within twelve (12) months after it ceases useful operation. A demolition permit issued by Laketon Township shall be required prior to the removal of a wind turbine.
8. All wind turbines shall have lightning protection.
9. The owner shall take reasonable steps to avoid any disruption or loss of radio, telephone, television or similar signals and shall mitigate any harm cause by the wind turbine.
10. All wind turbines connected to a utility grid must comply with all applicable requirements of the Michigan Public Service Commission and the owner's electricity supplier.
11. Wind turbines must be kept and maintained in good repair and condition at all times and shall not pose a safety hazard.
12. The ambient sound level from a wind turbine shall not be in excess of 55 decibels at the nearest property line.
13. The owner shall take reasonable steps to minimize shadow flicker to any occupied building or structure on adjacent or neighboring property.



**SECTION 3.31 PROHIBITION OF MEDICAL MARIHUANA DISPENSARIES**

No medical marihuana dispensary shall be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the Township. Furthermore, no person shall frequent, patronize, or obtain or purchase any marihuana from any medical marihuana dispensary with the Township.

**SECTION 3.32 SWIMMING POOLS**

- A. All swimming pools require a building permit.
- B. The application for a building permit shall be accompanied by a site plan showing the pool distance from side and rear lot lines and a detailed set of plans and specifications.
- C. A pool with a safety cover that complies with ASTM 1346 and is exempt from a pool barrier by the Michigan Residential Building Code shall be enclosed by a fence around the perimeter of the yard. The fence shall not be less than four (4) feet nor more than six (6) feet in height. Fence gates shall be self-closing, self-latching and capable of being locked.
- D. The outer edge of the pool or surrounding deck shall not be less than five (5) feet from the side or rear lot line.
- E. Lights used to illuminate any pool shall be arranged and shaded so as to reflect direct light away from adjoining premises.

## CHAPTER 4 ZONING DISTRICTS

For the purposes of this Ordinance, Laketon Township is divided into the following Zoning Districts:

Zoning District		Chapter
R-1	Single Family Residential	5
R-2	Single Family Residential	6
R-3	Residential	7
R-4	Residential	8
C-1	Neighborhood Commercial	9
C-2	Service Commercial	10
MHC	Manufactured Home Community	11
PUD	Planned Unit Development	12
F	Floodplain (Overlay)	13
SM	Shorelands Management (Overlay)	14

### SECTION 4.01 OFFICIAL ZONING MAP

- A. The township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and shall bear the seal of the Township.
- C. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, the changes shall be entered on the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Laketon Township which are subject to the provisions of this Ordinance.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in accordance with state law.
- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the custody of the Township Clerk and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the township.

**SECTION 4.02 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

- A. In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Laketon Township Master Plan, the township is divided into Zoning Districts of such number, boundaries, shape and area, and of such common unity of purpose adaptability or use, that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions.
- B. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following those centerlines;
  2. Boundaries indicated as approximately following the property, parcel, or lot lines shall be construed as following those lines;
  3. Boundaries indicated as approximately following township boundaries shall be construed as following those township boundaries;
  4. Boundaries indicated as following township section lines shall be construed as following those section lines;
  5. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the railroad right-of-way;
  6. Boundaries indicated as following shorelines shall be construed to follow those shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow those center lines;
  7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Administrator.
  8. Where a district boundary line divides a lot at the time of passage of this ordinance, the Planning Commission may permit, as a Special Land Use, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

**SECTION 4.03 APPLICATION OF DISTRICT REGULATIONS**

The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within a zoning district, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered to:
  - a. Exceed the height or bulk;
  - b. Accommodate or house a greater number of families;
  - c. Occupy a greater percentage of lot area; or

- d. Have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or be erected or altered in any other manner contrary to the provisions of this Ordinance.
3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, unless expressly allowed by this or other Township Ordinance.
4. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
5. Essential services as defined in this Ordinance shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention to exempt such essential services from the application of this Ordinance.

#### **SECTION 4.04 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, those lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands.

#### **SECTION 4.05 ZONING OF FILLED LAND**

Whenever any fill is placed in any lake or stream, the land created shall automatically and without further governmental action acquire and be subjected to the same zoning regulations under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

#### **SECTION 4.06 ZONING DISTRICT CHANGES**

When district boundaries become changed, any use made non-conforming by such change may be continued, subject to the provisions of Section 3.22, Non-conforming Lots, Uses, and Buildings.

## CHAPTER 5 R-1 RESIDENTIAL DISTRICT

### SECTION 5.01 STATEMENT OF PURPOSE

To provide for a suitable residential environment for homes set on larger lots, and intended to preserve the rural character and natural features of the District. The uses allowed are basically limited to single-family dwellings together with certain other uses such as schools, parks and playgrounds. In keeping with the purpose, development is regulated to low densities.

### SECTION 5.02 PERMITTED USES

Land and/or buildings in the R-1 Residential District may be used for the following purposes as Permitted Uses:

- A. Accessory buildings, structures and uses customarily incidental to any of the Permitted Uses in accordance with the provisions of Section 3.18.
- B. Day care family facilities.
- C. General farming.
- D. Single-family dwellings, including home occupations as regulated by Section 3.21.
- E. State licensed family care facilities.
- F. WECS or Wind Turbines 70 feet or less in height

### SECTION 5.03 SPECIAL LAND USES

Land and/or buildings in the R-1 Residential District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 17:

- A. Bed and breakfast establishments.
- B. Boat and canoe/kayak yards.
- C. Campgrounds, public or private.
- D. Cemeteries.
- E. Religious institutions.
- F. Golf course or country clubs.
- G. Governmental buildings, libraries, and museums not requiring outdoor storage of materials.

- H. Open Space Preservation Developments (clustering) on a minimum of fifteen (15) acres, east of Scenic Drive.
- I. Home based businesses.
- J. Horse stable and training facilities.
- K. Mineral removal.
- L. Private or charter schools
- M. Utility and public service buildings, without storage yards but not including essential services.
- N. Commercial wireless communication towers.
- O. WECS or Wind Turbines more than 70 feet in height
- P. Kennels

**SECTION 5.04 SITE DEVELOPMENT REQUIREMENTS**

- A. No lot, main building, or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following setback requirements are met and maintained in connection with the use of the lot, main building, structure, or enlargement.

<b>R-1 DISTRICT REGULATIONS</b>	
Minimum Lot Area	3 acres
Minimum Lot Width	200 feet
Minimum Front Yard Setback	50 feet, 100 feet from major street (see Section 3.29)
Minimum Side Yard Setback	15 feet
Minimum Rear Yard Setback	25 feet
Maximum Lot Coverage (includes driveways, decks, etc.)	35 percent
Maximum Building Height	2 ½ stories; or 35 feet, whichever is higher
Minimum Dwelling Unit Size	1 – story, 1,200 square feet Bi-level – 1,400 square feet Tri- level and 1 ½ story -1,500 square feet 2-story residence - 1,800 square feet  The first floor area for a tri-level shall not be less than 960 square feet, for bi-level, 1½, and 2-story dwellings, minimum first floor area shall not be less than 1,000 square feet

- B. Off-Street Parking and Loading: See Chapter 16.

- C. Signs: See Chapter 18.
- D. Site Plan Review: See Chapter 15.

## **CHAPTER 6 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **SECTION 6.01 STATEMENT OF PURPOSE**

To provide for a suitable residential environment for families typically with children, the following uses are basically limited to single-family dwellings together with certain other uses such as schools, parks and playgrounds, which provide a neighborhood environment. In keeping with the purpose, development is regulated to a moderate density. Commercial and other uses tending to be incompatible with the purpose of this district are prohibited.

### **SECTION 6.02 PERMITTED USES**

Land and/or buildings in the R-2 District may be used for the following purposes as Permitted Uses:

- A. Accessory buildings, structures and uses customarily incidental to any of the Permitted Uses or Special Land Uses in accordance with the provisions of Section 3.18.
- B. Day care family facilities.
- C. Single-family dwellings, including home occupations as regulated by Section 3.21.
- D. State licensed family care facilities.
- E. WECS or Wind Turbines 70 feet or less in height

### **SECTION 6.03 SPECIAL LAND USES**

Land and/or buildings in the R-2 Residential District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 17:

- A. Bed and breakfast establishments.
- B. Boat and canoe/kayak yards.
- C. Campgrounds, public or private.
- D. Cemeteries.
- E. Religious institutions.
- F. Day care group facilities.
- G. General farming.
- H. Golf course or country clubs.
- I. Home based businesses.



- J. Horse stable and training facilities.
- K. Open Space Preservation Developments (clustering) on a minimum of twenty (20) acres.
- L. Private or charter schools
- M. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- N. Commercial wireless communication towers.
- O. WECS or Wind Turbines more than 70 feet in height.
- P. Kennels

**SECTION 6.04 SITE DEVELOPMENT REQUIREMENTS**

- A. No lot, main building, or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following setback requirements are met and maintained in connection with the use of the lot, main building, structure, or enlargement.

<b>R-2 DISTRICT REGULATIONS</b>		
Minimum Lot Area	Without public sewer	2 acres
	With public sewer	20,000 square feet
Minimum Lot Width	Without public sewer	200 feet
	With public sewer	100 feet
Minimum Front Yard Setback	50 feet, 100 feet from a major street (see Section 3.29)	
Minimum Side Yard Setback	12 feet	
Minimum Rear Yard Setback	25 feet	
Maximum Lot Coverage (includes driveways, decks, etc.)	35 percent	
Maximum Building Height	2 ½ stories; or 35 feet, whichever is higher	
Minimum Dwelling Unit Size	1 – story, 1,200 square feet Bi-level – 1,400 square feet Tri- level and 1 ½ story -1,500 square feet 2-story residence - 1,800 square feet  The first floor area for a tri-level shall not be less than 960 square feet, for bi-level, 1½, and 2-story dwellings, minimum first floor area shall not be less than 1,000 square feet	

- B. Off-Street Parking and Loading: See Chapter 16.

- C. Signs: See Chapter 18.
- D. Site Plan Review: See Chapter 15.

## **CHAPTER 7 R-3 SINGLE FAMILY RESIDENTIAL DISTRICT**

### **SECTION 7.01 STATEMENT OF PURPOSE**

To provide for a suitable residential environment for a variety of household types where the uses are basically limited to single-family dwellings together with certain other uses such as schools, parks and playgrounds, which provide a neighborhood environment. In keeping with the purpose, development is regulated to a moderate density to allow for smaller households.

### **SECTION 7.02 PERMITTED USES**

Land and/or buildings in the R-3 District may be used for the following purposes as Permitted Uses:

- A. Accessory buildings, structures and uses customarily incidental to any of the Permitted Uses or Special Land Uses in accordance with the provisions of Section 3.18.
- B. Day care family facilities.
- C. Single-family dwellings, including home occupations as regulated by Section 3.21.
- D. State licensed family care facilities.
- E. WECS or Wind Turbines 70 feet or less in height

### **SECTION 7.03 SPECIAL LAND USES**

Land and/or buildings in the R-3 Residential District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 17:

- A. Cemeteries.
- B. Religious institutions.
- C. Day care group facilities.
- D. Governmental buildings, libraries, and museums not requiring outdoor storage of materials.
- E. Nursing or convalescent homes.
- F. Private or charter schools.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. WECS or Wind Turbines more than 70 feet in height

**SECTION 7.04 SITE DEVELOPMENT REQUIREMENTS**

- A. No lot, main building, or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following setback requirements are met and maintained in connection with the use of the lot, main building, structure, or enlargement.

<b>R-3 DISTRICT REGULATIONS</b>		
Minimum Lot Area	Without public sewer	¾ acre
	With public sewer	12,000 square feet
Minimum Lot Width	Without public sewer	150 feet
	With public sewer	100 feet
Minimum Front Yard Setback	25 feet, 100 feet from a major street (see Section 3.29)	
Minimum Side Yard Setback	8 feet	
Minimum Rear Yard Setback	25 feet	
Maximum Lot Coverage (includes driveways, decks, etc.)	35 percent	
Maximum Building Height	2 ½ stories; or 35 feet, whichever is higher	
Minimum Dwelling Unit Size	1 – story, 1,200 square feet Bi-level – 1,400 square feet Tri- level and 1 ½ story -1,500 square feet 2-story residence - 1,800 square feet  The first floor area for a tri-level shall not be less than 960 square feet, for bi-level, 1½, and 2-story dwellings, minimum first floor area shall not be less than 1,000 square feet	

- B. Off-Street Parking and Loading: See Chapter 16.
- C. Signs: See Chapter 18.
- D. Site Plan Review: See Chapter 15.

## CHAPTER 8 R-4 RESIDENTIAL DISTRICT

### SECTION 8.01 STATEMENT OF PURPOSE

This district is intended to accommodate multiple family residential development and small lot single-family development in addition to institutional uses which are residential in nature. Because of development densities permitted areas should have public sewer service. Development proposals with over ten (10) dwelling units must have public sewer service.

### SECTION 8.02 PERMITTED USES

Land and/or buildings in the R-4 District may be used for the following purposes as Permitted Uses:

- A. Accessory buildings, structures and uses customarily incidental to any of the Permitted Uses or Special Land Uses in accordance with the provisions of Section 3.18.
- B. Day care family facilities.
- C. Funeral homes and mortuaries.
- D. Single-family dwellings, including home occupations as regulated by Section 3.21.
- E. Two Family Dwellings.
- F. State licensed family care facilities.
- G. WECS or Wind Turbines 70 feet or less in height

### SECTION 8.03 SPECIAL LAND USES

Land and/or buildings in the R-4 Residential District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 17:

- A. Cemeteries.
- B. Religious institutions.
- C. Day care group facilities.
- D. Elderly housing facilities.
- E. Governmental buildings, libraries, and museums not requiring outdoor storage of materials.
- F. Nursing or convalescent homes.

- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Multiple family dwellings.
- I. WECS or Wind Turbines more than 70 feet in height

**SECTION 8.04 SITE DEVELOPMENT REQUIREMENTS**

- A. No lot, main building, or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following setback requirements are met and maintained in connection with the use of the lot, main building, structure, or enlargement.

<b>R-4 DISTRICT REGULATIONS</b>			
Minimum Lot Area	Single and two family dwellings	Without public sewer	15,000 square feet
		With public sewer	10,000 square feet per dwelling unit
	Nonresidential Uses	1 acre	
Minimum Lot Width		Without public sewer	100 feet
		With public sewer	75 feet
Minimum Front Yard Setback		25 feet, 100 feet from a major street (see Section 3.29)	
Minimum Side Yard Setback		8 feet	
Minimum Rear Yard Setback		25 feet	
Maximum Lot Coverage (includes driveways, decks, etc.)		40 percent	
Maximum Building Height		2 ½ stories; or 35 feet, whichever is higher	
Minimum Dwelling Unit Size	Single family dwellings	1 – story, 1,200 square feet Bi-level – 1,400 square feet Tri- level and 1 ½ story -1,500 square feet 2-story residence - 1,800 square feet  The first floor area for a tri-level shall not be less than 960 square feet, for bi-level, 1½, and 2-story dwellings, minimum first floor area shall not be less than 1,000 square feet	
	Two-family dwellings	1,200 square feet per unit	

- B. Off-Street Parking and Loading: See Chapter 16.

- C. Signs: See Chapter 18.
- D. Site Plan Review: See Chapter 15.

## CHAPTER 9 C-1 NEIGHBORHOOD COMMERCIAL

### SECTION 9.01 STATEMENT OF PURPOSE

The C-1 Neighborhood Commercial District is designed primarily for the convenience of persons residing in adjacent residential areas or neighborhoods, and to permit only uses that are necessary to satisfy those limited basic, daily shopping and/or service needs. This District may include areas of low intensity commercial uses, professional office/studio uses, small-scale office construction, and accessory apartments as part of these businesses. The District will emphasize integrated site planning, traffic access management and a unified streetscape with appropriate landscaping and screening to buffer commercial uses from adjacent residential lands.

### SECTION 9.02 PERMITTED USES

Land and/or buildings in the C-1 Neighborhood Commercial District may be used for the following purposes as Permitted Uses:

- A. Accessory buildings, structures and uses customarily incidental to any of the Permitted Uses or Special Land Uses in accordance with the provisions of Section 3.18.
- B. Accessory apartments as part of a commercial use.
- C. Banks, credit unions and similar financial institutions or offices, not including drive-through facilities, except that an ATM may be provided on site.
- D. Bed and breakfast establishments.
- E. Commercial day care facilities.
- F. Freestanding retail establishments, conducting business entirely within a building not exceeding ten thousand (10,000) square feet GFA.
- G. Medical clinics.
- H. Personal service establishments, such as barber and beauty shops, shoe repair shops, tailors, dry cleaning shops and other similar uses, as determined by the Zoning Administrator.
- I. Professional office establishments, such as offices of doctors, dentists, accountants, real estate professionals, and other similar uses, as determined by the Zoning Administrator.
- J. Restaurants, delicatessens and other restaurant uses, not including drive-through facilities.
- K. Dance, music, art, or martial arts schools.
- L. Art galleries, libraries, museums, performing arts auditoriums, and similar cultural facilities.



M. WECS or Wind Turbines 70 feet or less in height

**SECTION 9.03 SPECIAL LAND USES**

Land and/or buildings in the C-1 Neighborhood Commercial District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 17:

- A. Funeral homes and mortuaries.
- B. Governmental buildings, libraries, and museums not requiring outdoor storage of materials.
- C. Marinas.
- D. Nursing or convalescent homes.
- E. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- F. WECS or Wind Turbines more than 70 feet in height
- G. Kennels

**SECTION 9.04 SITE DEVELOPMENT REQUIREMENTS**

A. No lot, main building, or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following setback requirements are met and maintained in connection with the use of the lot, main building, structure, or enlargement.

<b>C-1 DISTRICT REGULATIONS</b>		
Minimum Lot Area	Without public sewer	1 acre
	With public sewer	15,000 square feet
Minimum Lot Width	150 feet	
Minimum Front Yard Setback	25 feet, 100 feet from major street (see Section 3.29)	
	No parking is permitted in the required front yard area, which must be landscaped.	
Minimum Side Yard Setback	10 feet	
Minimum Rear Yard Setback	25 feet	
Maximum Lot Coverage (includes parking areas, patios etc.)	50 percent	
Maximum Building Height	2 ½ stories; or 35 feet, whichever is higher	

B. Off-Street Parking and Loading: See Chapter 16.

- C. Signs: See Chapter 18.
- D. Site Plan Review: See Chapter 15.

