

**COMPILATION
OF
GENERAL AND ZONING
ORDINANCES**

**TOWNSHIP OF
MOORLAND
COUNTY OF MUSKEGON
STATE OF MICHIGAN**

Published in 1995 by Order of the Township Board



info@municode.com | 800.262.2633 | www.municode.com

P.O. Box 2235 Tallahassee, FL 32316

PREFACE

This is a compilation of ordinances of the Township of Moorland, which includes currently operative ordinances, compiled with all amendments through and including an ordinance adopted April 7, 1994.

The chronological listing of all ordinances, including title and location within the compilation, reflects all ordinances adapted, amended or repealed, thus providing a valuable record of the municipality's ordinance history. Ordinances which are printed in their entirety are classified by subject matter and assigned to one of eleven basic categories. Each of these categories is indicated by a tab. Every ordinance is introduced with a part number, a title concerning the context, the ordinance number, and the adoption date.

Section headings in boldface type have been provided, if not supplied in the original copy, to facilitate usage. Sections that are subsequently amended are followed by a history note indicating the adoption date of the amendment. Cross reference notations are included to provide quick referral to other ordinances and/or sections dealing with similar subjects.

Running heads at the top of the page contain an abbreviated title, the ordinance number and/or date and section numbers to provide a guide for locating specific information quickly. The section number appearing in the

running head on the left-hand page cites the section material beginning the page; the number on the right-hand page cites the section material concluding the page.

The exact wording of the ordinances has been preserved. Since ordinances are legal documents, editorial changes in a compilation are minor, limited primarily to correction of obvious typographical errors and resolving, upon specific instructions from the municipality, any duplications and inconsistencies brought to their attention during the preparation of the proof copy of the compilation. Any additions to text by the editor appear in brackets.

This 2012 republication includes amendatory legislation through Ord. No. 11-50, adopted August 11, 2011, and was accomplished under the supervision of Howard George, Editor. The publisher is most grateful to Rose Spoelman, Township Clerk, and Chuck Krepps, Town Supervisor, for their cooperation and assistance during the progress of the work on this publication.

Numbering System

Each ordinance is assigned a part number. The part number is used to identify the ordinance primarily for indexing and cross reference purposes. Each succeeding article and/or section deriving from that ordinance will have the same number on the left-hand side of the decimal point. For example, section number 12.004 refers to section 4 of the ordinance assigned to part 12. Part numbers allow for expansion within each of the categories and within the compilation as a whole.

The original section numbering of Part 300, the Zoning Ordinance of December 10, 1992, has been adapted by the editor to facilitate usage. The numbering system is developed by reflecting the part number on the left-hand side of the decimal and the article and section numbers on the right-hand side of the decimal. For example, 300.403 translates as section 4.3 of Article 4 and 300.1560 as section 15.6 of Article 15.

Index

The alphabetical index permits easy location of ordinances by subject. Main entries are in all uppercase letters. Under the entry for each ordinance, the catchlines of all sections appear in lowercase, indented and alphabetized. Cross references and additional entries are provided where necessary to direct the user to a particular topic. In preparing the index the proper balance has been achieved between creating an index comprehensive enough to be useful and yet not so detailed that it requires extensive revision each time an ordinance is enacted, repealed, or amended.

Looseleaf Supplements

Since an ordinance compilation, unlike a bound book, is constantly in a state of evolution, a special feature of this compilation is the looseleaf system of binding. With this system, the compilation can easily be kept up-to-date by submitting copies of new ordinances or amendments as they are enacted. These will then be incorporated by the editor into the compilation, and the appropriate pages will be revised or created for distribution to the holders of copies, with specific instructions for the manner of removing obsolete pages and inserting the current ones. Through regular supplementation, the compilation will continue to remain current and useful.

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

Moorland Township, (Muskegon Co.), Michigan, Compilation-General and Zoning
SUPPLEMENT HISTORY TABLE

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Included/ Omitted	Supp. No.
1292	Included	1
12-01	Included	1
01-2013	Included	1
01-2013a	Included	2
Amd. of 3-26-2015	Included	3
Min. of 6-11-2015(1)	Included	4
12-2015	Included	4
04-2016	Omitted	4
09-2016	Included	4
07-2017	Included	4
07(a)-2017	Included	4
12-2018	Included	5
05-2019	Included	5
01-2017-O	Included	6
2021-MZ	Omitted	7
2021-11	Included	7

LISTING OF ORDINANCES

This table gives the history of the Code prior to Supplement No. 1. Beginning with Supplement No. 1 amendments to the Code are reflected in the Code Comparative Table.

Ord. No.	Subject	Location
—	Zoning Ordinance of December 10, 1992	300.000
93-1	Outdoor Storage of Motor Vehicles, Equipment and Junk	140.000
93-2	Garbage, Rubbish and Trash	141.000
93-3	Dangerous Buildings	230.000
93-4	Dangerous and Exotic Animals	120.000
93-5	Salvage Yards	142.000
6	Registration of Rental Property	15.000
7	Noise Control	143.000
8	Amendment to Zoning Ordinance of Dec. 10, 1992: Soil and Sand Removal	300.418
9	Alarm Systems	200.000
10	Division of Land	260.000
12	Private Driveways	231.000—231.005

Moorland Township, (Muskegon Co.), Michigan, Compilation-General and Zoning
LISTING OF ORDINANCES

13	Amends Zoning Ordinance	300.1104
13-A	Consumers Power Company Electric Franchise Ordinance	50.000—50.009
14	Amends Zoning Ordinance	300.335
15	Amends Zoning Ordinance	300.201
16	Amends Zoning Ordinance	300.303 G.
17	Amends Zoning Ordinance	300.313 A.
18	Amends Zoning Ordinance	300.300.0, 300.301 A.
19	Rezoning Ordinance	301.000—301.005
20	Amends Zoning Ordinance	300.1102 A., C.
22	Amends Zoning Ordinance	300.319 F.(6)—(9)
23	Amends Zoning Ordinance	300.319 H.
24	Amends Zoning Ordinance	300.319 K.
25	Amends Zoning Ordinance	300.315 B.
26	Amends Zoning Ordinance	300.334
27	Amends Zoning Ordinance	300.321 Schedule A
28	Amends Zoning Ordinance	300.1106 D.(2)
29	Amends Zoning Ordinance	300.201
30	Amends Zoning Ordinance	300.303 J.
31	Amends Zoning Ordinance	300.303 K.
32	Amends Zoning Ordinance	300.323
33	Charge for Fire Protection Services	201.001, 201.002
101-104	Amends Zoning Ordinance	300.1800.0
44-03	Re-establishment of Fire Department	201.000
45-03	Amends Zoning Ordinance	300.303
03-55	Amends Zoning Ordinance	300.300
02-50	Salvage Yards	142.002
03-50	Amends Zoning Ordinance	300.317, 300.803, 300.903
48-03	Salvage Yards	142.002
03-52	Amends Zoning Ordinance	300.319, 300.321, 300.1106
03-53	Amends Zoning Ordinance	300.319
52-03	Cemetery Ordinance	121.000
15-50	Registration of Rental Property	15.003
50-06	Operation of Kennels	119.000
06-21	Amends Zoning Ordinance	300.106, 300.201, 300.700A.1, 300.1008, 300.1102, 300.1503, 300.1508, 300.1701, 300.1806
03-60	Excessive Noise Ordinance	143.000
03-61	Amends Zoning Ordinance	300.700A
03-62	Amends Zoning Ordinance	300.700B
03-63	Amends Zoning Ordinance	300.700C

03-64	Amends Zoning Ordinance	300.1112
99-07	Amends Zoning Ordinance	300.201
15-50A	Registration of Rental Property	15.001— 15.004

Parts 1—14

ADMINISTRATION

There are currently no ordinances assigned to this category.

15.000 REGISTRATION OF RENTAL PROPERTY

Ord. No. 15-50A

Adopted: August 14, 2008

SHORT TITLE: An ordinance to adopt the registration of rental property for the Township of Moorland.

THE TOWNSHIP OF MOORLAND HEREBY ORDAINS:

15.001 Definitions.

Sec. 1. The term "rental dwelling" means any building or structure, including real property upon which it is located, which is rented or offered for rent as living quarters.

(Ord. No. 15-50A, § 1, 8-14-2008)

15.002 Purpose.

Sec. 2. To protect health, safety and welfare of citizens by requiring registration of rental dwellings. To assure that rental housing in the Township is maintained in good, safe and sanitary condition and does not create a nuisance or blighted condition to its surroundings. To aid in the enforcement of the Building Code, the Zoning Ordinance and other relevant provisions of the Township Ordinances.

(Ord. No. 15-50A, § 1, 8-14-2008)

15.003 Requirements.

Sec. 3.

- (a) *Registry of rental dwelling required.* All rental dwellings shall be registered with the Township.
- (b) *Responsible local agent.* If the owner of the rental dwelling does not reside within thirty (30) miles of the Township, he or she shall designate a responsible local agent who shall be responsible for operating such dwelling in compliance with the law, including this Ordinance. All official notices may be

served on the responsible agent and any notice so served shall be deemed to have been served upon the owner. Each owner or responsible local agent shall maintain a current list of the number of occupants of each rental dwelling for which he or she is responsible. A rental dwelling registration shall not be issued if the registration provisions of this Ordinance are not complied with.

- (c) *Registry of rental dwellings.* The owner of an existing rental dwelling, a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental units.
- (d) *Change in register information.* The owner of rental dwellings already registered within the Township or his responsible local agent shall notify the Township within ten (10) days after any change occurs in registration information. A new owner of a registered dwelling shall register the dwelling in the new owner's name within ten (10) days of assuming ownership.
- (e) *Registration.* The Township shall maintain a registry of owners and responsible local agents.
- (f) *Register of rental dwellings.* Application for registration shall be made in such form and in accordance with such instructions as may be provided by the administrator and shall include:
 - (1) The address of the rental dwelling.
 - (2) The number of rental units, number of bedrooms in each rental unit, the intended number of occupants in each rental unit, if more than one, and identification of any units not to be rented.
 - (3) The name, residence address, business address, business phone number and personal phone number of the owner.
 - (4) The name, residence address, business address, business phone number and personal phone number of the manager and responsible local agent designated by the owner.
 - (5) The address where the owner or responsible local agent will accept notices or orders from the Township.
 - (6) The date of registry and registration identification number, if previously registered.
- (g) *No waiver.* No registration of a rental dwelling shall be deemed to cure, waive or grant a right of continued operation for property that is determined to be in violation of any applicable Township ordinance. All rental dwellings shall be maintained in compliance with state, county and Township regulations.
- (h) *Registration fees.* The Township Board shall establish and charge a uniform and reasonable fee for registrations from time to time.

(Ord. No. 15-50, § 1, 11-8-2004; Ord. No. 15-50A, § 1, 8-14-2008)

15.004 Enforcement.

Sec. 4.

- (a) *Inspection.* In the event that the Township receives a complaint regarding a rental dwelling, the Township may request permission to enter the dwelling, at reasonable hours, to undertake inspection. In the event of an emergency, the Township shall have the right to enter at any time. In addition, the Township is also empowered to make inspection of the dwelling when there is probable cause to suspect that there is a violation of the Building Code, the Zoning Ordinance and/or any other relevant provision of the Township Ordinances.
- (b) *Violations.* It shall be a municipal civil infraction for an owner or a responsible local agent to provide inaccurate information for the registration of rental dwellings or to fail to provide information required

by the Township under section 15.003(f). In those cases in which the owner or responsible local agent is not a natural person, the information required for the registration shall be provided for the organization owning the rental dwelling and for the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each owner.

- (c) *Penalty.* Any person who is found to be in violation of any provision or requirement of this ordinance shall be liable for a municipal civil infraction punishable by a fine of up to \$500 per day plus reimbursement of the Township's costs, expenses and attorneys' fees incurred as a result of each violation. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense.

(Ord. No. 15-50A, § 1, 8-14-2008)

Introduced: June 3, 1993

Adopted: June 3, 1993

Published: June 10, 1993

Effective: July 10, 1993

Parts 16—49

50.000 CONSUMERS POWER COMPANY ELECTRIC FRANCHISE ORDINANCE

Ord. No. 13-A

Adopted: April 4, 1996

SHORT TITLE: An ordinance, granting to Consumers Power Company, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Township of Moorland, Muskegon County, Michigan, for a period of thirty years.

THE TOWNSHIP OF MOORLAND ORDAINS:

50.001 Grant, term.

Sec. 1. The Township of Moorland, Muskegon County, Michigan, hereby grants the right, power and authority to the Consumers Power Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances, for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the Township of Moorland, Muskegon County, Michigan, for a period of 30 years.

50.002 Consideration.

Sec. 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

50.003 Conditions.

Sec. 3. All of Grantee's towers, masts and poles shall be neat and sightly, and so placed on either side of the highways, streets, alleys, bridges and waterways, as not to unnecessarily interfere with the use thereof for highway, street and alley purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways, streets and alleys shall be done so as not to interfere with the use thereof, and when completed, the same shall be left in as good condition as when work was commenced. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

50.004 Hold harmless.

Sec. 4. Said Grantee shall at all times keep and save the Township free and harmless from all loss, cost and expense to which it may be subject by reason of the negligent construction and maintenance of the structures hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

50.005 Rates.

Sec. 5. Said Grantee shall be entitled to charge the inhabitants of said Township for electric energy furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

50.006 Franchise not exclusive.

Sec. 6. The rights, power and authority herein granted, are not exclusive.

50.007 Revocation.

Sec. 7. The franchise granted by this Ordinance is subject to revocation upon 60 days' written notice by the party desiring such revocation.

50.008 Michigan Public Service Commission, jurisdiction.

Sec. 8. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

50.009 Effective date.

Sec. 9. This Ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after 30 days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this Ordinance shall constitute a contract between said Township and said Grantee.

Parts 51—64

TRAFFIC AND VEHICLES

65.000 MOORLAND TOWNSHIP TRUCK ROUTE ORDINANCE

Ord. No. 01-2013

Adopted March 14, 2013

THE TOWNSHIP OF MOORLAND ORDAINS:

65.001 Title.

Sec. 1. This Ordinance shall be known and referred to as the "Moorland Township Truck Route Ordinance."

65.001 Legislative findings.

Sec. 2. The Board of Trustees of Moorland Township hereby finds and determines that it is necessary for the public health, safety and welfare to designate certain streets, or highways located in the Township as appropriate or inappropriate for use by commercial trucks en route to various destinations in the Township or municipalities adjacent to the Township. In recent years the Muskegon area has experienced significant growth or increases in the volume of commercial truck traffic and along with the increases, the Township has noted increased complaints from the residents of certain areas in the Township through which commercial truck traffic passes en route to various industrial or commercial enterprises which are either located in the Township or in municipalities adjacent to the Township. It often appears that such traffic disregards legitimate complaints of residents who are affected by the dust, noise, volume (quantity), safety, and inconvenience that such traffic causes to those who reside along the routes which the traffic chooses, despite the ready availability of alternative routes for such commercial traffic.

65.003 [Commercial truck traffic—Prohibited.]

Sec. 3. It is unlawful for any person, firm or corporation to operate or cause to be operated a commercial truck, as hereinafter defined, on any street, road, public right-of-way or highway has been designated by Ordinance as one on which commercial truck traffic is prohibited.

65.004 Definition, commercial truck.

Sec. 4. As used herein, the words "commercial truck" shall mean any motor vehicle constructed or used for the transportation of goods, equipment, wares, merchandise, raw materials or materials which have been processed although the manufacturing process has not been completed or there are other steps to be completed in the manufacturing process. The words "commercial truck" do not include the following: Bus, school bus, fire truck, road commission maintenance equipment, other emergency vehicles, motor home, or farm equipment.

65.005 Exception, home deliveries.

Sec. 5. A commercial truck may use or travel upon a street, road, public right-of-way, or highway even though it has been designated by the Township as one on which commercial traffic is prohibited if the truck is traveling to a residence for the purpose of delivering or picking up goods, wares, or merchandise, or for the purpose of providing services at the residence upon arrival. Provided, however, that in such event the travel along the prohibited route shall be limited to the minimum necessary to accomplish the pick up, delivery or service call, and said vehicle shall be driven in such a manner as to leave the prohibited route as quickly as possible.

65.006 Exception, leaving or returning to home, or place of business.

Sec. 6. Nothing herein contained shall prevent a commercial truck from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the Township which is located along a route on which commercial traffic has been prohibited, provided that the most direct route to and from a non prohibited truck route is utilized.

65.007 Prohibited routes.

Sec. 7. Commercial trucks shall not be operated upon the following routes in the Township, by any person, firm or corporation:

- A. Sherman Blvd. Road from Ravenna Rd. to Swanson Rd.
- B. Laketon Ave. Road from Slocum Rd. to Ravenna Rd.
- C. Bossett Rd. Road from M-46 to White Rd.
- D. Goebel Rd. Road from M-46 to Bailey Rd.
- E. Moorland Rd. Road from White Rd. to Bailey Rd.

65.008 Signs, posting.

Sec. 8. The Township shall, with the approval of the Muskegon County Road Commission cause all routes which are closed to commercial trucks to be posted with the signs that advise the users of the route that trucks are prohibited.

65.009 Special permits.

Sec. 9. The Township Supervisor shall have authority to grant a written permit in the special cases which would otherwise be in violation of the provisions of this Ordinance. Such permits, however, shall not be given for more than one round trip, and in no case shall a permit be valid for a period longer than ten days from the date of issue. Said permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The Township Board shall set a fee for such special permits by resolution.

65.010 Violations, penalty.

Sec. 10.

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than one hundred fifty dollars (\$150.00) for the first offense, not less than two hundred fifty dollars (\$250.00) for the second offense, and not less than five hundred dollars (\$500.00) for each subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, and expenses (including actual attorney fees) incurred in enforcing the Ordinance. For purposes of this section, a "second offense" or "subsequent offense" means a violation of this Ordinance by the same person for which the person admitted responsibility or was adjudicated to be responsible. Each violation constitutes a separate offense.
- B. The following persons may issue a municipal civil infraction citation for a violation of this Ordinance:
 - (1) A law enforcement officer of the Muskegon County Sheriffs Department or the Michigan State Police.
 - (2) The Township Supervisor.
 - (3) A Township Ordinance Enforcement Official appointed by the Township Board.
- C. A continuing violation of this ordinance hereby declared to be a nuisance per se. The issuance of a municipal civil infraction citation and the imposition of the foregoing municipal civil infraction penalties against the violator shall not prohibit the Township from also (or in the alternative) seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

(Ord. No. 01-2013a, § 1, 12-12-2013)

65.011 Severability.

Sec. 11. This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjusted to be unconstitutional or invalid; it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

65.012 Administrative liability.

Sec. 12. No officer, agent, or employee of the Township of Moorland, or member of the Township Board of Moorland shall render himself personally liable for any damage that may accrue to any person as a result of any act, omission, decision or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

65.013 Repeal.

Sec. 13. All Ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance, as of the effective date of this Ordinance are hereby repealed to the extent of such conflict, except that terms defines herein for the purpose of interpretation, administration and enforcement of this Ordinance will in no way, manner or form, repeal, modify, or otherwise change the definition of any such terms as used in other Ordinances of the Township of Moorland.

65.014 Vehicle code.

Sec. 14. This Ordinance does not negate the existing vehicle size, weight or loading restrictions of the Michigan Vehicle Code.

65.015 Effective date.

Sec. 15. This Ordinance is ordered to take effect thirty (30) days after its publication in a newspaper of general circulation in the Township, pursuant to the provisions of Act 191 of the Public Acts of 1939, as amended.

	_____ Charles Krepps, Supervisor Moorland Township
_____ Rose Spoelman, Clerk	

Parts 66—89

90.000 EXPLODING TARGETS

ORDINANCE NO. 09-2016

Adopted: September 8, 2016

AN ORDINANCE to promote the public health safety and welfare of the inhabitants of Moorland Township by regulating the use of exploding targets within the Township.

THE TOWNSHIP OF MOORLAND ORDAINS:

90.001 Intent and Purposes.

Sec. 1. The Township of Moorland hereby determines that the regulation of the use of exploding targets within the Township is necessary to promote the public health safety and welfare of the inhabitants of Moorland Township.

90.002 Definitions.

Sec. 2. The following words and phrases in this ordinance are defined as follows:

Exploding Target, means any device which explodes upon impact by a projectile fired from a firearm such as, but not limited to, binary exploding targets (made of separately packaged "fuel" and "Oxidizer" materials that must be mixed to make an explosive compound).

Detonate, means to explode with violence and/or noise.

90.003 Actions Prohibited.

Sec. 3.

1. It shall be unlawful for any person within the limits of the Township to detonate an Exploding Target, or for the owner of property on which an Exploding Target is located, to allow any person to detonate an Exploding Target, within 1,000 yards of a dwelling or any other occupied building or structure without the prior written consent of the owner(s) or occupant(s) of such dwelling(s) or occupied building or structure.
2. It shall be unlawful for any person within the limits of the Township, under any circumstances to detonate an Exploding Target containing more than one pound of explosive mixture.

90.004 Penalty.

Sec. 4. Any person, firm or corporation found violating the provisions of this ordinance, shall, upon conviction, be punished by a fine of not to exceed \$500 or by imprisonment not to exceed 90 days or both at the discretion of the court. Each separate detonation in violation of this ordinance shall constitute a separate offense. The provisions of this ordinance may also be enforce by suit for injunction, damages or other appropriate legal action.

90.005 Enforcement.

Sec. 5. This ordinance may be enforced by the Township supervisor or his designee, or any law enforcement officer.

90.006 Effective Date.

Sec. 6. This ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

(Ord. No. 09-2016, §§ 1—6, 9-8-2016)

Parts 91—118

119.000 OPERATION OF KENNELS

Ord. No. 50-06

Adopted: April 6, 2006

SHORT TITLE: An ordinance to regulate the operation of commercial and private kennels within the boundaries of the Township of Moorland.

PURPOSE: The purpose of this ordinance is to regulate the operation of commercial and private kennels.

THE TOWNSHIP OF MOORLAND ORDAINS:

119.001 Intent and purpose.

Sec. 1. The Township of Moorland hereby establishes the following provisions for the operation of commercial and private kennels within the boundaries of Moorland Township.

119.002 Provisions.

Sec. 2. The following provisions shall be set forth and complied with accordingly:

- (a) Kennels shall be provided for in the A-1 zoning district as a special land use.
- (b) Kennel areas must be completely enclosed with concrete floors.
- (c) Operators of such kennel shall provide for adequate waste removal.
- (d) All animals housed on the premises shall have shelter indoors.
- (e) Chaining, Staking, Fastening, Tying, or otherwise allowing the animals to be left outside for any period of time is strictly prohibited.
- (f) Before operation, and every year thereof the kennel must be inspected and approved for use by Muskegon County Vector Control, the Moorland Township Zoning Administrator, and the Moorland Township Building Inspector.
- (g) Required Setbacks from property lines for kennel operations is as follows:
 - a. Five Hundred (500) feet from side lot lines.
 - b. Five Hundred (500) feet from rear lot line.
 - c. Five Hundred (500) feet from center of roadway.

119.003 Violation.

Sec. 3. Any violation of this ordinance or the violation of any other applicable Moorland Township Ordinances, State Construction Codes, County Regulations, or the rules of any other governing agency shall constitute a municipal civil infraction violation.

119.004 Fees.

Sec. 4. The fees to be charged for the construction of the kennel shall be set and revised as needed by resolution by the Moorland Township Board of Trustees.

120.000 DANGEROUS AND EXOTIC ANIMALS

Ord. No. 93-4

Effective: June 12, 1993

SHORT TITLE: An ordinance to amend the Compilation of Ordinances to include provisions regulating the keeping of dangerous and exotic animals, and those which cause a nuisance.

THE TOWNSHIP OF MOORLAND ORDAINS:

120.001 Purpose.

Sec. 1. The purpose of this ordinance is to update and revise the provisions of the Moorland Township Compilation of Ordinances concerning dangerous and exotic animals.

120.002 Title.

Sec. 2. That a new Part 120 entitled "Dangerous and Exotic Animals" shall read as follows:

DANGEROUS AND EXOTIC ANIMALS

2.0. Definitions.

- (1) For the purpose of this ordinance "dangerous animals" means and includes:
 - (a) Any mammal, amphibian, reptile or fowl which is of a species which, due to size vicious nature or other characteristic would constitute a danger to human life physical well-being, or property including but not limited to, lions, tigers, leopards, panthers, bears wolves, apes, gorillas, monkeys of species whose average adult weight is 20 pounds or more, foxes, elephants, alligators, crocodiles, and snakes which are poisonous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup, including all constrictors and fighting cocks.
 - (b) Any dog or cat having a disposition or propensity to attack or bite any person or animal without provocation is hereby defined as a "dangerous animal."
 - (c) Any pit bull dog. "Pit bull dog" is defined to mean any and all of the following dogs:
 - (1) The Staffordshire Bull Terrier breed of dogs;
 - (2) The American Staffordshire Terrier breed of dogs;
 - (3) The American Pit Bull Terrier breed of dogs;
 - (4) Dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.Any pit bull dog as defined will be registered with the township clerk.
- (2) "Person" includes any natural person, association, partnership, organization or corporation.

2.1. *Prohibition.* Except as provided in subsections 2.2 and 2.3, no person shall own, keep, or harbor any dangerous animal in the Township of Moorland.

2.2. *Exceptions.* Any person or organization which falls into one of the following subsections shall be permitted to own, harbor or have charge, custody, control, or possession of any animal described in subsection 2.0 hereof.

- (1) The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.
- (2) The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.
- (3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
- (4) Commercial establishments possessing such animals for the purpose of sale or display.

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- (5) The keeping of such animals, the purpose or use of which is intended to provide security for commercial or business premises will be limited to dogs only.

2.3 *Pit bulls*. The keeping of a pit bull as defined in subsection 2.0 herein, shall be subject to the following mandatory requirements:

- (a) *Leash and muzzle*. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animals kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- (b) *Confinement*. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary conditions.
- (c) *Confinement indoors*. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- (d) *Signs*. All owners, keepers or harborers of pit bull dogs within the township shall within ten days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (e) *Insurance*. All owners, keepers or harborers of pit bull dogs must within ten days of the effective date of this ordinance provide proof to the township clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. At the time of initial registration the owner, keeper or harborer must present proof to the township clerk of the required insurance. At the time of subsequent registration the owner, keeper or harborer must show proof of insurance for the present registration period and proof that there was insurance coverage throughout the period of the prior registration year. In the event the liability insurance is canceled, lapsed, or for any other reason becomes nonenforceable, said owner, keeper, or harborer shall be in violation of the provisions of this ordinance and subject to the penalties provided herein.
- (f) *Identification photographs*. All owners, keepers or harborers of pit bull dogs must within ten days of the effective date of this ordinance provide to the township clerk two color photographs of the animal clearly showing the color and approximate size of the animal.
- (g) *Reporting requirements*. All owners, keepers or harborers of registered pit bull dogs must within ten days of the incident, report the following information in writing to the township clerk as required hereinafter.
- (1) The removal from the township or death of a registered pit bull dog;
 - (2) The birth of offspring of a registered pit bull dog;
 - (3) The new address of the pit bull dog owner shall the owner move.

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- (h) *Animals born of registered dogs.* All offspring born of pit bull dogs registered with the township must be registered with the township within six weeks of the birth of such animal.
 - (i) *Failure to comply.* It shall be unlawful and a misdemeanor for any person, owner, keeper or harbinger of a pit bull dog registered with the township clerk to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply with the provisions of this ordinance will result in the revocation of the license of such animal and the permit providing for the keeping of such animal resulting in the immediate removal of the animal from the township.

2.4. *Exemptions.* The provisions of this ordinance shall not apply to the transportation of such animals through this township, when such transporter has taken adequate safeguards to protect the public and has notified the local law enforcement agency of the proposed route of transportation and the time thereof.

2.5. *Notice of keeping dangerous animals.* Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal in violation of this ordinance in the township, the police department or their authorized deputy shall forthwith cause the matter to be investigated; and if after investigation the facts indicate that such person named in the complaint is in fact the owner or is keeping or harboring any such dangerous animal in the township, they shall forthwith send written notice to the person requiring such person to safely remove the animal from the township within five days of the date of said notice. Notice as herein provided shall not be required where such dangerous animal has previously caused serious physical harm or death to any person or has escaped and is at large in which case the police department shall cause said animal to be immediately seized and impounded, according to the provisions of subsection 2.6, or killed if seizure and impoundment are not possible without risk or serious physical harm or death to any person.

2.6. *Seizure and impounding of dangerous animals.* The police department or their authorized deputy shall forthwith cause to be seized and impounded any dangerous animal, where the person owning, keeping or harboring such animal has failed to comply with the notice sent pursuant to subsection 2.5. Upon a seizure and impoundment, said animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor such animals.

If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the police department may render said animal immobile by means of tranquilizers or other safe drugs; or if that is not safely possible, then said animal may be killed.

2.7. *Nuisance.*

- (1) Any dangerous animal or any animal which barks, howls or yelps with such frequency and at such times as to disturb and irritate persons residing in the neighborhood in which it is kept is hereby declared to be a nuisance.
- (2) No person shall keep an animal in the Township of Moorland in such a manner as to permit such animal to become a nuisance.

120.003 Severability.

Sec. 3. Should any part of this ordinance be held invalid by a court of competent jurisdiction the remaining parts of the ordinance shall be severable and continue in full force and effect.

120.004 Ordinance repeal.

Sec. 4. All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed upon the effective date of this ordinance.

120.005 Effective date.

Sec. 5. This ordinance will become effective 30 days after the date of adoption.

Introduced: May 6, 1993

Adopted: May 6, 1993

Effective: June 12, 1993

Published: May 13, 1993

121.000 CEMETERY ORDINANCE

ORD. NO. 52-03

Adopted: November 13, 2003

SHORT TITLE: [AN ORDINANCE to protect the public health, safety and welfare by providing regulations on the use, operation and management of cemeteries owned by the Township; to provide penalties for violations thereof; and to repeal ordinances or parts of ordinances in conflict with this ordinance.]

[THE TOWNSHIP OF MOORLAND HEREBY ORDAINS:]

121.001 [Title.]

Sec. 1. This ordinance shall be known and may be cited as the Moorland Township Cemetery Ordinance.

121.002 [Definitions.]

Sec. 2. The following words and phrases used in this Ordinance shall have the meanings stated respectively in this section.

- (a) Cemetery lot—A designated area or space within a cemetery sufficient to accommodate from one to six burial spaces.
- (b) Burial space—An area of land within a cemetery lot that is designed for the interment of a deceased person or a container or cremated human remains.
- (c) Burial right—A right of earth interment in a burial space within a cemetery lot.

121.003 [Sale of cemetery lots or burial spaces.]

Sec. 3.

- (a) Burial rights in cemetery lots and burial spaces shall be available only by purchase and assignment from the Township or by transfer between eligible owners if such transfer is approved by the Township Clerk and recorded in the cemetery records of the Township.
- (b) Burial rights in cemetery lots and burial spaces shall be sold only to residents or taxpayers of the Township, for the purpose of burial of the purchaser or his or her heirs at law or other next of kin, subject, however, to subsection (c) of this section. No sale of burial rights in cemetery lots or burial spaces shall be made to funeral directors or other persons not authorized as purchasers under the terms of this section.

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- (c) Notwithstanding the above-stated restriction on the sale of burial rights in cemetery lots and burial spaces to only residents or taxpayers of the Township, the Township Clerk is hereby authorized to sell burial rights in cemetery lots and burial spaces to purchasers who disclose sufficient personal reasons for burial within a Township cemetery. Such reasons shall include only the following:
 - (i) The purchaser had a prior domicile in the Township;
 - (ii) The person for whom burial rights are sought had a prior domicile in the Township; or
 - (iii) The purchaser or the person for whom burial rights are sought has a familial relationship to a person already interred in a Township cemetery.
 - (d) Sales of cemetery lots and burial spaces shall be accomplished only by the sale of burial rights. All sales of burial rights in a cemetery lot or burial space shall be made only on a form approved by the Township Board, entitled Certificate of Burial Rights, or some other title approved by the Board. Such form or certificate shall grant a right of burial only, and shall not convey any other title or interest in or to the cemetery lot or burial space. Such certificate or other form shall not be effective unless signed by the Township Clerk.
 - (e) Burial rights may be transferred only to those persons eligible to be original purchasers of burial rights in cemetery lots or burial spaces within a cemetery in the Township. Such transfer may be accomplished only by a written and signed endorsement or by assignment written upon the original burial rights certificate as issued by the Township Clerk. Any such endorsement or assignment shall not be effective unless signed and approved by the Township Clerk, and shall be entered into the official cemetery records of the Township. Upon the completion of such approved assignment, and the recording of the same in the Township cemetery records, the Township Clerk shall issue a new burial rights certificate to the assignee, and shall then cancel the original burial rights certificate, and update the Township cemetery records accordingly.

121.004 [Fees and charges for burial spaces.]

Sec. 4.

- (a) The purchase price for burial rights in cemetery lots and burial spaces shall be as determined by resolution adopted by the Township Board. The Board may provide for such charges on the basis of each adult burial space, each infant or stillborn burial space or other method.
- (b) The fee or other charge for the transfer of one or more burial spaces from an original purchaser or previous assignee to a qualified assignee, including the recording of the transfer in the Township cemetery records, shall be as determined by resolution of the Township Board.
- (c) Such fees and charges shall be paid to the Township Treasurer and shall be deposited into the cemetery fund for the Township cemetery in which the burial spaces are located. By subsequent resolution, the Township Board may periodically alter such fees and charges.

121.005 [Opening and closing of burial spaces.]

Sec. 5. No burial space shall be opened or closed except under the direction and control of authorized Township personnel; provided, however, that this provision shall not apply to properly conducted proceedings for the removal and reinterment of previously interred remains, under the lawful supervision of the County Health Department or other agency having jurisdiction, or by court order.

121.006 [Burial vaults; cremated remains.]

Sec. 6.

- (a) All casket burials shall be within a standard concrete burial vault installed or constructed in a burial space before interment.
- (b) All cremated remains shall be placed in a durable container.
- (c) The Township shall have sole authority and responsibility to determine the depth and size of each burial space.

121.007 [Grave markers.]

Sec. 7.

- (a) For purposes of this section, a grave marker shall consist of a monument, marker, tablet, tombstone or headstone, placed for the purpose of permanently marking an individual or family burial space.
- (b) Except as provided in subsection (e) of this section, all markers must consist of stone or other material that is equally durable.
- (c) All markers shall have a generally flat surface.
- (d) The Township shall have sole responsibility for the placement of markers at burial sites. The following requirements apply to the placement and construction of markers:
 - (i) Markers shall be placed firmly on the ground, but they may project above the ground surface.
 - (ii) A marker must be placed on and be supported by a footing or foundation that is at or below ground level.
 - (iii) No marker shall be placed on the area of the burial space beneath which the burial vault is located.
- (e) Only one marker shall be permitted for each burial space; provided, however, that each marker may be accompanied by a single bronze plate mounted on stone or equally durable footing or foundation. The plate shall be mounted flush with the surrounding ground surface, within one foot of the accompanying marker.
- (f) All costs for the purchase and delivery of markers or plates, together with footings or foundations, shall be paid directly to the monument company by the family of, or other person acting in behalf of, the deceased person. The Township shall have no responsibility for the payment of the costs thereof.

121.008 [Regulations for interment.]

Sec. 8.

- (a) Only one person may be buried in a burial space, except that a parent and an infant may be buried therein or two children buried at the same time may be buried therein.
- (b) The Township Clerk shall be notified at least 36 hours in advance of the time of any funeral, so as to allow sufficient time for the opening of the burial space.
- (c) Prior to interment, the burial space certificate for the burial space, together with appropriate identification of the person to be buried, shall be submitted to the Township Clerk. Where the burial space certificate has been lost or destroyed, the Township Clerk may consult the Township cemetery

records and if the Clerk thereupon determines that the person proposed to be buried in the burial space is properly authorized, then the Clerk may authorize the opening of the burial space and the interment.

- (d) Each grave shall be located in an orderly manner and shall be within the boundaries of the burial space.

121.009 [Maintenance of cemetery grounds.]

Sec. 9.

- (a) The Township shall be responsible for the care and maintenance of cemetery grounds.
- (b) No grading, leveling or excavating of any burial space, or any other portion of a cemetery lot, shall be permitted, except upon prior approval of the Township Clerk.
- (c) Mounds of earth which would impede or interfere with the efficient use of lawnmowers or other gardening apparatus are prohibited.
- (d) Landscape materials other than earth or sod are prohibited, except that wood chips, gravel, brick or other usual landscape material may be placed on the ground immediately around a marker.
- (e) Any person acting in behalf of the Township in the maintenance of a cemetery may remove or trim any tree, plant or shrub located within the cemetery, so as to maintain the appearance and promote the convenient use of the cemetery.

121.010 [Use of cemetery lots and burial spaces.]

Sec. 10.

- (a) Benches, fences, railings, walls, or similar landscaping accessories shall not be placed or installed on cemetery lots or burial spaces.
- (b) No permanent plants, shrubs, bushes or trees shall be placed or planted on cemetery lots or burial spaces.
- (c) Potted plants and flowers in moveable containers, including real and artificial types, may be placed on a cemetery lot not earlier than May 15 each year and must be removed not later than October 20 of the same year. All such flowers and plants, whether artificial or live, must be placed within one foot of a burial space marker.
- (d) The Township may remove and dispose of all artificial or live plants or flowers, emblems, displays, containers and any other objects within or near burial spaces where any such items have become unsightly, a source of litter or a hindrance to proper ground maintenance within the cemetery, or which have been left on a cemetery lot at times not permitted by this Ordinance.
- (e) All refuse of any kind, including dried flowers, wreaths, flower containers, papers and other debris must be fully and promptly removed from the cemetery ground by the persons who placed such materials within the cemetery, or by other persons who may be caring for the burial spaces where any such materials have been placed.

121.011 [Repurchase of cemetery lots or burial spaces.]

Sec. 11. The Township will repurchase cemetery lots or burial spaces for the original amount paid to the Township by the purchaser, upon written request of the owner thereof or the owner's heirs at law or other legal representatives or assigns.

121.012 [Forfeiture of lots or burial spaces.]

Sec. 12.

- (a) Cemetery lots and burial spaces that remain unused for burial purposes 40 years after the date of sale shall automatically revert to Township ownership, and thereafter the Township shall be the sole owner of all rights and interest therein, but only upon the occurrence of the following:
 - (i) Written notice shall be sent by the Township Clerk by regular first-class mail to the last known address of the owner of the lot or burial space, as shown in the Township cemetery records, informing such owner of the expiration of the 40-year period and stating that all rights to and interest in such lot or burial space shall be forfeited permanently to the Township if such owner does not, within 60 days of the mailing of such notice, inform the Township Clerk in writing that such owner desires to retain his or her rights to such lot or burial space, and does not desire to relinquish the same to the Township; and
 - (ii) Such owner does not, within said 60 days, respond to such notice or, if such owner does respond within 60 days, the owner states that he or she does not desire to retain the lot or burial space. A response by the owner's heirs at laws, next of kin or other authorized legal representative or assign of the owner shall be deemed to be a response by the owner.

121.013 [Cemetery records.]

Sec. 13. The Township Clerk shall maintain records of all sale and transfer of burial spaces, all burials, burial permits, funds provided for the perpetual care of cemetery lots or burial spaces and other matters concerning burials and burial spaces within Township cemeteries. Such records shall be maintained separate and apart from other Township records. They shall be available for public inspection during Township office hours, in accordance with the requirements of the Michigan Freedom of Information Act.

121.014 [Cemetery hours.]

Sec. 14. Township cemeteries shall be open to the public only during daylight hours. Visitors and others shall not enter into or remain in the Township cemeteries during any other time, except upon the prior approval of the Township Board.

121.015 [Violations.]

Sec. 15. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500, in addition to all other costs, damages, expenses, attorney fees and other remedies provided by law.

121.016 [Severability.]

Sec. 16. The provisions of this Ordinance are hereby declared to be severable. Should any provision of this Ordinance be declared invalid, the other provisions shall remain in full force and effect.

121.017 [Repeal.]

Sec. 17. All Moorland Township ordinances governing Township cemeteries which are in effect at the time of adoption of this Ordinance are hereby repealed in their entirety. In addition, all other ordinances or parts of ordinances that are in conflict with this ordinance are hereby repealed, to the extent of such conflict.

121.018 [Publication; effective date.]

Sec. 18. This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

Parts 122—139

140.000 OUTDOOR STORAGE OF MOTOR VEHICLES, EQUIPMENT AND JUNK

Ord. No. 93-1

Effective: April 3, 1993

SHORT TITLE: An ordinance to secure the public peace, health, safety and welfare of the residents and property owners of the Township of Moorland, by adopting regulations for the outdoor parking and storage of motor vehicles, tractor trailers, house trailers, farm machinery and equipment and new or used parts of junk therefrom within the Township of Moorland; to provide penalties for the violations of this ordinance, and to repeal any ordinance or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MOORLAND HEREBY ORDAINS:

Purpose. The purpose of this ordinance is to limit and restrict the outdoor storage, parking or unreasonable accumulation of junk, unused, partially dismantled or nonoperating motor vehicles, house trailers, or tractor trailers, or new or used parts thereof farm machinery and equipment upon premises within the township unless such premises have been granted a license, permit or variance to store or accumulate such material; to thereby avoid injury and hazards to children and others attracted to such vehicles or trailers; to avoid the devaluation of property values and the creation of blight the presence of such vehicles or trailers create upon adjoining property owners.

140.001 Regulations.

Sec. 1.

- (a) No person, firm, or corporation shall park, store, or place upon any public right-of-way or public property, or upon any premises within the township, any motor vehicle, house trailer, or tractor trailer or new or used parts of junk, farm machinery and equipment, therefrom unless the same is wholly contained within a fully enclosed building and does not violate any zoning or building laws of the township, county, or State of Michigan, except for the following:
1. Duly licensed and operable vehicles or trailers with substantially all main component parts attached.
 2. Vehicles or trailers that are temporarily inoperable, because of minor mechanical failure, but which are not, in any manner, dismantled and have substantially all main component parts attached, which may remain upon such private property for not to exceed 14 days.
 3. Not more than one vehicle in fully operating condition such as a stock car or modified car that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, provided no building or garage is located upon the premises in which the same

could be parked or stored. In no event shall any such vehicle be parked in front or side areas of any such residential premises.

4. Premises must have a proper license, permit or variance to so store or accumulate such material.
 5. One vehicle unlicensed and in operable condition may be stored on each premise, but in no event shall such vehicle be parked in front or side yard areas.
- (b) No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or trailer or parts thereof upon any public right of way or public property, or more than one vehicle on any property for a period in excess of 48 hours except such as shall be accomplished within fully enclosed buildings, will not constitute a nuisance or annoyance to adjoining property owners or occupants, and does not violate any provisions of any Moorland Township ordinance. Any such work within such 48 hours period heretofore allowed shall not, however, consist of any major repair, redesigning, modifying or dismantling work, but only such occasional minor work as may infrequently be required to maintain a vehicle or trailer or parts thereof in normal operating condition.

140.002 Nuisance.

Sec. 2. Any parking, storage, placement, or operation in violation of the provisions of this ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to civil damages and the fines and penalties herein provided for.

140.003 Construction.

Sec. 3. This ordinance shall not prevent the operation of any licensed junk yard, salvage yard, garage, body, or paint shop legally operating within a proper zone as defined in the Moorland Township Zoning Ordinance, and shall be in addition to any other laws or ordinances respecting rubbish, refuse, litter, trash, or junk control and regulations.

140.004 Severability.

Sec. 4. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall severable and continue in full force and effect.

140.005 Ordinance repeal.

Sec. 5. All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed.

140.006 Effective date.

Sec. 6. This ordinance will become effective 30 days after the date of adoption.

Introduced: March 4, 1993

Adopted: March 4, 1993

Published: March 11, 1993

Effective: April 3, 1993

141.000 GARBAGE, RUBBISH AND TRASH
Ord. No. 93-2
Adopted: April 3, 1993

SHORT TITLE: An ordinance to adopt a garbage, rubbish and trash ordinance for the Township of Moorland.

THE TOWNSHIP OF MOORLAND HEREBY ORDAINS:

Purpose: The fundamental purpose of this ordinance is to promote the public safety, health and general welfare of the inhabitants of Moorland Township.

141.001 Definitions.

Sec. 1.

- A. *Garbage*. The term garbage, within the meaning of this ordinance, shall be construed to mean all putrescible waste including vegetable wastes and discarded food of any type or any filthy or offensive substances, other than animal waste in agricultural zone.
- B. *Rubbish*. The term rubbish shall include any waste or scrap materials other than waste foods that is discarded from a household.
- C. *Trash*. The term trash shall include such items not considered as garbage or rubbish, and such other items of discard which are not normally associated with residential usage; also, discarded household appliances, or their parts and such other items that constitute a health or safety hazard or menace to persons residing in the neighborhood.

141.002 Garbage and rubbish storage.

Sec. 2. No one shall store garbage, rubbish, trash on any premises in Moorland Township in a way that creates a health, safety, property devaluation public nuisance problem.

141.003 Trash storage.

Sec. 3. Storage of trash is prohibited on any lot located in any Residential District or Commercial District as defined in the Zoning Ordinance of Moorland Township unless specific approval in writing is obtained from the Moorland Township Board.

141.004 Transportation.

Sec. 4. No person, firm or corporation shall, on a commercial basis, transport garbage, rubbish or other waste materials upon any streets, alleys, roads, right of way or highways in the Township of Moorland in any vehicle unless such vehicle is so constructed and maintained as to prevent offensive odors or exhalations therefrom, and leaking, sifting, dropping, spilling or blowing of the contents thereof upon any street, alley, road, right of way, highway, public or private property.

141.005 Disposal.

Sec. 5.

- A. No person, firm or corporation shall deposit any garbage, rubbish, trash or other waste matter upon any road, street, alley, highway, right of way, or within any park, stream or lake or river in Moorland Township, Muskegon County, Michigan.
- B. Disposal or deposit of garbage, rubbish, trash and other waste material shall be permitted on a site approved for such use by the township board.

141.006 Severability.

Sec. 6. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts of the ordinance shall be severable and continue in full force and effect.

141.007 Ordinance repeal.

Sec. 7. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed upon the effective date of this ordinance.

141.008 Effective date.

Sec. 8. This ordinance will become effective 30 days after the date of adoption.

Introduced: March 4, 1993

Adopted: March 4, 1993

Published: March 11, 1993

Effective: April 3, 1993

142.000 SALVAGE YARDS

Ord. No. 93-5

Adopted: May 6, 1993

SHORT TITLE: Pursuant to Public Act 12 of the Public Acts of 1929, being Section 445.451, et seq., and Public Act 246 of the Public Acts of 1946, as amended, being Section 41.181 of Michigan Compiled Laws and in general the power granted by the State of Michigan to the township to enact ordinances protecting the public health, safety and welfare, the Township of Moorland hereby enacts this ordinance for purposes of regulating and licensing salvage yards, to prescribe fees and set forth the standards, rules, regulations and conditions for the operation of said salvage yards, as follows:

THE TOWNSHIP OF MOORLAND HEREBY ORDAINS:

142.001 Definitions.

Sec. 1.

- 1.1. *Salvage yards.* The term salvage yard shall mean any place within the township used for the acquisition, storage, selling or dismantling and disposing of salvage or refuse material of automobiles,

trailers, vehicles, trucks, used rags, paper, metal, parts or products, machinery, appliance or any used personal tangible property. The term salvage yard includes premises described as an automobile dismantling yard or business, scrap yard, rag and metal yard, junk yard or the like.

- 1.2. *Salvage dealer.* The term salvage dealer shall mean any person who operates, occupies, owns, manages, or is employed in any salvage yard as above defined.
- 1.3. *Person.* The term person means any natural person, firm, co partnership, corporation or association, incorporated or unincorporated, whether such persons act by themselves or by servant, agent, officer or employee.

142.002 License required; new and renewal.

Sec. 2.

- 2.1. *License requirements.* No person shall operate or engage in the operation, occupancy or management of a salvage yard unless said salvage yard shall be licensed in accordance with this ordinance and, as applicable, the laws of the State of Michigan. Pursuant to this requirement:
 - a) No license shall be issued for a period greater than three years or part thereof.
 - b) Every license shall terminate on July 1 and an application for renewal shall be made on or before that date.
 - c) Application for license or license renewal shall be made to the clerk of the township who shall set before the township board each and every application.
 - d) In the case of application for licensing of a new facility, that application may be made to the clerk of the township at any time throughout the year. Within 60 days of receipt of a complete application, the clerk shall transmit the application to the township board for review and determination of approval or denial.
 - e) In the case of renewal, it shall be the responsibility of each licensee to apply for renewal of the license no later than 45 days before July 1 of each year.
 - f) No license may be transferred.
 - g) It shall be the responsibility of the applicant to secure necessary state permits pursuant to the operation of a salvage yard. Failure to do so will result in violation of this ordinance and revocation of the township salvage yard license. Accordingly, the applicant must provide evidence that necessary state permits have been secured.

To ensure compliance with this requirement, the township shall adhere to the following policy:

1. *New salvage yard.* A building permit, necessary for the construction of the salvage yard and associated structures, will not be issued until a copy of the state permit has been filed with the township.
 2. *Existing salvage yard.* A copy of the yard's current, unexpired, state permit must be submitted at the time of license renewal.
- 2.2. *Fees and administration.* Fees, the form of application, and other mechanics of administration shall be provided for by resolution of the township board.
 - 2.3. *Applications.* Applications for salvage yard licenses and for renewals thereof shall be in writing and shall be directed to the clerk of the township. Applications shall be made on a form provided and prescribed by the township board which form shall refer to this ordinance. The application shall contain information as the township board may lawfully consider relevant to the operation of salvage

yards and the standards, rules and regulations set forth herein. Any application which omits information or misrepresents same shall be considered void and the submission of such an application shall be considered grounds for revocation of any license. The application, in addition to requiring the information, shall contain a statement that the applicant will abide by the terms, standards, rules and regulations of this ordinance if granted a license.

- 2.4. *Investigation of applicant and site.* Upon receipt of an application for salvage yard license or license renewal by the clerk of the township, it shall be referred to the township board, which shall direct the building official or his or her designee as approved by the township board to make a full and complete investigation of the applicant and the site the applicant proposes to use in the salvage yard business. The investigating person may call upon any police, fire, state or other official agency for assistance in the investigation and may receive and present recommendations from any agency concerned with either the applicant or the premises upon which the applicant proposes to carry on or continue a business or activity of operating a salvage yard.
- 2.5. *Payment of personal property taxes.* As a requirement of approval or renewal of a salvage yard license, payment of all personal property taxes shall be current as of the most recent taxing period for which personal property taxes are due.
- 2.6. *Planning commission report.* State issued permits and licenses may be accepted in lieu of performing township inspections for junk yards; this will only affect the required inspections, not township authority over their adherence to their special use.

(Ord. No. 02-50, § 1, 4-3-2003; Ord. No. 48-03, § 1, 4-3-2003; Min. of 6-11-2015(1))

142.003 Revocation or suspension of license and procedure and attachment of conditions to effect compliance.

Sec. 3.

- 3.1. Any license issued under this ordinance may be suspended or revoked by action of the township board after hearing held with notice given to the licensee before the township board, in the event of violation hereof. The board through the clerk of the township shall issue its notice of hearing and site in a bill of particulars or with the notice the basis upon which the board has determined that a hearing should be held, and state with particularity the charges made against the licensee. The licensee shall be afforded an opportunity for a hearing with or without counsel, which hearing shall be held in accordance with the Open Meeting Act of the State of Michigan.

After hearing all the evidence presented concerning the charges set forth against the licensee, the township board shall determine whether or not to suspend, up to two years, or revoke the license, and in connection with its decision, shall issue written reasons therefor.

- 3.2. In the event that a license is revoked, no new license shall be issued to the licensee or his or its successors in interest at the location, or anywhere in the township for a period of two years from the date of the revocation.
- 3.3. In the event that the township board so determines, it may attach special conditions to the license as a means of continuing the license in effect, provided the special conditions are reasonably related to effecting compliance of the licensee with the standards set forth in this ordinance.
- 3.4. Any decision by the township board in connection with a license hearing shall reflect and refer to the standards, rules and regulations set forth herein.

142.004 Standards and regulations.

Sec. 4.

- 4.1. All licensees shall comply with the following standards and regulations governing the operation of salvage yards and shall further demonstrate their ability to comply with them prior to and during the issuance of any license.
- 4.2. No salvage yard shall be operated so as to create a nuisance by reason of noise, disagreeable odors, fumes, filth or loose debris.
- 4.3. A salvage yard shall be maintained in an orderly and safe manner and located within the enclosed area required by this ordinance. All materials shall be placed in rows and/or piles in such a fashion as to provide sufficient space to accommodate the access and maneuvering requirements of fire safety personnel and equipment. In determining the size and special arrangement of the access and maneuvering space, the licensee shall consult with the township fire chief who shall provide recommendations which shall be incorporated into the site plan and actual layout of the salvage yard. The recommendations shall be based on township fire code standards as applicable to the type of salvage yard operation and materials stored and/or processed.
- 4.4. No open burning of salvage material shall be allowed. The open burning of brush, leaves and similar material may be allowed provided necessary burning permits have been secured from the Muskegon County Health Department and Moorland Township.
- 4.5. All storage and operations of any kind shall be carried on within a completely enclosed area screened and fenced from view from any point outside the fence, and no salvage materials placed in the salvage yard shall be openly visible to properties located within nonindustrially zoned districts from any place outside the screen or fence. The fence shall be at least eight feet high and no more than ten feet high as measured from ground level. It shall be of sturdy single colored material, and shall be kept in good repair. All fencing shall be designed and constructed to withstand snow and wind loads common to the area.
 - 4.5.1. In addition to the required fencing, a landscape buffer shall be placed between the salvage yard fence and any abutting parcel which is not zoned industrial. At a minimum the landscape buffer shall meet the following standards.
 - 4.5.1.1. The buffer shall be 20 feet in width and may be included as part of the yard requirements as specified within the township zoning ordinance.
 - 4.5.1.2. Within the buffer area, evergreen trees of at least five feet in height shall be planted no less 12 feet apart, and no less than five feet from the outside boundary of the buffer. The trees shall be of a variety capable of sustaining extended periods of drought. The height of trees at time of planting shall be measured from the top of the root ball to the midpoint of the leader. All ground areas shall be maintained in grass or other approved ground cover, and nothing shall be stored in the buffer. Existing vegetation within the buffer area may be substituted for the above requirements provided it can be demonstrated that the vegetation is of a similar density and size and provides a comparable screening effect.
 - 4.5.1.3. An earth berm may be substituted for the buffer area. The berm shall be at least ten feet wide at its base and three feet in height, not including vegetation. The berm shall not exceed a three to one slope, shall be covered with grass or other approved ground cover, and shall have evergreen trees as above described no less than 20 feet apart throughout its entire length. At the time of planting, the trees shall be no less than four feet in height as measured from the top of the root ball to the midpoint

of the leader. Trees shall be planted on the slope of the berm which faces the nonindustrial district or on the top of the berm.

- 4.6. No materials shall be stored in a manner likely to endanger the health or safety of any person or persons. All materials stored on the premises shall be stored in such a way that access to and inspection of them is available to any enforcement personnel.
- 4.7. Paving or bituminous concrete shall be provided to accommodate the circulation and parking of customers and employees.
- 4.8. Each salvage yard shall have a permanent office building for the transaction of business, which shall be erected in accordance with the applicable township construction codes.
- 4.9. Every salvage yard and person responsible for the operation of the salvage yards shall file all reports required by the State of Michigan on a timely basis.
- 4.10. Removal and storage of liquids.
 - 4.10.1 The removal of any liquid or fluid from vehicles, appliances or other equipment or goods brought into the salvage yard shall be accomplished on a ground surface protective device incorporating a collection and retention system such that the fluids and liquids shall not discharge into the soil beneath or adjacent to the device. The liquids and fluids shall include anti-freeze, water, gasoline, oil, lubricants, sealers, grease, cooling and heating fluids, or all other liquids and fluids of any kind.

In the event the vehicles, appliances or other equipment or goods are not to be drained of all liquids or fluids at time of entry into the salvage yard, the vehicles, appliances or other equipment or goods shall be properly maintained so as to prevent any leakage of liquids or fluids onto the ground surface.
 - 4.10.2 All such liquids and fluids after removal but before shipped from the premises shall be stored in leakproof tanks which must be constructed and maintained to prevent the escape of any such liquid and fluid. The tanks shall be located a minimum of 50 feet from any property line. All tanks, including any mechanism or device associated therewith, shall be located on a ground surface protective device designed to capture loss of liquids and fluids as a result of a tank leak or during transfer of liquids and fluids. Underground storage tanks shall be permitted subject to compliance with all state and federal regulations.
 - 4.10.3 The surface protective device and all removal and storage systems associated with the collection, storage and removal of liquids and fluids may be subject to inspection by township personnel at any time. Pursuant to the inspection, the township may retain the services of a Michigan Registered Professional, or other expert, to assist in the inspection. The inspection shall include a visual examination of the system to determine that:
 - a) All connections, seals, above ground storage tanks and other system components shall possess no visible evidence of leakage.
 - b) The ground surface protective device shall possess no visible evidence of unsealed cracks or other openings or connections which would potentially allow the escape and subsequent penetration of liquids or fluids to the ground surface.
 - c) All systems components associated with the removal or transfer of fluids or liquids have been designed, are properly located, and adequately functioning so as to prevent the spillage of said fluids or liquids onto the ground surface.
 - d) All components of the system have been properly maintained.
 - e) Other areas of the salvage yard, including materials located therein, may also be inspected to determine that any materials retaining liquids or fluids have been properly secured so as to prevent the spillage of the liquids or fluids onto the ground surface.

If, in the opinion of the township as based on the above inspection or other information, it is determined that the liquid or fluid collection, storage and transfer system is not functioning as required by the ordinance and/or that materials stored on-site exhibit evidence of leakage onto the ground surface, the salvage dealer shall take immediate steps to correct all deficiencies including, if necessary, the removal and replacement of contaminated soils, installation of a purging system to remove contaminated ground water, and other such action as necessary to restore the site to acceptable state and federal environmental standards. Until corrective measures have been completed, the township may require the salvage dealer to cease all or portions of the salvage operations.

4.10.4. The salvage yard shall maintain a listing of the liquids and fluids stored on-site. The list shall be made available to the township upon request.

4.10.5. As a requirement of license renewal, the applicant shall provide certification that the liquid and fluid collection, storage and transfer system is operating properly pursuant to the containment of the liquids and fluids as required by this ordinance and applicable state and federal regulations.

4.11. Preexisting salvage yards.

4.11.1. Salvage yards and persons licensed to operate salvage yards under previous ordinances shall take immediate steps to prevent the leakage of liquids and fluids into the ground. Within two years of the effective date of this ordinance, all salvage yards licensed under previous ordinances shall comply with subsection 4.10 [142.004(4.10)] of this ordinance.

4.11.2. Salvage yards existing prior to the effective date of this ordinance, either as a legal nonconforming use under the nonconforming provisions of the Moorland Township Zoning Ordinance or as a use covered by an approved site plan issued under the provisions of the Moorland Township Zoning Ordinance, may be continued without meeting the standards of subsection 4.5 [142.004(4.5)] (pursuant to fence height), 4.5.1.1 [142.004(4.5.1.1)], 4.5.1.2 [142.004(4.5.1.2)], 4.4.1.3 [142.004(4.4.1.3)], 4.7 [142.004(4.7)] and 4.8 [142.004(4.8)] provided:

- a) Salvage yards falling under the control of a site plan previously approved by the township must be in full compliance with the plan at time of permit renewal. The lack of compliance of the previously approved site plan at time of permit renewal will require the entire salvage yard to meet all the conditions of this ordinance.

Pursuant to a salvage yard meeting compliance with a previously approved site plan, it shall be permissible to extend, add, or alter buildings, parking and circulation, and storage areas provided;

1. The extension, addition, or alteration shall be confined to within the geographic area identified on the site plan as the designated area for conducting salvage yard operations, including areas specifically denoted for use or placement by buildings, parking and circulation, and storage.
2. That where feasible and practicable, attempts shall be made to meet the requirements of subsection 4.5 [142.004(4.5)] (pursuant to fence height), 4.5.1 [142.004(4.5.1)], 4.5.1.1 [142.004(4.5.1.1)], 4.5.1.2 [142.004(4.5.1.2)] and 4.5.1.3 [142.004(4.5.1.3)].
3. Other requirements of this ordinance shall be met.
4. Any expansion of the site beyond that covered by an approved site plan shall meet all of the standards of this ordinance as determined by the township to be applicable to said expansion as based on the location and proposed use of the expanded area.
5. Any site expansion shall be considered an amendment to the approved site plan.

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- b) Salvage yards existing prior to the effective date of this ordinance and not covered by an approved site plan, and considered a legal nonconforming use under the provisions of the Moorland Township Zoning Ordinance, shall not be extended, added to or altered unless the entire salvage yard shall meet the standards of this ordinance. Pursuant to this paragraph, the salvage yard shall refer to that area encompassed by existing salvage material, commercial or industrial buildings associated with the salvage operation, and related vehicular circulation and parking system. It shall not mean the entire parcel owned or under the control of the salvage business unless the parcel is being utilized as indicated above.
 - c) All other salvage yards must meet the standards of this ordinance.

142.005 Violations.

Sec. 5. The following shall constitute violations of this ordinance:

- 5.1. Operation of a salvage yard as defined herein without a license.
- 5.2. Operation of a salvage yard during the period has been suspended or revoked.
- 5.3. The failure to comply with the standards and regulations of this ordinance.
- 5.4. Failure to submit required design plans, certifications, or the failure to cure the omissions upon demand of the township.
- 5.5. Failure to pay required fees.
- 5.6. Failure to be current with payment of personal property taxes.
- 5.7. Failure to allow or the intentional prevention of, any inspection by the township personnel, including testing, observation and inquiries regarding the operation of the salvage yard.
- 5.8. The submission of application or information to the township which is untrue or misleading.
- 5.9. Each day any of the violations continue shall be considered a separate violation.

142.006. Penalties for violation.

Sec. 6.

- 6.1. Any person violating this ordinance or any standard or regulation herein shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500.00 or imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment. Each day that a violation continues shall constitute a separate offense.
- 6.2. In addition to the criminal penalties set forth above, violation of this ordinance or any standard or rule or regulation hereof shall provide a basis for injunctive relief as may be appropriate in the courts.
- 6.3. In the event of any violation of this ordinance or any standards or regulation herein or reasonable requirements of the licensee related to the standards or regulations, the license may be suspended or revoked as set forth above, and the township shall have the right to seek injunctive relief to enforce the suspension or revocation. The township may determine, using the same procedures set forth above for suspension or revocation, to refuse to issue a renewal of a license and the township is entitled to exercise the same enforcement methods as set forth herein.
- 6.4. The township shall be entitled, in its discretion, to cure any violations of this ordinance, clean up the property and assess the costs of said cleanup against the property or against the owner or operator

thereof, or both, and in addition to other remedies, assess the same against the property and collect it as with real property taxes.

142.007. Effective date.

Sec. 7.

7.1. This ordinance shall take effect 30 days after the publication of a notice of adoption.

142.008. Severability.

Sec. 8. Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts of the ordinance shall be severable and continue in full force and effect.

142.009 Ordinance repeal.

Sec. 9. All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed upon the effective date of this ordinance.

Introduced: May 6, 1993

Adopted: May 6, 1993

Published: May 13, 1993

Effective: June 12, 1993

143.000 EXCESSIVE NOISE

Ord. No. 03-60

Effective: May 3, 2007

SHORT TITLE: An ordinance to secure the public health, safety and general welfare of the residents and property owners of Moorland Township, Muskegon County, Michigan, by the regulation of noise within said Township; to prescribe the penalties for the violation thereof.

THE TOWNSHIP OF MOORLAND, MUSKEGON COUNTY, MICHIGAN, ORDAINS:

Purpose: The purpose of this ordinance is to control noise generated with the Township.

143.001 Title.

Sec. 1. This ordinance shall be known and cited as the Moorland Township Excessive Noise Ordinance.

143.002 Definitions.

Sec. 2. The following terms used in this ordinance are defined as follows:

- A. "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty (20) times the common logarithm of their ratio. In sound press measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of 2×10^{-5} N/m² (Newtons per meter squared). As an example of the effect of this formula, a 3 decibel change in

the sound pressure level corresponds to a doubling or halving of the sound intensity, and a 10 decibel change corresponds to a 10-fold increase or decrease to 1/10th the former intensity.

- B. "dB(A)" means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI s1.4-1971.

143.003 Excessive noise regulations.

Sec. 3.

- A. General regulation. No person, firm or corporation shall cause or create any unreasonable or unnecessarily loud noise or disturbance, injurious to the health, peace, or quiet of the residents and property owners of the Township.
- B. Specific violations. The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:
 - 1. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons.
 - 2. Yelling, shouting, hooting or singing on the public streets between the hours of 10 p.m. and 7 a.m., or at any time or place so as to unreasonably upset or disturb the quiet, comfort or repose of any persons in the vicinity.
 - 3. The emission or creation of any excessive noise which unreasonably interferes with the operation of any school, church, hospital or court.
 - 4. The keeping of any animal, bird or fowl, which emanates frequent or extended noise which shall unreasonably disturb the quiet, comfort or repose of any person in the vicinity; such as allowing or permitting any dog to bark repeatedly in an area where such barking can be clearly heard from nearby residential property.
 - 5. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet, comfort or repose of other persons. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
 - 6. The sounding of any horn or other device on any motor vehicle unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.
 - 7. The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this section.
 - 8. The erection, excavation, demolition, alteration or repair of any building or premises in any part of the Township, and including the streets and highways, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 7:00

a.m. and 8:30 p.m. on any day, except in cases of urgent necessity in the interest of public health and safety. In such case, a permit shall be obtained from the building inspector or ordinance enforcement officer of the Township, which permit shall limit the periods that the activity may continue.

9. The creation of a loud or excessive noise unreasonably disturbing to other persons in the vicinity in connection with the operation, loading or unloading of any vehicle, trailer, railroad car, or other carrier or in connection with the repairing of any such vehicle in or near residential areas.
 10. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose which, by the creation of such noise, shall be unreasonably disturbing to other persons in the vicinity.
 11. The operation of any loudspeaker or other sound amplifying device upon any vehicle on the streets of the Township with the purpose of advertising, where such vehicle, speaker or sound amplifying device emits loud and raucous noises easily heard from nearby adjoining residential property.
 12. The operation of any machinery, equipment or mechanical device so as to emit unreasonably loud noise which is disturbing to the quiet, comfort or repose of any person.
- C. Exceptions. None of the prohibitions hereinbefore enumerated shall apply to the following:
1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 2. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Moorland Township, or the County of Muskegon, between sundown and 7 a.m. when the public welfare, safety and convenience render it impossible to perform such work during other hours.
 3. Warning devices emitting sound for warning purposes as authorized by law.

143.004 Excessive noise regulations based upon dB(A) criteria.

Sec. 4. In order to regulate and prove violations occurring under Section 3 of this ordinance, any noise in excess of the maximum decibel limits according to the regulations stated below is deemed to be in violation of this ordinance.

- A. Regulations for decibel measurement of noise originating from private properties. Noise radiating from all properties or buildings, as measured at the boundaries of the property, which is in excess of the dB(A) established for the following districts and times shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance:

Non Commercial or Non Industrial Districts Primary Agricultural Zoning District (A1), and Agricultural/Residential District (AR)

Limitations: 7 a.m.—10 p.m.: 65 db(A) and 10 p.m.—7 a.m.: 55 db(A)

Harmonic or pure tones, and periodic or repetitive impulse sound shall be in violation when such sounds are at a sound level of 5 dB(A) less than those listed above.

Violations shall exist when the source or sources of noise are identifiable and the levels emanating from the source or sources exceed the limitations listed above. As an example, such noise shall include that emitting from the production, processing, cleaning, servicing, testing, repairing and manufacturing of materials, goods or products, including vehicles.

Where property is partly in two zoning districts or adjoins the boundary of a zoning district, the dB(A) levels of the zoning district of the property where the noise is emanating shall control.

The following exceptions shall apply to these regulations under this Section 4, Subsection A:

1. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts as long as a valid building permit has been issued by the Township and is currently in effect.
 2. All railroad operations shall be subject to the maximum permissible noise levels allowed in industrial districts, regardless of the zone where they are located.
 3. Noises occurring between 7 a.m. and 8:30 p.m. caused by home or building repairs or from maintenance of grounds are excluded, provided such noise does not exceed the limitations specified in Section 4A by more than 20 dB(A).
 4. Noises emanating from the discharge of firearms are excluded, providing the discharge of the firearms was authorized under Michigan law and all local ordinances.
 5. Any commercial, agricultural or industrial use of property which exists now or in the future as a legal nonconforming use (as defined in the Township zoning ordinance) in a higher zoning classification shall be allowed to emit noise in excess of these limitations for the particular zoning classification where such use is located, providing that such noise does not exceed either of the following limitations:
 - a. The noise level emitted by such use at the time it became a legal non-conforming use as a result of the enactment of an amendment of the Township zoning ordinance if available.
 - b. The limitations contained herein based upon such a use being located in the highest zoning district (either commercial and agricultural or industrial) where such a use is specifically allowed as a permissible use.
- B. Regulations for decibel measurement of motor driven vehicles on public roads. All noise emitted from motor driven vehicles upon public roads shall be measured whenever possible at a distance of at least 50 feet (or 15 meters) from a noise source located within the public right-of-way. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7½ meters) and if this is done, 6 dB(A) shall be added to the limits provided below. All such noises in excess of the dB(A) as provided herein shall be prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is therefore in violation of this ordinance.
- Trucks & buses—Weight: Over 10,000 lbs. gross weight, dB(A) Maximum Limitation: 82 dB(A)
- Trucks & buses—Weight: Under 10,000 lbs. gross weight, dB(A) Maximum Limitation: 74 dB(A)
- Passenger cars—Any weight, dB(A) Maximum Limitation: 74 dB(A)
- Motorcycles, snowmobiles & mini-bikes—Any weight, dB(A) Maximum Limitation: 82 dB(A)
- All other self-propelled motor vehicles—Any weight, dB(A) Maximum Limitation: 74 dB(A)
- C. Measurement of noise. All measurements of dB(A) according to subparagraphs A and B of this section shall be made by using a sound level meter of standard design and operated on the "A" weight scale, with "slow" meter response.

143.005 Validity.

Sec. 5. The several provisions of this ordinance are declared to be separate; if any court of law shall hold that any section or provision thereof is invalid, such holding shall not affect or impair the validity of any other section or provision of this ordinance.

143.006 Penalties.

Sec. 6. Any person, firm or corporation found violating this provisions of this ordinance, shall upon conviction, be punished by a fine of not to exceed \$500 or by imprisonment not to exceed 90 days, or by both such find and imprisonment, at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, damages or other appropriate legal action.

143.007 Effective date.

Sec. 7. This ordinance shall take effect on _____.

Parts 144—169

PUBLIC WORKS AND UTILITIES

There are currently no ordinances assigned to this category.

200.000 ALARM SYSTEMS

Ord. No. 9

Adopted: January 27, 1994

An ordinance regulating alarm systems and imposing fees to defray costs in responding to false alarms.

200.001 Statement of purpose.

Sec. 1. The police department experiences an inordinate number of false alarms from alarm systems installed in businesses and residences within the township. These false alarms require the time and attention of dispatchers and police officers who could otherwise perform duties beneficial to the residents of the township. In addition, the inordinate number of false alarms induces a lack of attention and awareness, thus endangering the safety of the officers responding thereto. The cost of responding to false alarms is unfairly absorbed by all the residents of the township rather than by the alarm user whose alarm system is causing the false alarm. It is the purpose of this ordinance to impose upon the alarm user a charge to cover the police department's cost in responding to such false alarms and to encourage the installation, maintenance and operation of alarm systems which do not cause false alarms.

200.002 Definitions.

Sec. 2.

- (a) *"Alarm system"* means an intrusion or holdup device designed or arranged to signal audibly, visibly, electronically or mechanically, or by any combination of these methods, the presence of an intrusion or holdup of residential, business or commercial property to which the police department is expected to respond. "Alarm system" includes hostage alarms but excludes fire alarm signals.
- (b) *"Alarm user"* means any person or business on whose premises an alarm system is maintained within the township, except for alarm systems on motor vehicles. However, if an alarm system on a motor vehicle is connected with an alarm system at a premises, the person using such system is an alarm user.
- (c) *"Dial alarm"* means an alarm system which automatically sends over regular telephone lines a prerecorded message or coded signal indicating the existence of an emergency situation that the alarm system was designed to detect and which is connected to and received by an agency maintained by the local government.
- (d) *"Dispatch center"* means the Muskegon County Central Operations for Police Services communication center.
- (e) *"False alarm"* means the activation of an alarm system not resulting from criminal activity for which the alarm was intended.
- (f) *"Police department"* means the Muskegon County Sheriff Department.

200.003 Design of systems; dial alarms.

Sec. 3.

- (a) Any alarm system designed to emit an audible siren, noise, flashing light, beacon or other sound or light annunciation, so as to signal persons outside the premises, shall be equipped to automatically terminate the location annunciation of the alarm system within five minutes from the initial light or sound emission.
- (b) Dial alarms designed to terminate at the dispatch center are prohibited unless written permission is received from the Muskegon County Sheriff.

200.004 False alarms.

Sec. 4.

- (a) For each false alarm the alarm user shall receive a false alarm notice from the sheriff department. The alarm user shall return the false alarm notice to the sheriff department within 14 days of the date of the false alarm and shall state on the false alarm notice the cause of the alarm and corrective measure(s) taken.
- (b) An alarm user shall be required to pay the township a service fee for having four or more false alarms within a calendar year. The amount of such fee shall be established by resolution of the township board and shall cover the cost of responding to such false alarms and the cost of inspection, investigation and supervision resulting from the enforcement of this ordinance. If the alarm user fails to pay the service fee within 60 days after billing by the township, such service fee shall be added to and made a part of the next township tax bill against the subject premises and collected in the same manner as provided by law for the collection by the township of taxes on real estate.

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- (c) Alarm conditions caused by the following extenuating circumstances shall not constitute a false alarm, and the alarm shall not be counted nor shall a fee be assessed by the township.
- (1) Alarm system malfunctions on new installations, if occurring within a thirty-day period after the alarm system is installed, provided that corrective measures have been instituted as attested to by the alarm user on the false alarm notice.
 - (2) Alarms activated by a major disruption of telephone or other communication systems or by motor vehicle-utility pole accidents at the discretion of the sheriff or his designee.
 - (3) Meteorological or geological conditions when a large number of alarms or a particular area of the township is affected at the discretion of the sheriff or his designee.
 - (4) Alarm conditions activated by persons working on an alarm system with prior notification to the sheriff department and the dispatch center.
 - (5) Any alarm cancelled by the alarm user or designated alarm company prior to the dispatch of any police officer to the scene.

The sheriff or his designee shall determine the existence of conditions specified in subsections (c)(1), (2), (3) and (4) utilizing the official police report generated by the alarm activation and utilizing any other information deemed necessary to make a decision.

200.005 Defective alarm systems—Penalty.

Sec. 5. An alarm user whose alarm system causes eight false alarms within a calendar year, shall be deemed to possess a defective alarm system. An alarm user who possesses a defective alarm system is guilty of a misdemeanor punishable by a fine in an amount not exceeding \$500.00 or imprisonment for a term not exceeding 90 days, or both.

200.006 Effective date.

Sec. 6. This ordinance shall become effective ten days after publication.

201.000 CHARGE FOR FIRE PROTECTION SERVICES

Ord. No. 33

Adopted: June 3, 1999

SHORT TITLE: [An ordinance adopting a charge for fire protection services provided by the Moorland Township Fire Department.]

[THE TOWNSHIP OF MOORLAND HEREBY ORDAINS:]

201.001 [Provision of services; bylaws of department.]

Fire protection services in Moorland Township are provided by the Moorland Township Fire Department. Bylaws governing the appointment and tenure of members of the department and the organization of the department have been adopted and are on file in the office of the Township Clerk.

201.002 Charge for services.

Whenever any fire or preventive measures within Moorland Township use firefighting personnel and/or equipment of the Moorland Township Fire Department, the actual cost of extinguishing a fire and the cost of dispatching personnel and equipment for the purpose of extinguishing a fire shall be assessed against the persons or persons as described in paragraphs A., B., C., and D. as listed below:

- A. Any person who has not obtained a permit as required for starting, initiating or originating a fire.
- B. Any person who allows a fire to become uncontrollable even if that person has obtained a permit.
- C. The owner and/or operator of a motor vehicle or other vehicle that is owned or operator by persons who do not reside in, own property in, or pay tax to Moorland Township. Such owner or operator will be charged for any fire originating in or involving such motor vehicle.
- D. Any property owner within Moorland Township who has a fire where special fire suppression agents are used in extinguishing the fire shall be charged for the cost of the special fire suppression agent used.

202.000 REESTABLISHMENT OF TOWNSHIP FIRE DEPARTMENT

SHORT TITLE: [AN ORDINANCE TO REESTABLISH THE TOWNSHIP FIRE DEPARTMENT OF THE TOWNSHIP OF MOORLAND.]

[THE TOWNSHIP OF MOORLAND HEREBY ORDAINS:]

202.001 [Scope, purpose and intent.]

Sec. 1. This ordinance is adopted pursuant to authority granted by Michigan law, including Public Act 33 of 1951, as amended. The purpose of this ordinance is to re-establish the Township Fire Department and to provide the duties thereof; to provide for the authority of the Township Board as regards the Fire Department; to establish authority to adopt rules and regulations for the conduct of personnel and maintenance of equipment; and to provide for other matters pertaining to the Fire Department.

202.002 [Fire department.]

Sec. 2. The Moorland Township Board hereby re-establishes and reorganizes the Moorland Township Fire Department in accordance with this ordinance.

202.003 [Fire chief.]

Sec. 3. The Township Board shall, as necessary, appoint a Fire Chief. A duly-appointed Fire Chief at the effective date of this ordinance shall continue in that office, subject to the provisions of this ordinance. However, the Fire Chief shall serve at the pleasure of the Township Board.

The Fire Chief shall be the Chief Administrative Officer of the Fire Department. The Fire Chief shall be accountable to the Township Board for the efficient and effective operation of the Fire Department and for the Fire Department's compliance with all state laws, township ordinances and policies.

202.004 [Fire department budget, funding, powers and duties.]

Sec. 4.

- A. A proposed Fire Department budget shall be prepared annually by the Fire Chief and submitted to the Township Board. The budget shall be reviewed by the Township Board and may be amended or altered in any manner. Upon adoption by the Township Board, the budget shall be the budget of the Fire Department for the ensuing fiscal year of the Township. All major expenditures beyond the scope of the budget shall be presented to the Township Board at its next regularly scheduled meeting.
- B. The Township Board shall approve an annual appropriation for the operation and maintenance of the Department and its equipment, and for that purpose shall have the authority to use general funds, to initiate the creation of a special assessment district and levy assessments, sell bonds, establish user fees or raise revenues in any other manner provided for under law for the operation and maintenance of the Department.
- C. The Township Board shall provide for payment of any debts incurred incidental to the continued operation of the Fire Department. It shall purchase necessary equipment and/or construct public buildings for uses incidental to the maintenance and operation of the Fire Department.
- D. The Township Board shall establish rules and regulations for the operations of the Fire Department and for the care of the equipment.

202.005 [Duties of the fire chief.]

Sec. 5. The Fire Chief shall have the following duties and responsibilities:

- A. The Fire Chief shall recommend to the Township Board the appointment of an assistant chief, captains, lieutenants, engineers (drivers) and firefighters as may be deemed necessary.
- B. The Fire Chief shall develop, for Township Board approval, written administrative rules to increase the efficiency and effectiveness of the Department, including general operations of the Department, care of equipment, assignment and scheduling of personnel, procedures at the scene of fires and other incidents, plans for the long-range needs of the Department, and other matters relating to the sound operation of the Fire Department.
- C. The Fire Chief shall monitor and review all personnel and operating issues, and shall report to the Township Board on such issues, unless minor in nature. If requested, the Fire Chief shall prepare written reports to the Township Board. The Fire Chief shall prepare a written annual report to the Township Board.
- D. As needed, the Fire Chief shall notify the Township Board of major problems or issues that require Township Board action. When such problems must be resolved immediately or it is impractical or will endanger the health, safety or welfare of the Township to wait until the next Township Board meeting to resolve the issue, the Township Supervisor shall be empowered to resolve the issue or problem, subject to subsequent approval of the Township Board.
- E. The Fire Chief shall hold regular departmental informational and training meetings.
- F. The Fire Chief may incur expenditures against the Department budget as appropriated by the Township Board. The Fire Chief will monitor the unencumbered balances remaining in the Department budget and shall make timely recommendations for budget amendments at such time as the need for amendments become known. The Department's expenditures shall not exceed the amounts appropriated. Capital expenditures that exceed \$_____ shall conform to Township policies regarding written quotes and competitive bidding.

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- G. The Fire Chief shall also be responsible for the following:
- (1) Supervising the extinguishment of all fires that endanger the health, safety and welfare of the Township.
 - (2) Enforcing Township fire ordinances and fire prevention codes.
 - (3) Ensuring that all personnel are trained and qualified for the duties that they are expected to perform.
 - (4) Ensuring that fire inspection and community fire protection programs are conducted.
 - (5) Ensuring that all equipment and buildings are properly maintained and in good working order.
 - (6) Ensuring that all Fire Department personnel comply with departmental and board rules, regulations and policies.
 - (7) Ensuring that the Fire Department complies with all local, state and federal laws related to the operation of the Fire Department.

202.006 [Fire Department Officers.]

Sec. 6.