## **CHAPTER 10 C-2 SERVICE COMMERCIAL DISTRICT**

### **SECTION 10.01 STATEMENT OF PURPOSE**

The Service Commercial District is designed to provide for a wide variety of business activities near major travel corridors. It is intended to serve a larger community population base, but not serve as a regional commercial center.

### **SECTION 10.02 PERMITTED USES**

Land and/or buildings in the C-2 Service Commercial District may be used for the following purposes as Permitted Uses:

- A. Accessory buildings, structures and uses customarily incidental to any of the Permitted Uses or Special Land Uses in accordance with the provisions of Section 3.18.
- B. Banks, credit unions and similar financial institutions or offices, not including drive-through facilities, provided that an ATM may be provided on site.
- C. Commercial day care facilities.
- D. Funeral homes.
- E. Freestanding retail establishments, conducting business entirely within a building.
- F. Medical clinics.
- G. Personal service establishments, such as barber and beauty shops, shoe repair shops, laundry and dry cleaning shops and other similar uses, as determined by the Zoning Administrator.
- H. Professional office establishments such as offices of doctors, dentists, accountants, real estate professionals, and other similar uses, as determined by the Zoning Administrator.
- I. Restaurants, delicatessens and other restaurant uses, not including drive-through facilities.
- J. Veterinary clinics.
- K. WECS or Wind Turbines 70 feet or less in height

### **SECTION 10.03 SPECIAL LAND USES**

Land and/or buildings in the C-2 Service Commercial District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 17:

- A. Amusement parks, fair grounds and flea markets.

- B. Commercial storage warehouses.
- C. Drive-through establishments including financial institutions, dry cleaner, pharmacies, and similar services.
- D. Drive-through restaurants.
- E. Hotel/motels.
- F. Marinas.
- G. Motor vehicle repair garages.
- H. Motor vehicle wash facilities.
- I. Open-air businesses.
- J. Veterinary hospitals.
- K. WECS or Wind Turbines more than 70 feet in height
- L. Kennels

**SECTION 10.04 SITE DEVELOPMENT REQUIREMENTS**

- A. No lot, main building, or structure, nor the enlargement of any main building or structure, shall be hereafter erected unless all of the following setback requirements are met and maintained in connection with the use of the lot, main building, structure, or enlargement.

<b>C-2 DISTRICT REGULATIONS</b>		
Minimum Lot Area	Without public sewer	2 acres
	With public sewer	25,000 square feet
Minimum Lot Width	200 feet	
Minimum Front Yard Setback	25 feet, 100 feet from major street (see Section 3.29)	
Minimum Side Yard Setback	8 feet	
Minimum Rear Yard Setback	25 feet	
Maximum Lot Coverage (includes parking areas, patios etc.)	50 percent	
Maximum Building Height	2 ½ stories; or 35 feet, whichever is higher	

- B. Off-Street Parking and Loading: See Chapter 16.
- C. Signs: See Chapter 18.
- D. Site Plan Review: See Chapter 15.

## **CHAPTER 11**

### **MHC MANUFACTURED HOME COMMUNITY DISTRICT**

#### **SECTION 11.01 STATEMENT OF PURPOSE**

- A. A Manufactured Home Community District may be established by amendments to the official zoning map in accordance with the procedures, requirements and limitations set forth in the Zoning Act and this Ordinance. Manufactured home communities, with accessory uses permitted in this Chapter, may be established subject to the requirements and limitations set forth in the Manufactured Home Commission Act (MCL 125.2301 et seq., MSA 19.855(101) et seq.), rules promulgated by the state Manufactured Home Commission and this Ordinance.
- B. It is intended that the uses permitted within a Manufactured Home Community District be located, designed and improved as to provide a desirable residential environment, protection from potentially adverse neighboring influences, protection for adjacent properties, access for vehicular traffic without traversing local streets in adjoining residential neighborhoods, and accessibility to public facilities, places of employment and facilities for meeting commercial and service needs equivalent to that of other forms of residential development.

#### **SECTION 11.02 PERMITTED USES**

Land and/or buildings in the MHC Manufactured Home Community District may be used for the following purposes as Permitted Uses:

- A. Accessory buildings, structures and uses customarily incidental to any of the Permitted Uses or Special Land Uses in accordance with the provisions of Chapter 17 and this Chapter, including commercial and service facilities within the Manufactured Home Community, including laundry facilities and sales office facilities, provided that such facilities are intended to serve only persons residing within the development and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.
- B. Manufactured Home Communities, subject to all of the requirements of this Chapter.
- C. Outdoor vehicle storage areas for recreational vehicles, provided that these areas are intended to serve only persons residing within the Manufactured Home Community and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.
- D. State licensed family care facilities.
- E. WECS or Wind Turbines 70 feet or less in height

#### **SECTION 11.03 SPECIAL LAND USES**

Land and/or buildings in the MHC Manufactured Home Community District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 17:

- A. WECS or Wind Turbines more than 70 feet in height

#### **SECTION 11.04 SITE DEVELOPMENT REQUIREMENTS**

- A. Review and Approval of Preliminary Plan

1. A preliminary plan, showing the location, layout and general design and a general description of the project shall be prepared in accordance with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), rules of the State Manufactured Home Commission and the following requirements:
  - a. Twelve (12) copies of the preliminary plans shall be submitted to the Zoning Administrator.
  - b. The preliminary plans shall exhibit all necessary information and details to determine compliance with the rules promulgated by the state Manufactured Home Commission and applicable state departments and agencies for the development of Manufactured Home Communities, as well as to determine compliance with this Ordinance, with local fire ordinances and building codes.
2. Plans submitted to the Township shall be subject to Site Plan Review and approval by the Planning Commission in accordance with the provisions of Chapter 15.

- B. Site Area and Dimensions

1. A minimum of ten (10) acres shall be required for the development of a Manufactured Home Community.
2. The site shall comprise a single tract and be so dimensioned as to facilitate efficient design and management. However, minimum width of the site for portions used for general vehicle entrances and exits only shall be sixty six (66) feet. For portions containing lots for dwellings and buildings generally open to occupants, minimum dimensions shall be two hundred (200) feet.
3. These limitations shall not apply where expansion of an existing Manufactured home development is concerned and where such expansion will not increase variation from requirements applying to Manufactured Home Communities as set forth in this Chapter.

- C. Location: A Manufactured Home Community shall have at least sixty-six (66) feet of frontage on a major street. All ingress and egress to and from the development shall be onto that road.

- D. All Manufactured Home Park developments shall comply with the applicable requirements of Public Act No. 96 of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.) and the rules promulgated by the State Manufactured Home Commission.

## CHAPTER 12 PLANNED UNIT DEVELOPMENT DISTRICTS

### SECTION 12.01 STATEMENT OF PURPOSE

- A. The purpose of the PUD District is to permit coordinated development on larger sites in order to achieve the following:
1. Permit flexibility in the regulation of land development allowing for higher quality of projects through innovation in land use, variety in design, layout, and type of structures constructed.
  2. Provide the opportunity to mix compatible uses or residential types.
  3. Allow clustering of residential units to preserve common open space, or natural features.
  4. Ensure compatibility of design and function between neighboring properties.
  5. Promote efficient provision of public services, utilities and transportation facilities.
  6. Provide convenient vehicular access throughout the development and minimize adverse traffic impacts.
  7. Provide complete non-motorized circulation to, from and within developments.
  8. Provide adequate housing and employment opportunities.
  9. Encourage development of convenient recreational facilities as an integral part of residential developments.
  10. Ensure the type, scale and mass of uses and structures will relate harmoniously to each other and to adjoining existing and planned uses.
  11. Encourage development that is consistent with the goals stated within the Laketon Township Master Plan.
- B. These Planned Unit Development regulations are not intended to be used for circumventing the more specific standards and requirements of this Ordinance, or the planning upon which they are based. Rather, these provisions are intended to result in 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 clearly apparent upon Township review, a site shall not qualify for the modifications allowable under this Chapter.

### SECTION 12.02 ELIGIBILITY CRITERIA

To be eligible for Planned Unit Development approval, the applicant must demonstrate that all of the following criteria will be met:

- A. The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district:
1. Preservation of significant natural features.
  2. Preservation of open space.
  3. A complementary mixture of uses or a variety of housing types.
  4. Common open space for passive or active recreational use.
  5. Redevelopment of a non-conforming site where creative design can address unique site constraints.

- B. Landowners involved in a proposed Planned Unit Development must provide a signed agreement among all involved parties, which is approved by the Township’s attorney that indicates their agreement with the PUD development.
- 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 community and the residents of the surrounding area.

**SECTION 12.03 TYPES OF PUDS**

- A. An application meeting the eligibility criteria may be rezoned to a PUD District based on the requirements shown in the following table and appropriate requirements contained elsewhere in this Ordinance. The rezoning shall be concurrent with the approval of a preliminary PUD plan. The PUD designation shall be noted in the application and on the Official Zoning Map upon approval.
- B. The Planning Commission shall make a recommendation to the Township Board, regarding a list of permitted uses that shall be finalized by the Board and incorporated as part of the PUD agreement, based upon the provisions of the following table and this Chapter.

<b>PUD DESCRIPTIONS</b>				
<b>PUD District</b>	<b>Minimum PUD Size</b>	<b>Locations Allowed</b>	<b>Permitted Uses</b>	<b>Percentage Open Space Required</b>
Residential (RPUD) Standards under <b>Sec. 12.04</b>	5 acres	Where pre-PUD zoning is a Residential District (R-3 or R-4) and public sewer is available.	Residential uses permitted in the pre-PUD zoning district with additional uses as provided in this Chapter.	25%
Mixed Use (MPUD) Standards under <b>Sec. 12.05</b>	2 acres	Where pre-PUD zoning is C-2, R-3, or R-4 and public sewer is available.	Residential, commercial, office, recreational, and additional uses provided in this Chapter.	15%
Industrial (IPUD) Standards under <b>Sec. 12.06</b>	10 acres	Where the pre-PUD zoning is C-2.	Uses permitted in the IND District where integrated into an office/research/ light industrial park setting.	5%

**SECTION 12.04 RESIDENTIAL PUD (RPUD) STANDARDS**

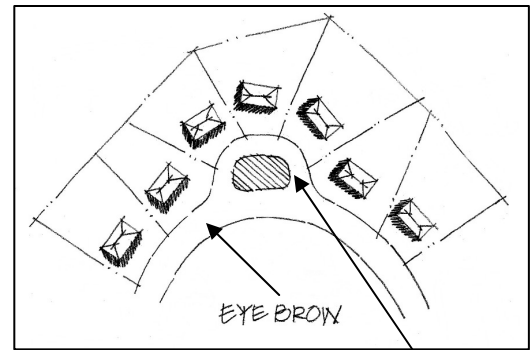
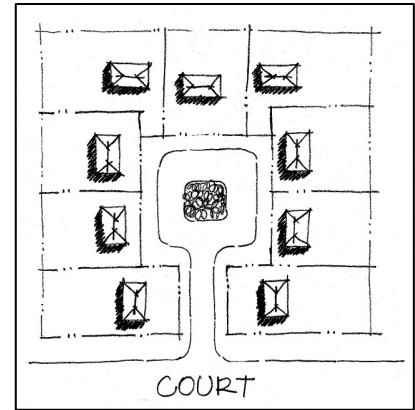
- A. The purpose of the RPUD is to promote neighborhood development which provides a variety of single-family housing opportunities in addition to small scale multiple family



uses. RPUD developments are intended to integrate pedestrian and cyclist links among neighborhoods and to public facilities.

- B. To encourage flexibility and creativity consistent with the intent of the PUD, the Planning Commission shall determine appropriate lot dimensions and building and lot requirements. In no case, however, shall the overall lot dimensions or yard requirements be less than fifty percent (50%) of the Zoning District that the use(s) would be placed in without a PUD. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).
- C. Dwelling units are to be limited to a maximum of four (4) units per building.
- D. The PUD may also include any Special Land Uses permitted in the R-4 Zoning District. The list of allowed uses shall be established in the PUD agreement.
- E. Design Standards

- 1. Public dead-end or cul-de-sac streets are to be discouraged; however, they are acceptable on private streets. Eyebrow, court, or stub streets are preferred for public streets.
- 2. Where adjoining areas are not subdivided, the arrangement of streets within the proposed RPUD 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 Township Board requires the development provide such amenities as bus stops or bus turnouts.
- 4. Open space areas must adhere to the requirements of Section 12.07.



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**SECTION 12.05 MIXED USE PUD (MPUD)**

- A. A Mixed Use PUD shall include a mixture of uses that are considered to be consistent with the Master Plan. A minimum of forty percent (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 to the Township Board who shall determine appropriate lot dimensions and building and yard requirements. In no case, however, shall the overall lot dimensions or yard requirements be less than fifty percent (50%) of the Zoning District that the use(s) would be placed in without a PUD. The height restrictions with any use shall not be increased by more than twenty-five percent (25%).

**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 serving the development are discouraged. Eyebrow, court, or stub streets are preferred.
3. Where adjoining areas are not subdivided, the arrangement of streets within the proposed MPUD 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 within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improve traffic operations and views. Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters, or streetscape elements to separate main buildings from the parking lots.
6. The Planning Commission may recommend, and the Township Board require, the development provide amenities such as bus stops or bus turnouts.
7. Open space areas must adhere to the requirements of Section 12.07.
8. Building design shall meet the standards of Section 3.27

**D. Driveway Access and Circulation**

1. Access may be limited to one (1) major entrance along any major street, excluding any entrance designed solely for truck traffic. Additional access points shall only be considered if spaced at least five hundred (500) feet apart and a traffic impact study is provided that demonstrates overall traffic operations and safety will be improved.
2. 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.
3. 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 circulation between uses.
4. Additional right-of-way may be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PUD.

**SECTION 12.06 INDUSTRIAL PUD (IPUD)****A. Uses**

1. Airports and landing fields

2. Assembly of paperboard containers, building paper, building board, and bookbinding
3. Contractors' yards, building material storage
4. Commercial day care where the use is clearly incidental and accessory to the primary use
5. Electrical substations, electrical switching stations, electrical transmission lines, and pressure control stations or substations for gas, water and sewage
6. Laboratories including experimental, film, and testing
7. Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps
8. Lumberyards
9. Printing and publishing
10. Production of apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials
11. Production of food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionary, beverage and kindred foods
12. Production of household goods like jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, etc.
13. Production or assembly of furniture and fixtures
14. Research and development facilities
15. Sexually oriented businesses provided:
  - a. It is the intent of this subsection to provide regulations controlling those uses that are recognized as having serious, objectionable, operational characteristics inducing a deleterious impact on adjacent uses and areas. Special regulations of these uses are necessary to insure that the anticipated adverse impacts will not contribute to the blighting or downgrading of the surrounding neighborhood. Uses subject to these controls include: Adult Bookstores, Adult Motion Picture Theaters, Massage Establishments, Nude Artist and Photography Studios, and Adult Cabarets, as herein defined.
  - b. Definitions: For purposes of this subsection, the sexually oriented businesses listed above shall have the meanings as noted in Chapter 2.
  - c. General Requirements And Restrictions: Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval as provided herein. A Special Land Use for a sexually oriented business shall comply with the following requirements:
    - (1) Sexually oriented business shall not be allowed within two hundred fifty (250) feet of another existing sexually oriented business, any Residential District, or an existing church, school, park or playground.
    - (2) All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Township, at

least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.

- (3) Any sign or signs proposed for the sexually oriented business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
- (4) Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
  - i. "Persons under the age of 18 years are not permitted to enter the premises."
  - ii. "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."
- (5) No product for sale or gift, nor any picture or other representation of any product for sale or gift shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- (6) No sexually oriented business shall be open for business prior to ten (10) o'clock a.m. or after ten (10) o'clock p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean up, preparation, record keeping, and similar purposes not involving the general public.

16. Salvage or junk yards
17. Tool and die manufacturing facilities
18. Trade or industrial schools
19. Warehouses, cartage businesses
20. Waste treatment facilities
21. Water supply and treatment facilities
22. Wholesale establishments distributing goods including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishings, and lumber and building products

23. Commercial wireless communication, radio, television or microwave towers
- B. Up to ten percent (10%) of the floor area of an industrial use may be used for retail outlet purposes provided the materials sold are produced on site. Special Land Uses provided for in Section 17.05 shall follow the review process required for Special Land Uses. In addition, lodging or restaurants shall be permitted, provided these uses do not border any other Zoning District.
- C. Buffer: There shall be a fifty (50) foot deep buffer strip along exterior public roads and any adjoining Residential District, either landscaped or preserved in a natural wooded condition. The public road buffer strip may be reduced in depth by the Planning Commission if the applicant provides additional landscaping. The Residential District buffer may be reduced by the Planning Commission if the applicant provides a minimum of a five (5) foot high masonry wall.
- D. Design Standards. Buildings shall utilize high quality architecture and landscaping that create a research and office-park environment with primary use of masonry material, such as brick, stone or split face block, and glass on buildings and landscaping along internal roadways and around the perimeter of the PUD. Metal paneling and plain concrete masonry units (cement board) shall constitute no more than twenty-five percent (25%) of the facades of buildings visible from the internal roadway or any adjoining public roadway.

#### **SECTION 12.07 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 Township Board approval, and shall not diminish compliance with the requirements of this Chapter.
  2. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit 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, agricultural use, recreation, visual impact, and access.
  4. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
  5. The following land areas shall not be included as dedicated open space for the purposes of meeting minimum open space requirements:
    - a. Area proposed as residential lots.
    - b. Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
    - c. The area of any street right-of-way or private street easement.

- d. Surface water, detention or retention basins, unless designed to have the appearance of a natural wetland, in which case they may be counted for up to fifty percent (50%) of the required open space.
  - e. Parking and loading areas except those exclusively associated with a recreation facility or common open space area.
  - f. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Planning Commission.
6. On-site common open space shall be planned in locations visible and accessible to all in the development. The Planning Commission shall determine if the proposed open space is usable and functional. The common 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:
- a. Any significant natural features.
  - b. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.
  - c. Open space, except for where trails and bike paths are located, shall have minimum dimensions of one hundred (100) feet on any side.
  - d. Where an open space preservation development abuts a body of water, at least fifty percent (50%) of the shoreline, as well as reasonable access to it, shall be a part of the common open space land and shall comply with the provisions of Section 14.06
  - e. A minimum twenty-five (25) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township Board may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
  - f. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space developments shall be constructed to allow future interconnection.