- A. There shall be a chain of command established among the Fire Department officers in descending order of rank, from the Fire Chief to the Assistant Chief, to the captains, to the lieutenants and to firefighters. Each rank shall obey the orders of their superior officers. Temporary officers may be appointed by the senior officer present at any emergency to ensure the continuity of chain of command. Such temporary appointments shall terminate when the officer with a given responsibility becomes available. Each command officer shall be responsible to ensure that orders are carried out by subordinates.
- B. The Fire Chief shall prepare a job description for each rank of the officers of the Fire Department, and shall submit such proposed description to the Township Board for approval.
- C. The Fire Chief shall submit to the Township Board a recommendation for each officer to be appointed. The Township Board shall appoint each officer, but is not limited to the persons recommended by the Fire Chief.

202.007 [Firefighters.]

Sec. 7. Paid on-call firefighters shall be employed in accordance with the following requirements:

- A. Applicants for vacant firefighter positions shall be of good character and possess a good driving record. Upon issuance of a conditional offer of employment, applicant may be required to undertake such physical examinations, including agility tests, as are permitted by law.
- B. All firefighters shall serve an initial probationary period for a period of not less than six (6) months, or until satisfactory completion of all required training. At the discretion of the Fire Chief, the minimum probationary period may be extended for up to an additional six (6) months. At the conclusion of the minimum probationary period, the Fire Chief may recommend that a probationary firefighter who has met all of the qualifications contained in the firefighter job description be employed as a firefighter by the Township Board.
- C. A probationary firefighter shall be entitled to all compensation and benefits afforded to firefighters, but shall be restricted to performing only those duties for which the firefighter has been specifically trained. A probationary firefighter shall not be issued Fire Department insignia or badges. Use of

emergency signal devices on the private vehicle of a probationary firefighter shall be at the Fire Chief's discretion.

202.008 [Disciplinary procedure.]

Sec. 8.

- A. Violations of any Township Fire Department ordinance, bylaws or rules related to the Fire Department or conviction of a felony shall subject any Fire Department personnel involved to disciplinary proceedings. A violation shall be documented by the Fire Chief upon good cause shown, or when a violation occurs in his presence.
- B. The Fire Chief shall provide a copy of a written disciplinary statement to an alleged violator. The written reprimand shall state the rule that was allegedly violated, the nature of any disciplinary action taken, and the consequences of any further occurrence. Disciplinary actions may range from a reprimand to a suspension, demotion or dismissal, or a combination of any of the above, depending upon the following:
 - (1) Seriousness of the violation.
 - (2) Consequences to the safety of others resulting from the violation.
 - (3) Potential harm to the Fire Department or the Township.
 - (4) Prior record of the individual.
 - (5) The nature of the act and related matters.
- C. Within thirty (30) days of written notification, any disciplinary action may be appealed to the Township Board, which shall affirm, deny or modify the disciplinary action taken by the Fire Chief. The Township Board may, on its own initiative, bring charges against any Fire Department personnel. Disciplinary action initiated by the Township Board shall follow the above procedures, except that the responsibilities designated above to the Fire Chief shall be performed by the Township Board. The Township Board may require the Fire Chief to investigate and report upon the matter.
- D. Theft of Township property or theft of any property at the scene of an emergency shall be cause for immediate dismissal.
- E. Firefighters shall not respond to emergencies, meetings or training sessions while under the influence of alcohol or any controlled substance.

202.009 [Emergency medical and rescue services.]

Sec. 9. The Fire Department is authorized to carry out emergency medical and rescue services in the Township, and on a mutual aid and assistance basis, in other municipalities. The Township may acquire vehicles, apparatus, equipment and supplies in order that the Fire Department may carry out such services. Personnel of the Fire Department are authorized to respond to medical and rescue emergencies. The Fire Chief shall institute and carry out an ongoing program for the training and certification of Fire Department personnel for such purposes.

202.010 [Compensation.]

Sec. 10. Compensation to firefighters shall be in such amounts and shall be paid at such times as may be determined by the Township Board. The Township shall keep accurate records of all compensation paid to Fire Department personnel. Time records shall be submitted to the Township Board or its designee in the Township

office for payment, in the same manner and upon the same schedule as is the case for other Township personnel, or upon such other schedule or basis as may be determined by the Township Board.

202.011 [Fire department equipment.]

Sec. 11. Required protective gear shall be worn by all firefighter personnel when engaged in firefighting activities. Lost or damaged equipment shall be reported as soon as possible to an officer. Township property shall be disposed of only with the prior approval of the Township Board. All Fire Department issued equipment shall be returned to the Fire Chief by any personnel leaving the Fire Department.

202.012 [Use of Fire Station.]

Sec. 12.

- A. Only Township-owned vehicles and equipment may be kept at the Fire Station. Fire Department equipment shall not be borrowed for private use, nor shall Fire Department premises be used for private purposes, unless specifically approved by the Township Board.
- B. Private vehicles must be parked in designated areas only.
- C. Alcohol and controlled substances shall not be brought into the Fire Station.

202.013 [Solicitation of Funds.]

Sec. 13. All fundraising activities carried out in the name of the Township Fire Department shall have the prior approval of the Township Board, and all revenues solicited in the name of the Fire Department shall be deposited with the Township Treasurer. The personnel of the Fire Department may incorporate a tax-exempt charitable organization to be known as the "Moorland Firefighters Association" or other designation approved by the Township Board, provided the Township Board approves this organization prior to its formation.

202.014 [Saving Clause.]

Sec. 14. If any portion of this ordinance is declared unenforceable by any court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect unaffected by the portion declared unenforceable.

202.015 [Effective Date/Publication.]

Sec. 15. This Ordinance shall become effective upon its publication or upon the publication of a summary of its provisions in a local newspaper of general circulation within the Township.

203.000 MEDICAL MARIHUANA

ORDINANCE NO. 12-2015
Adopted: December 10, 2015
Amended by:
ORDINANCE NO. 07-2017
Adopted: July 13, 2017

AN ORDINANCE REGARDING THE REGULATION OF MEDICAL MARIHUANA, MEDICAL MARIHUANA DISPENSARIES, AND RELATED USES AND ACTIVITIES

THE TOWNSHIP OF MOORLAND (Township") ORDAINS:

203.001 Purpose and Intent.

Art. 1. The voters of the State of Michigan adopted the Medical Marihuana Act, being Public Act 2008, Initiated Law 1, MCL 333.26421 *et seq.*, which became effective on December 4, 2008. The Act contains restrictions on who may consume medical marihuana and who may grow medical marihuana. The purpose of this Ordinance is to implement the Act in a manner that promotes its objectives and goals in a manner that is consistent with the health, safety and general welfare of the people of Moorland Township.

203.002 Definitions.

Art. 2. The following words, terms and phrases shall have the following meanings for purposes of this Ordinance:

"Act" means the Michigan Medical Marihuana Act, Public Ac 2008, initiated Law 1, being MCL 333.26421 *et seq.*, as amended.

"General Rules" means the General Rules of the Michigan Department of Community Health, issued in connection with the Act.

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

"Medical Use of Marihuana" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of Marihuana, Marihuana infused products, or paraphernalia relating to the administration of Marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Act.

"Primary Caregiver" means a registered primary caregiver as defined by the Act.

"Qualified Patient" means a registered qualified patient as defined by the Act.

203.003 Prohibition on Medical Marihuana Dispensaries and Facilities.

Art. 3. The establishment or operation of a medical Marihuana dispensary, a medical Marihuana business or a medical Marihuana "facility" as defined in the Medical Marihuana Facilities Licensing Act (Act 281 of the Public Acts of 2016) including a grower, processor, secure transporter, provisioning center and/or safety compliance facility under the MMFLA are all prohibited in Moorland Township.

203.004 Regulations Regarding the Medical Use of Marihuana.

Art. 4. The following provisions apply to the Medical Use of Marihuana in the Township:

- A. The Medical Use of Marihuana is prohibited in Moorland Township except as permitted in the Act and pursuant to the provisions of this Ordinance.
- B. Nothing in this Ordinance is intended to grant, nor shall this Ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing Marihuana not in strict compliance with the Act and the General Rules. Also, since Federal law is not affected by the Act or the General Rules, nothing in this Ordinance is intended to grant, nor shall this Ordinance be construed as granting, immunity from criminal prosecution under Federal law. The Act does not protect users, caregivers or the owners of properties on which the Medical Use of Marihuana

is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act or any other applicable Federal legislation.

- C. A Primary Caregiver or a Qualified Patient, operating in full compliance with the General Rules, the Act and the requirements of this Ordinance may engage in the Medical Use of Marihuana.
- D. The Medical Use of Marihuana shall comply at all times and in all circumstances with the Act and the General Rules, as they may be amended from time to time.
- E. The Medical Use of Marihuana shall be conducted entirely within a residential dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that phrase is defined by the Act), up to 12 Marihuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional Marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the Act.
- F. A Primary Caregiver, shall not possess Marihuana or otherwise engage in the Medical Use of Marihuana in the commercial or industrial districts or within a one-thousand (1,000) foot radius from any school, church, library, college, public park, half-way house, or family day care home, to insure community compliance with Federal "Drug-Free School Zone" requirements.
- G. Distribution or consumption of Marihuana or the use of items in the administration of Marihuana shall not occur at or on the premises of the Primary Caregiver except for lawful medical Marihuana consumption by the Primary Caregiver if registered as a Qualifying Patient under the Act.
- H. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residence in which electrical wiring, lighting or watering devices that support the cultivation, growing, or harvesting of Marihuana are located.
- I. There shall be no signs, equipment or other visible changes to the outside appearance of any residence identifying or indicating that the Medical Use of Marihuana is taking place on the premises; nor shall any vehicle having such a sign be parked anywhere on the premises.
- J. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the Medical Use of Marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
- K. No equipment or process shall be used in growing, processing or handling Marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit.
- L. Except for the Primary Caregiver, no other person shall deliver Marihuana to a Qualifying Patient.
- M. The possession or ingestion of marihuana by a Qualifying Patient for personal consumption is not subject to the restrictions of this Ordinance.
- N. If a room with windows is utilized as a growing location for Marihuana, any lighting between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the home, to prevent ambient light spillage that may create a distraction for adjacent properties.

203.005 Regulations Regarding Qualifying Patients.

Art. 5.

- A. A primary caregiver is required to deliver marihuana to his/her qualifying patients at the residence where the particular qualifying patient resides. A qualifying patient shall not go to the residence of their primary caregiver to purchase, obtain, smoke or consume marihuana.

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- B. Use of marihuana by a qualifying patient shall fully comply with this Ordinance and the Act.

203.006 Required Compliance with Federal Law.

Art. 6.

- A. Nothing in this Ordinance is intended to grant, nor shall any provisions of this Ordinance be construed as granting, immunity from prosecution for the growing, sale, consumption, use, smoking, distribution or possession of marihuana which is not in strict compliance with the Act, this Ordinance and all other applicable laws and regulations.
- B. Since federal laws are not affected by the Act or this Ordinance, nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under federal law. The Act and this Ordinance do not protect users, primary caregivers, qualifying patients or the owners of properties on which medical use of marihuana is occurring from federal prosecution or from having their property seized by federal authorities under the Federal Controlled Substances Act, as amended.

203.007 General Regulations.

Art. 7.

- A. No medical marihuana shall be grown, utilized, smoked, processed, distributed or handled within 1,000 feet of any half-way house, school, library, church, correctional facility, college, trade or vocational school, public park, halfway house, child daycare center, foster care center or similar use.
- B. No medical marihuana shall be grown, utilized, smoked, distributed or handled within a dwelling or on a residential lot or parcel within 1,000 feet of the residence of another primary caregiver.
- C. The smoking or consumption of marihuana shall not occur in any public place.
- D. Every primary caregiver, qualifying patient and any other person shall comply at all times and all circumstances with the Act and the regulations of the Michigan Department of Community Health, as may amended from time to time.
- E. It shall be unlawful to give, sell, dispense, or otherwise distribute medical marihuana (or any marihuana) to anyone other than a primary caregiver or qualifying patient.
- F. No sign or other advertising materials identifying a particular dwelling or property as being associated with the use or cultivation of medical marihuana or marihuana in general shall be displayed, posted, or distributed.
- G. Every primary caregiver shall maintain an accurate and complete written record of all medical marihuana purchased, sold, distributed, or dispensed by or through the primary caregiver which shall include, at a minimum, all of the following:
 - 1. The identity of the primary caregiver and qualifying patient involved in each transaction.
 - 2. The total quantity of, and amount paid for, the medical marihuana for each transaction.
 - 3. The date, time and location of each transaction.
- H. All transactions and the above-required information shall be recorded and kept in a numerical register in the order of which the transaction occurs. All such records must be kept in the English language in a legible manner and must be preserved and made available for inspection by the Township for a period of 3 years after the date of the transaction.

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- I. It is unlawful to purchase or otherwise obtain medical marihuana (or any marihuana) from any source other than a primary caregiver who is authorized under the Act to sell or dispense medical marihuana to that particular person.
 - J. The Township Board by resolution may require the issuance of a Township business permit for each primary caregiver.

203.008 Responsibility for the Premises.

Art. 8. A primary caregiver shall be responsible (and shall be deemed to be in violation of this Ordinance) for any violation of this Ordinance or the Act which occurs in the residential dwelling or lot or parcel owned or leased by the primary caregiver.

203.009 Severability.

Art. 9. If any provision, clause or portion of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or invalid, such invalidation shall not affect any other portion of this Ordinance and the balance of this Ordinance shall remain in full force and effect.

203.010 Penalties.

Art. 10. 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 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 civil infraction. Each day during which any violation continues shall be deemed a separate offense.

203.011 Public Nuisance and Nuisance Per Se.

Art. 11. The violation of any provision of this Ordinance or the Act shall be deemed to constitute a nuisance per se and shall be subject to abatement.

203.012 Publication and Effective Date.

Art. 12. This Ordinance shall become effective thirty (30) days after the publication of this Ordinance or a notice of adoption summarizing the provisions of this Ordinance appears in a local newspaper of general circulation in the Township.

(Ord. No. 12-2015, §§ 1—12, 12-10-2015; Ord. No. 07-2017, §§ 1—8, 7-13-2017)

Part 204

204.000 MARIHUANA ESTABLISHMENTS

ORDINANCE NO. 05-2019
Adopted: June 13, 2019

AN ORDINANCE TO "OPT OUT" OF PERMITTING RECREATIONAL MARIHUANA ESTABLISHMENTS IN THE TOWNSHIP AND MATTERS RELATED THERETO

THE TOWNSHIP OF MOORLAND ORDAINS:

204.001 Purpose, Recitals.

Sec. 1.

- A. This Ordinance is adopted pursuant to Section 6 of Michigan Initiated Law 1 of 2018, commonly known as the "Michigan Regulation and Taxation of Marihuana Act," which authorizes a municipality, such as the Township of Moorland, to prohibit or limit the number of marihuana establishments within its boundaries.
- B. The Township determines that it is necessary and in the best interests of the public health, safety and welfare of the Township's residents and businesses to adopt this Ordinance so as to provide sufficient time for the Township to determine whether to permit any, some or all of the marihuana establishments (as defined in Michigan Initiated Law 1 of 2018) within the Township.

204.002 Marihuana Facilities/Establishments Prohibited.

Sec. 2.

- A. The establishment and/or operation of any and all types of a "marihuana establishment," as that term is defined and used in Michigan Initiated Law 1 of 2018, is prohibited throughout the jurisdictional boundaries of Moorland Township. This prohibition includes, but is not limited to, the following types of marihuana establishments:
 - i. Marihuana grower.
 - ii. Marihuana safety compliance facility.
 - iii. Marihuana processor.
 - iv. Marihuana microbusiness.
 - v. Marihuana retailer.
 - vi. Marihuana secure transporter.
 - vii. Any other type of marihuana-related business that is subject to licensing by LARA under Michigan Initiated Law 1 of 2018 or the rules promulgated thereunder.
- B. Any and all types of "marijuana facilities" as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act are and remain completely prohibited in Moorland Township and may not be established, licensed or operated.

204.003 Rights Under MMMA Not Impaired.

Sec. 3. This Ordinance does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq.

204.004 Transportation of Marihuana.

Sec. 4. This Ordinance does not restrict or prohibit the transportation of marihuana through the Township by (a) a marihuana secure transporter who is licensed to operate in another municipality, or (b) a means otherwise authorized by state law.

204.005 Violations; Injunctive Relief.

Sec. 5.

- A. A violation of this Ordinance is hereby declared to be a nuisance per se. The Township may seek injunctive relief against a violator in order to abate the violation or to seek such other relief provided by law. In a proceeding for injunctive relief, the violator shall be responsible for all costs, damages, expenses and attorney fees incurred by the Township and shall be subject to all other remedies provided to the Township by law.
- B. A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction.
- C. This Ordinance shall be administered and enforced by the Township Supervisor, Township Ordinance Enforcement Officer, or by such other person (s) as designated by the Township Board from time to time.

204.006 Severability.

Sec. 6. Each portion of this Ordinance shall be deemed to be severable. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional, invalid, or unenforceable, such holding shall not affect the validity or enforceability of this Ordinance as a whole, or of any other part hereof.

204.007 Publication.

Sec. 7. This Ordinance or a summary of its provisions shall be published in a local newspaper of general circulation.

204.008 Effective Date.

Sec. 8. This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation. This Ordinance shall remain in full force and effect until such other time specified by ordinance of the Township Board.

(Ord. No. 05-2019, 6-13-2019)

Parts 205—229

Part 230

231.000 PRIVATE DRIVEWAYS

Ord. No. 12

Adopted: December 1, 1994

SHORT TITLE: An ordinance to provide regulations and requirements for private driveways.

THE TOWNSHIP OF MOORLAND ORDAINS:

231.001 Purpose.

Sec. 1. The purpose of these regulations are to provide uniform standards for the development and utilization of private driveways.

231.002 Private driveways.

Sec. 2.

A. Private driveways shall be subject to the following regulations:

1. No building or structure shall be built upon any lot which does not abut a public street except in compliance with the requirements of this section.
2. All private driveways and the lots to be served thereby shall comply with the requirements of the Moorland Township Zoning Ordinance and the Subdivision Control Act of 1967 (MCLA 560.101 et seq.), as both may be amended from time to time.
3. Each private driveway shall extend from a public right-of-way to the lot served thereby.
4. No private driveway shall serve more than one (1) single family.
5. All private driveways shall meet or exceed the requirements contained in the Uniform Fire Code adopted by the Township of Moorland.

231.003 Severability.

Sec. 3. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts of the Ordinance shall be severable and continue in full force and effect.

231.004 Ordinance repeal.

Sec. 4. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

231.005 Effective date.

Sec. 5. This Ordinance will become effective 30 days after the date of adoption.

Introduced: December 1, 1994

Adopted: December 1, 1994

Published: December 15, 1994

Effective: December 31, 1994

Parts 232—259

260.000 DIVISION OF LAND

Ord. No. 10

Effective: May 7, 1994

SHORT TITLE: An ordinance to provide for the division of land and to set standards and conditions for such division.

THE TOWNSHIP OF MOORLAND HEREBY ORDAINS:

260.001 Purpose.

Sec. 1. An ordinance for the Township of Moorland to provide for the division of land and to set standards and conditions for such division.

260.002 Lot division.

Sec. 2.

- A. No lot which encompasses lands located in the Township of Moorland, Michigan, shall be further partitioned unless such partition is conducted in accordance with the provisions of this section. When an owner desires to partition a lot, that owner shall file a petition with the township clerk, which shall contain the following:
1. The exact legal description of the lot to be partitioned.
 2. A description of all improvements located on said lot.
 3. In the event that there are improvements of any nature, the owner shall submit with said petition a survey of the lot which he proposes to partition, which survey shall set forth to scale all improvements located thereon, including measurements between all improvements or between improvements and the boundary lines of said lot, as then constituted.
 4. All proposed new boundary lines which will be effective if the lot is partitioned.
 5. A statement of the reasons for requesting approval to partition the lot.
 6. A statement that the individual has notified the owners of all adjacent and adjoining owners of the proposed division.

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7. Proof of the payment of any due but unpaid tax liability.
- B. Upon receipt of the petition described in subsection A above, the township clerk shall refer the petition to the Moorland Township Planning Commission for consideration at their next regularly scheduled meeting. Upon receipt, the planning commission shall proceed to review the petition and shall report back its findings, conclusions and recommendations to the township board. In conducting its review, the planning commission shall give consideration to the following:
1. The width, depth and area of the resulting lots which will result if the lot division is permitted. Except as set forth in subsection E below, no partition of a lot shall be approved, unless the lots which will result after the partitioning of the lot comply fully with the setback, side yard, width, depth and area requirements of the Moorland Township Zoning Ordinance.
 2. The existence of adequate public sewer and water facilities for the two resulting lots, if available. If public sewer and/or public water are not available, then partition shall not be permitted unless the Muskegon County Health Department shall first approve both of the resulting parcels for the establishment of on-site wastewater disposal and on-site water acquisition.
 3. Whether each resulting lot abuts a public road or approved access.
 4. Any relevant factors of density, topography, or physical conditions with respect to the resulting parcels which might affect the compatibility of the resulting lots, outlots or other parcels of land with surrounding lands.
 5. Any other relevant factors in keeping with the spirit and intent of the Subdivision Control Act or Condominium Act, this ordinance, or the zoning ordinance.
- C. The planning commission shall submit a report to the township board addressing all the factors referred to in subsection B.1. above, within 40 days following their receipt of the petition filed by the property owner. The township board shall then either approve or disapprove the proposed partition of the lot. The township board shall not approve such partition unless it shall make a finding that all of the considerations contained in subsection B.1. above have been resolved favorably.
- D. If the township board shall approve the partition of a lot for which partition was requested, then it shall cause a resolution of approval to be recorded with the Muskegon County Register of Deeds.
- E. If a proposed partition fails to comply with the provisions contained in subsection B.1. above, the partition may nevertheless be permitted, if any resulting lot which does not meet the requirements of subsection B.1. is permanently attached to another platted lot under common ownership and if the resulting parcel complies with the requirements of subsection B.1. above. In the event that a partition of a lot is approved based upon this section, then the resolution of approval adopted by the township board shall set forth the lot to which any parcel not complying with subsection B.1. will be attached, and the municipality, as a condition to its granting approval to partition the lot, may require the owner of the parcel to which the fractional lot is being attached to execute a covenant that such owner will, in the future, convey such fractional lot only in association with the lot to which it is being attached.

260.003 Severability.

Sec. 3. The provisions of this ordinance are declared to be severable, and the holding of any court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section.

260.004 Repeal of conflicting ordinances.

Sec. 4. All ordinances in conflict with this ordinance to the extent of such conflict are hereby repealed.

260.005 Effective date.

Sec. 5. This ordinance will become effective ten days after its publication.

Introduced: April 7, 1994

Adopted: April 7, 1994

Published: April 14, 1994

Effective: May 7, 1994

Parts 261—299

300.000 ZONING ORDINANCE

Adopted: December 9, 1996

CHAPTER 1

300.100 TITLE, PURPOSE, AND SCOPE

300.100.0 Title.

Sec. 1.0. This Ordinance shall be known and may be cited as "The Moorland Township Zoning Ordinance."

300.101 Purposes.

Sec. 1.1. This Ordinance is based on provisions of the Township Rural Zoning Act, being Act 184 of the Public Acts of 1943, as amended, and is intended to regulate use of land and structures, to regulate development of land, and to accomplish the following: promote the public health, safety and general welfare; ensure the use of land will be appropriate as to location and relationship with other uses of land; preserve prime agricultural lands; limit overcrowding of land; prevent congestion of population; ensure provision of and efficient use of transportation, sewage, water supply, energy, education, recreation, and other public facilities; require use of lands in accordance with it's character and adaptability; and provide for orderly development of the Township with minimal nuisance or hazard to life and property.

300.102 Scope.

Sec. 1.2.

- A. Where any condition imposed by this Ordinance upon the use of any lot, building or structure is either more or less restrictive than any other Ordinance of the Township, the requirement which imposes a higher standard or condition shall apply.
- B. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement affecting real property, provided that where this Ordinance imposes a higher standard or condition

than such easement, covenant or other private agreement, the provisions of this Ordinance shall govern.

- C. Every use of land, building, or structure, every building or structure built, altered, relocated, enlarged, or demolished in any manner which requires a building permit after the effective date of this Ordinance, shall be subject to all regulations contained herein which are applicable to the zoning district within which the use of the land, building or structure is located.
- D. Building setbacks and lot areas existing at the effective date of this Ordinance shall not be reduced below the minimum requirements of this Ordinance. Setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements of this Ordinance.
- E. The regulations contained in this Ordinance shall be considered the minimum regulations to promote and protect the public health, safety and general welfare.

300.103 Validity and severability.

Sec. 1.3. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel of land, lot, building, or structure, or use of land or building, such ruling shall not affect the application of said provisions to any other parcel, lot, building, or use not included in said ruling.

300.104 Effective date.

Sec. 1.4. This Ordinance shall become effective immediately upon publication of the notice of adoption of this Ordinance. The effective date is December 9, 1996.

300.105 Repeal of prior ordinance and savings clause.

Sec. 1.5. The Moorland Township Zoning Ordinance, effective December 10, 1992 and all amendments thereto are hereby repealed coincident with the effective date of this Ordinance. The repeal of said ordinance shall not release or relinquish any violation, penalty or liability incurred thereunder and such ordinance shall be treated as remaining in full force and effect for the purpose of instituting or sustaining any action for enforcement of provisions in said ordinance.

300.106 Legal basis.

Sec. 1.6. This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

(Ord. No. 06-21, § 9, 9-7-2006)

CHAPTER 2

300.200 DEFINITIONS

300.200.0 Rules of interpretation.

Sec. 2.0.

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- A. The following rules of interpretation shall apply:
- (1) The particular shall control the general.
 - (2) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other legal entity.
 - (3) The phrase "used for" includes arranged for, designed for, intended for, maintained for, or occupied for.
 - (4) A "building" or "structure" includes any part thereof.
 - (5) Unless clearly indicated to the contrary, any regulation involving two or more items connected by conjunction "and", "or", "either ... or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items shall apply.
 - b. "Or" indicates the connected items may apply singly or in any combination.
 - c. "Either ... or" indicates that the connected items apply singly, but not in combination.
 - (6) Words used in the present tense shall include the future tense; words used in the singular shall include the plural and the plural shall include the singular, unless the text clearly indicates the contrary.
 - (7) The word "shall" is always mandatory. The word "may" is permissive.
 - (8) In the case of any difference of meaning between the text of this Ordinance and any illustration, the text shall control.
 - (9) Terms not herein defined shall have the meaning customarily assigned to them.
 - (10) Days mean calendar days.

300.201 General definitions.

Sec. 2.1. For the purpose of this Ordinance, certain words and terms are defined as follows:

Abutting: A lot or parcel which shares a common border with another lot or parcel.

Accessory use, building or structure: A use, building or structure which is incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot or parcel as the principal use, building or structure to which it is related.

Adjacent (lot or parcel): A lot or parcel which abuts or is directly across a public street or private easement from another lot or parcel.

Apartment: A dwelling unit within a building containing three or more dwelling units.

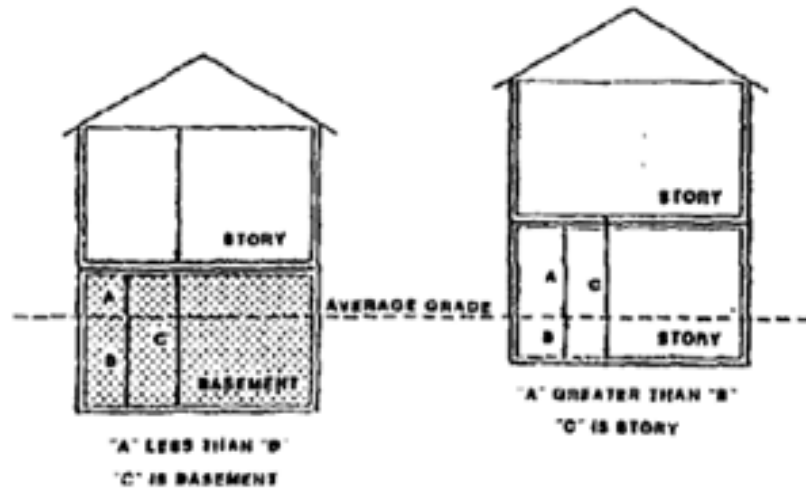
Arcade: Any place, premises, establishment, building or portion thereof in a retail or commercial facility in which are located for public use five or more coin operated amusement devices. This definition does not include establishments not open to the general public.

Automobile service station: Land, building and/or premises used for the purposes of retail sales of gasoline, oil, grease, and automobile accessories, the installation of such commodities, and for minor automobile repair, excluding auto body repair and finishing, storage or sale of used auto parts, or the storage of automobiles other than those in for immediate repair or service. (See Garages, Commercial)

Base flood: A flood having a one percent chance of being equalled or exceeded in any given year. This also refers to the 100-year flood.

Basement (See Figure 2-1): That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the basement floor is greater than the vertical distance from average grade to the ceiling. A basement shall not be counted as a story.

FIGURE 2-1. BASEMENT AND STORY



Bed and breakfast establishment: A use within a single-family dwelling unit 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 grass, plant materials, and/or ground cover in such a fashion as to be used for visual and/or audible screening.

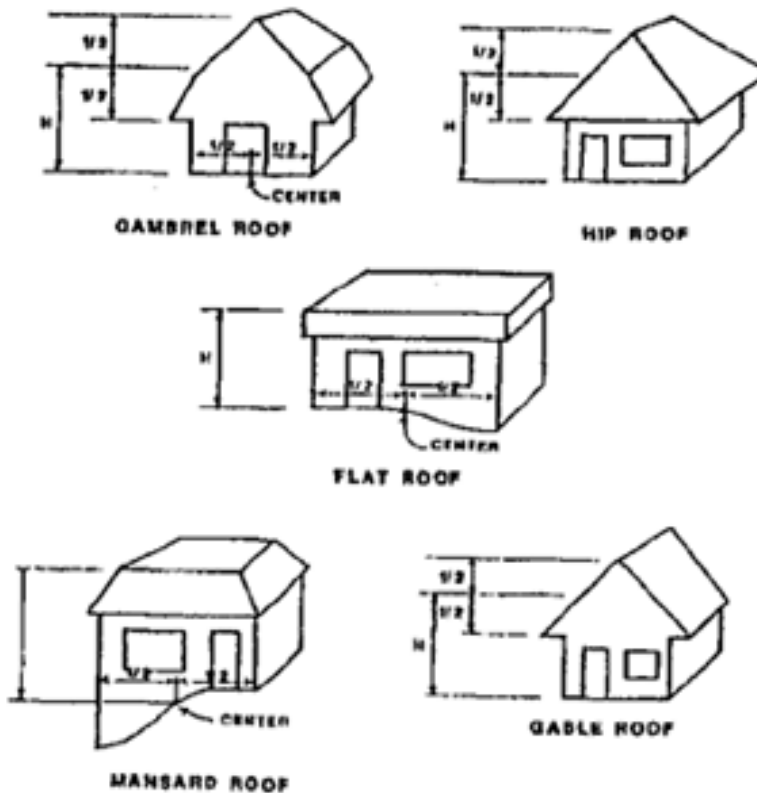
Boarding house: (See Bed and Breakfast Establishment).

Buffer zone: A strip of land often required between zoning districts and reserved for plant material, berms, walls or fencing to serve as a visual or sound or privacy barrier.

Building: Any structure having a roof supported by walls, columns or other supports, which is used for the purpose of housing, sheltering, or enclosing persons, animals or personal property or is used for conducting any business activities. This definition includes mobile homes, tents, sheds, garages, greenhouses, and other accessory structures.

Building height: (See Figure 2-2) In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge for gable, hip and gambrel roofs. For measurement of height of accessory buildings, see section 3.10(D) [300.310].

FIGURE 2-2. BUILDING HEIGHTS



Building inspector or building official: An individual appointed by the Board of Trustees delegated to administer the Building Code Ordinance in effect in Moorland Township.

Building line: A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line or ordinary high water mark or bluffline.

Building, principal: A building in which is conducted the main or principal use on a lot or parcel.

Canopy tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree and which provides shade to adjacent ground areas.

Cellar: See definition of basement.

Certificate of zoning compliance: A document signed by the Zoning Administrator or seal on a final site plan, as a condition precedent to the commencement of a use or the construction of any building or structure, that such use, building or structure complies with the provisions of this Ordinance.

Child care center: A facility, other than a private residence, receiving one or more children for care for periods of less than 24 hours in any day, and where parents or guardians are not immediately available to the child. Child care center does not include a Sunday School, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during any 12-month period, or a facility operated by a religious organization where children are cared for not more than three hours while parents or guardians attend religious worship services.

Church or synagogue: A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

Clinic: An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, and other medical specialists and other medical professionals on an outpatient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

Club: The buildings and facilities used by a non-profit organization of persons for special purposes or for the promotion of sports, arts, science, literature, politics, social activities, and other similar group activities.

Coin-operated amusement device: Any amusement machine operated by means of a coin or token or activated by any other means, for the purpose of amusement or test of skill. Coin-operated music machines shall not be considered a coin-operated amusement device.

Commercial recreation establishment: A facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities, either within an enclosed building or outdoors and operated as a business for public use for a fee.

Common land: A parcel(s) of land with improvements, the use, maintenance and enjoyment of which are intended to be shared by owners or occupants of individual building units in a subdivision, condominium project, or a planned unit development.

Common open space: An unoccupied area within a planned unit development which is reserved for the leisure and enjoyment of all planned unit development residents and maintained in common by them or a homeowners association.

Condominium unit: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in a master deed, regardless of intended use. The owner of a condominium unit also owns a share of the common elements. The terms "condominium unit" and "site condominium" shall be considered the equivalent to the term "lot" for purposes of determining compliance to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratios. Lot requirements within this Ordinance shall apply to site condominium units as though they are designed and recorded under provisions of Public Act 288 of 1967 as amended.

Congregate housing: A dwelling unit providing shelter and services for the elderly which may include meals, housekeeping, and personal care assistance. Such facility offers a semi-independent lifestyle, but does not provide intensive health care such as dispensing of medications, nursing or medical care. (See Foster Care Facility)

Correctional facility: Any lot or parcel of land and/or building intended for use as a prison, reformatory, jail, correction, detention or housing facility for adult or juvenile persons convicted of any crime. A correctional facility shall include any facility operated by the State of Michigan and agencies thereof, other governmental unit, or a private organization. Also, any land or building intended for use as a training or detention facility in connection with farming or vocational skills training shall be included in this definition.

Cul-de-sac: A deadend public or private street which terminates in a circular section which allows for vehicle turnaround.

Commercial extraction or (mining): The extraction of sand or gravel or any other material for purposes of removal from the lot or parcel on which it is located whether for profit or not, that requires the digging or removal of the sand or gravel or other material. The extraction of the sand or gravel may or may not result in an accumulation of standing water. Extraction of sand or gravel shall be regulated by section 11.4(A) [300.1104(A)] of this Zoning Code. The extraction of top soil for removal from a lot or parcel is prohibited.

Deceleration lane: An added roadway land that permits vehicles to slow down before turning adjacent to, but not on a lane intended for through traffic.

Density: The number of dwelling units developed per net or gross acre of land.

Drive-in: A business establishment so designed that its retail or service activity is dependent on a driveway approach for motor vehicles to serve patrons while in the motor vehicle, including customer communication facilities for financial institutions and restaurants serving food and beverages from a drive through window to patrons in motor vehicles.

Driveway throat width: The driveway width, measured perpendicularly from the edge of pavement or curb face, in the narrowest section of the driveway.

Dwelling, efficiency: A dwelling unit of not more than one room in addition to kitchen and bathroom.

Dwelling unit, multiple-family: A building designed for three or more dwelling units.

Dwelling, single-family: A detached building designed for and containing one dwelling unit with exterior walls having a horizontal dimension of at least 20 feet.

Dwelling, two-family: A detached building designed for and containing two dwelling units.

Dwelling, functional family: A dwelling unit occupied by a functional family as defined in this Ordinance with exterior walls having a horizontal dimension of at least 20 feet.

Dwelling unit: A building, or enclosed portion thereof, designed for occupancy by one family for residential purpose and having living, eating, sleeping, cooking and sanitary facilities independent of any other dwelling unit. A dwelling unit shall include both factory manufactured units and site built units.

Dwelling unit, attached: A dwelling unit attached to any other dwelling unit by common structural elements.

Dwelling unit, detached: A dwelling unit which is not attached to another dwelling unit by any other means.

Easement: A grant of one or more property rights by a property owner to another person or public entity.

Essential services/public utilities: The erection, construction, alteration, or maintenance of utility systems whether underground, surface or overhead. These systems include storm and sanitary sewer, water, electric, gas, telephone, and cable television facilities and the required accessory uses and structures.

Erected: Any physical activity on land involving placement, construction, fabrication, or building of any structure or excavation in preparation for any structure above, on or below ground.

Erosion: The collapse, subsidence or removal of soil along a drain, creek, river, pond, lake or other watercourse occurring as a result of inadequate resistance to the flow of water over the soil or as a result of poor soil stabilization.

Excavation: Any activity involving removal of soil from the ground.

Family: An individual or a group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two other unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Family, functional: A group of persons which does not meet the definition of "Family" herein defined, living in a dwelling unit as a single housekeeping unit and intending to live together for an indefinite period. This definition shall not include a fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

Feedlot: (See Livestock Operation, Intensive).

Fence: An accessory structure intended for use as a barrier to property ingress or egress, a screen for privacy from objectionable view or noise, or for decorative purpose.

Filling: The permanent depositing or dumping of any matter onto or into the ground, excluding activities relating to farming, lawn maintenance or landscaping.

Flea market: An enclosed or outdoor retail activity in which two or more persons, operating independently, sell new or used hardgoods, furniture, antiques, novelties or other merchandise.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land area from:

- (1) Overland flow of inland water, or
- (2) The unusual and rapid accumulation of runoff or surface water from any source.

Flood hazard area: Land which, on the basis of available floodplain information, is subject to a one percent or greater chance of flooding in any given year.

Flood insurance rate map (FIRM): A map of the Township prepared by the Federal Emergency Management Agency, which identifies 100- and 500-year floodplain and other flood-related information; and which is used as the official floodplain map for insurance purposes.

Flood insurance study: The official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which shall be preserved in order to discharge the base flood waters. Floodway is the same as the regulatory floodway.

Floor area, gross: The sum of all horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area except where they are used for commercial purposes such as the outdoor sale of merchandise.

Floor area ratio: The ratio of gross floor area of a building to the area of the lot or parcel on which it is located, calculated by dividing the gross floor area in square feet by the lot area in square feet and expressed as a percentage. In calculating the floor area ratio, the floor area of accessory buildings shall be included.

Foster care facility: An establishment which provides supervision, assistance, protection and personal care, in addition to room and board, to persons. A foster care facility is other than a home for the aged or a nursing home licensed under Public Act 139 of 1956, as amended, or a mental hospital licensed under Sections 51 and 52 of the Public Act 151 of 1923, as amended.

- A. Family home: A facility which provides foster care for six or fewer persons.
- B. Group home: A facility which provides foster care for seven or more persons.

Fraternity/sorority house: A dwelling unit maintained exclusively for persons who are joined together by common interests and affiliated with an institution of higher education.

Frontage road: A public or private street which parallels a public street located between the right-of-way line and the front building setback line. Frontage roads can be one-way or two-way in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial roadway and adjacent land user. A road which allows parking or is used as a parking aisle within a parking lot may be considered as a frontage road.

Garage, commercial: A garage available to the public, operated for financial gain, and used for storage, repair, rental, servicing, washing, sale, or equipping automobiles and other motor vehicles.

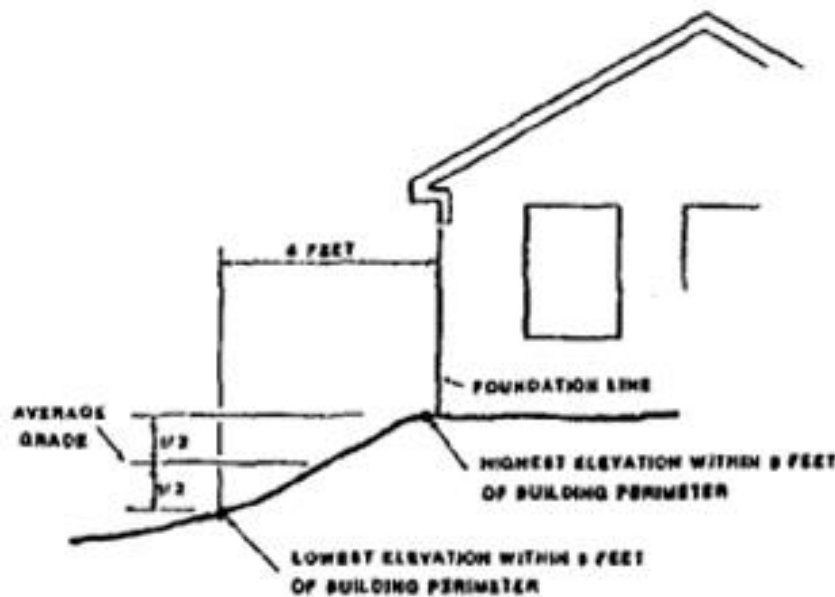
Garage sale: A sale of primarily used goods, antiques, curios, clothing, etc., operated on residential property by the owner or occupant on an occasional basis.