## **SECTION 12.08 PUD REVIEW PROCESS**

- A. Pre-Application Meeting
  - 1. An applicant for a Planned Unit Development shall attend a pre-application meeting with staff members, or consultants if the Township Zoning Administrator deems advisable.
  - 2. The purpose of the pre-application meeting is to determine general compliance with 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.
- B. The applicant shall prepare and submit to the Township a request for rezoning to the appropriate PUD designation, including appropriate fees, twelve (12) copies of a preliminary PUD site plan meeting the requirements of Chapter 15, including a narrative

which details how the plan relates to the Intent and purpose of the PUD District, phases of development, and approximate time frames for each phase. Materials shall be submitted at least forty-five (45) days prior to the meeting at which the Planning Commission shall first review the request.

- C. During the PUD review process, the Township Board or Planning Commission may require additional information it determines is reasonably necessary to demonstrate compliance with the review standards of this Chapter. This information may include, but not be limited to, soil reports, hydrological tests, traffic studies or wetland determinations.
- D. 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 appropriateness of a PUD concept, solicit feedback and receive requests for additional materials supporting the proposal.
- E. The Planning Commission shall review the PUD rezoning request, the preliminary PUD site plan and conduct a public hearing in accordance with the requirements of Section 20.05(C)(4).
- F. The Planning Commission shall review the preliminary PUD site plan in consideration of public hearing comments, technical reviews from Township staff, and other comments from consultants and applicable review agencies, and compliance with the standards and requirements of this Ordinance. The Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the request.
- G. The recommendation to the Township Board shall be based on the following standards:
  - 1. The PUD shall satisfy the Statement of Purpose of Section 12.01 and the Eligibility Criteria of Section 12.02.
  - 2. The PUD 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.
  - 3. The PUD shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sewage facilities.
  - 4. 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.
  - 5. 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.
  - 6. 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.
  - 7. Natural drainage ways shall be preserved insofar as practical, by minimizing grading, tree and soil removal in and adjacent to natural drainage swales.
  - 8. Slopes of over fifteen percent (15%) are protected and maintained in a natural state.

9. 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.
  10. The proposed development shall not have an adverse impact on future development as proposed in the Master Plan of the Township.
  11. The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance.
  12. The proposed development shall adequately consider pedestrian and cyclist safety and circulation, and tie sidewalks, paths and trails into public facilities and adjoining properties.
- H. Following receipt of the Planning Commission's recommendation, the preliminary PUD site plan shall be considered by the Township Board.
1. If the application is determined to be insufficient, does not fully respond to Planning Commission issues or more information is required, the Township Board may direct the applicant to prepare additional information, revise the PUD plan or direct the Township staff or consultants to conduct additional analysis. The application shall not be considered until the information has been submitted.
  2. 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 shall be returned to the Commission with the new information for its reconsideration. The Planning Commission shall provide a recommendation within thirty (30) days after the Township Board's referral. No additional public hearings are required.
  3. Approval or Approval with Conditions
    - a. Upon determination that a PUD site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, the Township Board shall approve 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 a revised PUD site plan that demonstrates compliance with the conditions.
    - c. Approval of the preliminary PUD plan 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.
  4. Denial: Upon determination that a PUD site plan does not comply with standards and regulations set forth in this Ordinance, or requires extensive revision in order to comply with the standards and regulations, the Township Board shall deny the application. Re-submittal of a denied application shall be considered a new application.

## **SECTION 12.09 FINAL APPROVAL**

- A. Final site plans shall be submitted for review and approval in accordance with the Site Plan Review provisions of this Ordinance. If final site plans for at least the first phase of the project are not submitted and approved within a two (2) year period from the



approval of the rezoning, the right to develop under the approved PUD preliminary site plan shall terminate and a new application must be filed.

- B. In reviewing final site plans, the following standards and requirements shall apply:
1. Final site plans shall be in substantial conformance with the approved PUD preliminary plan.
  2. Each final site plan shall either individually or in combination with previously approved contiguous project areas, meet the standards of this Chapter and the approved PUD preliminary plan regarding layout, density, open space and land use.
  3. Each final site plan submission shall include a map illustrating the site or phase in relation to previously approved plans and the overall PUD.
  4. Any requested amendment to the approved Agreement, as provided for in Section 12.12, shall be submitted for review by the Township Attorney and approved by the Township Board.

### **SECTION 12.10 EXTENSIONS**

The two (2) year period for preliminary PUD approval may be extended for one (1) year, if applied for in writing by the petitioner prior to the expiration of the PUD preliminary plan approval, and granted by the Township Board, provided that the reasons for the delay are beyond the general control of the applicant.

### **SECTION 12.11 REVISIONS TO APPROVED PUD PLANS**

- A. The Zoning Administrator may approve certain minor deviations when an applicant or land owner who was granted site plan approval notifies the Zoning Administrator of the proposed amendment to the approved site plan in writing, accompanied by a 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 fourteen (14) days of receipt of a 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 Ordinance will be met. The Zoning Administrator shall inform the Planning Commission and Township Board of the approval in writing.
- D. The Zoning Administrator shall consider the following when determining a change to be minor:
1. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) 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 ten percent (10%) or two thousand (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 (5) feet, 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.
  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.
  10. Grade change of up to two (2) feet, after review by the Township Engineer.
  11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved PUD plan.
  12. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
  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.
  14. Changes required or requested by the Township, County or State for safety reasons.
- 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 plan, a new preliminary PUD site plan shall be submitted according to the procedures outlined in this Chapter as a new application. In all cases, a change in use to a more intensive use than approved in the preliminary PUD plan shall be considered major and require submission of a new preliminary PUD Plan.
- F. Decisions granting PUD approval or any regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD may be appealed to the Zoning Board of Appeals nor shall an application for variance be accepted. This provision shall not preclude an individual lot owner from seeking a variance following final approval of the PUD, provided the variance does not involve alterations to open space areas as shown on the approved PUD site plan and otherwise meets the applicable review standards applicable to variances in this Ordinance.

## **SECTION 12.12 DEVELOPMENT AGREEMENT**

- A. Prior to any site preparation or the issuance of any building permits, the applicant shall submit a Development Agreement stating the conditions upon which approval is based, for review and approval by the Township. The Agreement, after review by the Planning

Commission and approval by the Township Board, shall be entered into between the Township and the applicant and be recorded with the 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. The manner of ownership of the developed land and the manner of the ownership and of dedication common areas in additions 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 or appointed designee.

### **SECTION 12.13 PERFORMANCE GUARANTEES**

The Township Board may require a performance guarantee in accordance with Section 20.04 to insure compliance with the approved PUD.

## CHAPTER 13 F FLOODPLAIN OVERLAY DISTRICT

### SECTION 13.01 STATEMENT OF PURPOSE

- A. It is the purpose of this Chapter to significantly reduce hazards to persons and damage to property as a result of flood conditions in Laketon Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactment's and rules and regulations promulgated in furtherance of this program by the United States Department of Housing and Urban Development, Federal Insurance Administration, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976.
- B. Further, the objectives of this Chapter include:
1. The protecting of human life, health, and property from dangerous and damaging effects of flood conditions;
  2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and redevelopment of flood damaged homes, neighborhoods, commercial, and industrial areas;
  3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
  4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
  5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and
  6. To preserve the ability of floodplains to carry and discharge a base flood.

### SECTION 13.02 DELINEATION OF THE FLOODPLAIN OVERLAY DISTRICT

- A. The Floodplain District shall overlay existing zoning districts delineated on the Official Laketon Township Zoning Map. The boundaries of the Floodplain Overlay District shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood boundary in the report entitled "The Flood Insurance Study, Laketon Township", dated April 3, 1978 with accompanying Flood Insurance Rate, Flood Boundary and Floodway Map. The boundaries designate a regulatory floodplain and shall coincide with the 100-year flood boundary indicated on the Flood Boundary and Floodway Map. The Study and accompanying maps are adopted by reference, appended, and declared to be a part of this Ordinance. The term Floodplain District as used in this Ordinance shall mean the Floodplain Overlay District and shall be the designated regulatory floodplain.
- B. Where there are disputes as to the location of a Floodplain Overlay District Boundary, the Zoning Administrator may require a survey with elevations be provided.
- C. In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Chapter shall be necessary for all development occurring within the Floodplain Overlay District. Conflicts

between the requirements of this Chapter and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this Chapter, except where the conflicting requirement is more stringent and would further the objectives of this Chapter. In those cases the more stringent requirement shall be applied.

### **SECTION 13.03 DEVELOPMENT IN FLOODPLAIN AREA**

Development, including the erection of structure, within a flood hazard area shall not occur except upon issuance of a building permit in accordance with this Ordinance and the following requirements:

- A. The requirements of this Chapter shall be met.
- B. The requirements of the underlying zoning district must be met.
- C. All necessary permits shall have been issued by appropriate local, state, and federal authorities, include a floodplain permit, approval or letter of authority from the Michigan Department of Environmental Quality. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent upon the State Permit shall be accepted.

### **SECTION 13.04 GENERAL STANDARDS FOR FLOODING HAZARD REDUCTION**

- A. All new construction and substantial improvements within the flood hazard area, including the placement of prefabricated buildings, shall:
  - 1. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure.
  - 2. Be constructed with materials and utility equipment resistant to floor damage.
  - 3. Be constructed by methods and practices that minimize flood damage.
- B. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the system.
- C. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems that discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- D. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
- E. Adequate drainage shall be provided to reduce exposure to flood hazards.
- F. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Chapter.
- G. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to ensure flood carrying capacity shall be maintained.

- H. Available flood hazard data from federal, state and other sources shall be reasonably utilized in meeting the standards of this Section.

### **SECTION 13.05 SPECIFIC BASE FLOOD ELEVATION STANDARDS**

- A. On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area zone.
- B. All new construction and substantial improvements of non-residential shall have either:
1. The lowest floor, including basement, elevated to one (1) foot above the base flood level, or;
  2. Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that their flood proofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. This certification shall indicate the elevation to which the structure is flood proofed.

### **SECTION 13.06 DISCLAIMER OF LIABILITY**

- A. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Approval or the use of land under this Chapter shall not be considered a guarantee or warranty of safety from flood damage.
- B. This Ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This Ordinance does not create liability on the part of Laketon Township or any officer or employee thereof for any flood damages that result from reliance of this Ordinance or any administrative decision lawfully made hereunder.

### **SECTION 13.07 PERMITTED USES**

Land and/or buildings in the Floodplain Overlay District may be used for the following purposes as Permitted Uses:

- A. Gardening, horticulture.
- B. Open recreational uses such as parks, playgrounds, playfields, athletic fields, golf courses, bridle paths and nature paths.
- C. In the area outside the 100-Year Flood Boundary, uses permitted by the zoning district otherwise established for the lot, subject to the regulations of the district: provided, however, the elevation of the lowest floor designed or intended for human use or habitation, including basements, shall be at least two (2) feet above the elevation of the nearest point of the 100-year Flood Boundary designated in Section 13.02.

- D. In the area within the 100-Year Flood Boundary, land may be used to supply open space or lot area requirements of a lot partially located outside, provided, however, no building or structure shall be located within the 100-Year Flood Boundary.
- E. Off-street parking accessory to a principal use.
- F. WECS or Wind Turbines 70 feet or less in height

### **SECTION 13.08 SPECIAL LAND USES**

Land and/or buildings in the F Floodplain Overlay District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 17:

- A. In the area within the 100-Year Flood Boundary, dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met.
- B. In the area within the 100-Year Flood Boundary, the construction or location of bridges, outdoor play equipment, bleachers and similar outdoor equipment and appurtenances is prohibited unless such elements would not cause an increase in water surface elevation, obstruct flow or reduce impoundment capacity of the floodplain. In addition, all equipment shall be anchored to prevent flotation and lateral movement. Approval of a Special Land Use Permit for any of the above shall be subject to an engineering finding by a registered engineer that the above requirements are satisfied.
- C. WECS or Wind Turbines more than 70 feet in height

## CHAPTER 14 SHORELANDS MANAGEMENT OVERLAY DISTRICT

### SECTION 14.01 STATEMENT OF PURPOSE

- A. The regulations herein contained are intended to:
1. Effectively control unwise development of shorelands.
  2. Protect water quality.
  3. Prevent flooding.
  4. Ensure the land will support a structure for a minimum of thirty (30) years.
  5. Ensure that the structure itself will not contribute to erosion problems along the shoreline.
  6. Enhance the character of development on the bluffs and along the shorelands.
  7. Preserve the primary windward dunes in their natural state and to restrict development to secondary leeward dunes.
  8. Encourage the design and construction of dwelling in harmony with the natural environment, wherever possible.
  9. Protect the natural beauty and natural function of Laketon's shore environments.
  10. Minimize the financial hardships that individuals and local governmental units suffer due to erosion.
  11. Prevent threats to the public safety, health and welfare of the residents of Laketon Township.
- B. The regulations of this Chapter are applicable to those areas that are to be controlled by Act 451 of P.A. of 1994, as amended. The shorelands area consists of all lands which border on Lake Michigan in Laketon Township situated at least one thousand (1,000) feet shoreward of the ordinary high water mark of Lake Michigan, five hundred (500) feet of Green Creek, Muskegon Lake, lakeward of Ruddiman Avenue and one hundred (100) feet from the ordinary high water mark of Bear Lake.

### SECTION 14.02 DEFINITIONS

- A. Beach: Flat area from shoreline to foredune area or bluff, devoid of vegetation.
- B. Bluff Areas: Shoreline areas where there is an abrupt rise from the beach areas to an elevation thirty (30) feet or more above beach plateau on the top of the bluff and the soil characteristics are generally a mixture of clay, soil and sand. The natural angle of repose for a bluff is steeper than for a foredune face composed only of sand.
- C. Foredune (or Primary Dune): Gently sloping area immediately inland of the beach, generally stabilized by dune grasses and low shrub vegetation. There may or may not be a depressed area behind the foredune.
- D. High Dune Shoreline Areas: Shoreline areas where the elevation above mean lake level within a distance of three hundred (300) feet of the shoreline exceeds sixty (60) feet.
- E. Inland Dune: Inland area of rising dunes inland of foredune area. Seaward slope may be forested or still exhibit vegetation characteristic of foredune area, depending on period of stability of dune. The backside of the dune supports woody vegetation.



- F. Inland Duneline: The line of dunes facing the lake and rising behind the foredune area. Their crest is roughly parallel to the shoreline.
- G. Low Dune Shoreline Areas: Shoreline areas where the maximum elevation above mean high water mark for a distance of three hundred (300) feet inland to the shoreline does not exceed sixty (60) feet.
- H. Mean High-water Mark (also referred to as Ordinary High-water Mark): For Lake Michigan this has been determined to be 579.8 feet above sea level. For purposes of this Ordinance, the juncture of the seaward edge of the foredune and the beach is a more readily identifiable location than the mean high water mark and may be used whenever mean high water is specified.
- I. Thirty-Year Erosion Mark: To be set and defined by the State of Michigan Department of Environmental Quality. The setback distances established in this ordinance are minimum and may be altered when the thirty-year erosion mark is established by the Michigan Department of Environmental Quality.
- J. Clear-cut Opening: Land areas from which trees, brush and other ground cover have been removed.

#### **SECTION 14.03 PERMITTED USES**

All uses permitted in the underlying districts are permitted in the high-risk erosion areas subject to the conditions hereinafter imposed for each use and, when requested, subject to site plan review by the Planning Commission.

#### **SECTION 14.04 SITE DEVELOPMENT REQUIREMENTS**

- A. Shoreline Setback
  - 1. In the Muskegon Lake and Bear Lake zones, all buildings and structures, except piers, marinas, boat houses, seawalls and similar water-related structures, shall be set back at least fifty (50) feet from the ordinary high water mark, except where there are existing buildings on both adjacent lots then the setback shall be the average of the setback of those buildings.
  - 2. In the Lake Michigan Bluff and dunes zone, all buildings and structures shall be set back at least one hundred (100) feet from the edge of the shore bluff or from the top of the windward dunes.
- B. Tree cutting and/or removal of shore cover:
  - 1. Natural vegetation shall not be cleared, cut, nor destroyed from more than thirty percent (30%) of the total setback area. The cutting of the thirty percent (30%) shall not create clear-cut openings totaling more than thirty (30) feet for each one hundred (100) feet of shoreline.
  - 2. Natural vegetation shall be preserved as far as practical and where removed shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

- C. No sand or soil shall be removed or relocated within the setback area. No bluff or primary dune shall be cut down in elevation within the setback area.
- D. All structures in the Lake Michigan Bluff and Dunes Zone shall conform to the following standards related to the natural topography and vegetation of the bluffs and dunes.
  - 1. No structures shall be built on the windward slopes of the primary dunes.
  - 2. On the stabilized lee slopes of the primary dunes and on all secondary dunes where vegetation is firmly rooted and where grades exceed twelve percent (12%), development shall occur only as specified below:
    - a. Where the house is situated on a slope, construction shall be based on platform or other non-disturbing building designs. Basements must be fully above grade level permitting full height windows.
    - b. Building pads are to be limited to a maximum of two thousand (2,000) square feet, including both main and accessory buildings.
    - c. Where more than one (1) dwelling unit is to be constructed, common garage and driveway facilities should be utilized to reduce the amount of land which is disturbed.
  - 3. On the stabilized natural slopes of the secondary dunes, where grades are less than twelve percent (12%), development may follow conventional construction practices subject to the provisions in this Section below. Design and construction of all structures in this zone shall, to the greatest extent possible:
    - a. Preserve the natural vegetation holding the sand.
    - b. Fit structures to the natural contour of the land, so as to minimize land-disturbing activities and site work.
    - c. Shape contours so as to merge with the existing terrain, where grading is necessary.
    - d. Avoid steep banks and sharp corners.
    - e. Disperse runoff, or where intensive runoff is unavoidable, utilize crushed stone, flagstone or other means and materials to prevent erosion.

#### **SECTION 14.05 CANAL AND CHANNEL CONSTRUCTION**

- A. The construction of any canal or channel or similar activity within the Shoreland District must be done in accordance with Michigan Department of Environmental Quality rules and regulations.
- B. Before any construction can commence, the Township shall be provided evidence in writing that the construction activity meets all appropriate State guidelines. The written evidence will include a copy of the permit(s) which may be required pursuant to Act 451 of P.A. of 1994.
- C. The construction of a canal, channel or any artificial waterway which traverses a wetland for the primary purpose of providing a navigable waterway which would promote or encourage development of a contiguous upland area is prohibited.