Grade, average: (See Figure 2-3) The arithmetic average of the lowest and highest grade elevations in an area five feet from the foundation of a building or structure.

Grade, finished: The lowest point of elevation between the exterior wall of the structure and the line five feet from the exterior wall of the structure.

Grade, natural: The elevation of the ground surface in its natural state, before man-made alterations.

FIGURE 2-3. AVERAGE GRADE



Greenbelt: A landscaped area along a street between the curb or road shoulder and the front yard parking setback line.

Gross site area: The total area of a planned unit development site, including floodplain and waterbodies.

Group day care home: A single-family, detached dwelling in which the operator permanently resides as a member of the resident family. A group day care home involves child care for more than four weeks in any calendar year in which six but not more than 12 children are given day care and supervision for periods of less than 12 hours in a day, unattended by parent or guardian, except children related to an adult member of the family by blood, marriage or adoption.

Halfway house: Any land or building intended for and used for the occupancy and therapy of mentally disturbed or emotionally ill persons not requiring intensive care, supervision or confinement. For purposes of this Ordinance, all requirements for public and semi-public institutions shall apply.

Home occupation: An occupation conducted entirely within a dwelling and conducted by the resident family, not involving non-family employees, and which use is clearly secondary to the use of the dwelling for residential purposes.

Hospital: A facility offering primarily inpatient care and services for observation, diagnosis, and active treatment of patients with medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily care and supervision of a medical doctor and medical support staff. A hospital may also have a clinic offering outpatient services.

Hotel: A series of attached, semi-attached, or detached rental units which provide lodging on a temporary basis, and which are offered to the public for a fee. The term hotel shall include tourist cabins, motels, and motor courts.

Industry and industrial use: The production, manufacture, fabrication, assembly, or material change of raw material, semifinished goods and finished products, including customary accessory uses and facilities, excluding any farming activity.

Intensive livestock operations: Agricultural activities, facilities and lands in which livestock, fowl or other farm animals are maintained in close quarters for the purpose of raising or fattening such livestock, fowl or other farm animals for final shipment to market, where all such operations and activities are in compliance with generally accepted agricultural and management practices as promulgated by the Michigan Commission of Agriculture and applicable state law.

Junk yard: (See Salvage Yard)

Kennel, commercial: Any lot or parcel on which four or more dogs, six months or older, are kept, either permanently or temporarily, for the purpose of breeding, boarding, training, sale, or transfer.

Livestock: Animals including, but not limited to, horses, cattle, buffalo, llama, sheep, goats, swine, poultry and rabbits.

Loading space: An off-street space on the same lot or parcel with a building, or group of buildings, for the temporary parking of a vehicle while loading or unloading any merchandise, materials or passengers.

Lot: (See Figure 2-4) A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision having frontage upon a public street right-of-way or an approved private street and having sufficient area to comply with all lot requirements of this Ordinance for lot area, setbacks, lot coverage, and open space.

Lot area, gross: (See Figure 2-6) The area contained within the lot lines or property boundary including street right-of-way, if ownership runs to center line of right-of-way.

Lot area, net: (See Figure 2-6) The total area of land within the lot lines, exclusive of any public street right-of-way abutting any side of the lot.

Lot area, net buildable: For all uses: The net lot area less areas devoted to floodplains or waterbodies; waterbodies being defined as any area greater than one acre in size which are periodically or permanently covered with water and less the area within public road right-of-way or easements or the area of easement in which a private road is or will exist.

Lot, corner: (See Figure 2-4) Any lot having at least two contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot, coverage: The part or percent of a lot occupied by buildings and structures.

Lot, depth: (See Figure 2-5) The horizontal distance between the front and rear lot lines, measured along the mid-point between side lot lines.

Lot, flag: A land division with less frontage on a public road than required in the [this] Ordinance but with access/frontage of at least 66 feet. As of July 1999 flag lots are not permitted in Moorland Township.

Lot frontage: The length of the front lot line.

Lot, illegal: A lot created after the effective date of this Ordinance which does not meet all dimensional requirements of this Ordinance. An illegal lot may not be used for any purpose and may not be granted any variance by the Zoning Board of Appeals.

Lot, interior: (See Figure 2-4) A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a public or private street.

Lot, nonconforming: A lot of record created lawfully prior to the effective date of this Ordinance which does not meet the dimensional requirements of this Ordinance. A nonconforming lot of record may be used for uses permitted by right in this Ordinance, subject to approval of site plan, special land use permit, or other permit required by this Ordinance. The Zoning Administrator shall be empowered to grant administrative variances on lawful non conforming lots of record.

FIGURE 2-4. LOT TYPES

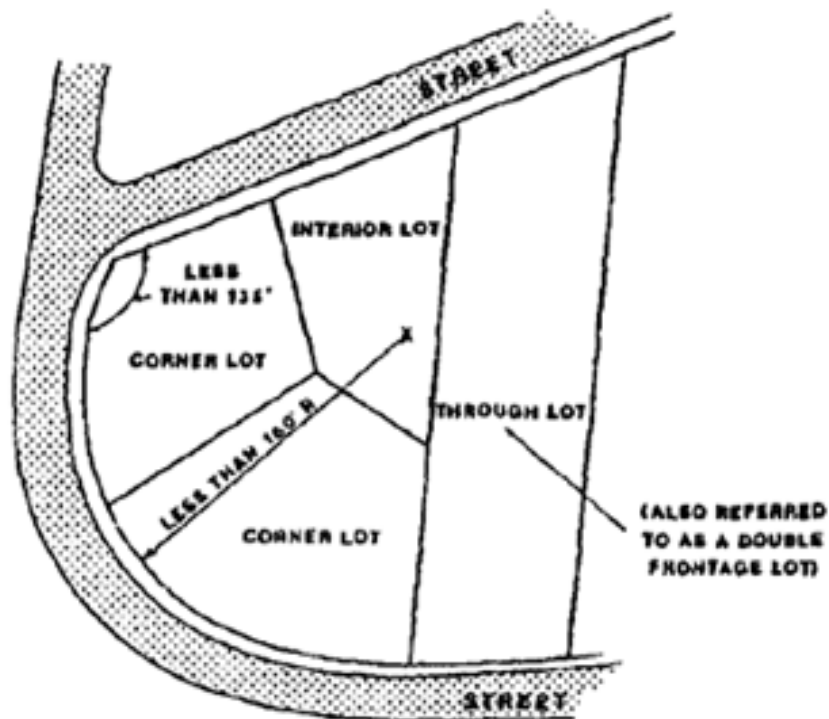
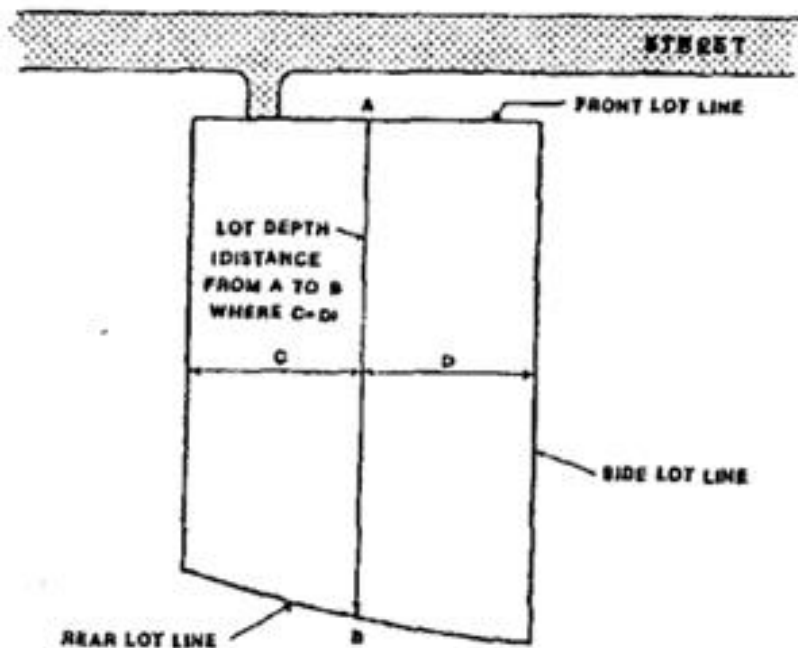


FIGURE 2-5.



Lot, through (also called double frontage): (See Figure 2-4) An interior lot having frontage on two or more streets.

Lot line, front: (See Figure 2-7) The line(s) separating the lot from any street right-of-way, private road or other access easement.

Lot line, rear: (See Figure 2-7) The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten feet in length entirely within the lot or parcel, parallel to and at maximum distance from the front lot line.

Lot line, side: (See Figure 2-7) Any lot line other than the front or rear lot line.

Lot lines: (See Figure 2-7) The line bounding a lot or parcel of land.

Lot of record: A tract of land which is part of a subdivision plat or condominium subdivision, or a tract described by metes and bounds description which is the subject of a deed, recorded plat or condominium subdivision, or a land contract which is likewise recorded in the Office of the Register of Deeds of Muskegon County.

Lot width: (See Figure 2-7) The horizontal distance between side lot lines measured uninterrupted from the front lot line to the rear lot line.

Master deed: The document recorded as part of a condominium subdivision plan to which are attached as exhibits deed covenants, bylaws, easement descriptions, survey and related documents.

Master plan: A document containing future development policy, land use and related plans, together with supporting documents, as most recently adopted by the Township Planning Commission pursuant to Public Act 168 of 1959.

Manufactured housing: A dwelling unit which is designed for long-term residential occupancy and is wholly or largely fabricated at an off-site location. Manufactured housing includes mobile homes and modular homes.

FIGURE 2-6. NET AND GROSS LOT AREA

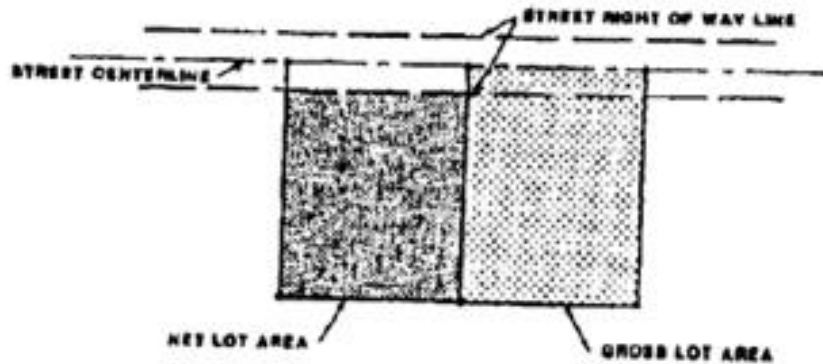
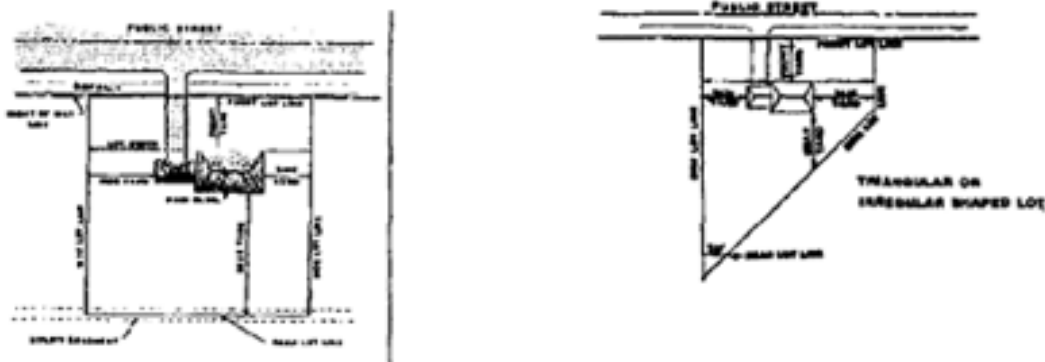


FIGURE 2-7



Mobile home: A single-family dwelling unit of a type and quality conforming with the United States Department of Housing and Urban Development (HUD) mobile home construction and safety standards and which is transportable in one or more sections and designed to be used as a dwelling with or without a permanent foundation. Travel trailers are not mobile homes.

Mobile home park: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which are offered to the public for that purpose. A recreational vehicle park or campground is not a mobile home park.

Modular home: A dwelling which consists of pre-fabricated sections transported to the site on a removable undercarriage or flat bed and assembled for permanent location on the lot or parcel.

Motel: (See Hotel)

Motor home: A self-propelled, licensed vehicle on a chassis, intended for recreation activities and temporary occupancy.

Nonconforming building or structure: A structure or building lawfully constructed that does not conform to the requirements of this Ordinance.

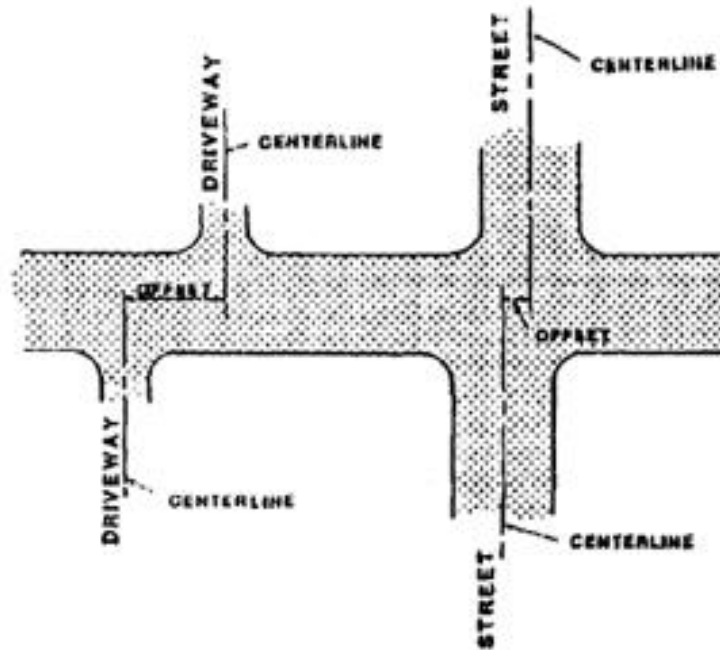
Nursery, plant material: Any land, space, building or structure, or combination thereof, used for the storage of live trees, shrubs or plants, but not including any land space, building or structure, or any part thereof, used for the sale of fruits, vegetables or harvested and cut Christmas trees.

Nursing or convalescent home: A structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

Obscuring screen: A visual barrier between abutting uses or lots. The screen may consist of a wall, fence or living plant material.

Offset: (See Figure 2-8) The distance between the centerlines of driveways or streets which are opposite from one another.

FIGURE 2-8. OFFSET



Off-street parking area: A land area upon which improved vehicular parking spaces along with adequate drives and aisles for maneuvering are placed for the parking of three or more automobiles.

100-year floodplain: Same as Flood Hazard Area.

Parcel: A lot described by metes and bounds description, whether or not included in a recorded plat or condominium subdivision.

Parking space: Any space used for off-street parking of motor vehicles.

Peak hour: The hour during the typical day in which traffic volume is the highest.

Pond: A natural or man-made waterbody, not including swimming pools, without a fencing enclosure.

Planned neighborhood shopping center: A group of commercial spaces, planned and developed as a unit, with off-street parking on the same lot or parcel. This type of facility is intended to meet convenience or day to day retail shopping and services needs of Township residents.

Planned unit development (PUD): A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in the siting of building(s), usable open space, accessory facilities and the preservation of significant natural features present on a site. Such development may contain a mix of housing types and non-residential uses.

Planning commission: The Moorland Township Planning Commission as duly created under Public Act 168 of 1959, as amended.

Plat: A map of a subdivision of land.

Principal use: The main use to which a lot or parcel is devoted.

Private road/driveway: Any road or driveway used or intended for vehicular traffic which is privately owned. Private roads or driveways providing access to two or more lots or parcels are prohibited.

Public street: Any right-of-way by easement or ownership and operated by a unit of government. No part of any such right-of-way shall be considered when determining compliance with required setback, lot area or other dimensional requirement of this Ordinance.

Quarry: Any pit, excavation, or mining operation for the purpose of searching for, or removing for commercial purposes, any earth, sand, gravel, clay, stone, or other mineral in excess of 200 cubic yards in any calendar year, but shall not include an oil well or excavation in preparation for construction of a building, structure or roadway.

Reasonable access: A property owners legal right, incident to ownership of property abutting a public street. Reasonable access includes indirect access via frontage roads, service roads, and shared driveways where turning movements need to be restricted as to location due to heavy traffic volumes, limited site distance or other traffic conditions which could harm safe and efficient travel where access is unlimited.

Recreational vehicle park: All lands and structures which are designed and operated to accommodate recreational vehicles and provide for outdoor recreation activities.

Recreational vehicle or unit: A vehicular or portable structure designed as temporary living quarters for recreation, camping or travel, which either has its own motive of power or is mounted on or drawn by a vehicle which is self-powered. Recreational units shall include, but not be limited to, the following; travel trailers, camping trailers, tent trailers, motor homes, pickup truck campers and "fifth wheel" campers. Recreational units shall also include, but not be limited to, the following: boats, boat trailers, snowmobiles, snowmobile trailers, dune buggies, horse trailers, and similar equipment.

Recycling: Using dismantled and waste materials to make a product.

Refuse storage space: Any exterior area, which is not a principal use, for placement of containers, structures, or other receptacle intended for temporary storage of solid waste materials.

Retail store: Any building or structure designed and used for sale of goods, wares or merchandise direct to the consumer and not for resale.

Riding academy: Any establishment where horses are kept for training, riding, or stabling for compensation or which is an accessory use incidental to the operation of any club, association, ranch or similar establishment.

Right-of-way: A street, alley, or other throughway or easement permanently established for the passage of persons or vehicles.

Roadside stand: A structure which is used for a temporary period of time for the sale of produce or products produced or harvested on the same lot or parcel. The operation of a roadside stand shall not constitute a commercial district or use.

Salvage: Material to be used for further use, recycling or sale in bulk.

Salvage yard: The term salvage yard shall mean any place within the Township used for the acquisition, storage, selling or dismantling and disposing of salvage or refuse material of automobiles, trailers, vehicles, trucks, used rags, paper, metal, parts or products, machinery, appliance or any used personal tangible property. The term salvage yard includes premises described as an automobile dismantling yard or business, scrap yard, rag and metal

yard, junk yard or the like. All requirements of Moorland Township Ordinance #93-5, as amended shall apply in addition to applicable requirements herein.

Sanitary landfill: A tract of land developed, designed, and operated for the disposal of solid waste in a manner consistent with the criteria established by Public Act 641 of 1978, as amended. "TYPE II" means an on-land disposal facility designed and operated to accommodate general types of solid waste including, but not limited to, garbage and rubbish, but excluding hazardous wastes. "Type III" means an on-land disposal facility designed and operated to accommodate large volumes of certain solid waste with minimal potential for ground water contamination.

Satellite dish antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configuration; is in the shape of a shallow dish, parabola, cone or horn; and has a minimum diameter of three feet. Such a device may only be used to receive television, radio, or other electromagnetic communications signals, regardless of the signal source. This definition includes what are commonly referred to as "TVRO'S" (Television Reception Only Satellite Antennas).

Separation activity: Collection and/or dismantling of individual recyclable components at the point of generation or point of discard.

Service drive: A drive which generally parallels the public right-of-way but runs along the back of a land use or building which fronts the public street. A service drive may provide access to properties on both sides, and vary in width and design.

Setback: The minimum unoccupied distance between front, side, or rear lot line and the principal and accessory buildings, on any lot or parcel as required in this Ordinance.

Sight distance: The length of roadway visible to the driver of a vehicle. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver without striking another vehicle or object in the roadway.

Sign: Any device, lettering, picture or structure designed to attract the attention of persons beyond the lot lines of the lot or parcel on which the sign is located. All signs shall be considered as accessory structures.

- A. Sign, area of: The entire area within a single continuous perimeter enclosing letters, lighting, illustrations, emblems, or similar image, together with the frame or background material, excluding structural supports to the ground, if any. This definition shall not include signs providing purely information on time and temperature. If a sign has two faces, and they are within two feet of one another, only the total display area of one face shall be counted.
- B. Sign, billboard: An off-premise sign as regulated by Public Act 106 of 1972, as amended.
- C. Sign, business: Any sign erected or placed for the purpose of advertising an operating business which is located on the lot or parcel on which such sign is located.
- D. Sign, ground: A sign which is entirely within a height of twelve feet from the average grade below the sign.
- E. Sign, height: The maximum vertical distance from average grade below the sign and the uppermost portion of the sign structure.
- F. Sign, home occupation: A sign identifying the occupation carried on and the address of a home occupation. No other information shall appear on the sign.
- G. Sign, identification: A sign giving information about a building, business, service, event, or product which is located on the same lot or parcel on which such building, business, service, event, or product is located, offered or produced.
- H. Sign, off-premises: A sign other than an on-premises sign.

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- I. Sign, on-premises: A sign identifying or advertising a business, person, activity or service located on the premises where such sign is located.
 - J. Sign, pole: An advertising structure which is supported by one or more uprights with all parts of the display area of the sign above eight feet in height.
 - K. Sign, portable: Any sign that is not attached to a building, wall or to approved in-ground supports, or any sign mounted to a portable chassis or trailer, other than motor vehicles.
 - L. Sign, projecting: A sign which is attached directly to a wall of a building and which extends more than 18 inches from the wall to which it is attached. Projecting signs are prohibited within any zoning district in the Township.
 - M. Sign, roof: Any sign which extends above the highest point of a roof line, excluding the height of structural appurtenances such as chimneys, electrical or mechanical equipment and similar appurtenances. Roof signs are prohibited within any zoning district in the Township.
 - N. Sign, setback: The distance as measured between the right-of-way line or edge of easement and the nearest part of a sign.
 - O. Sign, wall: A sign that is painted on or attached to a building wall, mansard roof, or to the underside of a roof overhang, which extends not more than 18 inches from said wall, mansard roof or roof overhang.

Site plan: A scaled drawing(s) illustrating existing conditions and containing all information required by this Ordinance concerning proposed use and development of a lot or parcel. The purpose of a site plan is to ensure compliance with all provisions of this Ordinance.

Site condominium subdivision: A division of land intended for ownership as a condominium unit under provisions of Public Act 59 of 1978, which is not subject to the provisions of Public Act 288 of 1967, the Subdivision Control Act.

Site condominium subdivision plan: The drawings attached to the Master Deed for a condominium development which describes the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained within the condominium project, as well as the nature, location and size of common elements.

Sketch plan: A preliminary drawing indicating general development of a lot or parcel.

Special land use: A use of land or building(s) which is permitted in a particular zoning district only if applicable standards of this Ordinance and conditions required have been met. To establish any special land use, a special land use permit must be obtained in advance thereof.

Stormwater detention facility: A stormwater holding facility intended to hold and release stormwater into a drainage course over a short period of time.

Story: (See Figure 2-1) That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground, except utility posts, utility manholes, and sewage lift stations.

Subdivision Control Ordinance: An ordinance enacted by the Board of Trustees to regulate subdividing of land pursuant to Michigan Act 288 of 1967, as amended.

Substantial improvement: Any repair, reconstruction or improvement of a structure located within the 100-year floodplain, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1)

before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not include (1) any improvement of a structure to comply with existing state or local building, health, sanitary or safety code specifications which are necessary to assure safe occupancy of the structure or, (2) any alteration of a structure listed on the National or Michigan Register of Historic Places or in a local Historic District established under Michigan Law.

Tourist home: (See Bed and Breakfast Establishment).

Township board: The Board of Trustees of Moorland Township.

Trip generation rate: The number of trip ends associated with a development, based on building area, lot size, number of dwellings or employees and other parameters. The number can be estimated using accumulated data of comparable development given in nationally accepted sources, such as the "Trip Generation Manual" prepared by the Institute of Traffic Engineers (ITE) or the Federal Highway Administration (FHWA).

Variance: A relaxation or modification of the dimensional requirements in this Ordinance as authorized by the Moorland Township Zoning Board of Appeals.

Watercourse: An open channel or conduit, natural or man-made, which periodically or continuously contains moving water draining an area of land.

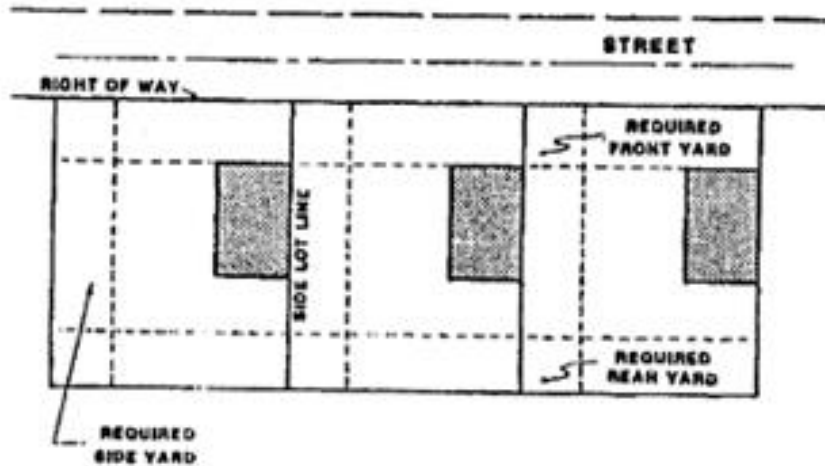
Wild animal: Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law, absent a license or permit to possess. Wild animals shall include, but not be limited to, the following family groups: Alligator, deer, opossum, badger, dog (wild family), primate (excluding human), bear, wolf, wolf-dog interbred, raccoon, ferret, skunk, cat (wild family), lemur, poisonous spider, coyote, poisonous lizard, weasel, marten.

Yard: (See Figure 2-7) The open space on the same lot or parcel; with a principal building, unoccupied and unobstructed from the ground, except as otherwise provided in this Ordinance.

- A. Front yard: An open space extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of a building foundation. There shall be maintained a front yard on each street side of a corner lot.
- B. Rear yard: An open space extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the principal building. In the case of corner lots, there shall be only one rear yard which shall be determined by the Zoning Administrator.

Zero lot line: (See Figure 2-9) The location of a building on a lot in such a manner that one or more of the building's sides rest directly on the lot line.

FIGURE 2-9. ZERO LOT LINE



Zoning administrator: An individual or consulting firm appointed by the Township Board who shall administer the Moorland Township Zoning Ordinance.

Zoning board of appeals: The Moorland Township Zoning Board of Appeals created under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Zoning district: A portion of the Township within which certain land use regulations apply under provisions of this Ordinance.

(Ord. No. 15, 7-3-97; Ord. No. 21, 11-3-98; Ord. No. 29, 2-4-99; Ord. No. 32, 6-3-99; Ord. No. 06-21, § 9, 9-7-2006; Ord. No. 99-07, § 1, 5-3-2007; Ord. No. 12-01, § 1, 9-13-2012)

CHAPTER 3

300.300 GENERAL PROVISIONS

300.301 Private roads.

Sec. 3.1.

- A. Intent: It is the intent of the Township that the roads serving two or more dwellings within the Township be public roads, dedicated to the County and built to the standards of the County Road Commission. For the purposes of this Ordinance a road is any access serving two or more dwellings; a driveway is any access serving only one dwelling.
- B. Reserved.
- C. Residential access driveways: All driveways shall meet the requirements of Township Ordinance No. 12. As of July, 1999, flag lots are not permitted in Moorland Township.
- D. Driveways and access roads over 150 feet in length:
 - (1) Driveways, exceeding 150 feet shall be constructed such that the first 12 inches of topsoil shall be removed and replaced with compacted sand and a four-inch cover of gravel or similar material. When necessary for property drainage, a ditch will be placed along both sides of the driveway.

Any driveway so constructed shall be at least 12 feet wide ending in a cul-de-sac or approved alternative of sufficient width to permit the turning around of emergency equipment.

- (2) Accessways, exceeding 150 feet, shall be 20 feet wide.
- (3) All driveways and accessways shall be built to specification before building permit is issued.

(Ord. No. 18, 7-3-97; Ord. No. 32, 6-3-99; Ord. No. 03-55, § 10, 3-4-2003)

300.302 Water supply and sanitary sewer service.

Sec. 3.2. No structure for human occupancy shall be erected, altered, or moved upon any lot or parcel and used in whole or part for a dwelling, business, industrial or recreational purpose unless provided with a safe and potable water supply and with a safe and effective means of collection, treatment, and disposal of human excreta and domestic, commercial and industrial liquid wastes. Such facilities shall conform to requirements of the Muskegon County Health Department, the Michigan State Department of Public Health, building, subdivision and all ordinances of the Township.

300.303 Standards for single-family dwellings.

Sec. 3.3.

- A. The minimum width of any single-family dwelling shall be 20 feet, measured between the exterior part of the walls that have the greatest length. All dwellings, whether new or pre-owned, must comply with the State Construction Code. If a dwelling is required by law to comply with any federal or state regulation for construction that pre-empts the requirements imposed by the State Construction Code, then such federal or state regulation shall apply.
- B. All dwellings shall be firmly attached to a permanent foundation constructed on the site, in compliance with the State Construction Code, and shall have walls of the same perimeter dimensions as the dwelling. All dwellings shall be constructed of such materials, and shall consist of such type of construction as is required in the State Construction Code for single-family dwellings.
- C. In the case of a dwelling that is a mobile home, such mobile home shall be installed with the wheels, towing mechanism and tongue removed. Any other undercarriage or chassis shall also be removed.
- D. A dwelling shall be connected to a public sewer system and public water supply system, or to such private sanitary sewage disposal system and private water supply as are approved by the County Health Department, before the issuance of a certificate of occupancy.
- E. A dwelling shall contain a storage area, in a basement or attic, in closets or in a separate structure complying with the State Construction Code.
- F. All dwellings shall be aesthetically compatible in design and appearance with other dwellings in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills or roof drainage systems that concentrate roof drainage at collection points along the sides of the dwelling. There shall be at least two exterior doors, with the second door being in either the rear or the side of the dwelling. If there is a difference in elevation of more than one foot between any door and the surrounding grade, the dwelling shall provide a step or steps connected to an exterior door area, or to a porch area.
- G. All additions to a dwelling shall be constructed according to workmanship of similar quality, as compared to the original structure. Any such addition shall include permanent attachment to the principal structure, and construction of a foundation in accordance with the building code. All additions shall be architecturally compatible with the original structure, and the exterior materials used on the

addition shall be substantially similar to those on the original structure. The roof line of any addition shall be integrated into the roof line of the existing structure.

- (1) Any renovations to or alterations in a dwelling shall conform in width and living area with the minimum requirements of this ordinance. All electrical, plumbing and mechanical services in the dwelling must comply with the State Construction Code. In the case of additions to a mobile home, the connection of the addition to the existing structure must include the stripping of one of the exterior walls of the mobile home and the physical attachment of the addition to the frame of the mobile home.
 - (2) The roof trusses of a mobile home must be supported by the frame wall and foundation of any addition to the mobile home, and also by either poles and support headers on the opposite side of the mobile home or by a frame wall and foundation on the opposite side of the mobile home.
 - (3) The opposite-side roof truss support wall of a mobile home must be sided with the same materials used to side any addition to the mobile home. The ends of the mobile home must also be sided with the same materials.
- H. A dwelling shall comply with the state building, electrical, plumbing, mechanical and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within the mobile home shall be of a type and quality complying with the "Mobile Home Construction and Safety Standards" as promulgated by the U.S. Department of Housing and Urban Development, and as such standards are from time to time amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- I. Any dwelling may be relocated within the Township only in compliance with the following requirements:
- (1) Prior to its relocation, the dwelling must be inspected by the Township building official and any existing building, mechanical, electrical and plumbing code violations shall be noted.
 - (2) For any dwelling that is not a mobile home, a building permit, under the State Construction Code, shall be obtained from the Township building official. All building code and other code violations noted shall be corrected, and the dwelling shall be brought into compliance with all current building, mechanical, electrical and plumbing codes then in effect within the Township, prior to occupancy of the relocated dwelling. In the case of a mobile home or manufactured home, the dwelling shall be brought into compliance with the "Mobile Home Construction and Safety Standards" applicable to such home, as promulgated by the U.S. Department of Housing and Urban Development and shall be brought into compliance with all applicable roof snow load and strength requirements.

(Ord. No. 16, 7-3-97; Ord. No. 30, 2-4-99; Ord. No. 31, 3-4-99; Ord. No. 45-03, § 1, 1-2-2003)

300.304 Dwellings per lot or parcel.

Sec. 3.4. A lot or parcel shall contain no more than one single-family dwelling. This section does not apply to authorized two-family, multi-family, or planned unit developments.

300.305 Permitted front setback reductions.

Sec. 3.5. Where the front setback for existing buildings is less than the required minimum front setback contained in Schedule B herein, the minimum front setback for a proposed building shall be the average actual front setback of existing buildings on the same side of a street within 200 feet of the side yard property lines of the proposed building. In no case shall the front setback be less than 20 feet.

300.306 Permitted yard encroachments.

Sec. 3.6.

- A. Architectural features such as cornices, eaves, gutters, chimneys, pilasters and the like may project three feet into the required front setback, five feet into required rear yard, and two feet into required side yard setback area.
- B. An unenclosed porch, balcony, awning, or deck may extend into a required rear yard for a distance not to exceed 15 feet; into a required front setback for a distance not to exceed eight feet; and into a required side yard for a distance not to exceed three feet, but in no case shall a porch, balcony, awning, or deck be constructed closer than five feet to any lot line.
- C. Fire escapes and outside stairways, if unenclosed, may project into a required yard to a maximum distance of five feet.

300.307 Permitted height exceptions.

Sec. 3.7. The following types of structural appurtenances shall be permitted to exceed the maximum height limitations of this Ordinance:

- (1) Purely ornamental appurtenances such as church spires, belfries, cupolas, domes, towers, flag poles and monuments.
- (2) Appurtenances such as mechanical or structural functions such as chimneys, smoke stacks, water tanks, elevator and stairwell penthouses, solar collectors wind generators, ventilators, bulkheads, satellite and radio towers, barns as an accessory structure to a farm enterprise, grain elevators, and silos. Satellite and radio towers shall conform to requirements of Section 3.11. Wind generators shall conform to the requirements of Section 11.6.
- (3) Structural features incorporated in the building design may extend a maximum of five feet above the maximum building height permitted, so long as that portion above the maximum permitted height has no window openings.

(Ord. No. 03-55, § 2, 3-4-2003)

300.308 Cul-de-sac lots.

Sec. 3.8.

- A. A lot shall be considered a cul-de-sac lot only if more than one-half ($\frac{1}{2}$) of its frontage is on the cul-de-sac. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac and the parallel street right-of-way lines.
- B. A cul-de-sac lot shall have seventy percent (70%) of the required minimum frontage on the radius of the cul-de-sac and 100 percent of the required frontage at the required front setback line.

300.309 Corner lots.

Sec. 3.9. A corner lot shall have two front lot lines; a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines. Where the front lot lines are equal in length, the Zoning Administrator shall determine the principal front lot line.

- A. Requirements for corner lots:

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- (1) The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three front setbacks, the remaining setback shall be a rear setback.
 - (2) The minimum lot width and frontage requirements for corner lots contained in SCHEDULE A AND SCHEDULE B herein shall apply to the two (2) lot lines adjacent to both streets.
 - (3) The front of the principal building on a corner lot shall not be oriented such that it is parallel with the secondary front lot line.
 - (4) The width of a corner lot shall be determined as the entire length of that front lot line which is opposite the rear lot line.
- B. Requirements for corner lots in commercial zoning districts: For a corner lot which is completely within a commercial zoning district, the building setback along the secondary street shall not be less than the required front-yard setback. All other setbacks shall comply with the minimum required within the zoning district in which the corner lot is located.

(Ord. No. 03-55, § 3, 3-4-2003)

300.310 Accessory buildings and structures.

Sec. 3.10.

- A. Maximum size, maximum height and minimum setback standards for accessory buildings and structures are listed in Schedule E herein.
- B. In all districts, except agricultural and industrial, accessory buildings and structures shall not be erected on any lot or parcel prior to the establishment of a principal building, except as provided in section 3.13 [300.313].
- C. Detached accessory building may be located in a side yard on the street side of a dwelling if said accessory building meets all required front, side or rear setbacks, subject to a special land use permit issued by the Planning Commission.
- D. For the purposes of this Ordinance, the height of any accessory building or structure shall be determined as the distance between the highest point of the roof and the ground floor.
- E. Buildings and structures which are accessory to residential dwellings in the NR, A-1 and A-2 Zoning Districts may occupy the required rear setback area provided they do not occupy more than 30 percent of the required rear yard area.
- F. Accessory buildings and structures shall not occupy any portion of a required buffer strip area.
- G. An accessory building attached to the principal building on a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, for the purposes of this Ordinance, as an attachment between the garage and the main building, shall be considered as part of the main building, but breezeways shall not be considered as constituting dwelling space.
- H. Accessory buildings and structures which do not fit into any of the categories specified in Schedule E herein shall meet the minimum setback requirements for principal buildings specified in Schedules A, B, and C for the zoning district in which they are located.

300.311 Satellite dish antennas.

Sec. 3.11. It is the intent of this section to regulate placement, size, height, and installation of satellite dish antennas in agricultural and residential districts in order to preserve the character, scale, and aesthetics of residential areas.

A. Location standards:

(1) Minimum setbacks:

- (a) Front: No portion of a satellite dish antenna, including its concrete base, slab or other substructure, shall be placed in the area extending the full lot width between the principal building and the street right-of-way or private easement.
 - (b) Side: No portion of a satellite dish antenna shall be located in a required side setback area, including its base.
 - (c) Rear: No portion of a satellite dish antenna, including its base, shall be located within five feet of a rear property line.
- (2) Maximum height: No portion of a satellite dish antenna shall exceed 18 feet in height from the ground on which it is placed. Satellite dish antennas mounted on posts or towers shall not exceed the maximum height limit.
- (3) Maximum size: The diameter of a satellite dish antenna shall not exceed 12 feet.
- (4) Roof-mounted satellite dish antenna: Satellite dish antenna mounted on the roof of a principal building shall not be attached or anchored to architectural appurtenances such as chimneys or spires, nor shall they exceed three feet in diameter or extend more than five feet above the highest point of the roof.

B. General standards:

- (1) No more than one satellite dish antenna shall be located on a lot or parcel.
- (2) No advertising or identification display, other than manufacturer's label, shall be placed on any portion of a satellite dish antenna.
- (3) No satellite dish antenna shall be linked to a receiver which is not located on the same lot or parcel.
- (4) A certificate of zoning compliance, issued by the Zoning Administrator, shall be required prior to the installation of a satellite dish antenna.

300.312 Fences.

Sec. 3.12.

A. Definition, See Section 3.12, Fence

B. General Requirements for Fence

No fence shall be installed, erected, and/or maintained except in strict compliance with the following requirements:

- 1. Metal Fences—shall consist of materials manufactured and/or treated in a manner to prevent rust and corrosion.

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2. Wood Fences—shall be constructed of materials, which are painted, stained, or naturally preserved in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically pleasing
 3. Plastic or Synthetic Material Fences—where any of these materials are used as a fence, or part thereof, materials shall be treated and maintained in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically pleasing. Further, such materials shall be of a design and constructed or integrated with the fence to which they are a part in a manner that will not be destroyed or torn apart from the fence by climatic elements. For example, metal or synthetic insert slats inserted in a fence shall be done in a manner not to allow them to be blown away, or removed by wind or other weather conditions.
 4. Masonry Fences—shall be constructed in a neat and workmanship manner.
 5. Barbed Wire or Electrically Charged Fences—no fence shall contain any barbed wire or electrification unless necessary for agricultural purposes or for security in a zoning district in which dwellings are not usually located, or for the protection of public utility buildings or improvements. The barbed portion of a security fence shall be at least six (6) feet from the ground in which case the height of a fence may extend to the maximum of eight (8) feet.
 6. Living Fences (hedges, shrubbery, etc.)—obscuring walls, berms, or signs located in a required front yard setback that may obstruct the vision of traffic for persons exiting from a driveway, alley, etc., shall not exceed a height of three (3) feet.
 7. Swimming Pool Fences—shall be constructed to current Insurance Industry Standards.
 8. Unless specifically provided for elsewhere in this Ordinance, a fence may not exceed a height of three (3) feet within any front yard setback area, or a height of eight (8) feet in other areas.
 9. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard up to a height of ten (10) feet. Such fences shall be of an open type so as to not obstruct vision.
 10. Fences shall not be constructed in any public right-of-way.
 11. Grade—fences shall be constructed at or near the grade of the surrounding land.
 12. Finish—surface finishes on any fence shall be non-glare and non-reflective.
 13. Maintenance of Fences—all fences shall be maintained in a manner to prevent rust, corrosion, and deterioration so as to not become a public or private nuisance, dilapidated or a danger to adjoining property owners and the public.
 14. Existing Fences—any fence existing upon the effective date of this Ordinance may not be enlarged, extended or replaced except in compliance with this Ordinance.
 15. The Zoning Administrator may permit the construction of customary or necessary fences, which enclose tennis courts or other areas of sport activity where such fences will not impede vision or unnecessarily block the view from adjacent property.
- C. Materials and Appearance for Fence
1. It shall be unlawful to erect a fence of objectionable appearance, consisting or constructed of tires, vehicle or motor vehicle component parts, tree stumps, rotting lumber or any materials capable of providing habitat or harborage for pests or vermin. It shall also be unlawful to erect a fence constructed of refuse, rubbish, trash, or junk as defined per Moorland Township Zoning Ordinance.