**SECTION 14.06 FUNNELING**

- A. Funneling is defined as the use of a waterfront property, parcel or lot as common open space for waterfront access for a larger development located away from the waterfront.
1. Recreational areas such as parks, beaches, camping facilities, parkways and other similar recreational activities owned and operated by any Federal, State or local governmental agencies, division or authority thereof, and located in lakefront property and riparian rights, are not subject to the requirements set forth in this Section provided they are intended for the use of the general public.
  2. Non-riparian property with non-public lakefront access privileges to a commonly owned riparian parcel of land, shall have these rights only by deeded conveyance assigned to the non-riparian property. These riparian rights to the waterfront property shall not be sold, rented or leased to others unless such rights are conveyed by the selling, leasing or renting of the non-riparian property.
- B. Funneling Controls
1. It has been determined that funneling is harmful to the public health, safety and welfare and constitutes an improper use of land and natural resources in that it causes overcrowding of lakes, streams and lands adjacent to them, contributes to pollution and degradation of public waters, creates hazards to life and property by increasing the risk of boating accidents, adversely affects the recreational experiences of both riparians and the general public and adversely impacts property values of shoreline properties located near funnel developments.
  2. It is the declared purpose of this Ordinance provision to regulate funneling so as to protect the health, safety and general welfare of the citizens of Laketon Township and carry out the intent of the Zoning Act.
- C. Funneling Requirements
1. Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) dwelling unit to the use of each one hundred (100) feet of lake or stream frontage in the common lakefront or stream area as measured along at the water's edge of the normal high water mark of the lake or stream.
  2. A minimum common area shall be located between the ordinary high water mark and one hundred (100) feet, landward of the bluffline. These restrictions are intended to limit the number of users of the lake or stream frontage, to prevent crowding, to preserve the quality of the waters, and to preserve the quality of recreational use of all waters within the township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.
  3. Wetlands shall not be utilized to calculate water frontage or the lot area of a common waterfront access site.
  4. On common waterfront sites with water frontage greater than three hundred (300) feet, vegetative buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.
  5. Not more than one (1) dock space for each one hundred (100) feet of common water frontage shall be provided for the mooring and docking of boats. Not more than three (3) motor powered craft shall be permitted per one hundred (100) feet

of common lake or stream frontage. Boat mooring facilities shall be located with due respect to swimming beaches and docks on the same property or on adjoining properties. No facilities for launching power craft from the common waterfront site shall be permitted.

6. Overnight vehicle parking and the use of camping tents, motor homes and trailers shall not be permitted within the boundaries of the common waterfront site.

#### **SECTION 14.07 SPECIAL LAND USES**

- A. Shoreline protection devices and all other construction not expressly exempted (see exceptions below), regardless of whether the proposed construction is temporary or permanent in nature, constructed above the mean high water mark as defined shall be subject to site plan review and a Special Land Use permit issued by the Planning Commission. The intent of this regulation is to alert the shoreline property owners of possible impact of construction in high-risk erosion areas.
- B. Procedures For Shoreline Structures
  1. The applicant shall submit to the Zoning Administrator a site plan prepared according to the provisions of Section 15.03.
  2. The Zoning Administrator shall forward the approved site plan to the Township Planning Commission.
  3. The Planning Commission will consider the applicant's request at the scheduled meeting and shall either postpone or render a decision upon the applicant's request based upon a finding of fact. The Planning Commission may stipulate additional conditions and/or restrictions deemed necessary to uphold the purpose and intent of this District as specified in granting a Special Land Use permit.
  4. The Zoning Administrator, upon the action of the Planning Commission shall within five (5) business days issue the applicant a Special Land Use permit noting in writing all conditions specified by the Planning Commission or notify the applicant in writing of the Planning Commission's denial.
- C. Exceptions: Site Plan Review shall not be required for the following:
  1. Wooden stairways (steel or concrete are not permitted) which provide beach access.
  2. Wells (but not pump houses), where alternate sources of water are not satisfactory or where the location is necessary to avoid contamination by septic tanks and drainage fields.
  3. Fences, providing they comply with Section 3.20.
  4. Dock landings if not more than twelve (12) inches in height and two hundred and fifty square feet in area provided they are in compliance with Act 451 of P.A. of 1994.
- D. Hold Harmless Provisions
  1. These procedures and/or the issuance of a Special Land Use permit shall not be construed as to impose any legal or moral obligation upon Laketon Township or its elected or appointed officials.

2. Issuance of the Special Land Use permit does not relieve the property owner from civil liability claims by other property owners.
3. Issuance of the permit does not imply approval of the need for, design of, or benefits of the proposed construction.

#### **SECTION 14.08 OVERLAPPING JURISDICTION**

In addition to the approvals and permits required and specified in this Ordinance, the Zoning Administrator shall, prior to the issuance of any Township permit, be satisfied that permits for the particular development and/or construction have been applied for from any county, State and/or Federal agencies having jurisdiction in these matters pursuant to State of Michigan or Federal law.

## CHAPTER 15 SITE PLAN REVIEW

### SECTION 15.01 PURPOSE

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

### SECTION 15.02 SITE PLANS REVIEWED

- A. In accordance with the provisions of this Chapter, Site Plan Review by the Planning Commission shall be required prior to the establishment of a new use or the erection of a building in the Districts and conditions cited below, unless excepted by B, below:
1. All Permitted Uses in the following Districts:
    - a. MHC Manufactured Home Community District
    - b. C-1 Neighborhood Commercial District
    - c. C-2 Service Commercial District
  2. Multiple-family developments.
  3. Special Land Uses in all Zoning Districts.
  4. Site condominiums in any Zoning District.
  5. Planned Unit Developments (with approvals by the Township Board).
  6. Grading, excavation, filling, soil removal, creation of ponds or tree clearing, over one (1) acre.
- B. Site plan review and approval by the Planning Commission shall not be required for single family detached dwellings (except as may be provided in a site condominium development), agricultural uses, a change of use that does not result in the change in the building footprint or parking requirements, family day care and state licensed residential family care facilities, ponds of under one (1) acre in size, and accessory buildings and uses. Site plan review for these uses will be conducted by the Zoning Administrator.

### SECTION 15.03 SITE PLAN REVIEW REQUIREMENTS

- A. Optional Preliminary Site Plan Review
1. Twelve (12) 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 Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary site plan submittal shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator. Preliminary site plans shall be at a scale not to exceed one inch equals one hundred feet (1"=100').
3. The Planning Commission shall review the preliminary site plan and make any recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.
4. Final site plans shall be submitted within six (6) months of preliminary plan approval.
5. Preliminary approval is required for a Planned Unit Development.

B. Final Site Plan Review

1. If submission of a preliminary site plan is not desired by the applicant, twelve (12) copies of a final site plan prepared by a professional competent in these matters (as determined by the Zoning Administrator) may be submitted for review without first receiving a review of a preliminary plan. Final site plans shall be at a scale not less than one inch equals twenty feet (1"=20') for property under three (3) acres and at least one inch equals one hundred feet (1"=100') for those three (3) acres or more.
2. Applications for final site plan reviews shall include the information as listed within subsection C, below, unless deemed unnecessary by the Zoning Administrator.

C. Site Plan Submission Requirements:

<b>Preliminary and Final Site Plan Requirements</b>	
A location sketch showing at minimum, properties, streets and uses of land within 1/2 mile of the area.	
Zoning of surrounding properties.	
Legal description of the subject property.	
The date, north arrow, and scale.	
Name and address of the property owner or petitioner.	
Name and address of the person and/or firm who drafted the plan and the date on which the plan was prepared.	
Existing zoning and use of all properties abutting the subject property.	
All buildings, parking and driveways within 100 feet of all property lines.	
Narrative: Shown on the site plan or submitted separately, describing in general terms:	The overall objectives of the proposed development.
	Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space.
	Dwelling unit densities by type, if applicable.
	Proposed method of providing sewer and water service, as well as other public and private utilities.
	Proposed method of providing storm drainage.
<b>Preliminary Site Plan Requirements</b>	
Property lines and approximate dimensions.	
Existing adjacent streets and proposed streets.	
Parking lots and access points.	
Proposed buffer strips or screening.	
Significant natural features; and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, areas with high water table, and similar natural assets or hazards.	
Any signs not attached to the building(s).	
General topographical features at contour intervals no greater than 5 feet.	
Existing and proposed uses, buildings and structures.	
<b>Final Site Plan Requirements</b>	
Seal, name, and firm address of the professional individual responsible for the preparation of the site plan.	
Property lines and required setbacks shown and dimensioned.	
Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.	
Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.	
All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, 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.	



Existing and proposed topographic contours - minimum 2-foot intervals.
Pavement width and right-of-way width of all roads, streets, and access easements within 100 feet of the subject property.
Location and size of all surface water drainage facilities.
Location of all solid waste disposal facilities, including recycling, and screening.
Location and specifications for existing or proposed outside, above or belowground storage facilities for hazardous materials.
All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
Recreation areas, common use areas, floodplain areas and areas to be conveyed for public use and purpose.
Exterior lighting showing area of illumination and indicating the type and height of poles and fixtures to be used.
Elevation drawings of proposed buildings.

D. Additional Information

The Planning Commission, prior to acting on a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) 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 impact studies, soil tests and other pertinent information.

#### SECTION 15.04 APPLICATION AND REVIEW

- A. Required site plans, application form, escrow fees (if applicable), and an application fee shall be submitted to the Zoning Administrator by the applicant or his agent, at least thirty (30) days prior to the next regular Planning Commission meeting. If submitted within this time, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. Applications shall not be accepted unless all required materials and fees are submitted and are declared complete by the Zoning Administrator.
- B. The Planning Commission shall approve, deny, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter except that preliminary site plans for Planned Unit Developments shall be approved by the Township Board.
- C. Any conditions or modifications recommended by the Planning Commission shall be recorded in the minutes.
- D. Two (2) copies of the final approved site plan shall be signed and dated by the Zoning Administrator or designee and the applicant. The Township shall keep one (1) approved copy on file and one (1) shall be returned to the applicant or his designated representative.
- E. Each development subject to site plan review shall be substantially under construction within one (1) year after the date of approval of the site plan, except as noted below.

1. The Planning Commission may grant a single one (1) year extension of the time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
  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 or the one (1) year extension has expired prior to construction, the site plan approval shall be null and void.
- F. Construction related to each development subject to site plan review, or approved phase of that development, shall be completed within three (3) years after the date of approval of the final site plan.
1. The Planning Commission may grant a single one (1) year extension of the time period for the phase, provided the applicant requests, in writing, an extension prior to the required completion date.
  2. The extension shall be approved only for the phase in question 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 to completion within the extension period.
  3. If neither of the above provisions are fulfilled or the one (1) year extension of site plan approval shall be null and void.

#### **SECTION 15.05 CHANGES IN THE APPROVED SITE PLAN**

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to the site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) meet the standards of the Ordinance and the intent of the design and will not alter the basic design or any specified conditions imposed as part of the original approval. A new site plan shall be submitted that reflects any approved minor changes to the plan. Minor changes may include the following:
1. For residential buildings, the square footage of structures may be reduced or increased by ten percent (10%) of the originally approved area, provided the overall density of units does not increase, the minimum square footage and parking requirements are met, and the building(s) 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 ten percent (10%) or two thousand (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 (5) feet, 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.
  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.
  10. Grade change of up to two (2) feet, after review by the Township Engineer.
  11. Modification of entry design, sign placement or reduction in size of signs, which is consistent with the intent of the approved plan.
  12. Internal rearrangement of parking lots which does not affect the number of parking spaces or alter access locations or design.
  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.
  14. Changes required or requested by the Township, County or State for safety reasons.
- C. A proposed change not determined by the Zoning Administrator 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. If the Zoning Administrator determines that a proposed minor change may have a major impact on the neighborhood or area involved, he may refer the plan to the Planning Commission and the plan shall be reviewed in the same manner as the original application.

## SECTION 15.06 REVIEW STANDARDS

- A. The standards of this Section shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements, nor are intended to discourage creativity, invention, or innovation.
- B. Site Development Standards
1. Compliance with the district regulations.
  2. The uses proposed will not adversely affect the public health, safety, or welfare.
  3. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  4. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
  5. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
  6. 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 light pollution.

7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height.
8. Site plans shall conform to all applicable requirements of Township, County, State, and Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted.
9. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
10. The general purposes and spirit of this Ordinance and the Laketon Township Master Plan shall be maintained.

#### C. Vehicular and Pedestrian Standards

1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the township.
3. Sidewalks or trails appropriate for pedestrians or non-motorized vehicles shall be required but may be deferred with an appropriate performance guarantee.
4. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
5. The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate.

#### D. Environmental and Natural Features Standards

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
2. 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.
3. Appropriate engineering practices shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water,

prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system.

4. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system. The use of smaller detention measures like subgrade landscape islands and rain gardens are preferred over large detention ponds. Provisions shall be made to accommodate stormwater on-site, as deemed necessary by the Township Engineer and/or County Drain Commissioner using sound engineering practices.

#### **SECTION 15.07 SITE PLAN APPROVALS**

- A. As part of an approved 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. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- B. Conditions imposed 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 and occupants.
- D. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to the decision shall be kept and made a part of the minutes of the Planning Commission.
- E. The Zoning Administrator shall make periodic investigations of developments for which site plans have been approved. Failure to maintain or comply with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

#### **SECTION 15.08 PERFORMANCE GUARANTEES**

The Planning Commission may require a performance guarantee in accordance with Section 20.04 to insure compliance with the approved site plan.

#### **SECTION 15.09 APPEAL**

If any person shall be aggrieved by the action of the Zoning Administrator or Planning Commission, appeal in writing to the Zoning Board of Appeals may be taken in accordance with the provisions of Section 19.03.

## CHAPTER 16 PARKING AND LOADING REQUIREMENTS

### SECTION 16.01      PARKING – GENERAL REQUIREMENTS

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within a required side or front yard.
- B. Off-street parking for all Non-Residential Districts and uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
- C. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Parking spaces shall be constructed with an asphalt or Portland cement binder, graveled, or compacted earth so as to provide a durable and dustless surface, and shall occupy no greater than thirty-three percent (33%) of the required front yard.
- D. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Chapter.
- E. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use. Additional parking space for the additional floor space shall be provided and maintained as specified for that use.
- F. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- G. When off-street parking area for five (5) or more vehicles faces across a street or an alley or abuts on a lot in any Residential District, the parking area shall adhere to the front yard or side yard requirement of the District which it faces or abuts.
- H. Maximum Parking Requirement
  - 1. To minimize excessive areas of pavement which detract from the aesthetics of the township and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Section 16.03, Off-Street Parking Requirements, except as may be approved by the Planning Commission.
  - 2. The Planning Commission may grant additional parking spaces above the maximum permitted, provided that the Commission determines that the parking will be required, based on documented evidence of actual use and demand provided by the applicant.
- I. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:

1. Areas proposed for deferred parking shall be shown on the site plan.
  2. Areas shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  3. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Each alteration shall require the approval of the Zoning Administrator of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
  4. All or a portion of the deferred parking shall be constructed if required by the Zoning Administrator upon a finding that additional parking is needed.
- J. Unless associated with an approved home occupation or home-based business, overnight parking of semi-truck tractors and trailers, and commercial vehicles exceeding one and one-half (1½) tons shall be prohibited in any Residential District. .

### SECTION 16.02 PARKING LOT DESIGN STANDARDS

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

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel Parking	24 Ft.	12 Ft.	10 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	20 Ft.
76-90 degree angle	24 Ft.	12 Ft.	9 Ft.	18 Ft.

- B. The Zoning Administrator may authorize minor adjustments to the dimensions prescribed in this Section if consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots, isles and maneuvering spaces shall be improved with a minimum compacted four (4) inch base of stabilized gravel or some comparable surface, as determined by the Zoning Administrator.
- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddles or storage of water within the lot. Drainage shall be in accordance with the requirements of Muskegon County.
- E. All parking areas must meet the landscaping standards of Section 3.23.

### SECTION 16.03 OFF-STREET PARKING REQUIREMENTS

- A. Required off-street parking spaces are noted in the following table for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

- C. A parking space shall have the minimum dimension of nine (9) feet wide by twenty (20) feet long.
- D. The minimum number of off-street parking spaces shall be determined in accordance with the following tables. All floor areas are considered gross floor area (GFA) unless otherwise specified as usable floor area (UFA):

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Residential</b>	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit + 1 for each 4 dwelling units for visitor spaces
Housing for the elderly	1 for each 2 dwelling units, + 1 for each employee, + 1 for each 5 dwelling units to be marked as visitor spaces
<b>Institutional</b>	
Boat launch sites	At least 50% of the total area devoted to the launch site shall be devoted to parking
Religious institutions, theaters, assembly areas, auditoriums, gymnasiums	1 for each 4 seats or each 8 feet of pew or bench length
Hospitals	2 per bed
Private schools, elementary and middle	2 for each 3 employees, + amount required for auditorium or gymnasium seating
Group day care homes and group foster care homes	1 for each 4 clients, + 1 for each employee
Private schools, secondary and institutions of higher learning	1 for each 8 students, + 1½ for each classroom, + amount required for auditorium or gymnasium seating
<b>Commercial</b>	
Assembly halls without fixed seats	1 for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Beauty/barber shop	2 for each chair
Bowling alleys	4 for each bowling lane + required spaces for each accessory use
Commercial storage warehouse	1 for each 1000 sq. ft. required
Convenience store	1 per 200 sq. ft. of UFA
Funeral homes and mortuary establishments	1 for each 50 sq. ft. of UFA
Hotels/motels	1 for each guest room, + required spaces for each accessory use
Marinas	1½ per boat slip or rack storage bin + required spaces for any accessory uses



USE	PARKING SPACE PER UNIT OF MEASUREMENT
Motor vehicle repair and service stations	1 for each service stall + 1 for each pump island + required spaces for convenience store, motor vehicle, or other uses
Motor vehicle wash (self service)	1 for each 5 stalls
Personal service establishments	1 for each 400 sq. ft. of UFA
Restaurants without drive-through facilities	1 for each 100 sq. ft. of UFA or 1 for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 for each 75 sq. ft. of UFA or 1 for each 1½ persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	1 for each 300 sq. ft. of UFA
Video rental stores	1 for each 100 sq. ft. of UFA + 1 for the maximum number of employees on the premises at any one time
<b>Office</b>	
Banks, credit unions, savings and loan associations and other similar uses	1 for each 200 sq. ft. of UFA + 3 stacking spaces per drive-through window
Medical and dental offices and clinics	1 for each 75 sq. ft. of waiting room area + 1 for each examining room, dental chair, or similar use area
Offices not otherwise specified	1 for each 300 sq. ft. of UFA
<b>Industrial</b>	
Manufacturing, processing, and research establishments	1 for each 1,000 sq. ft. + spaces required for offices
Warehouses and wholesale establishments	1 for each 2,000 sq. ft. + spaces required for offices

#### SECTION 16.04 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the C-1 and C-2 Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. Industrial PUD

1. In an Industrial Development at least one (1) loading space shall be provided for each use. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
  2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.
- F. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

## CHAPTER 17 SPECIAL LAND USES

### SECTION 17.01 SCOPE

This Chapter provides a set of procedures and standards for uses of land or structures, 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, herein, 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 Laketon Township. For purposes of this Ordinance, all Special Land Uses within the various Districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific requirements cited in Section 17.05, as applicable.

### SECTION 17.02 APPLICATION AND REVIEW PROCEDURES

- A. An application shall be submitted through the Zoning Administrator, accompanied by:
  - 1. the payment of a fee as established by the Township Board;
  - 2. an completed application form, as provided by the Township; and
  - 3. copies of a complete site plan as specified in Chapter 15.
- B. Applications for a Special Land Use permit shall be submitted at least thirty (30) days prior to the next Planning Commission meeting at which the application is to be considered.
- C. The application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing notice of the hearing in accordance with Section 20.05(C)(4). 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, engineer, or other party.
- E. The Planning Commission shall approve, approve with conditions, or deny the Special Land Use request, and incorporate the basis for the decision and any conditions which should be imposed in the public record.
- F. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which reasonably might result in favorable action upon resubmittal.
- G. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.

1. The Planning Commission may grant one (1) six (6) 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 or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- H. 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 sections of this Ordinance, or conditions of the Special Land Use approval. Prior to revocation, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

### **SECTION 17.03      EXISTING SPECIAL LAND USES**

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

### **SECTION 17.04      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 in Section 15.07. Additional conditions, as authorized in Section 17.04, C, may be placed upon a Special Land Use.
- B. Each application shall be reviewed for the purpose of determining that the 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 that such a use will not change the essential character of the area in which it is proposed;
  2. Be served adequately by essential public facilities and services such as highways, approved public or private streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
  3. Not create excessive additional requirements at public cost for public facilities and services; and
  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 production of traffic, noise, smoke, fumes, glare, or odors.
- C. The Planning Commission may stipulate any additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with these conditions may result in the revocation of the Special Land Use approval, pursuant

to 17.02; H. Conditions imposed shall be those necessary to ensure that the proposed Special Land Use will:

1. Meet the intent and purpose of the Zoning Ordinance.
  2. Relate to the standards established in the Ordinance for the land use or activity under consideration.
  3. Ensure compliance with those standards.
  4. Protect the general welfare.
  5. Protect individual property rights.
  6. Ensure that the purposes of this Ordinance will be observed.
- D. A written statement of findings and conclusions which specifies the basis for the decisions and any conditions imposed shall become part of the record of these proceedings.

### **SECTION 17.05 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The General Standards of Section 17.04, B, are basic to all Special Land Uses. The specific and detailed requirements set forth in this Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing General Standards. The following Special Land Uses have specific requirements that must be met.

- A. Amusement parks, fair grounds and flea markets.
- B. Bed and breakfast establishments.
- C. Boat and canoe and kayak yards.
- D. Campgrounds, public or private.
- E. Cemeteries.
- F. Commercial storage warehouses.
- G. Commercial wireless communication towers.
- H. Day care group facilities.
- I. Drive-through establishments including financial institutions, dry cleaners, pharmacies, and similar service.
- J. Drive-thru restaurants.
- K. Elderly housing.
- L. Funeral homes and mortuaries.
- M. Golf course or country clubs.
- N. Governmental buildings, libraries, and museums not requiring outdoor storage of materials.

- O. Home based businesses.
- P. Horse stable and training facilities.
- Q. Hotel/motels.
- R. Marinas.
- S. Mineral removal.
- T. Motor vehicle repair garages.
- U. Motor vehicle wash facilities.
- V. Multiple family dwellings.
- W. Nursing or convalescent homes.
- X. Open-air businesses.
- Y. Open Space Preservation Developments (clustering).
- Z. Private and Charter Schools
- AA. Religious Institutions.
- BB. Restaurants, exclusive of drive-through facilities.
- CC. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- DD. Veterinary hospitals.
- EE. Wind Energy Conversion Systems (WECS) or Wind Turbines more than 70 feet.
- FF. Kennels
- A. Amusement parks, fair grounds and flea markets.
  - 1. The minimum lot size shall be twenty (20) acres.
  - 2. The lot shall be located so at least one (1) side abuts a paved primary road or State trunk line and all access shall be from that street(s).
  - 3. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.
  - 4. Entry drives and parking areas shall be a minimum of one hundred (100) feet from adjacent property lines.
  - 5. The main and accessory buildings shall not be located nearer than two hundred (200) feet to any residential dwelling located on adjacent property.
  - 6. Maximum lot coverage shall be twenty-five percent (25%).
  - 7. Any amusement enterprises located within five hundred (500) feet of any

dwelling shall not be open later than 10:00 p.m., unless approved by the Planning Commission.

8. The entire premises shall be surrounded by a six (6) foot cyclone fence at or near the boundary property lines.
9. A landscaped area of at least twenty five (25) feet in width shall be maintained around the periphery of the property. Screening which complies with the landscaping provisions of Section 3.23 shall be provided adjacent to Residential Districts.

B. Bed and breakfast establishments.

1. The rooms utilized shall be part of a residential dwelling.
2. The bed and breakfast operation shall be the principal residence of the operator and the operator shall reside on the premises.
3. The bed and breakfast operation shall have eight (8) or fewer sleeping rooms, including sleeping rooms occupied by the operator, one (1) or more of which are available for rent to transient tenants.
4. Sufficient off-street parking must be provided for residential purposes, at the rate of one (1) parking space per sleeping room.
5. One (1) non-illuminated sign, not exceeding sixteen (16) square feet in surface area, is permitted. The placement and design of signs shall not be detrimental to the scenic environment or contribute to general traffic hazards.
6. All refuse and/or trash containers beyond those normally used for residential dwelling shall be enclosed within a privacy fence or other suitable enclosure.
7. The conduct of all aspects of activities related to the use shall take place within the main building and not in an accessory building.
8. The rooms utilized shall be a part of the primary residential use and not specifically constructed for rental purposes.
9. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast establishment.
10. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from the premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room.
11. The structure shall remain a residential structure and the kitchen shall not be remodeled into a commercial kitchen.
12. Meals shall be served only to residents and overnight guests.
13. The maximum stay for any occupant of bed and breakfast operations shall be fourteen (14) consecutive days.

C. Boat and canoe and kayak yards.

1. No outside sales shall take place within a required setback.
2. All accessory structures shall be set back a minimum of fifty (50) feet from the ordinary high water mark of a watercourse.
3. All repair services shall be conducted within a completely enclosed structure.
4. All storage, parking, vehicle maneuvering areas, and drive entrances shall be located to minimize negative effects on adjacent properties.
5. All storage of watercraft shall be located in the rear yard and completely screened on all sides.

## D. Campgrounds, public or private.

1. Campsites shall not be located closer than fifty (50) feet to any property line.
2. Minimum lot area shall be ten (10) acres.
3. Retail uses may be permitted within the campground provided that the following requirements are met:
  - a. All commercial uses shall occupy no more than two thousand (2,000) square feet.
  - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.
4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or across any property line.
5. Each campsite shall have a minimum square footage of one thousand five hundred (1,500) square feet.
6. Common area at the ratio of one thousand (1,000) square feet for each campsite shall be provided.
7. Habitation in the campground by any individual site shall not exceed thirty (30) days.

## E. Cemeteries.

1. The proposed site shall front upon, and all ingress and egress shall be from a public paved street.
2. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the access point.

## F. Commercial storage warehouses.

1. All traffic access shall be to and from a paved county primary road.
2. The use shall be developed on lots of at least two (2) acres. No more than sixty percent (60%) of the lot may be used for buildings, parking lots and access.
3. For any outside storage, a six (6) foot, solid fence of a material acceptable to the Planning Commission, shall enclose the area occupied by the use. The fence shall be set back at least thirty (30) feet from the front property line.
4. The front yard, up to the fence shall be landscaped.
5. There shall be a minimum of thirty-five (35) feet between storage facilities for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, the building separation need only be twenty-five (25) feet.
6. Traffic direction and parking shall be designated by signs or painting.
7. The lot area used for parking and access shall be provided with a paved surface and shall be drained so as to dispose of all surface water.
8. Any freestanding project office for management of the use shall be located within any required fenced area.

## G. Commercial wireless communications towers.

1. A security fence at least six (6) feet in height, but not higher than ten (10) feet,



- shall be constructed around the tower and any other related appurtenances.
2. The tower base shall be set back from all lot lines a minimum distance equal to one-half ( $\frac{1}{2}$ ) the height of the tower. All other buildings and structures shall meet the minimum setback requirements of the District.
  3. All towers must be located on township property, exclusive of township parks. The tower shall be a monopole unless the applicant can demonstrate that such a design is not feasible, in which case, a free standing lattice tower is acceptable. Guyed towers shall not be acceptable.
  4. Where possible, joint use (co-location) of 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:
    - a. Agree to permit future users to share the tower facility, and
    - b. Demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locate on an existing tower.
  5. No new tower shall be erected within a three (3) mile radius of an existing radio, television, or cellular wireless transmission tower; unless located on the same site or tower with another user or where the Planning Commission finds, based on evidence presented by the applicant, that such location is necessary.
  6. No signs, except for warning, or other cautionary signs shall be permitted on the site.
  7. A condition of every approval of a tower shall be adequate provisions for removal of all or part of the facility by users and owners. The application shall include a performance guarantee to be posted at the time of receiving a building permit for the facility to ensure its removal if it is ever abandoned, or is no longer in use. In this regard, the guarantee shall, at the election of the applicant, be in the form of cash, or surety bond establishing a promise of the applicant to remove the facility in a timely fashion.
  8. All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the owner shall take all steps necessary to correct and eliminate such interference.
  9. No communication tower and antenna shall be greater than two hundred (200) feet in height, except if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
  10. The Planning Commission may require a ten (10) foot wide buffer of planted material that effectively screens the view of the tower compound.
- H. Day care group facilities.
1. Group day care facilities shall obtain and maintain a valid license from the State Department of Social Services.
  2. Activities associated with day care shall not be permitted in any accessory building, structure, or attached or detached garage other than the main dwelling unit.
  3. Day care uses shall not generate noise, odor, vibration, or electrical interference beyond that level normally associated with residential land use.

4. The group day care home shall not exceed sixteen (16) hours of operation during any twenty-four (24) hour period.
  5. There shall be provided on the site a useable outdoor area at the rate of sixty-six (66) square feet for each individual client not a member of the family, exclusive of the required front yard, required side yard along a street, and driveways and parking areas. The area shall be fenced for safety and shall be screened from any adjoining residential land by a suitable plant material.
  6. Operation of day care facilities shall not involve alteration or construction not customarily found in a dwelling. A minimum of thirty-five (35) square feet of interior living area shall be provided for each individual client. Interior area shall be computed exclusively of bathrooms, kitchens, storage areas, porches, closets, utility rooms, and similar spaces. The required area shall not exceed twenty-five percent (25%) of the total floor area of the dwelling, exclusive of porches, garages, and similar areas.
  7. A group day care shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
    - a. Another licensed group day-care home.
    - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
    - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
    - d. Community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- I. Drive-through establishments including financial institutions, dry cleaner, pharmacies, and similar service.
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way nor does it interfere with internal circulation of vehicles. A minimum of five (5) stacking spaces for each service station shall be provided.
  2. Parking areas shall have a front yard setback of twenty five (25) feet, and side and rear yard setbacks of ten (10) feet.
  3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  4. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
  5. Driveways and parking areas shall be at least one hundred (100) feet from any adjacent property line.
  6. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.
- J. Drive-through restaurants.
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A

- minimum of ten (10) stacking spaces for the service ordering station shall be provided.
  2. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
  3. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
  4. Parking areas shall have a front yard setback of forty (40) feet, and side and rear yard setbacks of ten (10) feet.
  5. Driveways and parking areas shall be at least one hundred (100) feet from any adjacent property line.
  6. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.
  7. Waste or recycling dumpster enclosures shall be screened on at least three (3) sides in accordance with the provisions of Section 3.23, F.
  8. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  9. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward adjacent property.
  10. The Planning Commission may establish reasonable hours of operation where it is determined that the proposed use may generate noise, glare, or similar disturbances upon nearby residents.
- K. Elderly housing facilities.
1. Maximum height of building shall not exceed forty-five (45) feet.
  2. The maximum allowable density shall be twenty (20) units per acre.
  3. One (1) parking space per dwelling unit shall be required, plus parking spaces equaling an additional twenty-five percent (25%) of the required parking shall be provided and designated for non-resident (visitor) parking.
  4. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
  5. A minimum of two hundred (200) square feet of open space is required per dwelling unit.
  6. Retail and service uses may be permitted on the site if accessory to the elderly housing use. These uses shall be within the walls of the main structure. No freestanding signs or other identification on allowed signs shall be permitted for the uses.
  7. Front and rear setbacks shall be equal to the height of the building. A side yard of at least twenty (20) feet is required.
- L. Funeral homes and mortuaries.
1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
  2. A well-designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not

- obstruct internal circulation within the required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the main building.
- M. Golf course or country clubs.
1. The site plan shall indicate the location of service roads, entrances, driveways and parking areas and shall be designed in relationship to the public street to ensure that pedestrian and vehicular traffic safety.
  2. Development features shall be shown on the site plan, including the main and accessory buildings, structures and parking areas, and these areas shall be located to minimize adverse effects upon adjacent property.
  3. Buildings and parking areas shall be not less than one hundred (100) feet from any property line of a Residential District, provided that where topographic conditions are such that buildings would be screened from view. The Planning Commission may reduce this distance where additional screening is provided.
  4. Whenever a swimming pool is to be provided, it shall be located at least one hundred (100) feet from abutting Residential Districts and shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate.
  5. The minimum site area for tennis, or other racket sport shall be two (2) acres and the courts shall be located at least one hundred (100) feet from abutting Residential Districts.
  6. The minimum site area for golf courses shall be forty (40) acres per each nine (9) holes, or any portion thereof.
  7. Where the site abuts a Residential District, screening 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 buffer strip. The Planning Commission shall use Section 3.23 when determining what screening is needed.
  8. A fifty (50) foot minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated.
  9. The outdoor storage of trash or rubbish shall be screened in accordance with the screening requirements of Section 3.23.
  10. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, restaurant and bar (not including drive-through), driving range, tennis, racket sport, and swimming facilities.
  11. Major accessory uses such as a restaurant and bar shall be housed in a single building with the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and proshop or golf shop may be located in separate structures.
  12. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use maintains a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setback. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
  13. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.

14. The total lot area covered with main and accessory buildings shall not exceed fifteen percent (15%).
  15. All parking areas and access drives shall be paved.
  16. No outdoor loudspeaker or call system shall be audible on adjoining property.
  17. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the main building or as an accessory use near the entry to the course.
  18. A minimum of two (2) satellite restrooms or other acceptable facilities are required for each nine (9) holes. The facilities are to be located away from lot lines and painted or finished in an earth tone color. The facilities shall be approved by the County Health Department.
  19. Golf courses shall retain and preserve native vegetation over at least thirty percent (30%) of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.
  20. Water quality protective measures are required as follows:
    - a. Maintenance of erosion control barriers during construction and until all ground cover is established.
    - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
    - c. Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
    - d. A chemical storage area must be designated within an accessory building.
    - e. The area must provide secondary containment to prevent the spread of spills.
    - f. All herbicide, insecticide, fungicide and rodenticide chemicals must be stored in a locked enclosure.
    - g. An inventory manifest of stored chemicals must be posted at the entrance of the accessory building.
    - h. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs state the type and name of the chemical, date and time of application, and other appropriate information.
    - i. All chemical applications must be by a Michigan Department of Agriculture Licensed Applicator.
    - j. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate State statutes and administrative directives.
- N. Governmental buildings, libraries, and museums not requiring outdoor storage of materials.
1. The proposed site shall front upon, and all ingress and egress shall be from a paved road.
  2. Unless greater setbacks are required by the District in which the use is located, buildings and structures shall be set back at least fifty (50) feet from the front lot line and, twenty-five (25) feet from the side and rear lot lines.

## O. Home-based businesses.

1. The home-based business shall not be used as an attempt to establish a commercial or industrial use in a residential area.
2. The parcel containing the home-based business shall be a minimum of two (2) acres and shall contain a single-family dwelling.
3. The home-based business shall be owned and operated by the owner of the dwelling located on the property, who shall reside within the dwelling.
4. No more than two (2) persons who are not residents of the dwelling may be employed on the premises at which the home-based business is conducted. This does not preclude the use of additional employees who may be employed by the home-based business but who work in other locations off the premises. These off-site employees shall not convene at the site which is the subject of the home-based business.
5. Any parking needed for employees of the home-based business shall be provided off the street. No more than five (5) spaces shall be needed by the home-based business. The parking spaces shall be screened and shall not be provided in a required yard.
6. The home based business may be conducted entirely within one (1) approved accessory building, the area devoted to the home-based business shall not exceeding nine hundred (900) square feet in area. All activities shall be conducted within this building and no outdoor storage of goods shall be permitted.
7. The home-based business shall not result in the alteration of the dwelling, or the construction of an accessory building that is not customary to dwellings and residential accessory buildings.
8. Buildings which must meet special building code requirements such as automatic fire suppression systems, explosion proof construction, paint booths, hazardous waste containment systems (except for the containment of small quantities of motor oil, lubricants, and anti-freeze), and other similar systems will need approval from the Fire Marshal and Building Official before being permitted.
9. One (1) sign shall be permitted, not exceeding six (6) square feet in area. The sign shall not be illuminated or higher than four (4) feet above grade.
10. Any traffic generated by the home-based business shall not be so great or occur at a time that would cause serious adverse effect within or upon the surrounding neighborhood, and determined by the Zoning Administrator.
11. No equipment or process shall be used on the premises which creates excessive noise, vibration, glare, fumes or odors, or electrical interference.
12. Storage of vehicles associated with the business shall either be wholly contained within the accessory structure or screened on site. In no case shall there be more than two (2) vehicles or pieces of equipment stored outside.
13. Only those goods or products which are clearly primary to the home-based business may be sold on the premises. No merchandise for sale shall be displayed for advertising purposes so as to be viewable from the street.
14. Home-based businesses existing at the time of the adoption of this ordinance may not be extended to occupy more land without receiving approval as a home-based business as required by this Ordinance.