300.313 Temporary buildings.

Sec. 3.13. Temporary buildings and structures may be placed on a lot or parcel of record and occupied only under the following conditions:

- A. During renovations which will result in a single wide mobile home being replaced totally by a new frame construction dwelling or a double wide modular dwelling. During renovations of a principal dwelling damaged by fire or natural disaster.
 - i. The temporary building or structure must be at least 14' × 70' and shall be removed when repair of damage is complete or upon issuance of an occupancy permit for the dwelling that was constructed to replace a single wide dwelling. However, in no case shall the Temporary Dwelling be located on the lot or parcel for more than 180 days in total.
- B. Temporary buildings and structures, including trailers, incidental to construction and land development work, excluding single-family and two-family dwelling construction. Said temporary building and structures shall be removed from the lot or parcel within 15 days of completion of construction.
- C. A temporary land use permit agreement shall be filed with the Zoning Administrator prior to placement of any temporary building or structure within the Township.

(Ord. No. 17, 7-3-97)

300.314 Essential public services.

Sec. 3.14.

- A. The owner or operator of any public utility or municipal utility or telecommunications and radio transmitter which does not, at the effective date of this Ordinance, provide service for a fee to customers within the Township, shall first obtain a Special Land Use Permit from the Planning Commission in accordance with Chapter 13.
- B. The erection, construction, enlargement or alteration of essential services buildings and structures having an enclosed floor area of 100 square feet or more or which occupy more than 1,000 square feet of land, shall require a Special Land Use Permit be obtained from the Planning Commission prior to start of such activity.

300.315 Keeping of animals.

Sec. 3.15.

- A. Household pets:
 - (1) The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use within any zoning district in which dwellings are a permitted principal use.
 - (2) For all dwellings located on less than two and one-half acres of land, not more than three dogs and/or cats, six months or older, shall be kept or housed.
- B. Livestock:
 - (1) Livestock and poultry may be kept or housed in any zoning district in which dwellings are a permitted principal use, provided they are kept on a lot or parcel which is a minimum of 2.5 acres in size.

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- (2) The number of livestock and poultry permitted shall be determined as follows:
 - a. One (1) livestock per 2.5 acres for the first animal and one (1) additional animal for each additional one (1) acre of land thereafter.
 - b. One hundred (100) poultry per 2.5 acres for the first one hundred (100) birds and ten (10) additional poultry for each additional one (1) acre of land thereafter.
 - (3) All livestock and poultry shall have sheltered space available on site. Such structures shall comply with the applicable regulations in Section 3/10 [3.10] and Schedule D.
 - (4) Areas in which livestock and poultry are kept shall be completely enclosed by a fence meeting requirements of Section 3.12.
- C. Dangerous and exotic animals:
- (1) Compliance with all requirements of Moorland Township Ordinance No. 93-4 as amended is required.

(Ord. No. 25, 11-5-98; Ord. No. 03-55, § 4, 3-4-2003)

300.316 Repair of motor vehicles.

Sec. 3.16. All repair, maintenance and mechanical work, including painting and exterior body work, on motor vehicles not owned by the occupant or owner of real property on which such work is conducted, is prohibited in any residential zoning district. Inoperable vehicles and vehicle parts shall be stored within an enclosed building in any residential zoning district.

300.317 Adult-related businesses.

Sec. 3.17. The intent of this section is to regulate the location, but not exclude, adult-related businesses by preventing the concentration of these uses. These regulations are enacted with Township acknowledgment that there are some uses which, by their nature, have serious objectionable operating characteristics, particularly when two or more such uses are abutting, adjacent, or are in close proximity to one another, upon adjacent residential or commercial areas. The Township recognizes that regulation of adult-related businesses is necessary to insure that adverse effects will not contribute to the blighting or downgrading of a surrounding residential neighborhood.

A. Adult uses:

Sexually Oriented Businesses. It is not the intent of this Section to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral ordinance which addresses the adverse secondary effects of Sexually Oriented Businesses.

There are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary in order to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area of the Township, to minimize and/or prevent the well documented adverse secondary effects of such uses, insure the integrity of the Township's residential and agricultural areas, and to protect the integrity of churches, synagogues or other places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where juveniles congregate in the Township. Nothing in this Section shall be construed as permitting or allowing a violation of any state or federal law.

All Sexually-Oriented Businesses shall be located only in the C-Commercial District or the I-Industrial District, and shall be approved only as a special land use in accordance with the procedures set forth in Chapter 11, Special Land Uses. They shall be subject to review and approval under Chapter 12, Site Plan Review, and the following provisions.

The definition of words and terms used in these regulations of Sexually Oriented Businesses shall be as stated in paragraph 33 of this Section 3.17.

- (1) Location. No person shall cause or permit the operation of any Sexually Oriented Business within one thousand (1,000) feet of existing specified uses as follows:
 - (a) Sexually Oriented Business. This requirement may be waived upon a determination by the Planning Commission and Township Board that a second adult use would not contribute to blighting or an excessive concentration of such uses.
 - (b) Church, synagogue or other places of religious worship, park, playground, school, or licensed day-care facility.

No person shall cause or permit the operation of any Sexually Oriented Business within five hundred (500) feet of any residential dwelling.

For purposes of the distance limitations, the measurement shall be made by extending a straight line from the property line of the Sexually Oriented Business to the nearest property line occupied by any other use or to the property line of any church, synagogue or other place of religious worship, park, playground, school, licensed day-care facility, or any adjacent agricultural, residential or recreational district.

- (2) Signs. Any message, image or picture that depicts or refers to any specified anatomical area or specified sexual activity shall be prohibited. All signs shall comply with the requirements of this Ordinance.
- (3) Building Exterior. Upon order of the Zoning Administrator, graffiti appearing on any exterior surface of a building or structure shall be removed and that surface restored within seventy two (72) hours of notification of the owner or person in charge of the premises. Adult products or services or any picture or other representation shall not be displayed so as to be visible from a point outside the establishment.
- (4) Lighting requirements.
 - (a) All off-street parking areas and premises entries of Sexually Oriented Businesses shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot-candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the Sexually Oriented Business to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
 - (b) The premises of all Sexually Oriented Businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than two (2) foot-candle of light as measured at the floor level.
 - (c) Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one (1) foot-candle of light as measured at the floor level.
- (5) Age requirement regulations.

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- (a) It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a Sexually Oriented Business at any time that the Sexually Oriented Business is open for business.
 - (b) It shall be the duty of the operator of each Sexually Oriented Business to ensure that an attendant is stationed at each public entrance to the Sexually Oriented Business at all times during such Sexually Oriented Business' regular business hours. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the Sexually Oriented Business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished a valid operator's, commercial operator's, or chauffeur's driver's license; or a valid personal identification certificate issued by the State of Michigan verifying that such person is eighteen (18) years of age or older.
- (6) Hours of Operation. Hours of operation of a Sexually Oriented Business shall be limited to 10:00 a.m. to 10:00 p.m. Monday through Saturday. No Sunday hours of operation permitted.
 - (7) Other Regulations, Permits or Licenses. The provisions of this Section do not waive or modify any other provision of this Zoning Ordinance, any other Ordinance of the Township, or any county, state or federal law or regulation.
 - (8) Alcohol Prohibited. Open alcohol shall not be permitted in any Sexually Oriented Business as defined by this Ordinance.
 - (9) Information Submission. In addition to the information and documents required to be submitted with an application for a special land use in accordance with the requirements of this Chapter, an applicant for a special land use to establish a Sexually Oriented Business must submit the following:
 - (a) A floor plan of the premises showing the following:
 - (i) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from at least one (1) of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms;
 - (ii) Location of all overhead lighting fixtures;
 - (iii) Identification of any portion of the premises in which patrons will not be permitted;
 - (iv) The location of any stage;
 - (v) Identification of the use of each room or other area of the premises.
 - (b) A current certificate and straight-line drawing, prepared within thirty (30) days prior to the application, by a land surveyor depicting the property lines and the structures of the Sexually Oriented Business, showing a circle extending one thousand (1,000) feet from the property line of the property on which the business will be located, and depicting the property line of any church, synagogue, regular place of worship, park, playground, school, or licensed day care facilities, and a circle extending five hundred (500) feet depicting the line of any residential dwelling.
 - (10) Application to be Complete. The Township Clerk shall not accept any application that is not complete in every detail. In the event that the Township Clerk determines that the applicant has improperly completed the application, the applicant shall be promptly notified of such fact and permitted ten (10) days to properly complete the application.

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- (11) Limit on Reapplication. No application for a Sexually Oriented Business which has been denied in whole or in part shall be resubmitted for a period of one (1) year from the date of the denial, except on the grounds of new evidence not previously available or proof of changed conditions.
- (12) Conditions Requiring Rejection of Special Land Use Application. The Planning Commission shall not approve a special land use application for a Sexually Oriented Business if it finds one (1) or more of the following to be true:
- (a) An applicant is under eighteen (18) years of age;
 - (b) An applicant is overdue in payment to the Township of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a Sexually Oriented Business;
 - (c) An applicant has failed to provide information required by the Township Zoning Ordinance or has knowingly answered a question or request for information falsely;
 - (d) The premises to be used for the Sexually Oriented Business has not been approved by the building inspector and the zoning enforcement officer as being in compliance with applicable laws and ordinances;
 - (e) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a Sexually Oriented Business license or adult business license revoked or suspended within one (1) year prior to the date of application;
 - (f) The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a Sexually Oriented Business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one (1) year prior to the date of application;
 - (g) The applicant is not in good standing or authorized to do business in Michigan;
 - (h) The application fee has not been paid;
 - (i) An application of the proposed Sexually Oriented Business is in violation of or is not in compliance with, any of the provisions of this Chapter;
 - (j) The applicant or owner has been convicted of any of the following criminal offenses in any jurisdiction within the last ten (10) years:
 - (i) Prostitution, procuring a prostitute, or solicitation of a prostitute;
 - (ii) Sale, distribution or display of obscene material;
 - (iii) Sale, distribution or display of material which is harmful to minors;
 - (iv) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
 - (v) Possession, sale or distribution of child pornography;
 - (vi) Public lewdness;
 - (vii) Indecent conduct with a child;
 - (d) Viewing rooms or peep booths must be separated from other viewing rooms or peep booths by a solid, opaque, uninterrupted physical divider which is a minimum one (1) inch thick and serves to prevent physical contact between patrons.
 - (e) No private viewing rooms or booths shall be constructed unless one (1) side is always open to a central public area. No door shall be placed on any viewing room or peep booth, and

no holes or openings shall be placed or allowed to remain in the wall between any two (2) adjacent viewing rooms or peep booths.

- (16) Standards of conduct. The following standards of conduct must be adhered to on the premises of the Sexually Oriented Business by the all employees, managers, officers and agents of any Sexually Oriented Business:
- (a) No employee or entertainer mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any specified anatomical areas.
 - (b) No employee or entertainer shall engage in, encourage or knowingly permit any specified sexual activities on the premises of the Sexually Oriented Business.
 - (c) No employee or entertainer while in view of the patrons on the licensed premises shall be unclothed or in such attire, costume or clothing so as to expose any specified anatomical areas, except upon a stage which shall be fixed and immovable at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron or behind a solid, uninterrupted physical barrier which completely separates the entertainer from any patrons. This barrier must be a minimum of one-quarter (¼) inch thick and have no openings between the entertainer and any patrons.
 - (d) There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of food and drink prices.
 - (e) Any tips for entertainers shall be placed by a patron into a tip box which is permanently affixed in the Sexually Oriented Business and no tip may be handed directly to an entertainer. A business that desires to provide for such tips from its patrons shall establish one (1) or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.
 - (f) No adult entertainment occurring on the premises shall be visible at any time from the outside of the premises.
 - (g) An owner, manager or an employee shall not knowingly allow the possession, use, or sale of controlled substances on the premises.
 - (h) An owner, manager, or an employee shall not knowingly allow prostitution on the premises.
 - (i) An owner, manager, or an employee shall not knowingly allow any live specified sexual act to occur in or on the licensed premises.
 - (j) An owner, manager, or an employee shall not illegally offer for sale or illegally allow to be consumed or possessed upon the licensed premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the licensed premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.
 - (k) At least one manager must be on duty and situated in each manager's station at all times that the business is open to the public.
 - (l) All doors to public areas on the premises must remain unlocked during business hours.
 - (m) It shall be the duty of the owner, and it shall also be the duty of any agents and employees present in the premises to ensure that any view area or peep booth remains unobstructed by any doors, curtain, drapes, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

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- (n) No viewing room or peep booth may be occupied by more than one (1) person at any one (1) time.
- (17) Massage Parlors. No establishment, regardless of whether it is a public or private facility, shall operate as a massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex unless the person(s) massaging any client or customer is a graduate of a recognized school and certified as a massage therapist by the American Massage Therapy Association. In addition:
- (a) The premises of each message parlor may be inspected by law enforcement personnel or by the township zoning enforcement officer during business hours and at other reasonable times to ensure compliance with this ordinance.
 - (b) All persons offering massages in a massage parlor shall, not less than five (5) months and not more than six (6) months following the issuance of a special land use approval for a massage parlor, file with the township clerk a statement from a licensed medical doctor or osteopath certifying or recertifying that such person has been examined within the thirty (30) days immediately prior thereto and has been found to be free from all communicable or contagious diseases, including but not limited to, sexually transmitted diseases. Failure to comply with this requirement shall constitute grounds for revocation of special land use approval.
 - (c) No employee of a massage parlor, or any other person associated with a massage parlor, on the premises of a massage parlor, may offer or engage in any specified sexual activity.
 - (d) Each massage parlor and massagist shall comply with the following standards:
 - (i) No patron shall be serviced who is infected with any fungus or other skin infection; nor shall any service be performed on a patron exhibiting skin inflammation or eruptions.
 - (ii) All massagists shall wash their hands in hot water with soap before giving any service or treatment to each separate patron.
 - (iii) All towels, tissues, sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.
 - (iv) Nondisposable tools of the trade shall be disinfected after use upon each patron.
 - (v) In any establishment in which massage services are rendered to members of the same sex at any one time, such persons of the same sex may be placed in a single, separate room, or the operators of the massage parlor may elect to place such persons of the same sex in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while massage services are being performed.
 - (vi) No massage or massage service may be carried on within any cubicle, room, booth, or area within a massage parlor which is fitted with a door capable of being locked.
 - (vii) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one (1) tub or shower, one (1) dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one (1) toilet and (1) wash basin, shall be provided by every massage parlor; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate

bathing, a separate massage room, or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.

- (viii) All walls, ceiling, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and/or showers shall be thoroughly cleaned after each use.
- (e) Non-transparent uniforms or garments covering the torso shall be worn by massagists at all times while attending patrons. Such uniforms or garments shall be of a washable material and shall be kept in a clean condition.
- (18) License required. It shall be unlawful to operate or cause to be operated a Sexually Oriented Business in the Township without a valid license issued pursuant to the provisions of this Chapter. The granting of a special land use under this Chapter does not confer a license on the applicant.
- (19) License application.
 - (a) All applicants for a Sexually Oriented Business license shall file an application for such license with the zoning enforcement officer. Each individual applicant, partner of a partnership, member of a limited liability company, partner of a limited liability partnership, officer and director of a corporation and all managers shall be named in each application and each of them shall be photographed and fingerprinted by the Muskegon County Sheriff's Department, or other appropriate law enforcement agency.
 - (b) The applicant must be qualified according to the provisions of this Chapter and the premises must be inspected and found to be in compliance with the law by the Township Building Inspector and zoning enforcement officer.
 - (c) If a person who wishes to operate a Sexually Oriented Business is an individual, he or she must sign the application for a license as the applicant. If a corporation is listed as owner of a Sexually Oriented Business or as the entity which wishes to operate such a business, each individual having a ten (10) percent or greater interest in the corporation must sign the application for a license as applicant, along with each officer and director of the corporation. If the applicant is a partnership, each partner must sign the application. If the applicant is a limited liability company each member must sign the application. If the applicant is a limited liability partnership each partner must sign the application.
 - (d) Applications for a license, whether original or renewal, must be made to the zoning enforcement officer by the intended operator of the Sexually Oriented Business. Applications must be submitted by hand delivery to the office of the zoning enforcement officer during regular working hours. The intended operator shall be required to give the following information on the application:
 - (i) If the applicant is an individual, the individual shall state his legal name and address and any aliases;
 - (ii) If the applicant is a partnership, the partnership shall state its complete name, and the names and addresses of all partners and whether the partnership is general or limited;
 - (iii) If the applicant is a limited liability company, the limited liability company shall state its complete name and the names and addresses of all of its members;

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- (iv) If the applicant is a limited liability partnership, the limited liability partnership shall state its complete name and the names and addresses of all of its partners;
 - (v) If the applicant is a legal entity other than a partnership, limited liability company or limited liability partnership, the application shall state its complete name, the date and place of its organization, the names, addresses and capacity of all officers and directors of a corporation and of the chief executive officer and manager for any other legal entity, and the name of the resident agent and the address of the registered office for service of process;
 - (vi) The name under which the Sexually Oriented Business is to be operated and a general description of the services to be provided;
 - (vii) The telephone number of the Sexually Oriented Business;
 - (viii) The address and legal description of the real property on which the Sexually Oriented Business is to be located;
 - (ix) If the Sexually Oriented Business is in operation, the date on which the owner(s) acquired the Sexually Oriented Business for which the license is sought, and the date on which the Sexually Oriented Business began operations as a Sexually Oriented Business at the location for which the license is sought;
 - (x) If the Sexually Oriented Business is not in operation, the expected start-up date (which shall be expressed in number of days from the date of the application). If the expected start-up date is to be more than ten (10) days following the date of the application, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same is also required;
 - (xi) Whether the applicant or any other individual identified in the application had a previous Sexually Oriented Business license under this section or other adult business ordinance from another city, village, township or county denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation;
 - (xii) Whether the applicant or any other individuals identified in the application has been partner in a partnership, a member of a limited liability company or partnership or an officer, director, chief executive officer or manager of any other legal entity that is permitted under this section whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented or adult business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation;
 - (xiii) Whether the applicant or any other individual identified in the application holds any other licenses under this section or other similar sexually oriented or adult business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business;
 - (xiv) The location of the proposed Sexually Oriented Business, including a legal description of the property, street address and telephone number(s), if any;
 - (xv) The applicant's mailing address and residential address; and

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- (xvi) The applicant's driver license number, social security number and/or federally issued tax identification number.
- (e) The application shall be accompanied by the following:
- (i) Payment of the application, investigation and license fees;
 - (ii) If the applicant is an individual, satisfactory proof that he or she is at least eighteen (18) years of age;
 - (iii) If the applicant is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto, and a current good standing certificate;
 - (iv) If the applicant is a corporation incorporated in another state, a certified copy of the certificate of authority to transact business in Michigan;
 - (v) If the applicant is a partnership, a copy of the partnership agreement, together with all amendments thereto;
 - (vi) If the applicant is a Michigan limited partnership, a certified copy of the certificate of limited partnership, together with all amendments thereto;
 - (vii) If the applicant is a limited partnership formed under the laws of another state, a certified copy of the Michigan certificate of registration;
 - (viii) If the applicant is a Michigan limited liability company, a certified copy of the articles of organization, together with all amendments thereto;
 - (ix) If the applicant is a limited liability company formed under the laws of another state, a certified copy of the Michigan certificate of authority;
 - (x) If the applicant is a Michigan limited liability partnership, a certified copy of the registration of limited liability partnership, together with all amendments thereto;
 - (xi) If the applicant is a limited liability partnership formed under the laws of another state, a certified copy of the Michigan registration;
 - (xii) Documentation identifying the owner(s) of the real property on which the Sexually Oriented Business is to be situated; and
 - (xiii) If the person(s) identified as the owner(s) of the real property identified above is not also the owner(s) of the Sexually Oriented Business, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owner(s) or proposed owner(s) of the Sexually Oriented Business to have or obtain the use and possession of the real property thereof that is to be used for the purpose of the operation of the Sexually Oriented Business.
- (f) The application shall contain a statement under oath that:
- (i) The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct; and
 - (ii) The applicant has read the provisions of this section.
- (g) A separate application and license shall be required for each Sexually Oriented Business.

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- (20) Approval of license application. The zoning enforcement officer shall approve the issuance of a license to an applicant within sixty (60) days after receipt of an application if the application is complete and meets all the requirements of this section, unless he or she finds that the applicant or owner is ineligible for special land use approval for any of the reasons set forth in Section (12) above.
 - (21) Display of License. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the Sexually Oriented Business. The license shall be posted in a conspicuous place at or near the entrance to the Sexually Oriented Business so that it may be easily read at any time.
 - (22) Denial of License. In the event that the zoning enforcement officer determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within sixty (60) days of the receipt of the application by the zoning enforcement officer, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten (10) days at any time before the notice is issued in.
 - (23) Appeal to Board of Zoning Appeals. An applicant may appeal the decision of the zoning enforcement officer regarding a denial of an application or the revocation of a license pursuant to Section (29) below to the Board of Zoning Appeals by filing a written notice of appeal within fifteen (15) days after the applicant is given notice of the zoning enforcement officer's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The zoning enforcement officer may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information, the Board of Zoning Appeals shall vote to either uphold or overrule the zoning enforcement officer's decision. Such vote shall be taken within sixty (60) calendar days after the date on which the Board of Zoning Appeals receives the notice of appeal. However, the applicant shall be required to comply with the zoning enforcement officer's decision during the pendency of the appeal.
 - (24) Investigation of Applicant. Upon receipt of a properly completed application, together with all information required in connection therewith, fingerprints and photographs, and the payment of the application, investigation and license fee, the zoning enforcement officer shall transmit the application to the Muskegon County Sheriff's Department or Michigan State Police Department for investigation of the background of each individual applicant, the partners of a partnership, the members of a limited liability company, the partners of a limited liability partnership, or the officers and directors of a corporation and manager of the proposed Sexually Oriented Business.
 - (25) Application Fee. Each applicant shall pay an application fee at the time of filing an application for a license in an amount as established from time to time by resolution of the Township Board. The application fee shall include the cost of the investigation by the Muskegon County Sheriff's Department, Michigan State Police Department, or other appropriate law enforcement agency. The application fee shall be non-refundable.
 - (26) License Fee. Each licensee issued a license pursuant to this Chapter shall pay an annual license fee at the time of application for the license as herein provided. The annual license fee shall be established from time to time by resolution of the Township Board. The license fee shall be refunded if the license is not approved.
 - (27) License Renewal. Any application for renewal of a license shall be filed with the zoning enforcement officer not less than forty-five (45) days prior to the date of expiration. The zoning enforcement officer may, for a good cause shown, waive the requirement for timely filing of a renewal application.

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- (28) Term of License. All licenses issued pursuant to this section shall be for a term of one (1) year. Said term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated the same as if they were filed January 1 of that year and shall terminate on December 31 of that same year, and no pro-ration fees shall be permitted.
- (29) Revocation of License. The zoning enforcement officer shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding twelve (12) months. The zoning enforcement officer shall also revoke a license if he or she determines that any of the following has occurred:
- (a) Any condition exists that would warrant disapproval of a license as set forth in this section;
 - (b) A licensee, operator, manager or employee has engaged or has allowed patrons or employees to engage in acts of misconduct on the licensed premises in violation of any Township Ordinance, the laws of the State of Michigan or of the United States when the licensee, operator, manager or employee knew or should have known such acts were taking place; or
 - (c) Repeated disturbances of public peace have occurred within the licensed Sexually Oriented Business or upon any parking areas, sidewalks, access ways or grounds of the licensed Sexually Oriented Business involving patrons, employees, or the licensee.
 - (d) When the zoning enforcement officer revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning enforcement officer finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least ninety (90) days have elapsed since the date the revocation became effective.
- (30) Registration of Managers, Entertainers and Employees.
- (a) No person shall work as a manager, entertainer or employee at a Sexually Oriented Business without being registered under this section.
 - (b) All managers, entertainers and employees shall provide to the Township their legal name and any aliases, social security number, home address, telephone number, date of birth and satisfactory proof that they are eighteen (18) years of age or older, and any other necessary identifying information for the Township to conduct a criminal background check on the manager, entertainer or employee.
 - (c) The registration fee shall be as established from time to time by resolution of the Township Board.
 - (d) The owner or manager of a Sexually Oriented Business shall provide the Township with the names, any aliases, dates of birth, and social security numbers of all managers, entertainers and employees within five (5) days of employment. This information will be used to verify the information submitted by the manager, entertainer or employee, who must also register with the Township within five (5) days of employment.
- (31) Exemptions from enforcement. It is a defense to prosecution under this section that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:
- (a) By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation; or

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- (b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
- (32) Reporting of violations. Any owner, manager or employee shall immediately report to the Township Clerk and to the Muskegon County Sheriff's Office any violation of this section or any breach of the peace or unlawful or disorderly act, conduct or disturbance committed on the Sexually Oriented Business, including any parking area or adjoining area under the control or management of the owner, provided that the owner, manager or employee knew or should have known of such violation of law.

- (33) Definitions. The following words and terms in this Section 3.17 shall be defined as stated below:

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

Adult Cabaret. A nightclub, bar, restaurant, lounge or similar establishment, whether or not alcoholic beverages and/or food are served, which regularly features one or more of the following: (i) persons who appear nude or in a state of nudity or semi-nudity; or (ii) live or recorded performances which are characterized by an emphasis on matter depicting specified anatomical areas or specified sexual activities, or which involve the exposure of specified anatomical areas or specified sexual activities.

Adult Motion Picture Theater. An establishment predominantly used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

Adult Novelty Store. An establishment that has a substantial or significant portion of its activity in the sale of devices that simulate human genitals or devices designed for sexual stimulation.

Adult Use/Sexually-Oriented Business. Those uses defined in this subsection of this ordinance as an adult bookstore, adult cabaret, adult motion picture theater, adult novelty store, adult video store, escort agency, massage parlor, and/or nude artist and photography studio. This definition shall include the conversion of an existing business, whether or not an adult use or sexually-oriented business, to an adult use/sexually-oriented business.

Adult Video Store. An establishment having as a substantial or significant portion of its stock in trade, video or digital material (in any form) for sale or rental which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.

Employee. Any person who works or performs in and/or for a Sexually Oriented Business, including the manager, regardless of whether or not said person is paid a salary, wage or other form of compensation.

Entertainer. Any person who performs any entertainment, exhibition or dance of any type within a Sexually Oriented Business, whether or not such person or anyone else charges or accepts a fee for such entertainment, exhibition, or dance.

Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, to privately perform a striptease for another person, or to otherwise display specified sexual activities or specified anatomical areas.

Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Manager. An Employee, other than the licensee, who is employed by a Sexually Oriented Business to act as a Manager or supervisor of Employees or who is otherwise responsible for the operation of, or in charge of, a Sexually Oriented.

Massage. Massage shall mean a method of treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

Massage Parlor. Any establishment having a fixed place of business where massages are administered solely or in combination with any other services or activity for pay, including but not limited to massage parlors, sauna baths, and steam baths. 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, beauty salons or athletic facilities in which massages are administered only to the scalp, the face, the neck, the shoulder, the back above the waist or the legs below the thighs. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool or tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area.

Nude Artist and Photography Studios. Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

Operator. All persons who own, operate, direct, oversee, conduct, maintain, or effectively exert management control or authority over a Sexually Oriented Business or its affairs, without regard to whether such person(s) owns the premises in which the Sexually Oriented Business does business. An Operator effectively exerts management control or authority when he or she actually does, or is in a position to, participate in the management, direction or oversight of a Sexually Oriented Business or its affairs, whether or not such person's name appears on any public record filed with any government agency in connection with a Sexually Oriented Business or any parent company or affiliate.

Owner. A person owning, directly or beneficially, any interest or part interest, however identified, in a Sexually Oriented Business.

Recognized School. Recognized school shall mean any school or educational institution which teaches the theory, method, profession, or work of massage, and, requires five hundred (500) hours before the student receives a diploma or certificate of graduation for having completed the course, and; is either licensed to teach massage and to do business as a school or educational institution in the State of Michigan, or is approved by the American Massage Therapy Association.

Specified Anatomical Areas. Specified anatomical areas are defined as less than completely and opaquely covered:

1. 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 and opaquely covered.

Specified Sexual Activities. Specified sexual activities are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;

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3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Substantial or Significant Portion. An establishment will be deemed to have a "substantial or significant portion" of its stock in trade or services if it meets at least one of the following criteria: (a) Twenty-five percent (25%) or more of the stock, materials or services are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein; or (b) twenty-five percent (25%) or more of the usable floor area of the building is used for the sale, display or provision of materials or services distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.

(Ord. No. 03-50, § 1, 4-3-2003)

300.318 Illegal dwellings.

Sec. 3.18. The use of any portion of a basement of a partially completed building, garage or accessory building or structure for dwelling or sleeping purposes is prohibited in every zoning district.

300.319 Advertising structures, signs, and name plates.

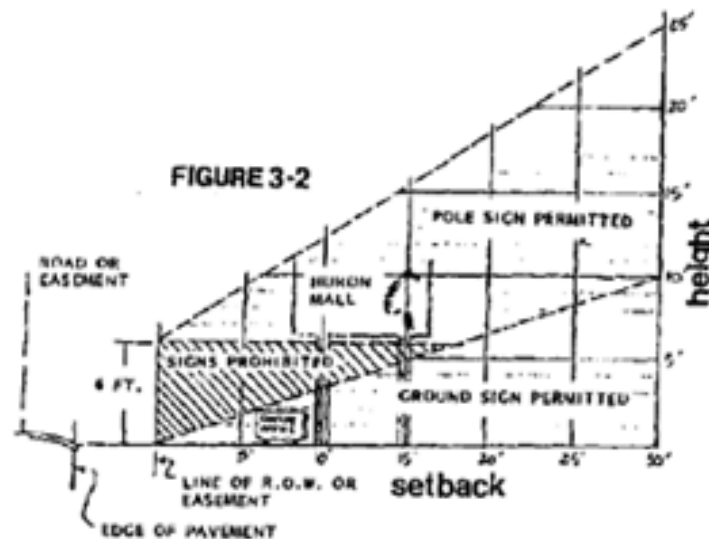
Sec. 3.19. The intent of this section is to promote traffic safety, public safety, and conserve property values through the application of reasonable controls over the placement, use, size and general appearance of advertising structures, signs, and name plates.

- A. Jurisdiction: No sign, billboard, name plate, marquee, or other advertising structure shall be erected, replaced, structurally altered, enlarged, illuminated, changed in size or purpose, or relocated without first obtaining a sign permit, except those signs specifically exempted by section 3.19 H. [300.319 H.] of this Ordinance and those structures covered under Public Act 106 of 1972, as amended, commonly known as the Highway Advertising Act.
- B. Sign permits: An application for a sign permit shall be made to the Zoning Administrator by submission of a completed sign permit application form. Said application shall contain or require the following information:
 - (1) Property owner's name, address and telephone number.
 - (2) Applicant's name, address and telephone number.
 - (3) The legal description and address of the lot or parcel on which the sign is proposed.
 - (4) Name and address of the sign owner.
 - (5) Total display area of the sign in square feet.
 - (6) Sign type, purpose and height.
 - (7) Proposed setback from public right-of-way or easement line.
 - (8) Height and width of building wall, if the sign is a wall sign.
- C. Review of sign permit applications: The Zoning Administrator shall receive and review all sign permit applications. A sign permit shall be issued only for those signs which fully comply with the requirements of this Ordinance and the State Construction Code, where applicable. All sign permit applications shall be approved or rejected within five working days of receipt of a complete sign permit application.

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- D. Sign permit application fees: A schedule of fees shall be determined by resolution of the Township Board and may be amended from time to time.
- E. Appeal of sign permit application denial: The Zoning Board of Appeals is hereby authorized to grant a variance from the requirements of this section, provided the Board of Appeals may not permit additional signs above the number permitted in this section. The Board of Appeals must conclude that all standards of section 17.4 B.(1)—(5) [300.1704 B.(1)—(5)] required for any other variance have been met.
- F. Prohibited signs: The following listed signs are prohibited in any portion of the Township:
- (1) A sign displaying intermittent lights intended to attract attention or which resemble flashing lights customarily used in roadway traffic signals or by police, fire, ambulance or rescue vehicles.
 - (2) A sign using the words, "Stop", "Danger", or other word or phrase which interferes with, misleads, or confuses the driver of a motor vehicle.
 - (3) A billboard located within 100 feet of any dwelling.
 - (4) Any sign which obstructs ingress or egress from a door, window, emergency exit, or obstructs driver vision in any manner.
 - (5) Signs located in a public street right-of-way or in a recorded private easement.
 - (6) Projecting signs (in any zoning district).
 - (7) Roof signs (in any zoning district).
 - (8) Off-premises signs (in any zoning district), except for directional signs meeting the requirements of Section 3.19(L).
 - (9) Billboards (in any zoning district).
- G. Portable signs: A portable sign as defined in [sub]section 3.19 K.(12) [300.319 K.(12)] may be permitted subject to procedures specified in [sub]sections 3.19 B.—D. [300.319 B.—D.]. A portable sign permit shall be valid for a period of not more than 14 consecutive days nor shall more than three portable sign permits be issued during any calendar year.
- H. Exempt signs: Sign permits shall not be required for the following signs, although regulations applicable to surface area, height and setback distances shall apply:
- (1) Signs having a sign area not exceeding nine square feet pertaining to the sale, rental or lease of a building or land when located in any residential or agricultural zoning district.
 - (2) Signs having a sign area not exceeding 35 square feet pertaining to the sale, rental or lease of a building or land when located in any non-residential or non-agricultural zoning district.
 - (3) Temporary signs not exceeding a sign area or [of] 50 square feet located at the site of a building construction or land development project. The display of such signs shall be limited to the duration of the construction or development project. Signs advertising "the future site of" any proposed land use in any zoning district shall not be considered eligible under this sub-section.
 - (4) Political campaign signs not exceeding 50 square feet of sign area.
 - (5) No hunting, no trespassing, garage sale and non-commercial on-premise directional signs not exceeding four square feet of sign area.
 - (6) Signs not exceeding six square feet in sign area and identifying a building address, name(s) of residents and/or of occupant(s), and not having commercial purpose.
 - (7) Historic Markers authorized by the State of Michigan.

- (8) Official public notices by any governmental agency not to exceed six square feet of sign area. Identification, information, or directional signs erected or required by governmental bodies.
 - (9) Signs located on the same lot or parcel as farming operations which advertise the name, owner's name, product sold, crop or livestock raised, or specialized farming activities, but excluding the sale of farm equipment and implements.
 - (10) Any sign, flag or pennant owned by and placed by a governmental agency, or a non-profit service club, not to exceed 50 square feet of display area except in connection with a commercial land use.
 - (11) Integrated architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - (12) Signs bearing no advertising pictorials or letters which direct and guide traffic and parking to private property.
- I. Sign setback and height requirements: Sign setbacks for all zoning districts shall be required as shown in Figure 3-2. Maximum height of signs may be increased one additional foot for each additional foot of setback over 30 feet.

FIGURE 3-2. SIGN SETBACK AND HEIGHT REQUIREMENTS



- J. Requirements for permanent signs: On-premise[s] sign requirements for specific uses, off-premises signs, and billboard sign requirements shall be as contained in Table 3-1 below:
- K. Signs in road rights-of-way. No signs shall be placed within any road right-of-way within the township, except that political signs and yard sale/garage sale type signs, not exceeding 3 feet by 2 feet may be placed within the right-of-way provided that said sign is promptly removed after the election or sale.
- L. Off-premises directional signs. Off-Premise Directional Signs are permitted in the township provided that they meet the following standards:
 - (1) The sign must be a permanent sign with permanent lettering.
 - (2) The sign may not exceed 8 feet high, with total surface area not to exceed 32 square feet.
 - (3) The sign must be non-illuminated.

- (4) The sign may include business name, address, and/or directional arrows and distances. The sign may not include graphics of any type, nor any other wording.
- (5) A maximum of 3 directional signs per parcel and/or business are permitted within the township boundaries and must be placed a minimum of 1 mile apart.

3-1 REQUIREMENTS FOR ON-PREMISE, OFF-PREMISE AND BILLBOARD SIGNS

Use	Maximum Display Area	Sign Type	Maximum Height	Sign Purpose	Maximum # of Signs
School, Church, Cemetery, Park, Public Buildings, Child Care Center, Clinic, Medical or professional office, Golf Course, Airport, Mining, Agri-business	32 Square feet	ground	8 feet	Identification or Business	One per lot or parcel
Mobile Home Parks, Subdivisions, Condominiums, Planned Unit Development, Multiple Family Development	32 square feet	ground	8 feet	Identification	One per public street entrance
Home Occupations	6 square feet	wall	not above front wall	Identification	One per lot or parcel
Freestanding office and retail commercial businesses not located on the same lot or parcel with another business	15% of front wall area of building in which business is located.	wall	Not above front roof line	Identification or Business	One per office or business establishment
	80 square feet	ground	12 feet	Identification or business	One per office or business establishment
Shopping Center or businesses on the same lot or parcel, attached or detached, from another business.	15% of front wall area of establishment served by sign.	wall	not above front wall	Identification or business	One per establishment.

	300 square feet	pole	18 feet	Identification or business	One pole sign per center or per group of separate buildings on a lot or parcel.
Automobile service station, automobile and truck sales, camper and recreational vehicle sales and service, commercial garage	100 square feet.	ground	12 feet	Identification or business	One per establishment.
	15% of front wall area of establishment served by sign.	wall	not above front wall	Identification or business	One per establishment.
Individual industrial establishments	15% of front wall area of establishment served by sign.	wall	not above front wall	Identification	One per establishment.
	80 square feet	ground	12 feet	Identification	One per establishment
Off-premises signs and billboards are not permitted within the Township	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

300.320 Septage waste services.

Sec. 3.20. All septage waste services performed within the Township shall comply with provisions of Public Act 181 of 1986, as amended, said Act commonly referred to as the Septage Waste Services Act, and all rules and regulations promulgated thereunder, excluding industrial liquid wastes regulated under Public Act 136 of 1969, as amended.

300.321 Site development standards for all buildings and structures.

Sec. 3.21. The following Schedules A through F contain site development standards for principal and accessory buildings and structures in all zoning districts contained within the Ordinance. Schedules A through F are adopted as a part of this Ordinance and shall have the same force and effect as though written out as text within this Ordinance. In the event of any conflict between provisions written in text of this Ordinance and the content of Schedules A through F, the provisions within the text shall apply.

SCHEDULE A
SITE DEVELOPMENT STANDARDS FOR THE NR, A-1, AND A-R ZONING DISTRICTS

	NR	A-1	AR
Minimum Lot Area	40 Acres	2.5 Acres	2.5 Acres
Minimum Lot Width	660 Feet	330 Feet	330 Feet
Minimum Lot Depth	1320 Feet	330 Feet	330 Feet
Minimum Required Setbacks For Principal Buildings on Conforming Lots			
FRONT	100 Feet	100 Feet	100 Feet
SIDE	50 Feet	50 Feet	50 Feet
REAR	50 Feet	50 Feet	50 Feet
Minimum Required Setbacks For Principal Buildings on Pre-Existing Non-Conforming Lots			
FRONT	100 Feet	100 Feet	100 Feet
SIDE	25 Feet	25 Feet	25 Feet
REAR	25 Feet	25 Feet	25 Feet
Maximum Lot Coverage	15%	15%	20%
Maximum Building Height	35 Feet	35 Feet	35 Feet
Minimum Floor Area Per Dwelling	960 Sq. Feet	960 Sq. Feet	960 Sq. Feet

SCHEDULE B
SITE DEVELOPMENT STANDARDS FOR THE COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

	Com.	Ind.
Minimum Lot Area	2.5 Acres	2.5 Acres
Minimum Lot Width	330 Feet	330 Feet
Minimum Lot Depth	330 Feet	330 Feet
Minimum Required Setbacks For Principal Buildings on Conforming Lots		
FRONT	100 Feet	100 Feet
SIDE	50 Feet	50 Feet
REAR	50 Feet	50 Feet
Minimum Required Setbacks For Principal Buildings on Pre-Existing Non-Conforming Lots		
FRONT	100 Feet	100 Feet

SIDE	50 Feet	50 Feet
REAR	50 Feet	50 Feet
Maximum Lot Coverage	40%	40%
Maximum Building Height	40 Feet	50 Feet

SCHEDULE C
MINIMUM SETBACK REQUIREMENTS FOR PRINCIPAL BUILDINGS UNDER CERTAIN CIRCUMSTANCES

	NR	A-1	AR	C and I
Minimum Required Setbacks For Accessory Buildings on Conforming Lots				
FRONT	100 Feet	100 Feet	100 Feet	100 Feet
SIDE	50 Feet	50 Feet	50 Feet	50 Feet
REAR	50 Feet	50 Feet	50 Feet	50 Feet
Minimum Required Setbacks For Accessory Buildings on Pre-Existing Non-Conforming Lots				
FRONT	100 Feet	100 Feet	100 Feet	100 Feet
SIDE	25 Feet	25 Feet	25 Feet	50 Feet
REAR	25 Feet	25 Feet	25 Feet	50 Feet
Maximum Building Height	35 Feet	35 Feet	35 Feet	40 Feet

Whenever two or more dissimilar zoning districts abut the required minimum setback for principal buildings from the abutting lot line shall be 100 feet in all circumstances.