## P. Horse stable and training facilities.

1. All lots shall have a minimum of three (3) acres for the first horse with one (1) additional acre per each additional horse, not including young equines below weaning age or six (6) months of age, whichever is greater.
2. Animal holding areas shall be a minimum of seventy-five (75) feet from an exterior property line or the ordinary high water mark of surface water.
3. Animal holding areas shall be fenced. Fencing shall be a minimum of four (4) feet in height and constructed of materials with the appropriate structural strength to restrain the animals.
4. All areas used as arenas for exercising or training shall be maintained in a dust-free manner by an approved and acceptable means for the prevention of detrimental and nuisance effects of dust emission to surrounding properties.
5. The keeping and maintenance of horses, as provided for in this Section, shall comply with all regulations and provisions of the health and sanitation laws of the County and State. All premises and facilities upon which animals are permitted to be kept shall be maintained in a clean, orderly and sanitary condition at all times. All manure shall be removed or spread so as not to constitute a nuisance and in accord with Michigan Department of Agriculture and State and County Health Department regulations. All premises and facilities shall be treated with biologically, ecologically and environmentally approved pesticides for the control of odors, insects and rodents, which in any way can be considered a clear and present nuisance or detriment to the health safety, comfort and welfare of the general public.
6. If horses are boarded, parking shall be provided at a minimum of one (1) parking space per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stables.
7. Enclosed riding arenas shall not exceed five thousand (5,000) square feet in gross floor area on a minimum of five (5) acre site, except that an additional seven hundred and fifty (750) square feet of floor area may be permitted for each additional full acre in a lot area. No living quarters shall be located in any arena building or boarding stable. The riding arena may be approved as an additional accessory structure to those permitted by Section 3.18 provided it remains as a riding arena.

Q. Hotel/motels.

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet.
2. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Ingress and egress shall be from a paved primary road.
4. Minimum floor area of each guest unit shall be two hundred and fifty (250) square feet.

R. Marinas.

1. Minimum lot size shall be one (1) acre.
2. Buildings, docks, and parking areas shall be located no closer than thirty-five (35) feet from any Residential District property line.
3. Adequate standing and parking facilities shall be provided at the site so that no vehicle at any time stands on a public right-of-way awaiting entrance to the site.
4. Accessory uses shall occupy no more than four hundred (400) square feet of

- building area.
5. Screening may be required by the Planning Commission to reduce the impact on adjacent properties.
  6. Adequate secondary containment shall be employed if any petroleum or other such products are available on the premises.
  7. A permit to erect, maintain, or operate a marina shall be secured from the Michigan Department of Environmental Quality in conjunction with any other approvals.
- S. Mineral removal.
1. The provisions of this subsection shall not apply to normal sand removal for the purpose of constructing a basement, normal landscaping, driveway installation and repairs, swimming pools or other minor projects removing six hundred (600) cubic yards or less.
  2. The removal operation shall be conducted and maintained to prevent the collection of stagnant water or leave the surface of the land in an unsuitable condition or unfit for growing of turf or for stabilization or reuse.
  3. The operation shall obtain all permits as may be required by the Township, county, state or federal law.
  4. In addition to the materials required by Chapter 15, the Site Plan and application for Special Land Use approval shall include the following:
    - a. A written legal description of all of the lands proposed for the use.
    - b. Twelve (12) copies of a plan for mineral removal, drawn and sealed by a licensed civil engineer, and including the following:
      - (1) Shading indicating the extent of land area on which mineral removal operations and activities will take place.
      - (2) The location, width, and grade of all easements or rights-of-way on or abutting the lands.
      - (3) The location and nature of all structures on the lands;
      - (4) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.
      - (5) Existing elevations of the lands at intervals of not more than five (5) feet.
      - (6) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
      - (7) Mineral processing and storage areas.
      - (8) Proposed fencing, gates, parking areas, and signs.
      - (9) Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
      - (10) A map showing access routes between the subject lands and the nearest Class A road.
      - (11) Areas to be used for ponding.
    - c. A narrative description and explanation of the proposed mineral removal operations and activities shall be provided; including the date of



- commencement, proposed hours and days of operation, estimated type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- d. A site rehabilitation plan shall also be submitted, including the following:
- (1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing.
  - (2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; watercourses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s).
  - (3) A description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
5. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following requirements:
- (1) Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation.
  - (2) Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use.
  - (3) The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - (4) Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - (5) Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
6. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublaterals support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any C-1, C-2 or Residential District.
7. The Planning Commission shall require routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be

- hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
8. Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
  9. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, located so that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
  10. The Planning Commission may require compliance with any other conditions as may be necessary to ensure compliance with the terms of this subsection. These conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
  11. An applicant for a permit shall submit a performance guarantee in accordance with the requirements of Section 20.04, naming the Township of Laketon as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The guarantee shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to insure compliance with all of the terms and conditions of this subsection and the permit.
  12. The performance guarantee shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
  13. The timely and faithful compliance with all of the provisions of the performance guarantee shall be a condition of any mineral removal operations. In the absence of compliance with the terms of the performance guarantee, or if the same is revoked, expires, or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.
  14. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
- T. Motor vehicle repair garages.

1. The facility shall meet all pertinent licensing requirements of the State of Michigan, the County of Muskegon and Laketon Township.
  2. All buildings, structures, and equipment shall be located at least fifty (50) feet from any right-of-way line, and not less than thirty (30) feet from any side or rear lot line.
  3. All structures not separated by public roadways from the nearest Residential District shall be set back one hundred (100) feet from that district.
  4. No part of any drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection or less than fifty (50) feet from any adjacent Residential District property line. No drive shall be located nearer than seventy-five (75) feet, as measured along the property line, to any other driveway measured to the nearest part of the access driveway to the nearest part of the other driveway.
  5. All areas of the site not paved or occupied by buildings or structures shall be landscaped. A minimum of ten percent (10%) of the total area of the lot shall be landscaped.
  6. All lubrication equipment, hydraulic hoists, and pits, and all repair, servicing or other related activities shall be conducted within the main building.
  7. Parking and storage areas for disabled, wrecked, or partially dismantled vehicles awaiting repair shall be paved with asphalt or poured concrete. No more than three (3) vehicles shall be permitted to be stored outside of the main building. This area shall be screened from the view of any abutting property. The Planning Commission shall approve the method of screening.
  8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight obscuring wall or fence. The outside storage area shall not exceed an area of two hundred (200) square feet.
  9. The rental of trucks, trailers, and any other vehicles on the premises is prohibited.
  10. The facility shall not be located within two hundred (200) feet of a lake, stream, or wetland.
  11. The lot shall be located at least three hundred (300) feet from the nearest part of an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, church or hospital.
  12. All exterior lighting shall be erected and hooded so as to shield the glare of such lights from spilling onto adjacent property.
  13. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
  14. Hours of operation shall not have an adverse effect on adjoining areas and be subject to Planning Commission review.
  15. The use shall be supported by certain infrastructure features, including paved roads, natural gas, public water supply, and public sanitary sewer.
  16. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) as part of the application. The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain catch basins and automatic shut off valves.
- U. Motor vehicle wash facilities.

1. Additional vehicle related facilities located on the premises such as motor vehicle service facilities are allowed, however, if required by this Ordinance, the uses must obtain separate Special Land Use approvals as provided for in this Chapter.
2. All washing activities must be within a building.
3. The facility shall not be located within two hundred (200) feet of a lake, stream, or wetland.
4. Vacuuming activities, if outdoors, shall be set back at least one hundred (100) feet from any lot line adjoining a Residential District or use.
5. The vehicular exit from the building shall be at least seventy-five (75) feet from the driveway egress.
6. No vehicle wash establishment operator shall permit patrons to extend lines of vehicles off of the premises.
7. Wastewater shall be filtered or otherwise cleansed so as to minimize discharge of soap, wax and solid matter into the public sewer.
8. The site shall be limited to no more than one (1) driveway for each street on which it has frontage, provided that a paired system of one-way drives may be permitted for each direction of travel.
9. Each wash bay shall be provided ample space for required stacking spaces that are not located within the public or private right-of-way and that do not conflict with vehicle maneuvering areas or other activities on the site such as gasoline pumps or vacuums.
10. A by-pass lane around the building is required for automated drive-through wash facilities.
11. A vehicle wash establishment building and its accessory uses and buildings shall be located not less than one hundred (100) feet from any right-of-way line or from any side or rear lot line abutting a Residential District.
12. No permitted activity shall emit noise that is readily discernible to the average person in any adjacent Residential District providing that air handling equipment in proper working condition deemed to comply with this provision is located on a roof with intervening noise reduction baffles. Nothing herein shall be interpreted to relieve the property owner or operator of the need to comply with all noise regulations of the Township.

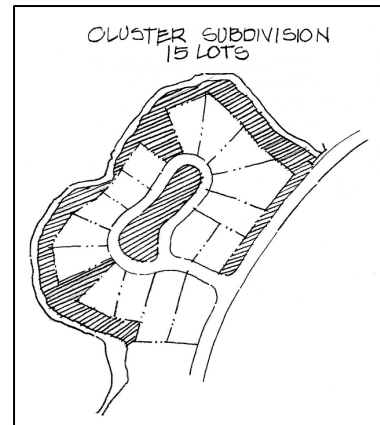
V. Multiple family dwellings.

1. Public sewer shall be provided to the development
2. Density shall not exceed four (4) units per acre.
3. Minimum Dwelling Unit Size:
  - a. 1 bedroom - 650 square feet.
  - b. 2 bedrooms - 750 square feet
  - c. 3 bedrooms - 900 square feet
  - d. Over 3 bedrooms - 100 square feet each over 3
4. Access to the parcel shall be from a major road.
5. All buildings shall have architectural features that provide visual interest including, but not limited to porches, balconies, bay windows, cupolas, and/or dormers.
6. The first floor of all multi-family structures shall be a minimum of 50% brick.
7. The façade of all residential structures shall be at least 30% windows on each floor.

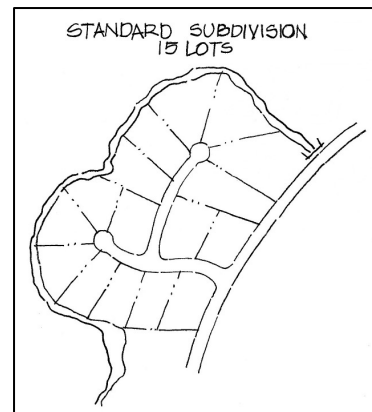
8. Outdoor space shall be provided for each multi-family or accessory apartment at a minimum of fifty (50) square feet per unit, which may be a balcony.
  9. A greenbelt area shall be provided between the multi-family units and adjacent uses which comply with Section 3.23 of this Ordinance.
- W. Nursing or convalescent homes.
1. Minimum lot size shall be three (3) acres.
  2. The facility shall be serviced by public water and sewer.
  3. The lot location shall be such that at least one (1) property line abuts a major street. The ingress and egress for off-street parking areas for guests and patients shall be directly from that thoroughfare.
  4. Main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
  5. The facility shall be designed to provide a minimum of one thousand five hundred (1,500) square feet of open space for every available bed. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.
- X. Open-air businesses.
1. These shall be a minimum lot area of one (1) acre and a minimum lot width shall be two hundred (200) feet.
  2. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and /or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
  3. All open-air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
  4. The lot area used for parking shall be of a durable surface, as determined by the Planning Commission, and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded so as to dispose of all surface water.
  5. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
  6. All lighting shall be shielded from adjacent properties.
  7. In the case of a plant materials nursery:
    - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District.
    - b. All loading activities and parking areas shall be provided on the same premises (off-street).
    - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

- 8. No display area shall be located within ten (10) feet of the road right-of-way line.
- Y. Open Space Preservation Developments (OSD).
- 1. The purpose of an Open Space Preservation Development is to promote the continuation of a rural land use character, the protection of environmental resources, and preservation of active agricultural lands through clustering homes rather than laying them out along public roads or in a grid or curvilinear pattern found in many traditional subdivisions. The objective is to provide a sense of rural character for the residents of the individual developments affected by these regulations as well as the township as a whole. These regulations are also intended to foster the preservation of significant natural features or large open spaces that would otherwise be altered from their natural or undeveloped condition.
  - 2. The OSD may include agricultural crops, golf courses, religious institutions, stables, and private airports if otherwise allowed in the district. In no case, however, shall a golf course be considered part of the required open space.
  - 3. The maximum base density and number of dwelling units permitted in the OSD shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:

- a. The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot.
  - b. All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a main building, septic and well systems (where no public sanitary sewer or water system is to be used), and required streets and driveways.
  - c. Areas of wetlands, stormwater control, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
4. In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Commission deems appropriate.



Sample comparison;  
Cluster vs. traditional

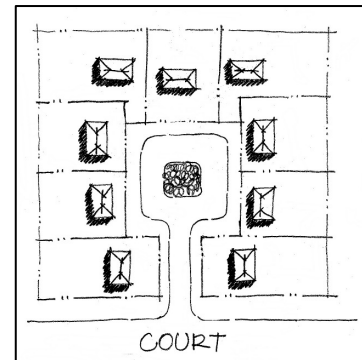
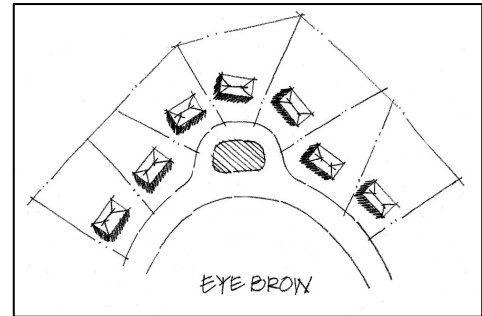


5. The Planning Commission may authorize bonus densities in accordance with the table below for additional amenities provided by the developer of an OSD.

<b>Bonus Densities</b>	
Preservation of unregulated wetlands	5%
10% additional open space provided	5%
20% additional common waterfront frontage provided	5%
Trails and play equipment provided	10%
Wildlife habitat augmented (per Soil Conservation Service Standards)	5%
Community well or waste disposal	20%

6. Design Standards:

- a. Cluster areas shall be designed to avoid a suburban subdivision appearance. Generally, neighborhood clusters should have not more than ten to fifteen (10-15) units per cluster for smaller developments and fifteen to twenty (15-20) units for larger developments.
- b. High Risk Erosion Areas or areas with a slope of fifteen percent (15%) or more shall, to the maximum extent possible, be part of the common, undisturbed open space.
- c. Visual screening of dwellings from off-site street networks and open space preservation development boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
- d. Public dead-end or cul-de-sac streets serving the development are discouraged, however they are acceptable as private streets. Eyebrow, court, or stub streets are preferred.
- e. Entryways to OSDs shall be designed consistent with the rural, natural character of the surrounding area and shall consist of natural vegetation rather than groomed, landscaped areas.
- f. Where adjoining areas are not subdivided, the arrangement of streets within the proposed open space community may be required to be extended to the boundary line of the project to make provision for the future projection of streets or trails into adjoining areas.



7. Open Space Requirements:

- a. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- b. On-site common open space shall be planned in locations visible and accessible to all in the development. The common 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.
- c. At least one-third (1/3) of the required common open space shall be usable open space for the residents of the development.
- d. Open space, except for where trails and bike paths are located, shall have a minimum dimension of one hundred (100) feet on any side.
- e. Where an Open Space Preservation Development abuts a body of water, at least fifty percent (50%) of the shoreline, as well as reasonable access to it, shall be a part of the common open space land this area shall also comply with Section 14.06.
- f. A minimum fifty (50) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Planning Commission may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.
- g. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between developments.
- h. The open space and the access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
- i. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between developments.
- j. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access and shall not include:
  - (1) Area proposed as single-family residential or site condominium lots.
  - (2) Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
  - (3) The area of any street right-of-way or private street easement.
  - (4) Surface water, detention or retention basins (unless designed to have the appearance of a natural wetland) in which case they may be counted for up to fifty percent (50%) of the required open space.
  - (5) Golf courses, except that they shall not be computed as part of the required open space.
  - (6) Parking and loading areas except those exclusively associated with a recreation facility or common open space area.



- (7) Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Planning Commission.
  - k. Allowable use(s) of the dedicated open space shall be indicated in the conservation easement or other legal instrument and shall prohibit the following:
    - (1) Dumping or storing of any material or refuse.
    - (2) Activity that may cause risk of soil.
    - (3) Cutting or removal of live plant material in natural areas, except for removal of dying or diseased vegetation.
    - (4) Use of motorized off road vehicles.
    - (5) Cutting, filling or removal of vegetation from wetland areas.
    - (6) Use of pesticides, herbicides, or fertilizers within or adjacent to water bodies and wetlands, unless required by the Michigan Department of Environmental Quality to manage nuisance species.
    - (7) Inclusion of a requirement that the dedicated open space shall be maintained by parties who have an ownership interest in the open space.
  - l. Requirements for maintenance of the open space shall be provided. In the event that the open space is not adequately maintained, or is determined by the Township Zoning Administrator to be a public nuisance, the costs for maintenance shall be assessed upon the owners of the open space.
  - m. Street systems shall be designed so that their curvature or alignment produces 'terminal vistas' of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of street intersections or where there are driveways provided on only one (1) side of the road.
8. Development Setback:
  - a. Any building lot shall be located at least two hundred (200) feet from any public street right-of-way.
  - b. No native or natural vegetation shall be removed from the (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSD.
  - c. The Planning Commission may reduce this setback to not less than one hundred (100) feet if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development.
  - d. The Planning Commission may require a landscape plan for the development setback area showing additional landscaping to enhance

the screening of the OSD from the adjacent street. This landscaping may consist of existing vegetation, landforms, or landscaped areas using native or natural materials, or a combination thereof.

9. The open space and access to it shall be permanently marked and designed so individuals in the development are not forced to trespass to reach recreational or common open spaces.
  10. The following land areas shall not be included as dedicated open space for the purposes of meeting minimum open space requirements:
    - a. Area proposed as single family residential or site condominium lots.
    - b. Areas proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
    - c. The area of any road right-of-way or private street easement.
    - d. Surface water, detention or retention basins (unless designed to have the appearance of a natural wetland) in which case they may be counted for up to fifty percent (50%) of the required open space.
    - e. Golf courses.
    - f. Parking and loading areas except those exclusively associated with a recreation facility or common open space area.
    - g. Any other undeveloped areas not meeting the intent and standards for open space stated in this Section, as determined by the Planning Commission.
  11. 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 land trusts. The dedicated open space shall forever remain open space, subject only to uses on the approved site plan.
- Z. Private and Charter Schools.
1. Minimum lot size shall be one (1) acre with at least one hundred and fifty (150) feet of frontage.
  2. Maximum height of buildings shall not exceed forty-five (45) feet.
  3. Front and rear setbacks shall be at least equal to the height of the building. A side yard of at least twenty (20) feet is required on each side of any portion of the building.
  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, of a type approved by the Planning Commission, shall be placed within the buffer strip. The Planning Commission shall use Section 13.05 when determining screening needs.
- AA. Religious institutions.
1. Religious institutions shall be located on a minimum lot size of two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100) and have direct access to a paved county primary road.

2. Access driveways shall be located not less than one hundred fifty (150) feet from the centerline of the intersection of any street or fifty (50) feet from any residential driveway.
  3. The main and accessory buildings and structures shall not be located within fifty (50) feet of any Residential District or use property line.
  4. Lighting for parking or outdoor activity areas shall be shielded to prevent light from spilling over the property line.
- BB. Restaurants, exclusive of drive-through facilities.
1. Parking areas shall have a front yard setback of twenty-five (25) feet and side and rear yard setbacks of ten (10) feet.
  2. Access driveways shall be located no less than one hundred (100) feet from street intersection rights-of-way lines or seventy-five (75) feet from any adjacent driveway throat edge.
  3. Pedestrian elements shall be incorporated into the site plan including such features as outdoor seating areas and safe walkways (can be shown with striping) to the restaurant.
  4. Enhanced architectural elements for principal buildings shall be provided such as cupolas, towers, decorative lighting, and window awnings. Exterior building colors and materials shall be conducive with surrounding uses.
- CC. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
1. Any building shall be generally compatible (with the surrounding neighborhood), with respect to materials and color.
  2. Any building shall comply with yard setback requirements of the District in which it is located.
  3. A security fence shall be constructed around the perimeter of the building of at least six (6) feet in height.
- DD. Veterinary hospitals.
1. Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than one hundred (100) feet to any Residential District lot line and shall not be located within any required yard area.
  2. Outdoor runs, pens, and/or exercise areas that face Residential Districts shall be screened with a six (6) foot high fence. Suitable shade, including some natural vegetation shall be provided around these outdoor areas.
  3. All indoor and outdoor hospital and clinic areas, runs, pens, and/or exercise areas shall be maintained to create safe and suitable environments for animals, including the daily elimination of animal waste.
- EE. Wind Energy Conversion Systems (WECS) or Wind Turbines more than 70 feet in height.
1. A drawing of the project signed and stamped by a licensed professional engineer, including a narrative describing the project, its location, the approximate generating capacity of the wind turbine or project, the height and

- location of the turbine or turbines to be constructed and a description of all ancillary facilities and transmission lines.
2. Each proposed wind turbine or anemometer tower shall be set back from any adjoining property line or public road a distance equal to 1.5 times the height reached by any part of the turbine or tower. Only monopole towers shall be permitted.
  3. Wind turbines and anemometer towers shall be kept in the color in which they are manufactured.
  4. Wind turbines and anemometer towers shall not be artificially lit except as required by law.
  5. Wind turbines and anemometer towers shall not display advertising.
  6. The ambient sound level from a wind turbine shall not be in excess of 55 decibels at the nearest property line.
  7. The project will not cause disruption or loss of radio, telephone, television or similar signals to any adjacent or neighboring property.
  8. The project will not be the source of shadow flicker to any occupied building or structure on adjacent or neighboring property.
  9. Written approval, if required, from the Michigan Public Service Commission and any public utility to which the project may be connected.
  10. Appropriate measures to insure public safety, including but not limited to warning signs, fencing, emergency contact information and an emergency plan appropriate to the size and scope of the project.
  11. A decommissioning plan describing the intended disposition of the wind turbine project facilities at the end of their useful life. The plan shall describe any agreement with the land owner regarding equipment removal upon termination of any lease. A demolition permit issued by Laketon Township shall be required prior to the removal of a wind turbine.

FF. Kennels: Regulations and Conditions.

1. No kennel shall be erected, maintained or operated in the Township unless permitted as a special land use.
2. A kennel license must be obtained from the Muskegon County Treasurer for any kennel within the Township.
3. A kennel shall meet the requirements of the Animal Control Ordinance of Muskegon County.
4. Any failure on the part of the kennel to maintain proper licensing shall be grounds for revocation of its special land use permit.
5. A kennel shall not be placed on a lot or parcel without a residential dwelling or placed within a residential zoned subdivision.
6. The minimum lot size shall be five (5) acres for the first ten (10) dogs plus one and a half (1 ½) acres for each additional five (5) dogs.
7. All kennels structures and/or confining fencing shall be no closer than one hundred and fifty (150) feet from the front property line, have a minimum of one hundred (100) feet from any adjoining property line and fifty (50) feet from any water well used for human consumption, wetland or surface water body.
8. Kennel operations and housing of animals shall be contained in enclosed buildings in accordance with Laketon Township Zoning Ordinance Section 3.18 Accessory Buildings and Uses.
9. Outdoor fenced exercise areas shall be totally enclosed to prevent both escape and entry by wild animals into the facility.

10. Dangerous animals, as defined in the General Ordinance “Regulations of Animals” shall not be kenneled.
11. Kennel buildings shall be sound proofed to prevent noise disturbance beyond the property boundaries.
12. Signs shall be in accordance with Section 18.08 District Sign Regulations.
13. Landscaping shall conform to Section 3.23(B) Landscaping and Screening.
14. Exterior lighting of a kennel shall conform to Section 3.12 – Exterior Lighting.
15. Animal waste shall be managed to prevent odors and other nuisances.
16. Wastes shall be contained in leak-proof

## CHAPTER 18 SIGNS

### SECTION 18.01 INTENT

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

### SECTION 18.02 DEFINITIONS

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. Awning Sign: A sign affixed flat against the surface of an awning.
- C. Balloon Sign: A sign composed of a non-porous bag of material filled with air or gas.
- D. Banner Sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. Billboard: A sign which advertises an establishment, product, service, or activity not available on the lot on which the sign is located.
- F. Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- G. Directional Sign: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- H. Freestanding Sign: A sign supported on poles not attached to a building or wall.
- I. Government Sign: A temporary or permanent sign erected by Laketon Township, state or federal government or other appropriate governmental agencies.
- J. Ground Sign: A sign resting directly on the ground or supported by short poles not attached to a building or wall.
- K. Mural: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
- L. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- M. Political Sign: A temporary sign used in connection with an official Township, village, Township, school district, county, state, or federal election, referendum, or public issue.

- N. Portable Sign: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- O. Reader Board: A portion of a sign on which copy is changed manually.
- P. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- Q. Roof Line: The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- R. Roof Sign: A sign erected above the roofline of a building.
- S. Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- T. Special Event Sign: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- U. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- V. Window Sign: A sign installed inside a window and intended to be viewed from the outside.

### **SECTION 18.03 GENERAL SIGN PROVISIONS**

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, except as noted below.
- B. The following signs shall not require a building permit:
  - 1. Directional signs of six (6) square feet in size or less.
  - 2. Government signs.
  - 3. Placards.
  - 4. Political signs.
  - 5. Special event signs.
  - 6. Temporary sale signs of four (4) square feet in size or less.
  - 7. Window signs.
- C. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions that impairs legibility or intelligibility. Broken or damaged parts of signs shall be repaired as soon as possible after the damage has occurred.
- D. Sign supports, braces, guys and anchors shall be maintained in a manner as not to cause a hazard.

- E. Signs may be internally or externally illuminated, except for home occupation signs, which shall not be illuminated. External light fixtures shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- F. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
- G. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for that use.
- H. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- I. No commercial vehicles, which, in the opinion of the Zoning Administrator, have the intended function of acting as signs, shall be parked in any area abutting the street.
- J. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light.
- K. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- L. No wall sign shall extend beyond the edge of the wall to which it is affixed or extend above the roofline of a building.
- M. Roof signs are prohibited.
- N. No obscene message or profanity, as determined by the Zoning Administrator, shall be displayed on any sign.
- O. Only signs that direct attention to a business or profession conducted as a permitted use or to a principal commodity, service or entertainment sold or offered as a permitted use upon property where the sign is located are permitted, except where expressly provided otherwise in this Ordinance.

#### **SECTION 18.04 EXEMPTED SIGNS**

The following signs shall be exempt from the provisions of the Laketon Township Zoning Ordinance.

- A. Flags or insignia of any nation, state, county, community organization, or educational institution.
- B. Government signs.
- C. Historical markers.
- D. Memorial signs or tablets.
- E. Murals.



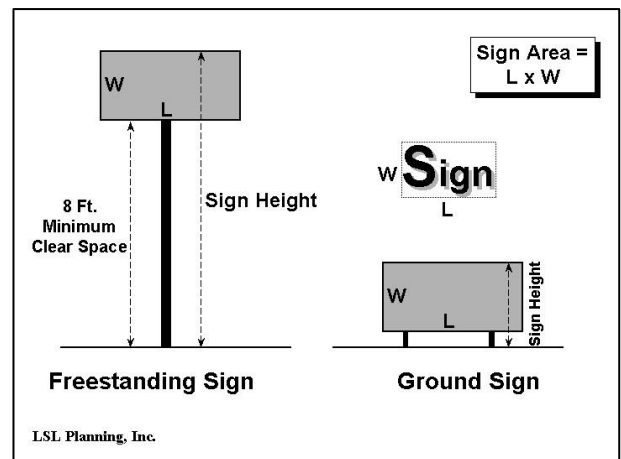
- F. Placards.
- G. Signs for essential services.
- H. Signs not visible from any street.
- I. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
- J. Window signs.

#### SECTION 18.05 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES

- A. Every permanent sign that does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For purposes of this Chapter, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.
- D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50%) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which the sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.

#### SECTION 18.06 UNITS OF MEASUREMENT

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a freestanding, ground, or projecting sign that has two (2) or more faces



shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.

- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

## **SECTION 18.07 REGULATIONS APPLICABLE TO ALL DISTRICTS**

The following sign regulations are applicable to all Districts:

- A. All ground, wall and freestanding signs may include reader boards.
- B. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- C. Political signs shall be removed by the candidate or candidate's designee within ten (10) days after the official election or referendum to which the sign pertains.
- D. Real estate signs shall be removed within ten (10) days after completion of the sale or lease of the property.
- E. Construction signs are permitted within any District, subject to the following restrictions:
1. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight (8) feet in height.
  2. Construction signs shall not be erected until a building permit has been issued for the project that is the subject of the proposed sign and construction activity has begun.
  3. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure that is the subject of the construction sign.
- F. Special event signs sponsored by government or nonprofits, including banner signs, are permitted in any District, subject to the following restrictions:
1. No more than ten (10) signs shall be displayed for each special event. The signs may be located either on or off the lot on which the special event is held.
  2. The display of the signs shall be limited to the twenty-one (21) days immediately preceding the special event that is being advertised.
  3. The signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of five (5) feet and shall be set back from any side or rear property line a minimum of fifteen (15) feet.
  4. The signs shall be removed within forty-eight (48) hours of the conclusion of the special event that is being advertised.
- G. Directional signs are permitted subject to the following restrictions:

1. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
  2. No sign shall exceed six (6) square feet in area or four (4) feet in height.
  3. Directional signs shall be limited to traffic control functions only the number and location of signs shall be determined by the Zoning Administrator.
- H. Garage sale, yard sale, basement sale, estate sale, open house and similar signs are permitted subject to the following restrictions:
1. Three (3) signs per sale is permitted and set back a minimum of five (5) feet from any property line.
  2. The sign shall not exceed six (6) square feet in area.
  3. The sign shall be erected no more than two (2) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.
- I. Temporary and portable signs are permitted subject to the following restrictions:
1. No more than one (1) sign shall be displayed on the premises. Any sign shall be located on the same lot as the business to which the sign pertains.
  2. The display of signs shall be limited to seven (7) days in any thirty (30) day period and no more than fourteen (14) days in any six (6) month period.
  3. Signs shall have a maximum size of thirty-two (32) square feet in area, and a maximum height of six (6) feet and shall be set back from any property line a minimum of fifteen (15) feet.
  4. Signs shall not be located in any required parking space or located so as to interfere with the vision of motorists or pedestrians, as determined by the Zoning Administrator.

**SECTION 18.08 DISTRICT SIGN REGULATIONS**

Signs in each District shall be subject to the following regulations (requirements are maximum requirements unless otherwise stated):

<b>R-1, R-2, R-3, R-4, MHP DISTRICTS – PERMITTED SIGNS</b>	
<b>Ground signs for residential subdivisions, private street entrances to public streets when serving more than three (3) dwelling units, manufactured home parks, multiple family complexes, farms, private schools, or other non-residential uses allowed in the Districts.</b>	
Number	1 per major entrance of the development
Size	32 sq. ft.
Location	Minimum of 5 feet from any property line
Height	6 feet
<b>Wall signs for home occupations</b>	
Number	1 per lot or parcel
Size	4 sq. ft.
Location	10 feet from any property line or on the wall of a dwelling facing the street.

<b>Wall signs for non-residential uses</b>		
Number	1 per street frontage	
Location	On wall of building facing street not exceeding 10% of the front wall area, not to exceed 200 square feet.	
<b>Political signs</b>		
Size	6 square feet	
Location	Minimum of 5 feet from any property line	
<b>Real estate signs</b>		
Number	1 per lot or parcel; plus 1 for the waterfront side of lots with waterfront frontage	
Size	Unoccupied properties or lots	6 square feet
	Vacant lots or parcels over 1 acre	16 square feet
Location	Minimum of 5 feet from any property line	
Height	6 feet	
<b>C-1, and C-2 COMMERCIAL DISTRICTS – PERMITTED SIGNS</b>		
<b>Ground or free-standing signs</b>		
Number	1 per lot or parcel	
Size	One-half square foot of sign area for each linear foot of one road frontage not to exceed 200 square feet.	
Location	Minimum of 10 feet from any property line and separated from any other sign by a minimum of 10 feet	
Height	10 feet in the C-1 District and 20 feet in the C-2 District	
<b>Wall signs</b>		
Number	1 per street frontage or parking lot frontage	
Size	10% of the wall area facing the street	
Location	On wall of building facing street and/or parking area	
<b>Political signs</b>		
Size	32 square feet	
Location	Minimum of 5 feet from any property line	
Height	8 feet	
<b>Real estate signs</b>		
Number	1 per property	
Size	16 square feet	
Location	Minimum of 5 feet any property line	
Height	8 feet	

## CHAPTER 19 ZONING BOARD OF APPEALS

### SECTION 19.01 MEMBERSHIP AND PROCEDURES

- A. The Zoning Board of Appeals (ZBA) shall consist of five (5) members appointed by the Township Supervisor, who shall serve terms of three (3) years, except for the Planning Commission and Township Board members who shall serve only as long as they are members of those bodies.
- B. A member of the Planning Commission shall be a member of the ZBA. A member of the Township Board appointed by the Township Board may be on the ZBA but shall not serve as the Chairman of the ZBA, and the remaining members selected and appointed by the Township Supervisor from among the electors residing in the unincorporated area of the Township.
- C. Meetings shall be held at the call of the Chairman or the Zoning Administrator, and at other times as the ZBA in its rules of procedure may specify. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- D. All meetings of the ZBA 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 (2) alternate members for the same term as regular members of the ZBA.
  - 2. An alternate member may be called to sit as a regular member of the ZBA to serve in place of a regular member for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest.
  - 3. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings.
  - 4. The alternate member having been called shall serve on the ZBA until a final decision is made on the application for which the member was called.
  - 5. When serving as a member, an alternate member shall have the same voting rights as a regular member of the ZBA.

### SECTION 19.02 AUTHORITY, VOTING

- A. The ZBA shall act upon all questions as they may arise in the administration of the Zoning Ordinance. The ZBA may fix rules and regulations to govern its procedures. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
- B. The concurring vote of not less than three (3) members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or other official or body charged with the administration of this Ordinance, or to decide in

favor of the applicant or to effect any variation from the requirements of this Ordinance for a non-use variance. (Michigan Zoning Enabling Act 2006 125.3604 sections 8, 9, 10 & 11)

### **SECTION 19.03 APPEALS**

- A. Upon application, the ZBA shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other official or body charged with the administration of this Ordinance. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. The grounds of every appeal shall be stated in writing as part of the application.
- B. An application for appeal shall be filed within fourteen (14) days after the date of the decision that is the basis of the appeal. The appellant must file with the Township a notice of appeal specifying the nature and grounds thereof, and deposit with the Township Clerk an application fee as may be established by the Township Board from time to time.
- 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 from furthering the action being appealed unless the Zoning Administrator certifies to the ZBA that a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court.
- E. For appeals or variance requests, the ZBA shall fix a reasonable time for the hearing and notice of the appeal in compliance with Section 20.05(C)(4).
- 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 may modify the order requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
- G. No petition for a variance, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which reasonably might result in favorable action upon resubmittal.

### **SECTION 19.04 VARIANCES**

- A. Non-Use (Dimensional) Variances: The ZBA may authorize upon written application in specific cases variances from the terms of this Ordinance where, owing to special conditions related to the applicant's property, a literal enforcement of the provisions of this Ordinance would result in a practical difficulty to the applicant. A variance from the terms of this Ordinance shall not be granted by the ZBA unless and until a written application for a variance is submitted and the ZBA finds:
  - 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the

same 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; or
  - b. By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
  - c. By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
  - d. Any other physical situation on the land, building or structure deemed by the ZBA to be extraordinary.
2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
  3. That 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 of 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 Ordinance.
  6. That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.
  7. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance necessary.
- B. Variances from the provisions of Chapter 13, Floodplain Overlay District, shall only be granted by the ZBA upon a determination of compliance with the general standards for variances contained in this Ordinance and each of the following specific standards.
1. A variance shall not be granted within a regulatory floodplain where the result would be any increase in flood levels during a base flood discharge.
  2. A variance shall be granted only upon:
    - a. a showing of good and sufficient cause;
    - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
    - d. A determination that the variance granted is the minimum necessary, considering the flood hazard, to afford relief to the applicant.
  3. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic

places without regard to the requirements of this Section governing variances in the flood hazard area.