SCHEDULE D
SITE DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS IN ALL ZONING DISTRICTS

	NR	A-1	AR	C and I
Minimum Required Setbacks For Accessory Buildings on Conforming Lots				
FRONT	100 Feet	100 Feet	100 Feet	100 Feet
SIDE	50 Feet	50 Feet	50 Feet	50 Feet
REAR	50 Feet	50 Feet	50 Feet	50 Feet
Minimum Required Setbacks For Accessory Buildings				

on Pre-Existing Non-Conforming Lots				
FRONT	100 Feet	100 Feet	100 Feet	100 Feet
SIDE	25 Feet	25 Feet	25 Feet	50 Feet
REAR	25 Feet	25 Feet	25 Feet	50 Feet
Maximum Building Height	35 Feet	35 Feet	35 Feet	40 Feet

In NR, A-1, and AR Zoning Districts the first floor area of an accessory building shall not exceed 3500 square feet, unless approved by special land use permit or permitted by right agricultural activities.

(Ord. No. 03-55, § 11, 3-4-2003; Ord. No. 03-52, § 1, 7-10-2003; Ord. No. 12-2018, § 1, 12-13-2018)

300.322 Lot split provisions.

Sec. 3.22. Whenever a lot of record within the Township is intended to be divided to create two or more lots, the owner or owner's agent shall provide to the Zoning Administrator a drawing and legal description of the existing lot and the proposed lots. In addition, an application for lot split shall be prepared and signed on a form provided by the Zoning Administrator.

Each proposed lot or parcel resulting from the proposed lot split shall conform to all site development standards for the zoning district in which they are located.

The Zoning Administrator shall review the application and determine whether the proposed lot split conforms to the requirements of this Ordinance. If the Zoning Administrator determines the proposed lots do comply with the requirements of this Ordinance, the Administrator may issue approval for proceeding with the proposed lot split.

Whenever the Zoning Administrator shall determine the proposed lot split does not conform to the requirements of this Ordinance, the application for lot split shall be denied with the reason(s) for denial indicated on the application form.

Any lot of record split into two or more lots following the effective date of this Ordinance which has not been approved under terms of this Ordinance shall be deemed an illegal lot split and a nuisance per se.

300.323 Lot frontage and access.

Sec. 3.23. All lots shall abut on a public street and shall have a minimum lot width at the front lot line equal to the minimum lot width of the zoning district in question.

(Ord. No. 32, 6-3-99)

300.324 Required area of space.

Sec. 3.24. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirement of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.

(Ord. No. 03-55, § 5, 3-4-2003)

300.325 Building grades.

Sec. 3.25. Any building providing yard space or otherwise not occupying the entire lot upon which it is situated shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent properties.

300.326 Construction begun prior to adoption of ordinance.

Sec. 3.26. Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which actual construction has been diligently carried on. Any such construction which has been initiated but not completed and has not proceeded for a period of 12 calendar months shall be excluded from this aforementioned provision.

300.327 Reserved.

300.328 Setback of structures and sewage systems from water bodies.

Sec. 3.28.

1. No primary structures or private sewage systems shall be located less than fifty (50) feet from the normal high water line of any surface body of water and all major county drains including the Hall Drain, the Slater Drain, the Dailey Drain, the Muskegon Newaygo Drain, and the Porter Drain.
2. No accessory structures shall be located less than fifty (50) feet from the normal high water line of any surface body of water and all major county drains including the Hall Drain, the Slater Drain, the Dailey Drain, the Muskegon Newaygo Drain, and the Porter Drain.
3. Waterfront setbacks shall not apply to the following structures when placed on or next to a pond: docks, boardwalks, sheds up to 120 square feet, gazebos/sunscreenes/similar structures up to 400 square feet, and decks up to 400 square feet.

(Ord. No. 03-55, § 7, 3-4-2003)

300.329 Storage and dumping of wastes.

Sec. 3.29. No tin cans, stoves, garbage, automobile bodies, junk, refuse or any waste material shall be dumped or allowed to remain on any private or public land within the Township of Moorland.

(Ord. No. 03-55, § 8, 3-4-2003)

300.330 Natural vegetation strip along rivers, streams and lakes.

Sec. 3.30. A natural vegetative strip of 50 feet wide bordering each side of any river, area or around lakes shall be maintained in trees, shrubs, and other vegetation native to the area subject to the following:

- A. Dead, diseased, unsafe or fallen trees, and noxious weeds and shrubs may be removed.

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- B. Trees and shrubs may be pruned to afford a view of the creek or water.
 - C. Clear cutting will not be allowed into the 50-foot vegetative strip. However, selective removal of trees for commercial timber harvest or landscaping shall be permitted upon approval of the Planning Commission. All banks shall be restored to prevent erosion.

300.331 Travel trailers, coaches, and mobile homes.

Sec. 3.31. No mobile home or travel trailers shall be occupied for dwelling purposes, except as specifically authorized in this Ordinance and in accordance with the following regulations:

- A. No person shall park overnight or permit the parking overnight of any mobile home or travel trailer upon any public highway, street, or alley within the Township unless such park or place has been specifically approved for such use by the Township.
- B. No person shall park or permit the parking of any unoccupied mobile home or travel trailer outside of a duly licensed mobile home park, except, the parking of one unoccupied travel trailer in any accessory private garage building, or in any rear yard, is permitted, provided no living quarters shall be maintained or any business practiced in said mobile home or travel trailers; provided, however, that nothing herein contained shall be construed to hinder or prevent any person from engaging in the business of handling mobile homes or travel trailers for salvage or resale or for storage, subject to such regulations as may be prescribed by this Ordinance relative to zoning or regulations of such business.
- C. Occupancy in any tent, travel trailer, motor home or similar structure, on any lot in the Township for a period in excess of fifteen (15) days in twelve (12) consecutive months is prohibited.
- D. Mobile homes, component or prefabricated homes shall be allowed as principal uses in all areas allowing conventional single-family residences, provided such housing meets all other requirements of this Ordinance and such housing conforms to the aesthetic value of the rest of the area or neighborhood, that being similar in design and in type of construction.
- E. Mobile home, component and prefabricated home permits will not be issued where there is not already in existence, several like structures in the immediate area. Such permits will not be reissued in areas where said housing has been removed from a particular lot, site, or parcel unless the structure conforms to the neighborhood or unless there are existing, several like structures. Like structures in neighborhoods or areas tend to keep the area in balance and have a tendency to hold property values steady. It is important to the welfare of the community to control zoning and types of construction and allowable housing to maintain and increase property values.
- F. All mobile homes, component or prefabricated homes must meet or exceed the same construction and safety requirements under State statutes and the Township Building Code as are required of regular conventional single family residences, and shall meet or exceed all other pertinent requirements as established for such single family residences within the provisions of this Ordinance. All such mobile [homes], component, or prefabricated homes that do not meet the aforementioned requirements shall be located only within an approved mobile home park as otherwise provided for in this Ordinance.
- G. Any mobile home used as a dwelling unit as defined herein shall be firmly attached to a permanent foundation constructed on the site in accordance with all applicable building codes and shall have a solid wall of the same perimeter dimension as the dwelling and shall be constructed of such materials and type as required in the applicable building codes for residential dwellings.
- H. Each mobile home used as a dwelling shall be installed with the wheels removed. Additionally, no mobile home used as a dwelling shall have any exposed towing mechanism, undercarriage or chassis.

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- I. All mobile homes used as a dwelling shall be of new construction, and in the case of mobile homes transported into the Township, the owner must be the first title holder of the mobile home.

300.332 Conversion of dwellings.

Sec. 3.32. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking.

300.333 Stormwater management.

Sec. 3.33. All commercial, industrial, institutional, or residential developments, excluding farm sites and buildings, except those used for the processing of farm produce or products and excluding single-family residential sites and buildings, unless specifically required otherwise within this Ordinance, on sites of one acre or more and having roof and paved areas in excess of 4,000 square feet shall meet all requirements of the Muskegon County Drain Commission.

300.334 Stray livestock.

Sec. 3.34. Wherever livestock, such as horses, cows, pigs or goats, are kept on land within Moorland Township, the owner of such animals or the property owner on which such animals are kept or both, shall:

- A. Provide secure fence enclosure of land on which such animals are housed or kept, such fence shall not be broken down or have gaps, and
- B. Assure potable water supply on the same lot or parcel on which such animals are kept, including provisions for keeping water from freezing during winter conditions, and
- C. Undertake measures as needed to prevent such livestock from straying on to public roads.

While the Township recognizes that livestock kept in a farm community can and do occasionally escape their enclosures and enter onto public roadways, the Township is concerned for public safety when such animals are repeatedly permitted to stray and pose great danger to drivers and passengers in automobiles, trucks, school buses and other vehicles running along public roadways in the Township.

The Zoning Administrator is hereby authorized to issue a written letter notice to the stray animal owner and, if different, the property owner from which the animal has strayed. The letter may be delivered by personal service or return receipt mail. The Zoning Administrator's letter shall indicate the date, time and place the stray animals were discovered in the public roadway.

If a second occurrence of livestock straying onto the public roadway is discovered, the Zoning Administrator may either issue an appearance ticket to the property owner or, if different, owner of the stray animal or may arrange for the immediate confiscation and transport of such livestock to a safe haven. The owner of such animals, if known, shall be notified of the location at which such animals are being kept and advised to retrieve the animals within seven days or the animals will be sold and proceeds paid to the general fund of the Township, less the cost for housing such animals.

If the animal owner appears to retrieve the animals within seven days, the owner shall pay the actual cost of the care and feeding of the animals from the date of confiscation to the date of retrieval.

(Ord. No. 26, 11-5-98)

300.335 Ponds.

Sec. 3.35. Ponds as defined in Section 2.1 shall include man-made excavated ponds and man-made ponds caused by the damming or containment of natural waterways or storm drainage.

Ponds may be located in any zoning district provided the following requirements are met:

- a) Ponds that cover less area than the maximum lot coverage percentage allowed in the particular zoning district may be approved by the Zoning Administrator up to a maximum area of one (1) acre.
- b) Ponds over one (1) acre or that exceed the maximum lot coverage percentage for the particular zoning district must obtain Special Use Authorization from the Planning Commission.
- c) Existing ponds and their use may continue, however any changes in the configuration or use of existing ponds must comply with the provisions of this ordinance.
- d) A pond may be located so as to be shared by more than a single lot or parcel by extending across common property lines, so long as easements are recorded by both property owners and copies of the easements are provided to the Township Clerk. The perimeter of such a pond must meet all required yard or other setback requirements from all other property lines.
- e) No pond shall be located in any required yard or other setback or spacing requirements between structures. In zoning districts with setbacks less than fifty (50) feet no pond shall be closer than fifty (50) feet to any lot line or structure.
- f) Ponds must be setback at least fifty (50) feet from any well, septic tank or drain field.
- g) Ponds must be setback at least one hundred (100) feet from any public highway or road or private road or access easement.
- h) Ponds shall have a maximum slope of one (1) foot drop to three (3) feet of horizontal run, and shall meet soil conservation district standards which are on file with the Township and may be obtained upon application for a pond permit.
- i) Applicants for ponds which are created by damming or containment of natural waterways or storm water must provide sealed, engineered drawings which document the specifications for the pond watershed and spillway characteristics.
- j) Both State and Township permits shall be required prior to construction of a pond that is within 500' of any other surface water, wetlands area or drainage way or which results in a surface water area of 5 acres or more.
- k) Before any excavation is started the property owner shall submit an application to the Zoning Administrator for approval as noted in either paragraph (a) or (b) and pay a fee as may be established by the Township Board. Pond applications shall include proof of ownership of the property, a survey of the property and a site plan drawn to scale showing the location of the pond and any existing buildings and property lines.
- l) All finished ponds must maintain safety measures which shall include signs, and one 100' rope and buoy station if the pond is 100' x 100' or less. If the pond is larger than 100' x 100' then two rope stations will be required.
- m) All excavation shall be completed in accordance with the approved site plan and within the period of time specified in this Ordinance or as specified on the permit.
- n) Township permits for ponds shall be issued for a period of ninety (90) days, after which they shall become null and void if construction has not been started. The Zoning Administrator is authorized to issue one renewal permits for an additional thirty (30) days if application is made prior to expiration.

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- o) Ponds permitted as part of a Planned Unit Development shall be subject to specific conditions as established by the Planning Commission during site plan review and approval for the Planned Unit Development.
 - p) All ponds must allow the establishment of dry hydrant construction and emergency access and/or use if local officials deem appropriate.

300.336 Personal property sales.

Sec. 3.36. Personal property sales shall include garage sales, yard sales, basement sales, estates sales or other non-commercial sales of a similar nature occurring on lands located in an agricultural or residential zoning district, or on other lands being used for residential purposes. Such sales shall include only personal property, and shall be permitted as an accessory use to a dwelling on the premises, subject to the following requirements:

- A. The personal property sale shall have a duration of not longer than three days.
- B. The sale shall not take place within 60 days after the last personal property sale held on the same lands.
- C. All articles of personal property that are offered for sale shall be entirely enclosed within a lawful building or structure between the hours of 7:00 p.m. and 8:00 a.m.
- D. After the personal property sale has ended, or after the maximum permitted duration of the sale has occurred, any articles of personal property that remain out of doors on the premises shall be removed from display and shall be placed in a fully enclosed building or other structure, so as not to be visible from the outside of the building or structure. Any sign or signs pertaining to the personal property sale shall be promptly taken down and removed, at the conclusion of the sale or when its maximum permitted duration has occurred.

300.337 Solar energy systems.

Sec. 3.37. It is the intent of this section to provide for the development of Solar Energy Systems in Moorland Township, subject to reasonable standards for the placement, design, construction, operation and removal of such installations that promote the public health, safety and welfare of the community.

- A. *Definitions.* For the purposes of this section, the following terms and phrases shall be defined as provided below:
 - (1) "Participating Property" means a lot, parcel or other property on which all or part of a Solar Energy System will be located.
 - (2) "Photovoltaic" or "PV" means materials and devices that absorb sunlight and convert it directly into electricity.
 - (3) "Site" means the lot(s) or parcel(s) upon which a Solar Energy System will be located.
 - (4) "Solar Energy System" means a renewable energy system that generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures, components, subsystems and facilities within the boundaries of the Site. For the purposes of this section, "solar energy system" does not include a "small-scale solar energy collector," as defined in Section 3.38.
- B. *Application and Procedures.* Solar Energy Systems shall be located only in the Natural Resources District or the Industrial District, and shall be approved only as a special land use in accordance with the procedures set forth in Chapter 11, Special Land Uses. They shall be subject to review and approval under Chapter 12, Site Plan Review. In addition to the application provisions of Chapters 11 and 12, an

applicant seeking approval for a Solar Energy System shall also provide the following application materials:

- (1) *Site Plan.* A site plan must include the proposed number, location and spacing of solar panels; proposed height of panels; location of access road roads; planned location of underground or overhead electric lines connecting the Solar Energy System to the substation or other electric load; proposed stormwater management facilities; proposed erosion and sediment control measures; and other related facilities or appurtenances.
 - (2) *Landowner Authorization.* The applicant shall provide the following information with respect to the Site:
 - a. A legal description of the Participating Property(ies) on which the Solar Energy System will be located.
 - b. The name, address and phone number of the applicant, including the name of the authorized representative of the applicant, the owner of all equipment proposed to be installed, and the owner(s) of the Participating Property(ies).
 - c. Written authorization from the Participating Property owners to seek land use approval for the Solar Energy System.
 - d. A copy of the applicant's lease with any Participating Property owner or equivalent evidence of such lease.
 - (3) *Liability Insurance.* The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate, and provide proof that it meets the insurance requirement to the Zoning Administrator prior to approval.
 - (4) *Review Expenses.* In addition to any application fees, all Township expenses with respect to the zoning approval of a solar energy system shall be paid by the applicant. An escrow fee may be requested by the Zoning Administrator, Planning Commission or Township Board. The amount of the escrow fee shall be based on an estimate of the Township's expenses, and shall be maintained or reestablished until all expenses have been paid in full. The applicant shall be entitled to a refund of any unused escrow fees and shall pay any balance due which exceeds the escrow fees.
 - (5) *Decommissioning Plan.* The applicant shall submit a decommissioning plan to ensure that facilities are properly removed after their useful life. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site, net of any salvage value. The Planning Commission may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure decommissioning, or proof with such financial security required under any agreement with the lessor or owner of the parcels upon which the Solar Energy System will be located. Any part or all of the Solar Energy System and related equipment which is abandoned or not used for 180 days or more shall be removed within 180 days of the ceasing of operations, unless a time extension is granted in writing by the Zoning Administrator. A one-time extension, of up to six months, may be permitted by the Zoning Administrator if he or she determines that the operator of the facility is taking active steps to ensure its removal. Any further extensions must be granted by the Township Board.
- C. *Standards.* A Solar Energy System shall comply with the special land use standards of Chapter 11 and the site plan standards of Chapter 12, and shall also comply with the following additional standards:

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- (1) Solar Energy Systems shall be constructed and operated in compliance with any applicable local, state and federal regulatory requirements.
 - (2) Solar Energy Systems shall comply with all required regulatory approvals from the appropriate road authority for site access and driveways.
 - (3) Solar Energy Systems shall be set back a minimum of one hundred (100) feet from non-Participating Property boundaries, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility.
 - (4) Solar Energy Systems shall not exceed twenty (20) feet in height. The height of the systems will be measured from the highest natural grade below each solar panel.
 - (5) Solar Energy Systems shall be constructed and operated in compliance with all Federal Aviation Administration (FAA) guidelines and regulations, including glint glare in the siting and design of the solar facility, including impacts to adjacent residences and street rights-of-way. Impacts from above the guideline thresholds will be mitigated by screening from view with berms, vegetation or privacy fencing.
 - (6) A clearly-visible warning sign concerning voltage must be placed at the base of all pad mounted transformers and substations. All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum six (6) foot high fence with a self-locking gate.
 - (7) Solar Energy Systems are exempt from lot coverage standards in the applicable zoning district.
 - (8) Solar Energy Systems are subject to stormwater management and erosion and sediment control best practices and NPDES permit requirements, and shall obtain required permits from the Michigan Department of Environmental Quality, Michigan Department of Transportation and other required governmental approvals.
 - (9) A six foot chain link fence shall be constructed and maintained around the entire perimeter area of the Solar Energy System.
 - (10) The Planning Commission may require landscaping, buffering, screening, or impose other conditions in its discretion to make the Solar Energy System compatible with adjacent or nearby land uses.

(Ord. No. 01-2017-O, § 1, 1-12-2017; Ord. No. 2021-11, § 4, 11-11-2021)

300.338 Small-scale solar energy collectors and systems.

- A. *Definitions.* For the purposes of this section, the following terms and phrases shall be defined as provided below:
- (1) "Building-integrated photovoltaic system" (BIPV) means a solar energy system that is integrated into the structure of a building, such as solar roof tiles and solar shingles.
 - (2) "Building-mounted solar energy collector" means a solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall or other element in whole or in part of a building. Also includes building-integrated photovoltaic systems (BIPV).
 - (3) "Flush-mounted solar panel" means a photovoltaic panel and tile that is installed flush to the surface of a roof and which cannot be angled or raised.

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- (4) "Ground-mounted solar energy collector" means a solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.
 - (5) "Small-scale energy collector" means a solar energy collector that is primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which they are erected. It may be comprised of the following: building-integrated photovoltaic (BIPV) systems, flush-mounted solar panels, ground-mounted solar energy collectors, or building-mounted solar energy systems.
 - (6) "Solar energy collector" means a panel a panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other form of generator energy for use in or associated with a principal land use on the lot where solar energy collector is located or if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other than the lot where located.
- B. *Applicability.* This section applies to any system of small-scale solar energy collector systems. This section does not apply to utility-scale solar energy collector systems. Solar energy collectors mounted on fences, poles, or on the ground with collector surface areas that are less than five square feet and are less than five feet above the ground are not subject to the conditions in this section, but may be established in districts where small-scale solar energy collectors are listed as a permitted use. Nothing in this section shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.
- C. *General Requirements.*
- (1) **Districts.** A small-scale solar energy collector may be located in districts where small-scale solar energy collectors are listed as a permitted use.
 - (2) **Applications.** In addition to all other required application contents as required by Chapter 12, equipment and unit rendering, elevation drawings, and site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review. No small-scale solar energy collector system shall be installed or operated except in compliance with this section.
 - (3) **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto streets or private roads.
 - (4) **Installation.**
 - a. A solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes, electrical codes, and other applicable township and state requirements.
 - b. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the township prior to installation.
 - c. The applicant shall certify that the construction and installation meet or exceed the manufacturer's construction and installation standards.
 - (5) **Power Lines.** On site power lines between solar panels and inverters shall be placed underground.

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- (6) Fire Risk. Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
 - (7) Abandonment and Removal. A solar energy collector system that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the responsible party with the ownership interest in the system provides substantial evidence to the township every six months after the 12 months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the development of the system within one year of abandonment.
- D. *Building-mounted Solar Energy Collectors.* These systems may be established as accessory uses in the districts where small-scale energy collectors are listed as a permitted use, subject to the following conditions:
- (1) Maximum Height. The maximum height in the zoning district in which the building-mounted solar energy collectors are located shall not be exceeded by more than three feet.
 - (2) Obstruction. Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
- E. *Ground-mounted Solar Energy Collectors.* These systems may be established as accessory uses in the districts where small-scale energy collectors are listed as a permitted use, subject to the following conditions:
- (1) Location.
 - a. Rear and side yards. The unit may be located in the rear yard or the side yard but shall be subject to the setbacks for accessory buildings.
 - b. Front yard. The unit may be located in the front yard only if it is located no less than 150 feet from the front lot line.
 - (2) Obstruction. Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
 - (3) Maximum Number. There shall be no more systems than the number of systems that are required for that property. Applicants requesting ground-mounted solar energy collectors shall provide the Township with the projected electricity generation capability of the system(s) and demonstrate that the electricity generation capacity of the system(s) would not regularly exceed the power consumption demand of the principal and accessory uses on the property.
 - (4) Maximum Size.
 - a. Residential uses. Ground-mounted solar energy collectors shall not be any larger than needed to support the dwelling and buildings on the property. Applicants shall provide the Township with the measurements of the proposed ground-mounted solar energy collector(s) and include an explanation regarding why the size is necessary to support the dwelling and buildings on the property.
 - (5) Maximum Height.
 - a. Residential uses. The maximum height shall be 12 feet, measured from the natural grade below the unit to the highest point at full tilt.
 - (6) Minimum lot area. A lot must have at least 82,500 square feet in lot area to establish a ground-mounted solar energy collector system.

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- (7) Screening. Screening shall be required in cases where a ground-mounted solar energy collector unit impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.

(Ord. No. 2021-11, § 1, 11-11-2021)

CHAPTER 4

300.400 ZONING DISTRICTS—GENERAL

300.401 Establishment of districts.

Sec. 4.01. The Township of Moorland is hereby divided into the following zoning districts, to be known as having the names and symbols shown:

NR—Natural Resources District

A1—Prime Agricultural District

AR—Agricultural/Residential District

C—Commercial District

I—Industrial District

PUD—Planned Unit Development

300.402 Official zoning map.

Sec. 4.02. The zoning districts are identified and located on a map entitled "Official Zoning District Map of Moorland Township." Said map, with all information thereon, is hereby made part of this ordinance.

The Official Zoning District Map shall be identified by the signature of the Township Supervisor, attested by the Clerk, and bear the following words: "This is to certify that this is the Official Zoning District Map referred to in the Moorland Township Zoning Ordinance."

Whenever an amendment to this Ordinance includes a change in a zoning district boundary, such change shall be entered on the Official Zoning District Map by the Zoning Administrator or other person so authorized to do so by the Township Board. A date shall be affixed to the official map for each change thus made. No other changes shall be made to the official map, except if the Zoning Board of Appeals shall provide and interpretation of any district boundary which requires a correction to the official map by the person authorized to do so.

In the event that the official map is damaged, destroyed, lost, or difficult to interpret due to changes made, the Township board may, by ordinance, adopt a new Official Zoning District map to supersede the prior official map.

Regardless of the existence of reported copies of the Official Zoning District Map which may, from time to time be made or published, the official map shall be located in the office of the Township Clerk and open for public inspection, shall be the final authority as to current status of zoning on any parcel of land within the Township.

(Ord. No. 1292, § 1, 6-14-2012)

300.403 Rules for interpretation of official map.

Sec. 4.03. Whenever uncertainty exists as to the boundaries of zoning districts shown on the Official Map, the following rules for interpretation shall apply:

- (a) All Frontline setbacks shall be measured starting from a point at the geographical center of the roadway.
- (b) A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such centerline.
- (c) A boundary indicated as approximately following a recorded lot or parcel boundary shall be construed as following such line.
- (d) A boundary indicated as following a shoreline shall be construed as following such shoreline or actual shoreline if the shoreline is changed by any means.
- (e) A boundary indicated as following a centerline of a stream, river, canal, lake, or other waterbody shall be construed as following such centerline.
- (f) Whenever a natural or man made feature on the ground is at variance with that shown on the official map, or in any circumstances not covered by this section, the Zoning Board of Appeals shall interpret the location of the Zoning District boundary.
- (g) A distance not specifically indicated on the official map shall be determined by the scale of the map to the nearest foot by the Zoning Administrator.

CHAPTER 5

300.500 NATURAL RESOURCES DISTRICT

300.501 Description and purpose.

Sec. 5.1. This District is intended primarily for the preservation of natural resources areas within the Township.

300.502 Principal uses permitted.

Sec. 5.2. Land, buildings, and structures in this District may be used for the following purposes only:

- (a) The harvesting of wild or naturally occurring crops.
- (b) Hunting, Fishing, and Trapping, including Hunting Preserves with a minimum of 40 Acres.
- (c) Sustained yield forestry.
- (d) Cultivation, Planting, Tending, and Harvesting of crops.

300.503 Special land uses.

Sec. 5.3. The following uses may be permitted as special land uses subject to the requirements of the Chapter [the special land use chapter]:

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- (a) Essential Services including but not limited to Wastewater Treatment Facilities, Public or Community water well and pumping station sites, telecommunications systems equipment, major grid electrical substations.
 - (b) Campgrounds
 - (c) Publicly accessible hiking, biking, equestrian, ORV, snowmobile, and other like trails.
 - (d) Hunting, Camping, Dog and Gun Clubs or Organizations.
 - (e) Canoe or Boat liveries.
 - (f) Ski or tobaggan slopes.
 - (g) Park and recreational uses and facilities.
 - (h) Extractive Use.
 - (i) Small Wind Turbine Generator, Large Wind Turbine Generator, or Wind Energy Harvest Site. A small wind turbine generator, a large wind turbine generator, or a wind harvest energy site may be approved by the Planning Commission as a special land use, upon compliance with all the conditions stated in Subsection C of Section 11.4 of this Ordinance.
 - (j) Solar Energy Systems.

(Ord. No. 11-50, § 1, 8-11-2011; Ord. No. 01-2017-O, § 2, 1-12-2017)

300.504 Site development standards.

5.4. Land, buildings, and other structures in this District shall be bound by the following site development standards:

- (a) Minimum and maximum building height, lot area and coverage, and yards—REFER TO SCHEDULE A
- (b) Those accessory uses and buildings common to the permitted principal uses, provided that no permanent buildings for human habitation nor any structures that will significantly interfere with the free flow of flood waters or cause stream bank or lake front erosion shall be allowed.

300.505 Lot area and coverage.

Sec. 5.5. Refer to Schedule A.

300.506 Yards.

Sec. 5.6. Refer to Schedule A.

CHAPTER 6

300.600 A-1 PRIME AGRICULTURAL DISTRICT

300.601 Description and purpose.

Sec. 6.1. The A-1 Prime Agricultural District has been established to conserve farmland and to encourage farming, thereby helping to assure that productive agricultural uses will continue to be a significant, long-term and use within the Township.

300.602 Permitted uses.

Sec. 6.2 Land within this district may be used and buildings, structures, or other improvements may be erected, altered, enlarged, or used for one or more of the following purposes:

- (a) Crop and animal production conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Department of Agriculture, which includes intensive livestock operations if the following conditions are met:
 - (1) An application for site plan approval shall be submitted to the Township Planning Commission. A copy of the Livestock Production Facility Siting Request Application approved by the Michigan Department of Agriculture and any amendments thereto shall be attached to the application for site plan approval. The provisions of Chapter 12 shall apply to site plan approval, except that the Township Planning Commission's consideration of the site plan shall be limited to ensuring that the site plan has been approved by the Michigan Department of Agriculture, and that any aspect of the site plan not approved or not under the jurisdiction of the Michigan Department of Agriculture complies with the Zoning Ordinance; and
 - (2) The Township Planning Commission shall hold a meeting to consider the site plan application as provided in subsection (1). At least fifteen days prior to the meeting, the Township shall publish notice of the meeting at which the site plan application will be considered in a newspaper of general circulation in the Township and shall also send notice of the meeting to the Muskegon County Road Commission and the Muskegon County Drain Commission.
- (b) Single-family dwellings.
- (c) Orchards, vineyards, apiaries, and stables.
- (d) Greenhouses and nurseries.
- (e) Roadside stands and other agricultural accessory structures for the display and sale of produce grown on the premises and for the display and sale of meat butchered or processed from animals raised on the premises.
- (f) Accessory buildings, structures and uses customarily incidental to any permitted use or special land use.
- (g) Small-scale solar energy collectors as an accessory use.

(Ord. No. 12-01, § 2, 9-13-2012; Ord. No. 2021-11, § 2, 11-11-2021)

300.603 Special land uses.

Sec. 6.3 Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 11 the following special land uses may be established:

- (a) Single family detached farm dwellings.

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- (b) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or nonprofit organization.
 - (c) Parks, camps, campgrounds, playgrounds, community centers, churches and other houses of worship, governmental administration or service buildings which are owned and operated by a governmental agency or nonprofit organization.
 - (d) Golf courses, country clubs, commercial riding stables, private recreation areas, and publicly owned athletic grounds.
 - (e) Bed and breakfast establishments.
 - (f) Family daycare homes.
 - (g) State licensed adult foster care family homes.
 - (h) Removal and processing of sand, gravel, and other mineral resources.
 - (i) Utility and public service buildings.
 - (j) Farm markets.
 - (k) Intensive livestock operations.
 - (l) Reserved.
 - (m) Antennas and towers exceeding 75 feet in height.
 - (n) Private shooting ranges, and hunting preserves with a minimum of 40 acres.
 - (o) Application of sewage sludge.
 - (p) Gunsmithing in single family dwellings and accessory buildings only.
 - (q) Outdoor recreational events including but not limited to rodeos, animal shows, and cattle auctions.
 - (r) Storage of motor vehicles and other equipment used in and for land services, where no business activities are carried out on the premises, where there are no serious adverse effects on other lands.
 - (s) Storage of semi tractor trailers and other large commercial motor vehicles, where no business activities are carried out on the premises and where there are no serious adverse effects on other lands.
 - (t) Commercial and Private kennel operations.
 - (u) Home occupations.
 - (v) Operation of kennels.
 - (w) Small Wind Turbine Generator, Large Wind Turbine Generator, or Wind Energy Harvest Site. A small wind turbine generator, a large wind turbine generator, or a wind harvest energy site may be approved by the Planning Commission as a special land use, upon compliance with all the conditions stated in Subsection C of Section 11.4 of this Ordinance.

(Ord. No. 11-50, § 2, 8-11-2011; Ord. No. 12-01, § 3, 9-13-2012)

300.604 District regulations.

Sec. 6.4. Land, buildings and structures shall comply with all of the following requirements:

- (a) Minimum lot area and minimum lot width: 2.5 acres with 330 feet of lot width.
- (b) Minimum required setbacks for principal buildings:

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- a. Front yard—100 feet.
 - b. Side yard—There shall be two side yards; no side yard shall be less than 50 feet.
 - c. Rear yard—100 feet.
- (c) No building or structure shall exceed a height of 35 feet, except this requirement shall not apply to agricultural buildings or agricultural related structures.

(Ord. No. 12-2018, § 2, 12-13-2018)

300.605 Lot area, frontage, width, and coverage.

Sec. 6.5. Refer to Schedule A.

300.606 Yards.

Sec. 6.6. Refer to Schedule A and C.

300.607 Floor area/building width.

Sec. 6.7. Refer to Schedule A.

CHAPTER 7

300.700 A-2 AGRICULTURAL-RESIDENTIAL DISTRICT

300.701 Description and purpose.

Sec. 7.1. This District is intended primarily for primary and secondary dwellings with allowable secondary agricultural uses.

300.702 Principal uses permitted.

Sec. 7.2. Land, buildings and structures in this District may be used for the following purposes only:

- (a) Single Family dwellings.
- (b) Farms and farming activities, including farm buildings and other farm structures; provided however, that on all parcels a primary or secondary dwelling must be previously established henceforth also, that intensive livestock operations shall be permitted only as a special land use.
- (c) Orchards, vineyards, apiaries, and stables.
- (d) Greenhouses and nurseries.
- (e) Roadside stands and other agricultural accessory structures for the display and sale of produce grown on the premises and for the display and sale of meat butchered or processed from animals raised on the premises.
- (f) Accessory buildings, structures and uses customarily incidental to any permitted use or special land use.

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- (g) Small-scale solar energy collectors as an accessory use.

(Ord. No. 2021-11, § 3, 11-11-2021)

300.703 Special land uses.

Sec. 7.3 Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 11 the following special land uses may be established:

- (a) Private and public schools, libraries, museums, and similar uses, when owned and operated by a governmental agency or nonprofit organization.
- (b) Parks, camps, campgrounds, playgrounds, community centers, churches and other houses of worship, governmental administration, or service buildings which are owned and operated by a governmental agency or a nonprofit organization.
- (c) Bed and breakfast establishments.
- (d) Family daycare facilities for any number of children (state licensing applicable).
- (e) State licensed adult foster care family homes with any number of residents.
- (f) Utility and public service buildings.
- (g) Farm markets.
- (h) Gunsmithing in single family dwellings and accessory buildings only.
- (i) Home occupation.
- (j) Small Wind Turbine Generator, Large Wind Turbine Generator, or Wind Energy Harvest Site. A small wind turbine generator, a large wind turbine generator, or a wind harvest energy site may be approved by the Planning Commission as a special land use, upon compliance with all the conditions stated in Subsection C of Section 11.4 of this Ordinance.

(Ord. No. 11-50, § 3, 8-11-2011; Ord. No. 12-01, § 4, 9-13-2012)

300.704 District regulations.

Sec. 7.4. Land, buildings and structures shall comply with all of the following regulations:

- (a) Minimum lot area and minimum lot width: 2.5 acres with 330 feet of lot width.
- (b) Minimum required setbacks for principal buildings:
 - a. Front yard—100 feet
 - b. Side yard—There shall be two side yards; no side yards shall be less than 50 feet.
 - c. Rear yard—50 feet.
- (c) No building or structure shall exceed a height of 35 feet, except this requirement shall not apply to agricultural buildings or agriculturally related structures.

300.705 Minimum floor area.

Sec. 7.5. Each dwelling shall have a minimum of 960 square feet of usable floor area.

300.706 Yards.

Sec. 7.6. Refer to Schedule A.

300.707 Floor area/building width.

Sec. 7.7. Refer to Schedule A.

CHAPTER 7A

PLANNED UNIT DEVELOPMENT

ORDINANCE NO. 03-61

Adopted: May 3, 2007

300.700A.0 [Purpose.]

Sec. 7A.0. This chapter is intended to authorize greater flexibility, creativity, and design in the development of lands used for residential purposes, through the establishment of preplanned areas in accordance with plans approved by the Township under the requirements and procedures of this chapter.

300.700A.1 [Approval.]

Sec. 7A.1. A Planned Unit Development ("PUD") shall be approved by an ordinance which amends the zoning map and specifies terms and conditions of approval of the PUD.

4. Proof of ownership or legal interest in the PUD lands.
 - iv. Location sketch of the site in relation to surrounding and nearby lands
 - v. Date, north arrow and scale which shall not be more than 1" = 100'
 - vi. All lot lines or other property lines with dimensions.
 - vii. Existing and proposed topographical contours with a minimum of five (5) foot intervals
 - viii. Location of existing natural resources, including existing vegetation, drainage courses, wetlands, lakes, streams, and other bodies of water and all areas within the 100-year floodplain.
 - ix. Existing zoning and land use of the proposed site and adjacent and nearby lands.
 - x. Location, size, and type of all existing and proposed buildings and structures.
 - xi. Location of all existing structures within one hundred (100) feet of the property lines.
 - xii. Location of proposed landscaping, buffering, and screening.
 - xiii. Location and dimensions of all existing and proposed streets, driveways, and parking areas.

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- xiv. Location of proposed facilities for management and control of storm water drainage, including proposed detention and/or retention areas, drainage flow areas, storm sewers and other facilities.
 - xv. Location and nature of facilities for water supply and sanitary sewer service.
 - xvi. Size and location of all areas devoted to open space.
 - xvii. Statement of all uses that are to be conducted on the lands and the location of all such uses.
 - xviii. Location and description of existing and proposed signs and exterior lighting.
 - xix. Proposed restrictive covenants, if any, for the development.
- b. If required by the Planning Commission, the preliminary development plan shall include additional information reasonably necessary for the review and consideration of the proposed development and the effects thereof. Such other information may include a traffic impact analysis, environmental impact statement, economic studies, and other relevant data and background information.
 - c. The Planning Commission may, in addition, require that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commission, Department of Natural Resources, Department of Environmental Quality, Department of Transportation, and other governmental agencies regarding possible or likely effects of the proposed PUD on matters within their respective jurisdictions.
- C. *Review of Preliminary Development Plan.* The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the PUD, together with any recommended changes thereof. The recommendations shall be based upon the requirements of this chapter.
 - D. *Advisory Public Hearing.* In the course of its consideration of the preliminary development plan, the Planning Commission may, but is not required to, convene an advisory public hearing to receive public comments concerning the preliminary development plan. Notice of such advisory hearing shall be given in accordance with the requirements of Section 18.6 of this Ordinance. Failure to give notice of such an advisory public hearing shall not affect the validity of the proceedings.
 - E. *Final Development Plan.* After receiving the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit 12 copies of a final development plan to the Township. The final development plan shall contain the information required for a preliminary development plan and shall address other matters requested by the Planning Commission. Copies of the final development plan and an application for the PUD rezoning shall be forwarded to the Planning Commission. The plan shall also state the projected time for completion of the PUD, any proposed phasing of the PUD, and the projected time for the completion of each phase.
 - F. *Public Hearing on Final Development Plan.* The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning. Notice of the hearing shall be given in the manner required by Section 18.6 of this Ordinance.
 - G. *Recommendation by Planning Commission.* After the public hearing, the Planning Commission, the Township Board shall approve, deny, or approve with conditions the rezoning of the lands in accordance with the final development plan. A building permit shall not be issued until the Township Board has approved the final development plan and the rezoning has become effective.
 - H. *Consideration by Township Board.* After receiving the recommendation of the Planning Commission, the Township Board shall approve, deny, or approve with conditions the rezoning of the lands in

accordance with the final development plan. A building permit shall not be issued until the Township Board has approved the final development plan and the rezoning has become effective.

- I. *Conditions of Approval.* The Township Board may impose reasonable conditions upon its approval of a PUD, so as to protect the environment and conserve natural resources and energy to ensure compatibility with adjacent use of lands, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
- a. They shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed development and the community as a whole.
 - b. They shall be related to the valid exercise of the Township's regulatory authority.
 - c. They shall be consistent with the intended purposes of this Zoning Ordinance and be necessary to ensure compliance with the standards established in this chapter.

(Ord. No. 06-21, §§ 2, 3, 9-7-2006)

300.700A.5 Design and development requirements.

Sec. 7A.5. The following minimum design and development standards and requirements shall apply to a Planned Unit Development:

- A. The maximum building density of the PUD shall be 1 dwelling per 330 feet of road frontage. Absent special circumstances, such as unusual natural features or a development that contains a high level of favorable amenities, the maximum number of dwellings allowed in the PUD shall not exceed the total number of dwellings that would be allowed for the lands within the development under the zoning regulations pertaining to the zoning district in which the lands are located prior to the rezoning into the PUD District.
- B. Building setback requirements shall conform to such requirements as stated in the AR District, except that lesser building setbacks may be permitted based upon the natural features of the site, particular aspects of the proposed uses or other land use considerations.
- C. The height of principal buildings and structures and accessory buildings shall not exceed 35 feet.
- D. At least seventy percent (70%) of the area of the site shall be preserved in perpetuity as open space. The applicant shall provide an open space preservation and maintenance agreement or restrictions to the Township. The agreement or restrictions shall be in a form satisfactory to the Township and binding on all future owners to the property. After approval from the Township attorney, the agreement or restrictions shall be recorded in the records of the Muskegon County Register of Deeds.
- E. Open space shall be generally left in a natural condition and shall not be graded, excavated, or otherwise disturbed, except as permitted by this subsection. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and other recreational improvements and amenities may be placed in the open space areas. All uses shall be shown on the approved final development plan.
- F. Open space shall be configured so as to preserve significant natural features and where feasible, shall be centrally located and/or located along the road frontage of the development. The open space shall be reasonably usable by residents of the PUD and shall not generally consist of areas less than one (1) acre in size, although the open space abutting a public street may be smaller if the other open space areas in the development are reasonably usable.
- G. Streets, building locations, vehicle parking areas, pedestrian ways, and utility easements shall be designed to promote public safety and compatibility of land uses.
- H. There shall be adequate and convenient access for fire and other emergency vehicles.