4. The ZBA may attach conditions to the granting of a variance from the provisions of Chapter 13, Floodplain Overlay District to ensure compliance with the standards contained in this Ordinance.

#### **SECTION 19.05 INTERPRETATIONS**

- A. Text Interpretations: The ZBA may hear and decide upon requests for the interpretation of the provisions of this Ordinance.
- B. In deciding text interpretations, the ZBA shall be governed by the following rules.
  1. Text interpretations shall be narrow and address only the situation to be interpreted, be based on a thorough reading of this Ordinance and not have the effect of amending this Ordinance.
  2. Interpretations shall give weight to practical interpretations by the Zoning Administrator if applied consistently over a long period of time.
  3. Records shall be kept of all interpretations.
  4. Where the intent of this Ordinance is unclear and the facts cannot be read to support only one (1) interpretation, the benefit of doubt shall go to the property owner.
  5. Nothing contained in this Section shall be construed to give or grant to the ZBA the power or authority to alter or change the language of this Ordinance.

#### **SECTION 19.06 DECISIONS**

- A. Recourse from the decisions of the ZBA shall be to the Courts as provided by the laws of the State of Michigan.
- B. In making any decision provided for in this Ordinance, the ZBA may attach thereto conditions regarding the location, character and other features of the application as it may deem reasonable in furtherance of the intent and spirit of this Ordinance and the protection of the public interest or as otherwise permitted by law.
- C. Any approval given by the ZBA under which the premises are not used or work is not started within six (6) months, or when the use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.
- D. No application which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the ZBA after a demonstration by the applicant of a change of circumstances from the previous application.



## **CHAPTER 20 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 20.01      ADMINISTRATION AND ENFORCEMENT**

- A. An administrative official who shall be known as the Zoning Administrator shall be designated by the Township Board to administer and enforce this Ordinance. He may be provided with the assistance of other persons as the Township Board may direct.
  
- B. If the Zoning Administrator shall find any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

### **SECTION 20.02      ZONING ADMINISTRATOR DUTIES**

- A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
  - 1. It shall be unlawful to 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 non-conforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and issued a zoning compliance permit.
  - 2. It shall be unlawful to commence excavation for, or construction of, any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure, including accessory buildings, exceeding one hundred (100) square feet in floor area, until the Zoning Administrator has given documented approval of his opinion that plans, specifications and intended use of such structure does in all respects conform to the provisions of this Ordinance.
  - 3. 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 he has inspected the plans in detail and found them in compliance with this Ordinance.
  - 4. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
  - 5. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
  - 6. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, he shall so inform the applicant.
  - 7. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.

- B. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the Ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land.
- C. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Ordinance.
- D. The Zoning Administrator may not make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.
- E. The Zoning Administrator shall require every application for a Building Permit for excavation, construction, moving, alteration or change in type of use or type of occupancy, be accompanied by a site plan prepared in accordance with specifications of Chapter 15.
- F. If a proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this ordinance and in conformance with the provisions of the building code, the Zoning Administrator shall permit a building permit to be issued, provided all other requirements for the permit are satisfied. If the Zoning Administrator does not approve an application for the permit, the reasons for the rejection shall be stated in writing on an appropriate form.
- G. The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those required by this Ordinance in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on a preliminary submittal indicate tentative denial or tentative approval.

**SECTION 20.03 SCHEDULE OF FEES, CHARGES AND EXPENSES ESTABLISHED BY TOWNSHIP BOARD**

- A. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for zoning compliance permits, Certificates of Occupancy, appeals, Special Land Uses, variances, site plan reviews, rezoning applications and other matters pertaining to this Ordinance. The schedule of fees shall be available in the office of the Zoning Administrator and may be amended only by the Township Board.
- B. Any application shall be accompanied by the appropriate fee established by the Township Board. Additionally, a separate deposit may be collected from the applicant, as determined by the Township Board, and used to reimburse another party retained by the Township to provide expert consultation and advice including but not limited to legal, planning and engineering professionals regarding the application. The basis for the amount of the deposit must be based on a reasonable estimate to provide such services. Any unused portions of this fee shall be returned to the applicant after all costs have been received by the Township.

**SECTION 20.04 PERFORMANCE GUARANTEE**

- A. As a condition of approval of a site plan review, Special Land Use, or variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum 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 Certificate of Occupancy, the applicant or their 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 one hundred percent (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 the 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.
  4. Upon receipt of the required performance guarantee, the Zoning Administrator shall authorize the issuing of a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable requirements of the Township.
  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 and approve, partially approve, or reject 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.

**SECTION 20.05 ZONING ORDINANCE AMENDMENTS**

- A. Amendment to this Ordinance may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefore with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this Ordinance through the Zoning Administrator and also recommend Ordinance amendments to the Township Board for adoption.
- B. The following guidelines shall be used by the Planning Commission, and may be used by the Township Board in consideration of amendments to the Zoning Ordinance:
1. Text Amendment:
    - a. The proposed text amendment would clarify the intent of the Ordinance.
    - b. The proposed text amendment would correct an error in the Ordinance.
    - 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 community.
  2. Map Amendment. (Rezoning): In making its recommendation to the Township Board, the Planning Commission shall consider the following criteria:
    - a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Laketon Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.
    - b. Whether 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. Whether, if rezoned, the site is capable of the accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.

- d. Other factors deemed appropriate by the Planning Commission.
3. Consideration of Amendment by Township Board: 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.
- C. Amendment Procedure
1. Filing of Applications: All petitions for amendments to this Ordinance shall be in writing, signed and filed in triplicate to the Zoning Administrator, who will forward them to the Planning Commission.
  2. All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
    - a. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation 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, a location map, showing the location of the properties generally in the township, a legal description of the land(s) proposed for rezoning, the present zoning classification(s), 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 municipality which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.
    - 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. A public hearing shall be noticed not less than fifteen (15) days prior to the meeting and mailing of notice shall be sent to all property owners and occupants within 300 feet of the parcel to be developed, regardless of whether the noticed property or occupants are located in the Township. The notice shall include:
    - a. The nature of the request.
    - b. The property(s) that are the subject of the request including a listing of all existing street addresses within property(s). If there are no addresses other means of identification may be used.
    - c. Location and time of the hearing.
    - d. Where and when written comments may be received.
  5. Following the public hearing, the Planning Commission shall submit the proposed amendment with its recommendation and public hearing summary to the County Planning Commission for advisory review and recommendation. The County

- Planning Commission has up to thirty (30) days to respond unless the County Board of Commissioners has passed a resolution waiving County right of review.
6. 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 along with any response by the County Planning Commission on the proposed amendment.
  7. Upon enactment, the Zoning Ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published accordance with the requirements of the Zoning Act.
  8. Within seven (7) days after publication, the amendment to the zoning ordinance shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the Official Zoning Map, the change shall be made on the map in accordance with provisions of Chapter 4 within ten (10) days after enactment of the amendment.

#### **SECTION 20.06 ZONING AGREEMENTS**

- A. The Township Board recognizes that there are certain instances where it would be in the best interest of Laketon Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this Section to provide a process by which an applicant seeking a change in zoning boundaries may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act, as amended.
- B. In addition to the requirements of Section 20.05 above, an applicant requesting a change in zoning boundaries may propose a Zoning Agreement, as defined in this Section. The required application and process shall be the same for rezoning requests except as modified by the requirements of this Section.
- C. The following definitions shall apply to this Section:
  1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township processed as part of an approval under this Section. These conditions shall constitute requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
  2. Zoning Agreement shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the Muskegon County Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan as outlined in Chapter 15 or other approvals that may be required by this Ordinance.
- D. Eligibility

1. An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning. This election shall be made at the time the rezoning is filed, or may be made at a later time during the rezoning process. Election to file a rezoning with a Zoning Agreement shall be pursuant to the Zoning Act, as amended, and this Section.
2. In order to be eligible for the proposal and review of a rezoning with a Zoning Agreement, an applicant must propose a rezoning of property and voluntarily offer certain conditions to be set forth in a Zoning Agreement, which are equally or more restrictive than the regulations that would otherwise apply under the proposed new zoning district.

E. Zoning Agreement

1. The Zoning Agreement shall set forth the Rezoning Offer and shall include those terms necessary to implement the Agreement. In addition, the Zoning Agreement shall include the following acknowledgments and understandings that:
  - a. The Zoning Agreement and the Rezoning Offer were proposed voluntarily by the applicant, and that the Township relied upon the Agreement and may not grant the rezoning without the Rezoning Offer and terms spelled out in the Zoning Agreement.
  - b. The Zoning Agreement and its terms and conditions are authorized by all applicable State and Federal law and constitution, and that the Zoning Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the Township.
  - c. The property shall not be developed and/or used in manner that is not consistent with the Zoning Agreement.
  - d. The approval and the Zoning Agreement shall be binding upon the property owner and the Township, and their respective heirs, successors, assigns, receivers or transferees.
2. If a rezoning with a Zoning Agreement becomes void in accordance with Section 20.06, K, and/or in accordance with the Zoning Act, no development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established or a new rezoning with a Zoning Agreement has been approved.
3. Each of the requirements and conditions in the Zoning Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact or other condition created by the uses, activities or conditions represented in the approved rezoning and Zoning Agreement, taking into consideration the changed zoning district classification and the specific use(s), activities, or conditions authorized.
4. No part of the Zoning Agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new Zoning District.

F. Rezoning Offer

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not permitted in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance of Laketon Township be allowed unless a variance has been previously granted by the Board of Zoning Appeals pursuant to the requirements of Chapter 19.
2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a Special Land Use Permit and/or Site Plan Review shall be approved as required in Chapter 17 prior to establishment of or commencement of development of the use.
3. The Rezoning Offer shall bear a reasonable and rational relationship and/or benefit to the property in question.
4. The Rezoning Offer may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, and/or may impose more restrictive measures on the location, size, height, or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
5. The Rezoning Offer may also include conditions related to the development of the property that are consistent with the intent of this Section and applicable State, Federal and local regulations. These conditions may include, for example, extension of or improvements to infrastructure serving the site, site-specific improvements intended to minimize the impact of the development on surrounding properties, or such other conditions as deemed important to the development by the Applicant.
6. A Rezoning Offer that includes provisions for preservation of natural features and/or open space, facilities for drainage, facilities for traffic and access, and similar activities that take place on private land shall include a written understanding for permanent maintenance of such features or improvements by entities other than Laketon Township, unless a separate agreement for dedication of the property to the public has been executed. The Zoning Agreement shall also contain a provision for authorization and finance of maintenance by or on behalf of the Township, after notice, in the event that the property owner(s) fail(s) to timely perform necessary maintenance.

G. Procedure for Application, Review and Approval

1. An application for rezoning shall be the same as outlined in Section 20.05. In addition to the required materials listed in Section 20.05, a Zoning Agreement in a recordable format acceptable to the Township shall be submitted, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of consideration, provided that any amended or additional Rezoning Offers are entered voluntarily by the applicant.
3. The Zoning Agreement shall be reviewed by the Township attorney prior to the required Planning Commission public hearing. The Township attorney shall determine that the Zoning Agreement conforms to the requirements of this Section and the Zoning Act, as amended, and shall confirm that the Zoning Agreement is in a form acceptable for recording with the Muskegon County Register of Deeds.



#### H. Standards of Review

1. Following the public hearing, and further deliberations as deemed necessary by the Planning Commission, the Planning Commission shall make a recommendation based upon the Review Considerations of Section 20.05, B. In addition, the Planning Commission shall consider whether the proposed Zoning Agreement and the Rezoning Offer:
  - a. Are consistent with the intent of this Section.
  - b. Bear a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
  - c. Are necessary to ensure that the property develops in such a way that protects the surrounding neighborhood and minimizes any potential impacts to adjacent properties;
  - d. Are necessary to allow the rezoning to be approved, in that the property could not or would not be rezoned without the proposed Zoning Agreement and Rezoning Offer.
  - e. Lead to a better development than would have been likely if the property had been rezoned without a Zoning Agreement, or if the property were left to develop under the existing zoning classification.
  - f. Are clearly in the public interest, as compared to the existing zoning and considering the site-specific land use proposed by the applicant. In making this determination, the Planning Commission shall find that the benefit to the public as a result of approving the rezoning and Zoning Agreement clearly outweigh any reasonably foreseeable detriments.
  - g. The Planning Commission may recommend approval, approval with recommended changes (related to the Zoning Agreement), or denial of the rezoning and Zoning Agreement; provided however, that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.
  - h. Upon receipt of the Planning Commission's recommendations, the Township Board shall deliberate upon the rezoning and Zoning Agreement. The Township Board shall approve or deny the Zoning Agreement, provided that any conditions which add to or amend the Rezoning Offer are acceptable to the applicant.

#### I. Revisions by the Township Board

1. Should a Rezoning Offer be revised following the Planning Commission public hearing and recommendation, the Township Board shall be required to conduct its own public hearing, in accordance with the requirements of the Zoning Act.
2. Alternatively, should the Township Board determine that the revisions are of such substantial nature or effect that they are significantly different from the Zoning Agreement reviewed by the Planning Commission, the Township Board shall have the option to remand the application to the Planning Commission to hold a public hearing on the Zoning Agreement as revised and submit a report and recommendation to the Township Board.
3. If an applicant proposes a Zoning Agreement after the Planning Commission has held a public hearing on a rezoning request, the Township Board shall first remand the application to the Planning Commission, who shall hold a new public

hearing on the rezoning and proposed alternative Zoning Agreement and submit a report and recommendation to the Township Board.

J. Approval

1. If the rezoning and Zoning Agreement are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Zoning Agreement. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a Zoning Agreement (i.e., "R-3a"). The Township Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
2. Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district; however, the more restrictive requirements of the Zoning Agreement shall apply, and the Rezoning Offer shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.
3. The approved Zoning Agreement shall be recorded with the Muskegon County Register of Deeds by the applicant with proof of recording provided to the township.
4. Prior to development, a site plan shall be approved in accordance with Chapter 17, if otherwise required.

K. Expiration

1. Unless extended by the Township Board for good cause, the rezoning and Zoning Agreement shall expire two (2) years after adoption of the rezoning and Zoning Agreement, unless approved development of the property pursuant to building and other required permits issued by the Township commences within the two (2) year period and proceeds diligently to completion.
2. In the event that approved development has not commenced within the aforementioned two (2) years, the Zoning Agreement shall be void and of no effect.
3. Should the Zoning Agreement become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the Township is taken to bring the property into compliance with the Zoning Agreement, the Township may withhold or, following notice to the owner and a public hearing, revoke permits and certificates (in addition to or in lieu of any other lawful action to achieve compliance).
4. If the property owner applies in writing for an extension of the Zoning Agreement at least fifty (50) days prior to the expiration date, the Township Board may, after recommendation by the Planning Commission, grant an extension of up to one (1) year. No further extensions may be granted.
5. If the rezoning and Zoning Agreement becomes void as outlined above, then the land shall revert back to its original zoning classification as set forth in the Zoning Acts. The reversion shall be initiated by the Township with notice and hearing as required for rezonings by the Zoning Act and this Ordinance.
6. Nothing in the Agreement, nor any statement or other provision shall prohibit the Township from rezoning all or any portion of the property that is part to the Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.

- L. Continuation
  - 1. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized under the agreement may continue indefinitely, provided that all terms of the Rezoning Offer and the Zoning Agreement continue to be adhered to.
  - 2. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of agreement, and further use of the property may be subject to legal remedies available to the Township.
- M. Amendment
  - 1. During the initial two (2) year period, or during any extension granted by the Township as permitted above, the Township shall not add to or alter the Rezoning Offer in the Zoning Agreement.
  - 2. The Zoning Agreement may be amended after the expiration of the initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Zoning Agreement.

#### **SECTION 20.07 REVOCATION OF ZONING APPROVALS / ZONING AGREEMENTS**

- A. Any zoning approval, or site plan approval may be revoked after determination that one (1) or more of the following circumstances exist:
  - 1. A material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency.
  - 2. There has been a material departure from the commitments made and the requirements of an approved plan.
  - 3. Material and substantial pollution, impairment or destruction of the environment, or to another legally protected public interest, would occur if the project were to be constructed as previously approved.
  - 4. Failure to perform, unless due to actions or circumstances beyond the applicant's control.
- B. Proper notice shall be given prior to revocation of the approval. If a site plan was approved by the Planning Commission, they shall vote on the revocation. Zoning compliance permits may be revoked by the Zoning Administrator.
- C. 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 sections of this Ordinance, or conditions of the Special Land Use approval. Prior to revocation, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.
- D. Any site plan review approval may be voided by the Zoning Administrator if it has been determined that a material error in the original approval has been discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency. The voiding of an approved site plan shall be

communicated in writing with reasons for revocation to the property owner. The Building Official shall also be notified to withhold permits until a new site plan is approved.

#### **SECTION 20.08 ENFORCEMENT**

- A. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- B. A violation of this Ordinance constitutes a municipal civil infraction. Any person, who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a municipal civil infraction.
- C. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance 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.
- D. The Township Board or their duly authorized representative(s), is hereby charged with the duty of enforcing the Ordinance and are hereby empowered, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Muskegon County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate the non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by this non-compliance or violation may institute suit and/or join the Township in the suit to abate the same.
- E. The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

#### **SECTION 20.09 STOP WORK ORDER**

- A. Upon notice from the Zoning Administrator or Building Official that any use is being conducted or that any work on any building or structure is proceeding contrary to the provisions of this Ordinance, 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 and shall state the conditions, if any conditions, under which work or the use will be permitted to resume.
- B. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except work that the person is directed to perform to remove a violation, shall be in violation of this Ordinance.

#### **SECTION 20.10 SEVERABILITY CLAUSE**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the

Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 20.11 REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the prior Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

**SECTION 20.12 EFFECTIVE DATE**

- A. The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective immediately upon publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Laketon Township. Publication shall be preceded by a public hearing and by approval of the Laketon Township Board, in that order.
  
- B. This Zoning Ordinance shall become effective on the 28<sup>th</sup> day of January 2006.

I, Edward Weessies, the duly elected, qualified and acting clerk for Laketon Township, do hereby certify that the foregoing zoning ordinance was duly adopted at a regular meeting of the Laketon Township Board on January 16<sup>th</sup>, 2006.

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