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- I. Driveways and circulation roadways shall be designed to minimize traffic and congestion within the PUD.
 - J. Grading within the PUD shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land or upon adjacent and nearby lands.
 - K. Public or community sanitary sewer service shall be provided unless the Township board allows individual septic systems, approved by the Muskegon County Health Department.
 - L. There shall be adequate and effective storm water drainage systems, subject to the approval of the Township's engineers.
 - M. The placement of signs and the area, height, nature, and type thereof, and other aspects of any signs within the PUD, shall be determined by the Planning Commission and the Township Board.

300.700A.6 Amendments in the PUD.

Sec. 7A.6.

- A. an approved final development plan and any conditions imposed upon final PUD approval shall not be changed, except as provided in this section.
- B. A minor amendment in a PUD may be approved by the Planning Commission at a public meeting, without special notice or public hearing.

The following items shall be considered to be minor amendments:

- 1. Reduction of the size of any building, structure, or sign
 - 2. The minor relocation or adjustment in the placement of buildings or other structures
 - 3. Changes in floor plans which do not alter the character of use
 - 4. Internal rearrangement of parking areas, if it does not affect the number of parking spaces or alter the design or location of parking area access
 - 5. Changes required by the Township for safety reasons
 - 6. Other similar changes of a minor nature to the configuration, design, layout or topography of the development plan if the Planning Commission determines the change(s) is/are not material or significant in relation to the entire site and that the change(s) will not have a significant adverse effect upon adjacent or nearby lands or the public interest.
- C. If a proposed amendment or other modification in an approved PUD is not a minor amendment, then such amendment shall be a major amendment. Major amendments shall be considered by the Planning Commission and the Township Board in the same manner and under the same procedures as an original application for PUD approval and rezoning.

300.700A.7 Time limitations on development.

Sec. 7A.7. Each PUD shall be under construction within one year of the date that the Township Board approved the rezoning in accordance with the final development plan. The Planning Commission may in its discretion grant an extension not exceeding one (1) year, if the PUD applicant submits reasonable evidence establishing that unforeseen difficulties or other special circumstances have been encountered. If a PUD has not been commenced within the required period of time, or within any authorized extension thereof, no building permits for the PUD or any part thereof shall be issued. In such case, the Planning Commission and Township Board may initiate proceedings for the rezoning of the lands to some other zoning district.

CHAPTER 7B

SITE CONDOMINIUM DEVELOPMENT

ORDINANCE NO. 03-62

Adopted: May 3, 2007

300.700B.0 Purpose.

Sec. 7B.0. This chapter is intended to authorize greater flexibility, creativity, and design in the development of lands used for residential purposes, through the establishment of preplanned areas in accordance with plans approved by the Township under the requirements and procedures of this chapter.

300.700B.1 Authorization.

Sec. 7B.1. A Site Condominium Development ("SCD") shall be approved by an ordinance which amends the zoning map and specifies terms and conditions of approval of the SCD. An approving ordinance, including all aspects of the final plan and conditions imposed on the development, shall be considered as part of the Zoning Ordinance, although it need not be incorporated into the codified ordinances of general application. Violation of any provision of a site condominium development ordinance shall be a violation of the Zoning Ordinance.

300.700B.2 Eligibility for SCD rezoning.

Sec. 7B.2.

- A. Lands proposed for SCD rezoning shall have an area of at least twenty (20) contiguous acres.
- B. A proposed SCD shall satisfy all of the following minimum requirements:
 - a. The SCD shall result in substantial benefit to the users of the development and to the Township.
 - b. The SCD shall not result in a significant increase in the need for public services and facilities and shall not place a significant burden upon surrounding lands or the natural environment, unless any resulting adverse effects are adequately provided for or are mitigated by features of the SCD as approved.
 - c. The SCD shall be compatible with the Township Master Plan and consistent with the intent and purposes of this chapter.

300.700B.3 Land uses.

Sec. 7B.3.

- A. Land, buildings and structures in the SCD shall be used only for the permitted uses stated in the AR Agricultural Residential District.
- B. The Planning Commission may consider Two-Family and Multi-Family Dwellings as part of a Residential Planned Unit Development.

300.700B.4 Application and review procedures.

Sec. 7B.4.

- A. *Optional Pre-application Conference.* Before submitting an application for a SCD, the applicant may meet with the Planning Commission to submit information regarding the proposed SCD and to confer with the Planning Commission about any proposed application and the SCD.
- B. Preliminary Development Plan
- a. An applicant for SCD rezoning shall submit 12 copies of a preliminary development plan of the development which contains the following information:
- i. Legal description of the lands and street addresses thereof
 - ii. Area of the SCD lands
 - iii. A narrative describing
 1. The nature of the project
 2. The proposed density, number, and types of dwelling units
 3. A statement describing how the proposed SCD meets the objectives of the SCD District.
 4. Proof of ownership or legal interest in the SCD lands
 - iv. Location sketch of the site in relation to surrounding and nearby lands.
 - v. Date, north arrow and scale which shall not be more than 1" = 100
 - vi. All lot lines or other property lines with dimensions
 - vii. Existing and proposed topographical contours with a minimum of five (5) foot intervals
 - viii. Location of existing natural resources, including existing vegetation, drainage courses, wetlands, lakes, streams and other bodies of water and all areas within the 100-year floodplain
 - ix. Existing zoning and land use of the proposed site and adjacent and nearby lands
 - x. Location, size and type of all existing and proposed buildings and structures
 - xi. Location of all existing structures within one hundred (100) feet of the property lines
 - xii. Location of proposed landscaping, buffering and screening
 - xiii. Location and dimensions of all existing and proposed streets, driveways, and parking areas
 - xiv. Location of proposed facilities for management and control of storm water drainage, including proposed detention and/or retention areas, drainage flow areas, storm sewers and other facilities
 - xv. Location and nature of facilities for water supply and sanitary sewer service
 - xvi. Size and location of all areas devoted to open space
 - xvii. Statement of all uses that are to be conducted on the lands and the location of all such uses
 - xviii. Location and description of existing and proposed signs and exterior lighting

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- xix. Proposed restrictive covenants, if any, for the development
 - b. If required by the Planning Commission, the preliminary development plan shall include additional information reasonably necessary for the review and consideration of the proposed development and the effects thereof. Such other information may include a traffic impact analysis, environmental impact statement, economic studies, and other relevant data and background information.
 - c. The Planning Commission may, in addition, require that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commission, Department of Natural Resources, Department of Environmental Quality, Department of Transportation and other governmental agencies regarding possible or likely effects of the proposed SCD on matters within their respective jurisdictions.
- C. *Review of Preliminary Development Plan.* The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the SCD, together with any recommended changes thereof. The recommendations shall be based upon the requirements of this chapter.
 - D. *Advisory Public Hearing.* In the course of its consideration of the preliminary development plan, the Planning Commission may, but is not required to, convene an advisory public hearing to receive public comments concerning the preliminary development plan. Informal notice of such advisory hearing shall be given by one publication and by mail to all persons to whom any real property is assessed within 300 feet of the lands included in the SCD, not less than seven days prior to the date of the advisory public hearing. Failure to give notice of such and advisory public hearing shall not affect the validity of the proceedings.
 - E. *Final Development Plan.* After receiving the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit 12 copies of a final development plan to the Township. The final development plan shall contain the information required for a preliminary development plan and shall address other matters requested by the Planning Commission. Copies of the final development plan and an application for the SCD rezoning shall be forwarded to the Planning Commission. The plan shall also state the projected time for completion of the SCD, any proposed phasing of the SCD, and the projected time for completion of each phase.
 - F. *Public Hearing on Final Development Plan.* The Planning Commission shall hold a public hearing on the final development plan and the application for rezoning. Notice of the hearing shall be given in the manner required by the Township Zoning Act for the rezoning of lands.
 - G. *Recommendation by Planning Commission.* After public hearing, the Planning Commission, the Township Board shall approve, deny or approve with conditions the rezoning of the lands in accordance with the final development plan. A building permit shall not be issued until the Township Board has approved the final development plan and the rezoning has become effective.
 - H. *Consideration by Township Board.* After receiving the recommendation of the Planning Commission, the Township Board shall approve, deny, or approve with conditions the rezoning of the lands in accordance with the final development plan. A building permit shall not be issued until the Township Board has approved the final development plan and the rezoning has become effective.
 - I. *Conditions of Approval.* The Township Board may impose reasonable conditions upon its approval of a SCD, so as to protect the environment and conserve natural resources and energy to ensure compatibility with adjacent use of lands, and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

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- a. They shall be designed to protect natural resources, the health, safety and welfare of those who will use the proposed development, the landowners in the vicinity of the development and the community as a whole.
 - b. They shall be related to the valid exercise of the Township's regulatory authority.
 - c. They shall be consistent with the intended purposes of this Zoning Ordinance and be necessary to ensure compliance with the standards established in this chapter.

300.700B.5 Design and development requirements.

Sec. 7B.5. The following minimum design and development standards and requirements shall apply to a Site Condominium Development:

- A. The maximum building density of the SCD shall be 1 dwelling per 330 feet of road frontage. Absent special circumstances, such as unusual natural features or a development that contains a high level of favorable amenities, the maximum number of dwellings allowed in the SCD shall not exceed the total number of dwellings that would be allowed for the lands within the development under the zoning regulations pertaining to the zoning district in which the lands are located prior to the rezoning into the SCD District.
- B. Building setback requirements shall conform to such requirements as stated in the AR District, except that lesser building setbacks may be permitted based upon the natural features of the site, particular aspects of the proposed uses or other land use considerations.
- C. The height of principal buildings and structures and accessory buildings shall not exceed 35 feet.
- D. At least seventy percent (70%) of the area of the site shall be preserved in perpetuity as open space. The applicant shall provide an open space preservation and maintenance agreement or restrictions to the Township. The agreement or restrictions shall be in a form satisfactory to the Township and binding on all future owners to the property. After approval from the Township attorney, the agreement or restrictions shall be recorded in the records of the Muskegon County Register of Deeds.
- E. Open space shall be generally left in a natural condition and shall not be graded, excavated, or otherwise disturbed, except as permitted by this subsection. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and other recreational improvements and amenities may be placed in the open space areas. All uses shall be shown on the approved final development plan.

CHAPTER 7C

PUD AND SCD FEES

ORDINANCE NO. 03-63

Adopted: May 3, 2007

300.700C.0 Purpose.

Sec. 7C.0. This chapter is intended for setting of fees in relation to the application and development of both planned unit developments (PUD) and site condominium developments (SCD).

300.700C.1 Fees.

Sec. 7C.1. The primary application fee for a PUD or SCD shall be two thousand five hundred dollars (\$2,500). This is established to offset the cost of township clerical and administrative fees in regards to the application.

300.700C.2 Additional costs to developer.

Sec. 7C.2. In addition to the primary application fee, the developer and its subsidiaries shall be responsible for the following additional fees if incurred:

1. Legal fees incurred by Moorland Township for having the township attorney review any legal documents relating to the application, including but not limited to, the application itself, open space agreements, master deeds, and leasing agreements.
2. Engineering fees incurred by Moorland Township for having a designated township engineer review all site plans submitted by the developer.
3. Hearing fees for any township board, commission, or committee if necessary.
4. Any other professional fees incurred by Moorland Township while in the review and approval of a PUD or SCD application.

300.700C.3 Payment of fees by developer.

Sec. 7C.3. The primary application fee must be paid at the time of application, all other fees shall be billed monthly by the township, and must be remitted within 10 business days. In addition all fees must be paid prior to the holding of any public hearing or meeting in which the application or site plan of the PUD or SCD shall be approved, denied, or discussed.

300.700C.4 Term of application.

Sec. 7C.4. An application shall be valid for one (1) year with no extensions.

300.700C.5 Severability.

Sec. 7C.5. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed and deemed repealed to the extent of such inconsistency.

300.700C.6 Publishing and effective date.

Sec. 7C.6. This ordinance shall become effective thirty (30) days after its publication or seven days after publication of a summary of it's provisions in a local newspaper of general circulation.

CHAPTER 8

300.800 C-1 COMMERCIAL DISTRICT

300.801 Description and purpose.

Sec. 8.1. This district is intended primarily for commercial retail of goods and services.

300.802 Principal uses permitted.

Sec. 8.2. Land, buildings and structures in this district may be used for the following purposes only:

- (a) Retail sales including food, drug store, hardware, liquor, gifts, antiques, clothing, furniture, variety goods, dry cleaning, and laundry pick up outlets, florists, jewelry, shoes, books, and news stands.
- (b) Services including offices, art and photo studios, motels, hotels, inns, funeral homes, hospitals, and clinics.
- (c) Recreational equipment sales when goods and equipment are entirely housed within an enclosed building.
- (d) Restaurants and banks.
- (e) Lodges, clubs, and fraternities.

300.803 Special land uses.

Sec. 8.3. The following uses may be permitted as special land uses subject to the requirements of the Chapter [the special land use chapter]:

- (a) Veterinary Clinics and Hospitals, and Animal Boarding.
- (b) Indoor entertainment venues such as theaters, bowling alleys, skating rinks, and tennis courts.
- (c) Outdoor commercial recreation uses such as golf driving ranges, miniature golf courses, baseball, soccer, softball, or football fields, theme parks and carnivals.
- (d) Gasoline fueling stations.
- (e) Commercial garages.
- (f) Automobile, truck, or other vehicle washing facility.
- (g) Automobile sales facility.
- (h) Electric, Plumbing, or Non-Automotive Mechanical Repair Service.
- (i) Self Storage Warehouse Facility which may include manager's office and/or residence.
- (j) Neighborhood Shopping Centers.
- (k) Retail Sales of Alcoholic Beverages by the glass
- (l) Truck Terminals, including maintenance and service facilities.
- (m) Small Wind Turbine Generator, Large Wind Turbine Generator, or Wind Energy Harvest Site. A small wind turbine generator, a large wind turbine generator, or a wind harvest energy site may be approved by the Planning Commission as a special land use, upon compliance with all the conditions stated in Subsection C of Section 11.4 of this Ordinance.

(Ord. No. 03-50, § 2, 4-3-2003; Ord. No. 11-50, § 4, 8-11-2011)

300.804 District regulations.

Sec. 8.4. Land, buildings and structures shall comply with all of the following requirements.

- (a) Minimum lot area and lot width: Refer to Schedules B and C
- (b) Minimum required setbacks: Refer to Schedules B and C
- (c) No building shall exceed a height of 35 feet, except this requirement shall not apply to agricultural buildings or agriculturally related structures.

300.805 Lot area, frontage, width and coverage.

Sec. 8.5. Refer to Schedules B and C.

300.806 Yards requirements.

Sec. 8.6. Refer to Schedules B and C.

CHAPTER 9

300.900 I INDUSTRIAL DISTRICT

300.901 Description and purpose.

Sec. 9.1. This District is intended primarily for general and intensive industrial uses.

300.902 Principal uses permitted.

Sec. 9.2. Land, buildings and structures in this District may be used for the following purposes only:

- (a) Warehousing, storage, transfer buildings, including storage of bulk petroleum products in above ground tanks
- (b) Truck terminals including maintenance and service facilities.
- (c) Manufacture, compounding, processing, packaging, treating, and assembling of goods in the production of:
 - a. Food products, including meat, dairy, fruit, vegetables, seafood, grain, confectionaries, beverages and kindred food products.
 - b. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other textile goods.
 - c. Apparel and other finished products made from fabrics, leather, fur, canvas, and similar materials.
 - d. Lumber and wood products, including millwork, prefabricated structural wood products and containers, not including logging.
 - e. Furniture and fixtures
 - f. Paperboard containers, building paper, building board and bookbinding.

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- g. Printing and publishing.
 - h. Chemical products such as plastics, perfume, and synthetic fibers.
 - i. Manufacture of engineering, optical, measuring, medical, lenses, photographic equipment, and similar instruments.
 - j. Manufacture of jewelry, silverware, toys, athletic, office, tobacco goods, musical instruments, signs, displays, and similar products.
- (d) Wholesale establishments, including but not limited to, automotive parts, pharmaceuticals, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, furnishings, lumber, and building products.
 - (e) Research and development establishments, including testing and experimental laboratories.
 - (f) Essential service buildings and uses.
 - (g) Trade and Industrial schools.
 - (h) Tool and die manufacturing establishments
 - (i) Central dry-cleaning plants.
 - (j) Mini-warehouses.
 - (k) General fabrication and assembly operations.
 - (l) Accessory uses common to those uses permitted under this article, including parking and loading areas, offices, material equipment storage areas, when enclosed and not visible from adjoining properties, living quarters for caretakers or watchmen.

300.903 Special land uses.

Sec. 9.3. The following may be permitted as special land uses subject to the requirements of the Chapter [the special land use chapter]:

- (a) Retail sales incidental to any permitted use in the District.
- (b) Neighborhood shopping center.
- (c) Gasoline fueling station.
- (d) Commercial garage.
- (e) Banks, credit unions, savings banks, any other money lender establishments.
- (f) Restaurants
- (g) Extractive use.
- (h) Landfills of all classes as regulated by the Michigan Department of Natural Resources, including sanitary landfills for deposit of refuse, garbage, or hazardous solids or liquids.
- (i) Incinerators intended for burning of any waste material or refuse.
- (j) Any industrial use not expressly included as a principal permitted use.
- (k) Open storage of any material.
- (l) Junkyards, recycling stations, and salvage yards.

(m) Small Wind Turbine Generator, Large Wind Turbine Generator, or Wind Energy Harvest Site. A small wind turbine generator, a large wind turbine generator, or a wind harvest energy site may be approved by the Planning Commission as a special land use, upon compliance with all the conditions stated in Subsection C of Section 11.4 of this Ordinance.

(n) Solar Energy Systems.

(Ord. No. 03-50, § 3, 4-3-2003; Ord. No. 11-50, § 5, 8-11-2011; Ord. No. 01-2017-O, § 3, 1-12-2017)

300.904 Site development standards.

Sec. 9.4. The following are standards for site development in the Industrial District.

- (a) Parking shall be provided in accordance with the Requirements of Chapter 16.
- (b) Signs shall be provided in accordance with the requirements of Section 3.19.
- (c) All applicable requirements of Schedules B and C shall be met.
- (d) Compliance with Flood Plain requirements is mandatory.
- (e) Site plan review in accordance with Chapter 12.
- (f) Accessory buildings and structures shall comply with the regulations contained in Section 3.11. and Schedule F.

300.905 Operational requirements.

Sec. 9.5. The following are operational requirements for the Industrial District.

- (a) Uses permitted in this District shall be conducted in completely enclosed buildings, except that outdoor storage yards shall be completely enclosed by a solid fence or masonry wall not less than four (4) feet nor greater than eight (8) feet in height, with solid gates at points of entrance and exit.
- (b) Noise emanating from a use permitted in this District shall not exceed the level of average street noise on abutting streets, roads, avenues, boulevards, or interstate highways.
- (c) Uses in this District shall be conducted so that they emit no gas which is deleterious to the public health, safety, or welfare, or corrosive to structures, except for those produced by external combustion engines under designed operating conditions.
- (d) Uses in this District shall be conducted so that they emit no odors be them gasses or other odorous materials in such quantities as to be humanly perceptible at or beyond the boundaries of the property.
- (e) Uses in this District shall be conducted so that they emit no smoke or particulates, other than that produced by normally operating heating equipment, in excess of State of Michigan air quality standards.
- (f) Uses in this District shall be conducted so that they produce no glare or heat humanly perceptible at or beyond the boundaries of the property.
- (g) Uses in this District shall be conducted so that they do not discharge into the air dust or other particulate matter created by any industrial operation or emanating from any products or materials stored on the premises.
- (h) Uses in this District shall be conducted so that they do not produce vibrations humanly perceptible at or beyond the boundaries of the property.

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- (i) Uses in this District shall be conducted so that they do not produce electromagnetic radiation or radioactive emissions injurious to human beings, animals, or vegetation, or which exceed quantities established by the U.S. Department of Energy or the Environmental Protection Agency.
 - (j) Uses in this District shall not engage in the production or storage of any materials designated as explosives.
 - (k) Uses in this District shall provide for the treatment and disposal of wastewater and industrial waste, tailings, or unusable by-products so that there is no danger to the public health and safety. And, that there be no pollution of water bodies. In all cases where possible public wastewater facilities shall be utilized.

300.906 Minimum lot area.

Sec. 9.6. Refer to Schedule B.

300.907 Minimum lot width.

Sec. 9.7. Refer to Schedule B.

300.908 Maximum lot coverage.

Sec. 9.8. Refer to Schedule B.

300.909 Minimum yard dimensions.

Sec. 9.9. Refer to Schedule B and C.

300.910 Maximum building height.

Sec. 9.10. Refer to Schedule B.

CHAPTER 10

300.1000 MHP MOBILE HOME PARK DISTRICT

300.1000.0 Purpose.

Sec. 10.0. To provide for mobile home park development; to establish prerequisites for the locations within the Township; to establish requirements and standards for the physical development of such parks.

300.1001 Location of mobile home park district.

Sec. 10.1. Upon the presentation of a petition for rezoning to establish a mobile home park in the Township, no such rezoning shall be allowed unless the Township Planning Commission and Board of Trustees finds that such petition meets the following prerequisites. Detached mobile home single family dwellings.

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- A. Land Use Compatibility: That the location of such a mobile home park will be compatible with surrounding existing land uses or zoned uses. That existing land uses or zoned uses will not adversely affect the living environment of the proposed mobile home park.
 - B. Traffic Conditions: The proposed mobile home park shall not create traffic hazards or conflicts with existing traffic patterns or those official traffic arteries or pattern proposed for future development by the Township, County of Muskegon, or State of Michigan. Mobile home parks shall not generate traffic through minor residential street systems but, rather, shall provide direct access to major, secondary, or collector streets.
 - C. Community Facilities: Mobile home parks shall be so located so as to allow for the feasible connection to any existing or proposed future municipal water, sanitary sewer, or storm drainage system. Any such proposed mobile home park shall be located within any water or sewer service district which may be established by the Township Board.
 - D. Natural Resource Conditions: No mobile home park development shall be located in areas where:
 - (1) High water tables exist periodically or continually.
 - (2) In floodplains.
 - (3) In areas where soil types are not conducive to on site sanitary sewage collection and treatment and where public systems are not available.
 - (4) In areas where the discharge of treated or untreated sanitary or stormwater runoff, unless such runoff is of potable water quality, will be to surface or groundwaters utilized for human body contact, or as a municipal water supply source.

300.1002 Accessory uses.

Sec. 10.2. Uses customarily incidental to the permitted use including:

- A. Parking areas.
- B. Solid waste collection and storage facilities.
- C. Laundry and restroom facilities.
- D. Open space and recreational uses.
- E. Meeting rooms, group kitchen and food service facilities when designed solely for the use of residents of the development.
- F. Maintenance and storage buildings when designed solely for the operation and maintenance of the mobile home park.
- G. Park offices and residential quarters for park manager or his agent.
- H. No retail trailer sales or repair unless located in a commercial zone district, except sales of homes on lots within an approved Mobile Home Park.

300.1003 Height.

Sec. 10.3. No principal building or structure shall exceed 25 feet in height. Accessory buildings shall not exceed 18 feet in height.

300.1004 Lot area and dimensions.

Sec. 10.4. No mobile home park shall contain less than ten acres in total lot area (of the park). There shall be no less than 300 feet of frontage on an improved major, secondary, or collector road or street of public record.

300.1005 Yards and setbacks.

Sec. 10.5. There shall be a front yard setback of not less than 50 feet. Any side or rear yard abutting a street or road right-of-way shall not be less than 50 feet. Parking may not occupy the initial 25 feet of any yard adjoining such a right-of-way but may occupy the second 25 feet not adjoining the road or street right-of-way. Side and rear yards shall be not less than 25 feet in which no trailer, mobile home, or other structure, except for fencing, shall be located.

300.1006 Special provisions.

Sec. 10.6. All mobile home parks to be located within Moorland Township shall be subject to the following special provisions:

- A. Licensed Mobile Home Parks: Except where inconsistent with the specific provisions of this Chapter, no person shall use or permit the use of any mobile home as a residence on any site, lot, field, or tract of land not specifically licensed as a trailer coach park under State Statute and approved by Moorland Township.

300.1007 Plans and specifications.

Sec. 10.7. The petition to rezone to Mobile Home Park District shall be accompanied by development plans submitted to the Township Zoning Administrator including, but not limited to: access and egress, internal traffic circulation; location of individual sites; location and design of all structures; location of off-street parking and loading areas; landscaping; sign location and designs; lighting; and proposed water, sewage and trash disposal, and drainage plans; and setback.

300.1008 Township approval.

Sec. 10.8.

- A. The Township Planning Commission shall review the plans and may consult with the County Health Department and with additional officials or experts as may be deemed appropriate by the Commission. Prior to making a recommendation to the Township Board, the Planning Commission shall hold a public hearing on the petition to rezone to the mobile home park district. Notice of such hearing shall be published and delivered in accordance with Section 18.6 of this Ordinance.
- B. In making a recommendation to the Board of Trustees, the Planning Commission shall find:
 - (1) Public health and safety have been adequately provided for in the development plans.
 - (2) That the proposed developments maximize aesthetic and functional compatibility with adjoining parcels and areas, and will not detract from adjoining developments.
 - (3) That all provisions set forth in this Ordinance are complied with.
 - (4) That the proposed improvements are of a permanent nature and will not provide a nuisance to adjoining areas.
 - (5) The specific requirements of State law and County Ordinances are complied with.

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- C. Upon approval of said rezoning by the Township Board, final site plans shall be submitted for review and approval of the Planning Commission prior to any site construction.

(Ord. No. 06-21, § 4, 9-7-2006)

300.1009 Mobile home park development plans and standards.

Sec. 10.9.

- A. Each park shall provide for individual mobile home sites of not less than 3,600 square feet; said site shall be clearly defined and delineated. Each site shall be provided with electrical connection; sewer and water connections, and off-park road parking. Said site area shall exclude any joint use areas such as internal drives and open space areas. Water and sewer connections shall be made to a municipal system. Stormwater drainage shall fully comply with the requirements of section 3.33 [300.330] of this Ordinance.
- B. Mobile homes shall be so located on each site that there shall be at least a 20-foot clearance between mobile homes. No mobile home shall be located closer than ten feet from internal drives.
- C. Walkways not less than 30 inches wide shall be provided from sites to the service buildings, and shall be of a hard surface.
- D. Internal drives shall be paved of bituminous or concrete surface and shall be a minimum of 20 feet wide.
- E. All drives and walkways within the park shall be lighted at night. All on-site lighting shall be designed so it is not directed toward adjoining properties.
- F. Each site shall be provided with two paved off-street parking spaces, provided, however, that one of these may be located in a guest parking area of the park.
- G. Refuse and garbage collection facilities shall be provided in convenient locations and shall be adequately screened.
- H. Service buildings to be provided shall be of permanent construction, be conveniently located and well lighted and ventilated and maintained in a sanitary manner.
- I. Fire extinguishers and hydrants shall be provided in a manner acceptable to the Township Fire Chief and pertinent State statutes.
- J. Open Space and Recreation areas shall be provided for residents of the park to be not less than five percent of the gross area of the park, generally provided in a central location. Said open space and/or recreation areas may include for community buildings and community use facilities, such as adult recreation and child play areas, swimming pools, etc. Said area shall be usable open space and/or recreation area and shall not include any part of individual "sites".
- K. Provisions shall be made by the licensee to adequately maintain the park and its facilities in a clean, orderly, and sanitary condition. Failure to do so may result in a revocation of said license to operate if so determined by action of the Township Board.

300.1010 Special land uses.

Sec. 10.10.

- A. Small Wind Turbine Generator, Large Wind Turbine Generator, or Wind Energy Harvest Site. A small wind turbine generator, a large wind turbine generator, or a wind harvest energy site may be approved

Standard (3) Be designed to be fully compatible with adjoining land and uses thereon and will not interfere with or impair adjoining lands.

Standard (4) Be served adequately by essential public facilities and services, including roads and streets, police and fire protection, drainage structures, wastewater disposal, water supply, public schools, quasi-public utilities and related public services.

Standard (5) Not involve any use, activity, process, storage, operation or condition that will be detrimental or a nuisance to, or cause a negative impact on the natural environment, adjoining uses and properties, public streets, or the public health, safety and general welfare.

In addition, the proposed use must meet the specific standards outlined in the ordinance. Please address, on a separate, attached sheet, how the proposed use meets these standards. These standards must be obtained from the zoning administrator. The completed application must be submitted with seven (7) copies of a site plan.

Chapter 11 of the zoning ordinance (Section 11.D(3)) provides: “Any use permitted by a special land use permit which ceases to continuously operate for a period of 180 days shall be considered abandoned and the special land use permit shall become null and void and all rights thereunder shall cease.”

I certify that the information on this application is true, to the best of my knowledge. I understand that the application fee is non-refundable and is not a guarantee that this application will be approved.

Signature of Applicant: _____ Date: _____

Signature of Owner: _____ Date: _____

I give Moorland Township Planning Commission, the Zoning Administrator, and other township officials permission to enter my property for the purpose of gathering information pertaining to this application. (Granting permission is voluntary.)

Signature of Owner: _____ Date: _____

(Amd. of 3-26-2015)

Editor's note(s)—The provisions of § 300.1011 were included at the direction of the Township, as a part of Supp. No. 3. As those provisions were not specifically amendatory, and at the editor's discretion, those provisions were included as § 300.1011.

CHAPTER 11

300.1100 SPECIAL LAND USES

300.1100.0 Intent.

Sec. 11.0. The intent of this chapter is to provide regulations for uses which are essentially compatible with uses permitted by right in a given district, but which, by reason of special problems presented by such uses or their particular location in relation to neighboring properties, require a strict, careful level of review. Accordingly, these uses should not be permitted without consideration of relevant conditions or restrictions being imposed which address unique characteristics or location of such special land uses.

300.1101 Application procedures.

Sec. 11.1.

- A. Any person owning or having an interest in such property may file an application for one or more special land use permits as provided for in this Ordinance.
- B. The following materials shall be submitted to the Zoning Administrator in accordance with rules of procedure adopted by the Planning Commission.
 - (1) Payment of a fee, the amount of which shall be established by the Township Board from time to time.
 - (2) A completed application form provided by the Zoning Administrator.
 - (3) Not less than ten copies of a site plan meeting the requirements of Chapter 15 [300.1500].
 - (4) If requested by the Planning Commission, an analysis of the planning implications of the proposed development shall be required. The methodology of how the planning implications were determined must be included. This analysis shall be carried out by qualified individuals and shall include, but need not be limited to:
 - (a) Estimated population holding capacity of any residential land uses to be included in the proposed development and general impact on community facilities.
 - (b) A traffic analysis which relates the trip generation of the proposed development to existing and projected traffic capacities, traffic volumes and traffic patterns on surrounding public and private streets.
 - (c) Impact on community facilities and the natural environment.
 - (d) Any other information requested by the Planning Commission.

300.1102 Approval procedures.

Sec. 11.2.

- A. The Planning Commission shall consider all Special Land Use applications and shall recommend approval, approval with conditions or denial to the Township Board.
- B. Following the submission of the required application materials, the Planning Commission shall hold a public hearing, after the publication and delivery of notice as required by Section 18.6 of this Ordinance.
- C. Following the public hearing the Planning Commission at any regular or special meeting shall prepare findings and recommendations to approve, approve with conditions or deny. Which recommendation shall be forwarded to the Township Board for action.

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- D. The decision of the Planning Commission shall include a statement containing conclusions relative to the special land use under consideration which specifies the basis for its recommendation, and any conditions imposed if the special land use is approved.
 - E. Upon approval of an application for Special Land Use Permit, the Zoning Administrator shall issue a special land use permit. The Zoning Administrator shall be responsible for insuring that any conditions attached to the permit approval are adhered to, as well as all applicable requirements of this Ordinance.

(Ord. No. 20, 10-7-97; Ord. No. 06-21, §§ 5, 9, 9-7-2006)

300.1103 Review and approval of special land uses.

Sec. 11.3.

- A. General Standards: Prior to approving a special land use application the Planning Commission shall require that the following general standards, as well as specific requirements of this Chapter, shall be satisfied. The proposed use or uses shall:
 - (1) Be compatible and in accordance with existing Township plans for development and promote the intent of the zoning district in which the use(s) is proposed.
 - (2) Be designed, constructed, and maintained so as to be compatible with the existing and intended character of the general vicinity and not cause a change in the essential character of the area in which it is proposed.
 - (3) Be designed to be fully compatible with adjoining land and uses thereon and will not interfere with or impair adjoining lands.
 - (4) Be served adequately by essential public facilities and services, including roads and streets, police and fire protection, drainage structures, wastewater disposal, water supply, public schools, quasi-public utilities, and related public services.
 - (5) Not involve any use, activity, process, storage, operation or condition that will be detrimental or a nuisance to, or cause a negative impact on the natural environment, adjoining uses and properties, public streets, or the public health, safety and general welfare.
- B. Site Plan Review: All lots or parcels on which an application for special land use approval is made shall be subject to concurrent final site plan review in accordance with the requirements of Chapter 15 [300.1500].
- C. Conditions of Approval:
 - (1) Prior to granting any special land use permit, the Planning Commission may impose where applicable, any additional conditions and limitations as are necessary for protection of property, health, safety, or general welfare.
 - (2) Such conditions, when imposed, shall relate to and ensure that the review considerations of [sub]section[s] 13.3 A.(1)—(5) [300.1303 A.(1)—(5)] and the applicable requirements of sections 13.5 [300.1305] through 13.16 [300.1316] are met.
 - (3) Approval of a special land use permit, including conditions made as part of the approval, shall attach to the property described in the permit, regardless of changes in ownership.
 - (4) A record of the permit and conditions imposed shall be maintained. No changes in the permit or conditions shall be made unless an amendment to the special land use permit is approved using the procedure required in [sub]section 13.3 F. [300.1303 F.].

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- (5) The Zoning Administrator shall make periodic inspections of the use or development authorized in the special use permit to ensure compliance with all requirements of this Ordinance and the special use permit. If non-compliance is discovered, the Zoning Administrator shall notify the property owner and the Planning Commission. The Planning Commission may hold a public hearing at any regular Board meeting to determine and verify the non-compliance. Following such hearing, the Planning Commission may terminate the special land use permit and order the use(s) approved under the permit terminated.
- D. Validity of Special Land Use Permit:
- (1) In cases where actual and substantial physical construction to accommodate the use(s) permitted under a special land use permit has not commenced within 12 months following the date of issue, and written application for extension has not been filed, the special land use permit shall automatically become null and void and all rights thereunder shall cease.
- (2) Upon written application filed during the initial 12-month period for any special land use permit, the Planning Commission may grant an additional 12-month period. An extension may be granted only when there is a reasonable likelihood of commencement of construction during the extension period.
- (3) Any use permitted by a special land use permit which ceases to continuously operate for a period of 180 days shall be considered abandoned and the special land use permit shall become null and void and all rights thereunder shall cease.
- E. Resubmittal: No application for a special land use permit which has been denied in whole or part shall be resubmitted to the Township, except on the grounds of changed conditions relating to all the reasons noted for the denial.
- F. Amendments to the Special Land Use Permit:
- (1) Whenever a change in the terms of a special land use permit is proposed, the person intending the change shall notify the Zoning Administrator in writing, describing in detail the change contemplated. The Zoning Administrator shall refer this information to the Planning Commission which shall determine whether the proposed change constitutes a minor or major amendment to the permit. A major amendment to a special land use permit shall consist of, but need not be limited to, the following actions: change in use, use or building expansion, or expansion of any accessory use.
- (2) All major amendments as determined by the Planning Commission shall comply with application and review requirements of this Chapter.
- (3) If the proposed change is determined to be a minor amendment by the Planning Commission, then the Commission may approve the change and direct the Zoning Administrator to issue an amended Special Land Use permit. The Zoning Administrator shall maintain a written record of all minor amendments.

300.1104 Special land use specific requirements.

Sec. 11.4. The general standards and requirements of Section 11.3 A.(1)—(5) are basic to all uses authorized by special land use approval. The following sections identify specific requirements which shall be complied with by individual special land uses, in addition to the general standards and requirements.

- A. Commercial Extraction or Mining:

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1. General Requirements. Commercial Extraction or mining may be permitted in any zoning district as a Special Use provided the minimum lot area authorized for mining operations shall be 20 acres. Except that mining of Top Soil is not permitted.

Natural resources extraction operations shall be carried out under the conditions of a Special Land Use permit, issued by the Planning Commission. In addition when applicable, P.A. 303 of 1982, as amended "The Michigan Surface and Underground Mine reclamation Act" shall be enforced.

- a) Before commencement of mining operations the operating company shall apply for a Special Use permit and pay such fees as shall be established from time to time by the Township Board. A detailed site plan and an operational plan detailing all aspects of the mining operation shall accompany the Special Use application.
 - i. The Planning Commission shall ensure that all site plans and operational plans meet the guidelines established from time to time by the Planning Commission for review of mining operations.
 - ii. Site plans and operational plans shall set forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of material, and the reclamation plan for the area upon completion of mining operations.
 - iii. Any subsequent changes to the approved operational plan must be submitted to the Planning Commission for approval and will be considered as a new Special Use Request. The operational plan and any approved revisions shall be maintained on file with the Zoning Administrator.
 - iv. Topsoil of a quality equal to that found naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except in those areas where the operational plan has indicated that roads; beaches or other planned improvements will be located. Top soil must be applied to a depth of at least eight inches.
 - v. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs in order to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - vi. Upon cessation of mining operations by abandonment or otherwise, the operating company shall remove all plant structures, buildings, stockpiles and equipment within 12 months.
 - vii. No portion of the extraction area may be used to landfill or deposit materials which did not originate on the site.

B. Reserved.

C. Wind Energy Harvest Site. May be approved by the Planning Commission as a special land use, upon compliance with the following conditions:

- (1) Definitions. For the purposes of this section, the following terms and phrases shall be defined as provided below:
 - (a) *Wind Energy Harvest Site (Wind Farm)*. A wind energy harvest site is a location where two or more commercial, grid connected wind turbines are sited for the purpose of extracting

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- kinetic energy from the wind and supplying it, in the form of electrical energy, to the local electrical transmission utility ("grid").
- (b) *Wind Turbine Generator (WTG)*. A wind turbine generator is a device designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility.
 - (c) *Horizontal Axis Wind Turbine (HAWT)*. A wind turbine designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.
 - (d) *Rotor*. An element of a wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 - (e) *Nacelle*. The structure designed to "yaw" (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.
 - (f) *Tower*. The tubular structure, above grade, that supports the nacelle and rotor assembly.
 - (g) *Tower Foundation*. The tower support structure, below grade, that supports the entire weight of the wind turbine.
 - (h) *Met Tower*. A guy-wire supported tower containing instrumentation such as anemometers that is designed to, and used for, the assessment of the wind resource on site.
 - (i) *Swept Rotor Arc/Diameter*. The largest circumferential path traveled by a wind turbine airfoil rotor blade.
 - (j) *Blade Clearance*. In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor's swept arc.
 - (k) *Total Height*. The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
 - (l) *Sub-station*. An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.
 - (m) *Operations & Maintenance Office (OMO)*. A local facility constructed for the purpose of operating and maintaining the wind farm including the storage of spare parts and consumable materials.
 - (n) *Supervisory Control and Data Acquisition (SCADA)*. A control system designed to acquire data and perform both automatic and manual control functions to the wind farm.
 - (o) *Participating Property Owner*. A property owner who is receiving, or has received, compensation in connection with the siting or development of a wind farm.
 - (p) *Wind Site Assessment Application*. An application to the Planning Commission seeking special land use approval to erect one or more anemometer towers (AMet towers) on lands deemed necessary by the applicant for wind resource assessment.
 - (q) *Wind Farm Construction Application*. An application to the Planning Commission seeking special land use approval to construct a wind farm.
- (2) **Application Requirements**. It is the intent of this Section to permit, where appropriate, Wind Energy Harvest Sites using the special land use approval process. The construction of a Wind

Energy Harvest Site typically involves a two-phased process, whereby the feasibility of a wind energy harvesting is first tested through the conducting of a Wind Site Assessment and then, if testing is successful, a Wind Energy Harvest Site is constructed. Accordingly, each of these two phases shall require separate special land use applications meeting the requirements set forth below:

- (a) *Wind Site Assessment Application.* An applicant seeking special land use approval for a Wind Site Assessment shall submit a site plan complying with the requirements of Chapter 12, and the following additional materials and information:
 - (i) The site plan shall also show the following:
 - A. All existing and proposed structures on the site.
 - B. All buildings on the subject property as well as any buildings and residences on adjacent properties.
 - C. The proposed location, size, height and type of all anemometer towers proposed to assess the wind resource, including the setback distance between the proposed towers and the nearest residential unit and residentially-zoned properties.
 - D. The topographical features of the site including the location of roads, wood lots, schools, commercial, industrial and residential districts located on the site of the Wind Site Assessment and on adjoining properties.
 - E. The lot lines, dwelling locations and identity of all Participating Property Owners.
 - (ii) A legal description of the lot(s) or parcel(s) on which the Wind Site Assessment will be performed.
 - (iii) The name, address and phone number of the applicant, the owner of all equipment proposed to be installed, and the owner of the land on which the equipment will be installed.
 - (iv) Written authorization from the landowner(s) to seek land use approval for the Wind Site Assessment.
 - (v) A copy of the applicant's lease with the land owner(s) for "met" towers, which must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of the Wind Site Assessment.
 - (vi) Proof of the applicant's public liability insurance for the Wind Site Assessment.
- (b) *Wind Farm Construction Application.* An applicant seeking special land use approval for Wind Farm Construction shall submit a site plan complying with the requirements of Chapter 12, and the following additional materials and information:
 - (i) A finalized site plan, bearing the certification(s) of the all licensed engineering consultants and agencies required by law, showing, in detail, all the features and information listed in the Wind Site Assessment application and showing the following additional information:
 - A. The proposed location of all wind turbines and access roadways.
 - B. The proposed location of the OMO, and all sub-station(s) comprising the proposed Wind Farm.

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- C. The proposed location of all underground and overhead cabling.
 - D. The physical size and electrical nameplate capacity of the proposed wind turbines including the total height and the swept rotor diameter.
 - E. All landscaping, with landscaping materials identified.
 - F. All natural vegetation and features to be preserved.
 - G. The method, materials and color of fencing, if any.
 - H. The method of screening or buffering.
 - I. The method and type of tower lighting, if so required.
- (ii) A visual representation including scale elevations, photographs and/or digital information of the proposed Wind Farm.
 - (iii) A copy of the applicant's lease with the land owner(s) for the Wind Farm, which must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of Wind Farm operations.
 - (iv) The manufacturer's specifications indicating:
 - A. The rated nameplate output, in kilowatts or megawatts, of the wind turbines.
 - B. Safety features and sound characteristics.
 - C. Type of material used in foundation, tower, blade, and/or rotor construction.
 - D. Operating details of the SCADA system employed to control and operate the Wind Farm.
 - (v) A noise impact study which includes information on the noise levels to be generated by the use, measured in dB(A).
 - (vi) Proof that the applicant has obtained or applied for approval from all other agencies having jurisdiction, including the following:
 - A. State and/or Federal Energy Commissions;
 - B. Federal Aviation Administration.
 - C. County Road Commission and/or MDOT, as applicable.
 - D. County Drain Commissioner.
 - E. Department of Environmental Quality.
 - F. Other agencies having jurisdiction.
 - (vii) Proof of the applicant's public liability insurance for the Wind Farm.
- (3) Review Procedures. A Wind Site Assessment Application and Wind Farm Construction Application shall be evaluated by the Planning Commission pursuant to the procedures detailed in Chapter 12. The Planning Commission shall conduct separate and individual public hearings on an applicant's Wind Site Assessment Application and Wind Farm Construction Application.
 - (4) General Standards. In addition to meeting the requirements of Section 11.3, all Wind Site Assessment and Wind Farms shall comply with the following standards for approval:

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- (a) All structures shall comply with or exceed applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction. If such standards and regulations are changed, then the owners of the structures governed by this ordinance shall bring such structures into compliance with such revised standards and regulations within 90 days of their effective date, unless a different compliance schedule is mandated by the controlling agency.
 - (b) All structures constructed for a Wind Site Assessment or Wind Farm shall comply with the standards contained in applicable state and local building codes.
 - (c) All towers shall be permanently secured to a stable foundation.
 - (d) All towers shall be grounded to protect against damage from lightning.
 - (e) No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
 - (f) All Wind Farms and anemometer towers ("Met" towers) shall comply with the minimum required building setbacks for the district in which the wind farm or Met tower is located, plus an additional setback equal to the height of the highest wind turbine generator within the wind farm, including the foundation, the tower, the rotor and all other components, as measured from the ground at the base of the tower to the tip of the blade of the rotor when the blade is in a vertical position.
 - (i) For the purposes of determining whether a proposed wind farm or "Met" tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the wind farm or "Met" tower may be located on leased parcels within such lot or parcel.
 - (ii) No large wind turbine generator shall be located closer than 1,000 feet to any dwelling.
 - (g) In the case of a Wind Farm, setbacks may be reduced from the minimum setback requirements of this Section, in the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a reduction in setbacks, the feasibility of alternate locations and the proximity of existing dwellings.
 - (h) Setbacks with respect to existing overhead electrical distribution and transmission lines shall conform to the established setbacks applicable to those lines.
 - (i) A "Met" tower, excluding any ambient background noise measuring device(s) located thereon, shall be located not less than 1½ times the total height of the tower from the center point of any dwelling.
 - (j) A wind turbine shall be located so that the minimum horizontal distance measured at grade from the center of the tower to any non-participating property boundary, other than public roadways, is at least the radius of the swept rotor arc plus 33 feet.
 - (k) The OMO shall be constructed in accordance with all applicable requirements of the Township Zoning Ordinance and Building Code.
 - (l) All Wind Farms and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
 - (m) Structures within a Wind Farm shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or

other state or federal authority having jurisdiction over the Wind Farm. If lighting is required, the lighting as installed shall cause only the least possible disturbance to surrounding land uses and shall not exceed FAA minimum standards.

- (n) All wind turbines within a wind farm shall be finished in a single, non-reflective matte finished color which minimizes the visual impact of the wind farm.
 - (o) Individual wind farms separated by ½ mile or less shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the wind farm, thus exhibiting reasonable uniformity in overall turbine size, geometry, and rotational speeds.
 - (p) The minimum vertical blade tip clearance from grade shall be 66 feet for a wind turbine employing a horizontal axis rotor (HAWT).
 - (q) Any wind turbine generator, including the foundation, the tower, the rotor and all other components, located on a wind energy harvest site, shall have a total height not exceeding 450 feet, as measured from the ground at the base of the tower to the tip of the blade of the rotor, when the blade is in a vertical position.
 - (r) The use of any type of tower, other than a free-standing tubular tower, is prohibited. All tubular towers shall be designed to prevent external access to electrical and mechanical components within and shall have robust access doors that are kept securely located at all times.
 - (s) All power lines on the site of a Wind Farm to the substation or grid shall be underground, except where otherwise permitted by the Planning Commission.
- (5) Small Wind Turbine Generator
- (a) The Planning Commission may consider, and in its discretion may approve, an application for special land use for a small wind turbine generator, for the purpose of extracting energy from the wind and supplying it in the form of electrical energy for use by the local electrical transmission utility or for use on the site or property on which the wind turbine generator is located.
 - (b) A small wind turbine is a single wind turbine that does not exceed 100 total feet in height.
 - (c) The application, consideration of and procedures for the special land use for a small wind turbine generator shall be the same as provided above in this section with respect to wind energy harvest sites, except that only a single application shall be required, and that application shall be in the form of a written application for approval of the special land use, and it shall include all of the materials and information required for the application with respect to a proposed wind energy harvest site, except such information and materials which reasonably do not apply.
 - (d) In addition to meeting the requirements of Section 11.3, the special land use shall also comply with the standards for approval stated in subsection 4 of this section, except such standards therein that reasonably do not apply. In addition, the small wind turbine generator shall comply with the following minimum requirements:
 - (i) The tower shall not exceed a height of 80 feet, measured from the ground at the base of the tower.
 - (ii) The diameter of the blade of the rotor, as measured from one tip of the blade to the other tip of the blade, shall not exceed 40 feet.

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- (iii) The total height of the entire wind turbine generator, including the foundation, the tower, the rotor and all other components of the generator, shall not exceed the height of 100 feet, measured from the ground at the base of the tower to the tip of the blade when the blade is in a vertical position.
 - (iv) The wind turbine generator, and all components thereof, shall be not closer to any property line than the minimum required building setback of the district in which the generator is located plus an additional lineal distance equal to the total height of the generator, including the foundation, the tower, the rotor and all other components, measured from the ground at the base of the tower to the tip of the blade of the rotor when the blade is in a vertical position.
 - (v) The parcel of land on which the wind turbine generator is located shall have a minimum area of 2½ acres.
 - (vi) In the event of conflict between the above-stated minimum requirements for the special land use for the wind turbine generator for on-site service only, and the above-stated requirements for wind energy harvest site (wind farms), the provisions of this subsection with respect to the single wind turbine generator for on-site service only special land use shall control.
- (6) Large Wind Turbine Generator.
- (a) The Planning Commission may consider, and in its discretion may approve, an application for special land use for a large wind turbine generator, for the purpose of extracting energy from the wind and supplying it in the form of electrical energy for use by the local electrical transmission utility or for use on the site or property on which the wind turbine generator is located.
 - (b) A large wind turbine is a single wind turbine that exceeds 100 feet in total height.
 - (c) The application, consideration of and procedures for the special land use for a large wind turbine generator shall be the same as provided above in this section with respect to wind energy harvest sites, except that only a single application shall be required, and that application shall be in the form of a written application for approval of the special land use, and it shall include all of the materials and information required for the application with respect to a proposed wind energy harvest site, except such information and materials which reasonably do not apply to a large wind turbine generator.
 - (d) In addition to meeting the requirements of Section 11.3, the special land use shall also comply with the standards for approval stated in subsection 4 of this section, except such standards therein that reasonably do not apply. In addition, the large wind turbine generator shall comply with the following minimum requirements:
 - (i) No large wind turbine generator shall be located closer than 1,000 feet to any dwelling.
 - (ii) No large wind turbine generator shall be located closer than 1,000 feet to any property line or road right of way, provided, however, that, on a case by case basis, the Planning Commission may reduce the setback requirement upon a showing that the owner of the large wind turbine has exclusive possessory rights to all lands within 1,000 feet of the large wind turbine.
 - (iii) In the event of conflict between the above-stated minimum requirements for the special land use for the large wind turbine generator, and the above-stated requirements for wind energy harvest site (wind farms), the provisions of this

subsection with respect to the large wind turbine generator for special land use shall control.

- (7) Discretionary Conditions. The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any Wind Farm, Wind Turbine Generator, or Met tower. Such other terms and conditions may include, though need not be limited to, the following:
- (a) The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof.
 - (b) The timely removal of unused or unsafe towers or accessory buildings or structures.
 - (c) The prohibition on the construction or occupancy of dwellings on the lands where the Wind Farm or Met tower is located, within the separation distances specified by this Section.
 - (d) The preservation of existing trees and other existing vegetation not required to be removed for installation of a Wind Farm or Met tower.
 - (e) The reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of a Wind Farm or Met tower or accessory buildings or structures.
- (8) Removal.
- (a) Should 50% or more of a wind farm discontinue producing power for a minimum of two years, the wind farm operator shall be required to provide a status report to the Planning Commission. A review of the status report by the Planning Commission may result in a request for the affected wind turbine(s) or the entire wind farm to be decommissioned or removed. Failure to comply with a decommissioning or removal request may result in the issuance of a stop operation order by the Township zoning administrator or other Township official having jurisdiction.
 - (b) The Township Clerk shall be notified within 30 days of any changes in the status of a Wind Farm, including cessation of use, a change in its ownership or a change in the terms of the underlying lease to the subject property.
- (9) Inspections. Upon the provision of reasonable prior notice to the site operator, the Township zoning administrator and/or his or her designated representative may inspect any property for which special land use approval has been granted pursuant to this Section to determine whether the site complies with the applicable requirements of law and the terms of the special land use approval.
- (10) Prohibited Structures. The following structures are strictly prohibited as part of any Wind Farm approved as a special land use:
- (a) Vertical axis wind turbines, commonly known as a "VAWT" or "Darrieus" wind turbine.
 - (b) Wind turbines with a nameplate generation capacity of less than 500 KW.
 - (c) Wind turbines (HAWT's) with a rotor design consisting of a number of airfoil rotor blades other than three.
 - (d) Wind turbines utilizing a lattice tower structure.

(Ord. No. 13, 7-3-97; Ord. No. 11-50, § 8, 8-11-2011)

300.1105 Natural resources district special land uses.

Sec. 11.5.

- A. Campgrounds: Tent only camping may be permitted when in full compliance with campground requirements of the Michigan Department of Public Health, adequate water supply and restrooms are provided. The campground may not be located within 100 feet of the 100 year floodplain or a regulated wetland. Hiking trails may be included.
- B. Trails. Hiking, bicycle and cross-country ski trails may be permitted upon a finding by the Planning Commission that location, grades and trail use will not have a significant environmental impact. Motorized recreation vehicle trails are not permitted in this district unless such trails are a part of a regional trail system operated by a unit of government.
- C. Hunt, Archery, Paint Ball, Camping, Dog, Gun or Paramilitary Clubs or Organizations: All buildings and principal uses, including weapon target shooting, shall be located no closer than 150 feet to any property line nor shall any building or activity area be located in a 100-year floodplain or regulated wetland.
- D. Canoe, Boat Liveries and Similar Water Related Uses:
 - (1) Buildings, docks, and parking areas shall be located no closer than 50 feet to the property line nor closer than 100 feet to any residential property line.
 - (2) Uses accessory to the above uses, such as sale of refreshments, fuel, bait, and related items shall occupy no more than 400 square feet of building floor area and shall not occur outdoors, except fueling.
- E. Ski, Snowboard or Toboggan Slopes:
 - (1) Access shall be directly from a County Primary Road.
 - (2) Lighting for night time activity shall be designed and located so that lights do not shine onto adjoining lands and glare is minimal.
 - (3) Parking areas and principal buildings shall be no closer than 150 feet to any property line.
 - (4) Ski, snowboard, and toboggan slopes shall be sited so that, (a) snow making equipment noise does not constitute a nuisance to adjoining land, (b) bottom of slope is not less than 150 feet from any property line, and (c) existing vegetation useful for screening activity areas is preserved.
- F. Park and Recreational Facilities:
 - (1) All buildings shall be located no closer than 100 feet to any property line, except an entry gate and "guard house" used to control access to the facility.
 - (2) Natural features present on the site shall be preserved and protected.
 - (3) Parking facilities and internal roadways shall be located no closer than 100 feet from any property line.
- G. Wastewater Treatment Facilities:
 - (1) All buildings, structures, laboratory, mechanical equipment, lagoons, pump stations and related treatment apparatus shall be located not less than 300 feet from the nearest dwelling unit or 150 feet from any property line, whichever is greater.

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- (2) Existing land contours, existing vegetation and/or man-made contours and evergreen plant materials shall be employed to provide effective visual screening from dwelling units and public roads.
- H. Essential Service Structures or Buildings:
- (1) Special land use approval is required only when the essential service building or structure gross floor area is in excess of 100 square feet.
 - (2) All structures and buildings above average lot grade shall be compatible in design and materials with any dwelling existing on adjacent properties.
 - (3) All parking, storage, open equipment, and buildings or structures which can not be built in a compatible fashion described above, shall be screened by a fence, wall, or earth berm and landscaping as determined by the Planning Commission.
- I. Radio, Television, Microwave, CATV Towers and Related Structures:
- (1) The setback for each tower from existing right-of-way and property lines shall be a minimum of the height of such tower and, if the tower is stabilized by support wires, all such wires shall be anchored on the same site as the tower.
 - (2) A fence, not less than six feet in height, shall be constructed so as to completely enclose each tower to prevent unauthorized persons from gaining access to the tower structure.
 - (3) Whenever vehicle parking is proposed or required on the tower site, such parking area and access drive shall be hard surfaced.
 - (4) Whenever a tower is accompanied by an enclosed building for transmission or other function and parking is required, a buffer zone in accordance with Chapter 14 [300.1400] shall be required by the Planning Commission.

300.1106 A-1 Prime Agricultural District special land uses.

Sec. 11.6.

- A. [Uses Listed in Section 300.603.] Uses listed in section 6.3 [300.603] and subject to applicable standards in [section] 13.5 [300.1305].
- B. Home Occupation:
 - (1) A home occupation shall only be conducted on the premises of a single-family, detached dwelling. Home occupations are not permitted within a two-family or multiple-family dwelling.
 - (2) Exterior storage of equipment, accessory items, or outdoor display of any kind are prohibited in connection with a home occupation.
 - (3) Only members of the immediate family who have the single-family dwelling as their principal place of residence may be employed in any aspect of the home occupation.
 - (4) The establishment of a home occupation shall not necessitate exterior modification, except as may be required to accommodate physically handicapped persons, or as may be required by the building code.
 - (5) The home occupation shall not generate traffic in excess of that which might be expected in a residential neighborhood, but in any case shall not exceed 12 trips per day, excluding trips by the resident family. All parking shall be located off-street.
 - (6) A sign as permitted by section 3.19 [300.319]; said sign shall not be illuminated.

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- (7) Home occupations are permitted in both principal and accessory buildings. In no case shall more than 400 square feet of gross floor area in total, whether in a principal, accessory, or partially in both, be utilized for the home occupation.
 - (8) The applicant shall verify that the home occupation will not produce fumes, odors, dust, vibration, noise, electrical interference, fire hazard, or other condition which will create a nuisance to adjacent properties.
 - (9) The home occupation shall not involve the use or storage of commercial vehicles rated over one-ton capacity.
 - (10) A home occupation shall not sell or offer for sale on the premises any articles, product or service not produced on the premises.
 - (11) Uses which shall be prohibited as home occupations shall include, but shall not be limited to the following:
 - (a) Nursing or convalescent homes.
 - (b) Antique shops.
 - (c) Funeral homes.
 - (d) Medical or dental clinics, animal hospitals or animal grooming.
 - (e) Day care centers.
 - (f) Nursery schools.
 - (g) Restaurants.
 - (h) Repair of automobiles, motorcycles, boats, trailers, trucks, all-terrain vehicles, lawn mowers, or other vehicles or equipment.
 - (i) Refuse collection service, including administrative office.
 - (j) Art, hobby or craft instruction involving the gathering of groups in excess of eight persons at any time.

C. Agricultural Services:

- (1) Parking areas shall be subject to a required minimum front yard setback of 35 feet. Driveway access to the site shall be sufficient to serve vehicles entering and existing the site, but in no case shall each driveway exceed a width of 40 feet.
- (2) Parking lots shall be no closer than 50 feet to a residential district or established residential lot, shall be effectively screened by a buffer strip, wall or fence at least three feet above the highest elevation within the parking lot which it screens.
- (3) Exterior storage of equipment, accessory items, materials, displays, goods, or supplies shall not take place in any required setback area.

D. Reserved.

E. Educational Facility:

- (1) Driveway access shall be directly from a County Primary Road. A minimum curb radius of 40 feet shall apply where the driveway meets the County road.
- (2) Parking areas shall be subject to a required minimum setback from any property line of 40 feet and shall be effectively screened by a buffer strip on any side facing or abutting existing or planned residential use.

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- (3) Storage of equipment or parking of buses shall not occur closer than fifty (50) feet to any property line and shall be screened as in [subsection] E.(2) above.
- F. Extractive Uses: This subsection was replaced by Ord. No. 13; see section 11.4 [300.1104].
- G. Sanitary Landfill:
- (1) All vehicles transporting materials to the landfill site shall travel to and from the site on a route which minimizes adverse impacts on residential neighborhoods.
 - (2) Public streets within 1,500 feet of the landfill entrance shall be kept clear of debris, mud and dirt deposited by vehicles using the landfill.
 - (3) Deposit of materials into the landfill shall not occur within 150 feet of any property not owned by the landfill operator.
 - (4) Provisions of Public Act 641 of 1978, as amended and rules promulgated by the State of Michigan pursuant thereto shall be complied with for any landfill located within the Township as a condition of the approved special land use permit.
- H. Veterinarian Establishment, including Animal Clinic and Boarding:
- (1) Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than 100 feet to any residential district or any building used by the general public.
 - (2) All principal use activities shall be conducted within an enclosed building.
 - (3) Parking areas shall be subject to a minimum front yard setback of 35 feet.
 - (4) Parking lots shall be no closer than 50 feet to a residential district or established residential lot, shall be effectively screened by a buffer strip, wall or fence at least three feet above the highest elevation within the parking lot which it screens.
- I. Roadside Stand for Retail Sale of Produce:
- (1) Any structure housing roadside stand activities shall not exceed 400 square feet in floor area.
 - (2) A roadside stand approved under this chapter shall be subject to an annual inspection. If all requirements of this Ordinance and conditions of the special land use permit are met, the Zoning Administrator shall issue a certificate of zoning compliance. In the event of noncompliance, the Zoning Administrator shall notify the operator and the Planning Commission in writing, whereupon the Commission shall convene a hearing under provisions of section 11.2 [300.1102] of this chapter.
 - (3) Roadside stands shall be considered an extension of on-premise farming activity and not a commercial use. As such, the express purpose of such use is the sale of agricultural products grown on the same property or on property owned by the operator of the roadside stand.
 - (4) The structure housing the roadside stand shall be located a minimum of 35 feet from the nearest public street right-of-way line and no closer than 25 feet from a side lot line.
 - (5) Adequate off-street parking shall be provided together with safe egress and ingress to the adjacent street.
- J. Agricultural Processing Operations:
- (1) All structures in which the processing of agricultural products is conducted shall be located no closer than 200 feet from any property line.

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- (2) Waste products, liquid or solid, from the processing operation shall be stored and disposed of in a safe and sanitary manner. Adequate provision for disposal of wastewater shall be made and documented with the appropriate governmental authority.

K. Reserved.

L. Reserved.

M. Reserved.

(Ord. No. 03-52, § 2, 7-10-2003; Ord. No. 11-50, § 7, 8-11-2011; Ord. No. 12-01, § 5, 9-13-2012)

300.1107 A-2 Agricultural/Residential District special land uses.

Sec. 11.7.

A. Same as special uses listed in Section [11.6] 13.6 [300.1106], except single-family dwellings.

B. Kennels:

- (1) Buildings in which animals are kept, dog runs, and/or exercise areas shall not be located closer than 150 feet to an existing or planned residential property line.
- (2) Parking shall not be permitted in any required building setback.
- (3) All provisions of section 3.15 A. [300.315 A.] shall apply.

300.1108 R-1 Residential District special land uses.

Sec. 11.8.

A. Park and Recreation Use and Facilities, subject to requirements of section 11.5 F. [300.1105 F.].

B. Golf Courses:

- (1) The site shall access directly to a county primary road or state trunkline highway.
- (2) No building or spectator seating shall be located within 100 feet of any property line.
- (3) Exterior lighting shall be designed, located and installed in a manner which deflects light away from adjacent residential property and abutting public streets.
- (4) The site shall be kept clean of refuse and debris so that such material does not blow onto or accumulate on adjacent properties.
- (5) Private access drives and parking areas required shall be surfaced with paving or other dust free material. Any such drive or parking area located within 150 [feet] of an existing residence shall be screened with a landscape berm, fence or wall not less than three feet in height along the side(s) facing such residence.
- (6) Overflow parking on a public street is prohibited.
- (7) All course boundaries shall be conspicuously signed to prevent golfers from trespassing on adjoining private property. The Planning Commission may require fencing of those portions of the course boundary where fairways abut adjoining private property.

C. Home occupations, subject to requirements of section 11.6 B. [300.1106 B.].

D. Educational facility, subject to requirements of section 11.6 E. [300.1106 E.].

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- E. Church and Charitable Organization, subject to requirements of section 11.3 A [300.1103 A].
- F. Essential Service Building, subject to requirements of section 11.5 H. [300.1105 H.].
- G. Planned Unit Development:
- (1) Planned Unit Development is established to provide a regulatory framework designed to encourage and promote environmental quality of Moorland Township by allowing for greater freedom, imagination, and flexibility of design for residential development while insuring substantial compliance to the basic intent of the Zoning Ordinance and the Moorland Township Comprehensive Plan.
 - (2) Permitted Uses. The following uses are permitted in the Planned Unit Development provided however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the provisions set forth hereinafter:
 - (a) Single-family attached (townhouses) and multiple-family residential uses where the density of the units does not exceed six dwelling units per acre including all open space, yard areas, parking access drives attendant to such residential use.
 - (3) Lot Area, Lot Width, Height, Yard, and Usable Open Space Requirements: In the Planned Development District there shall be no predetermined specific lot area, lot width, heights, yard and usable open space requirements, but such requirements shall be made a part of an approved recorded subdivision or condominium development plan. The minimum land area for a specific Planned Unit Development shall be ten acres.
 - (4) Signs. In the Planned Unit Development, signs shall be in accordance with the provisions of chapter 3 [300.300].
 - (5) Off-Street Parking: In the Planned Unit Development off-street parking facilities shall be provided in accordance with the provision of chapter 14 [300.1400].
 - (6) Criteria for Approval: As a basis for determining the acceptability of a proposed Planned Unit Development, application of the following criteria shall be applied to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of these provisions.
 - (a) Character and Intensity of Land Use: In a Planned Unit Development, the uses proposed and their intensity and arrangement on the site shall have visual and functional characteristics which:
 - (1) Are compatible to the physical nature of the site with particular concern for preservation of natural features and open space.
 - (2) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the comprehensive plan for the area as established by the Township.
 - (3) Would not adversely affect the anticipated provision for school or other municipal services.
 - (4) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
 - (b) Economic Feasibility and Impact: The applicant shall provide evidence satisfactory to the Planning Commission of its economic feasibility and that it would not adversely impact the economic prosperity of the Township or the values of surrounding properties.

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- (c) Preservation and Maintenance of Open Space: In a Planned Unit Development adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.
 - (1) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Township as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as may be consistent with the approved plan.
 - (2) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance shall be recorded with the title for each ownership unit in the Planned Unit Development.
 - (3) Public or private open space shall equal no less than 20 percent of net site area.
 - (d) Implementation Schedule: Any person, firm, or corporation applying for a Planned Unit Development shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Planning Commission, including suitable provisions to assure that each phase can be completed.
- (7) Procedure: The procedure of establishing a Planned Unit Development shall be as provided for in this chapter.
- (a) General Development Plan: The applicant shall file with the Planning Commission a General Development Plan which shall include the following information:
 - (1) A statement describing the general character of the intended development.
 - (2) An accurate map of the project area including its relationship to surrounding properties and existing physical features.
 - (3) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in these provisions.
 - (4) The pattern of proposed land use including shape, size and arrangement of proposed use areas, density, and environmental character.
 - (5) The pattern of public and/or private streets.
 - (6) The location, size and character of recreational and open space areas reserved or dedicated for public uses such as a school park, greenway, etc.
 - (7) A utility feasibility study, including stormwater management.
 - (8) Appropriate data on the size of the development, ratio of various land uses, percentages of multi-family unit by number of bedrooms, economic analysis of the development, expected staging, and any other planned data pertinent to evaluation of the Planned Unit Development.
 - (9) General outline of intended organizational structure related to property owner's association, deed restrictions, and private provision of common services.
 - (b) Final Development Plan: Upon Planning Commission approval of the general development plan, a detailed plan for implementation of all or a part of the proposed Planned Unit Development must be submitted within one year. If a specific implementation plan has not

been submitted within this time, the previous approval shall become null and void. The final development plan shall include:

- (1) An accurate map of the area covered by the plan including the relationship to the total general development plan.
 - (2) The pattern of public and private roads, driveways, walkways, and parking facilities.
 - (3) Detailed lot layout and subdivision plat where required.
 - (4) The arrangement of building groups, other than single-family residences, and their architectural character.
 - (5) Sanitary sewer and water mains.
 - (6) Grading plan and storm drainage plan.
 - (7) The location and description of any areas to be dedicated to the public.
 - (8) Landscape plan.
 - (9) Lighting plan.
 - (10) Analysis of economic impact upon the community.
 - (11) A development schedule indicating the following:
 - (a) The approximate date when construction of the project can be expected to begin.
 - (b) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 - (c) The anticipated rate of development.
 - (d) The approximate date when the development of each of the stages will be completed.
 - (e) The area and location of common open space that will be provided at each stage.
 - (12) Agreements, master deed, bylaws, provisions, or covenants which govern the organizational structure, use, maintenance, and continued protection of the Planned Unit Development and any of its common services, common open areas, or other facilities.
 - (13) Any other plans, documents, or schedules requested by the Planning Commission.
- (c) Approval of the Specific Implementation Plan:
- (1) Following a review of the Final Development Plan, the Planning Commission may approve, approve with modifications, or deny the Plan.
 - (2) In the event of approval of the Final Development Plan, the building, site, and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the Township with regard to project value, character, and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the proprietor as part of subdivision or

condominium documents. This shall be accomplished prior to the issuance of any building permit.

- (3) Any subsequent change or addition to the plans or use shall be submitted for approval to the Planning Commission. If, in the opinion of the Planning Commission, such change or addition constitutes a substantial alteration of the original plan, the procedure provided in this section shall be required.

H. Group Day Care Homes:

- (1) The lot or parcel on which such use is located shall be located no closer than 1,500 feet to any of the following:
 - (a) Another group day care home.
 - (b) An adult foster care group home licensed by the Michigan Department of Social Services.
 - (c) A facility offering substance abuse treatment and rehabilitation service to seven or more persons, licensed by the Michigan Office of Substance Abuse Services.
 - (d) A community corrections center, resident home, halfway house, or similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- (2) Fencing having a minimum height of five feet shall be provided around all outdoor areas accessible to children and mentally impaired.
- (3) The property shall be maintained and operated in a manner which is compatible with the existing character of the adjoining neighborhood.

I. Bed and Breakfast Establishments:

- (1) The bed and breakfast establishment shall be adequately serviced by water supply and wastewater disposal facilities. A certification that the existing or proposed facilities meet this requirement shall be supplied to the Township prior to approval of a special land use permit. Said certification may be issued by the Muskegon County Health Department or by a registered professional engineer.
- (2) The establishment shall be located on land with direct access to a paved public road.
- (3) Such uses shall not be established in any two family or multiple-family dwelling.
- (4) One parking space per room available for rent shall be provided on the premises, in addition to the parking required for a single-family dwelling. The parking shall be located so as not to pose negative impact on adjacent properties. The Planning Commission may require screening of the parking area using standards set forth in chapter [13] 16 [300.1307 C.].
- (5) Kitchen facilities are permitted, but must comply with building code and state health department requirements for fire safety and public health.
- (6) Additions or exterior modifications to a structure for the purpose of accommodating additional guests shall be prohibited. Modifications may be permitted to accommodate handicapped persons or to comply with building, fire and public health codes.
- (7) Exterior solid waste storage facilities beyond those needed for a single-family dwelling are prohibited.
- (8) One sign shall be permitted not to exceed six square feet in display area. The sign may be illuminated. The sign shall be setback from the nearest right-of-way line a minimum of 25 feet and shall not exceed three feet in height.

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- (9) The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, who shall live on-premise[s] while the establishment is open for business.
 - (10) Retail and service uses shall be prohibited within a bed and breakfast establishment, including but not limited to gift shop, antique shop, restaurant, bakery or apparel sales.
 - (11) Meals may be served only to overnight guests, employees or resident family and a separate fee or charge for meals consumed is prohibited.

J. Site Condominium Subdivisions:

- (1) Each condominium unit shall comply with the applicable site development standards contained in this Ordinance.
- (2) The site condominium subdivision shall comply with minimum lot area and yard requirements as applied to each condominium unit within the subdivision.
- (3) The site condominium subdivision shall provide for dedication of easements to appropriate public agencies for construction, inspection, operation, maintenance, replacement or removal of pipelines, conduits, wires, mains, and other installations having the purpose of providing public utility services, including conveyance of sewage, potable water, stormwater structures, electric, gas, telephone, CATV or similar utility and lying above, under, through or across the property.
- (4) In addition to information required in section [11.1] 13.1 [300.1101], the special land use permit application for a site condominium subdivision shall include a site condominium subdivision plan containing the following information:
 - (a) A project description which describes the nature, use(s), and extent of the proposed subdivision when fully developed.
 - (b) A survey plan of the site condominium subdivision.
 - (c) Identification of any portion of the site condominium subdivision within or abutting a floodplain or wetland.
 - (d) A street construction, paving and maintenance plan for all proposed private streets within the site condominium subdivision.
 - (e) A storm drainage and stormwater management plan, including all proposed stormwater structures and design capacities.
 - (f) A description of general and limited common elements of the site condominium as will be contained in the Master Deed.
 - (g) The proposed use and occupancy restrictions, and unit ownership obligations with respect to common area maintenance as will be contained in the Master Deed.
- (5) All provisions of the site condominium subdivision plan which are approved by the Planning Commission shall be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes from the approved plan shall be subject to review under section 11.3 F. [300.1103 F.]. No such revised plan shall be recorded unless and until proposed changes have been reviewed and approved under terms of this Ordinance.

300.1109 R-2 Residential District special land uses.

Sec. 11.9. All special uses and standards within section 11.8 [300.1108].

300.1110 C Commercial District special land uses.

Sec. 11.10.

- A. Veterinary Clinic with Animal Boarding: Same as requirements of section 11.6 H [300.1106 H].
- B. Indoor Entertainment Uses:
 - (1) A drive-up, passenger drop off zone shall be provided at the main entrance to the building which shall not be located in any required setback.
 - (2) Parking shall be arranged convenient to the building's main entrance.
- C. Outdoor Commercial Recreation:
 - (1) Parking areas shall not be located closer than 150 feet to any property line of land used for or planned for residential use.
 - (2) Site lighting shall be designed to prevent direct glare onto adjacent property and public roads.
 - (3) Apparatus located outdoors intended to provide thrill rides for people shall be located not less than 200 feet from any property line.
 - (4) Midway areas and pedestrian spaces shall be provided with seating, of approved lighting style and landscaping.
- D. Any Business with Drive-Through Facility:
 - (1) Sufficient stacking capacity for the drive through portion of the operation shall be provided to ensure that traffic does not back up or extend to a public street or required parking aisle. A minimum of ten stacking spaces in advance of the ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and ingress/egress to the site.
 - (2) In addition to requirements of chapter 14 [300.1400], at least three parking spaces shall be provided in close proximity to the pickup window of the drive through to allow customers waiting for delivery of orders.
- E. Gasoline Service Station:
 - (1) Gasoline pump islands may not be located in any required setback area.
 - (2) Canopy structures above pump islands shall not extend over any required setback area.
 - (3) Any gasoline service station accompanied on the same lot or parcel by a grocery convenience store shall provide parking for both uses as required in this Ordinance, however, spaces at pump islands may be counted in the required parking.
 - (4) Driveway access shall be limited to one driveway per public street frontage.
- F. Commercial Garage providing repair services, including mechanical and auto body repairs:
 - (1) All equipment and activities associated with vehicle repair shall be within an enclosed building, except air and water hoses.
 - (2) Inoperative vehicles left overnight on premises shall be stored within an enclosed building or in an outdoor area enclosed by an opaque fence not less than six feet in height.
 - (3) There shall be no outdoor storage of loose auto body parts, mechanical or engine parts, tires, trash, supplies, equipment, used motor oil, and other materials.

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- (4) If retail sales of convenience grocery and other goods are conducted on the premises, parking for such uses shall be required in addition to parking spaces required for gasoline islands and related activities.
 - (5) Canopy roofs shall not be permitted to encroach into any required yard.
- G. Automobile, Truck or Other Vehicle Washing Facilities:
- (1) Sufficient stacking capacity shall be provided to ensure that traffic to the site does not back up onto any public street or private access drive. A minimum total of 15 stacking spaces shall be provided. For self-service washes at least two stacking spaces shall be provided in front of each wash stall and one at the exit of each stall.
 - (2) Vacuuming activities, if outdoors, shall be at least 100 feet from any residential lot line. Wash bays for self-service washes shall be at least 50 feet from any residential lot line.
 - (3) Should self-service wash bays be arranged so the longest dimension of each bay is perpendicular to an abutting street right-of-way, then the bays shall be screened or buffered as required by the Planning Commission.
- H. Electric, Plumbing or Non-Automotive Mechanical Repair Service:
- (1) All materials, equipment or merchandise for sale at retail, wholesale or which is used in rendering any repair service shall be stored indoors.
 - (2) There shall be no outdoor storage of used materials, scrap or supplies.
- I. Self-Storage Warehouse:
- (1) The minimum lot area shall be two acres.
 - (2) Mini-warehouse buildings shall be arranged on the site to prevent deadend aisles.
 - (3) Other commercial uses are prohibited on the same lot or parcel with mini-warehouse use.
 - (4) A residence may be permitted for security or management personnel on the lot or parcel.
 - (5) Parking and circulation requirements:
 - (a) One parking space shall be provided for each ten rental storage units on the site.
 - (b) Two parking spaces shall be provided for the residence on the premises, exclusive of other parking required.
 - (c) If a rental office is located on the lot, including any portion of the residence, there shall be provided not less than ten parking spaces to serve customers.
 - (d) All driveways, parking, loading, outdoor storage, and vehicle circulation areas shall be paved.
 - (e) Access aisles between storage buildings shall be a minimum of 24 feet in width and shall accommodate two-way flow of vehicles.
 - (f) Parking lanes may be provided between buildings. In addition to required access aisle width, parking lanes shall be a minimum of ten feet in width.
- J. Outdoor Storage or display of materials or merchandise for sale in connection with a permitted or special land use:
- (1) Outdoor display is prohibited in any required front yard setback.

-
- (2) Proposed outdoor display areas for retail sales shall be enclosed with an opaque fence or screen wall not less than five feet in height, although the top two feet may be decorative and not completely opaque.
 - (3) Access to the fenced-in display area shall be via the principal building.
 - (4) Any area used for outdoor storage or display of goods shall be covered with four inches of washed stone or paved.
 - (5) Any display area outdoors shall not occupy required landscape area, parking area or private access drive on the site.
 - (6) Lighting of outdoor display areas shall be shielded so as to deflect light from any residential district or public street right-of-way.
 - (7) Total outdoor display area shall not exceed either (a) building floor area for the business displaying the goods or material or, (b) 15 percent of the gross lot area. The Planning Commission may adjust upwards to permit a larger display area, but only when the display involves motor vehicles, large equipment, or building materials.
- K. Neighborhood Shopping Center:
- (1) Driveway access shall be limited to two locations, though an additional driveway may be permitted for each 250 feet of public road frontage in excess of 400 feet.
 - (2) All buildings and storefronts within the shopping center shall be designed with unified access, parking, internal circulation, landscaping, signage and architecture.
 - (3) Site lighting shall be designed and located to prevent glare onto adjacent properties and public streets.
 - (4) Parking spaces and internal drives shall be setback not less than 50 feet from all property used or planned for residential use.

300.1111 I-Industrial District special land uses.

Sec. 11.11.

A. Retail Sales Incidental to Permitted Use:

- (1) All sales shall be indoors, unless a special land use permit is issued under provisions of section 11.10 J. [300.1110 J.].
- (2) No additional advertising signs shall be permitted beyond those permitted in the I-Industrial District.

B. Neighborhood Shopping Center: Same standards as in section 11.10 K. [300.1110 K.].

C. Gasoline Service Station: Same standards as in section 11.10 E. [300.1110 E.].

D. Commercial Garage: Same standards as in section 11.10 F. [300.1110 F.].

E. Bank, Credit Union, Savings Bank or Other Money Lender Establishment with Drive-Through Facilities: Same standards as in section 11.10 D. [300.1110 D.].

F. Restaurants, including those with drive-through facilities: Same standards as in section 11.10 D. [300.1110 D.].

G. Extractive Use: This subsection was replaced by Ordinance No. 13; see section 11.4 [300.1104].

H. Class II and III Landfills: Same standards as in section 11.6 G. [300.1106 G.].

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- I. Incinerators:
 - (1) All buildings and structures shall be setback not less than 300 feet from any property line.
 - (2) Access shall be from a County Primary Road.
 - (3) Exterior storage of refuse, recycled materials, or other materials is prohibited.
 - (4) Composting on the same lot or parcel is prohibited.
 - J. Miscellaneous Industrial Use: Planning Commission may reasonably apply to uses proposed under this section any written standard(s) within chapter 11 [300.1100].
 - K. Open Storage of Any Material:
 - (1) Open storage on any lot or parcel shall be effectively screened from existing or planned residential use and public streets by an opaque fence, wall or landscaped earth berm.
 - (2) Open storage shall not be located in any required setback area.
 - (3) Access to open storage shall not be directly from a public street.

300.1112 Commercial Extrication.

Sec. 11.12.

- A. Reason for Ordinance. The reason for this ordinance is to set standard controls and regulations on commercial extraction within the boundaries of Moorland Township.
- B. Definition. Commercial Extrication or Mining: The extrication or removal of soil, dirt, earth, sand, or gravel (sometimes referred to as mineral material), whether for profit or not, from a lot or parcel on which it is located, provided, however, commercial extrication or mining shall not include the following:
 - a. The removal of mineral material which occurs only for the purpose of establishing grades, contours or other features of the lands involved, or to enhance other characteristics of the land, in order that the lands may be developed and used for some other principal and lawful use or uses;
 - b. The moving of topsoil or mineral material from one part of a lot or parcel to another part thereof if such action will not cause or be likely to cause blowing sand, stagnant water, bogs, or serious adverse environmental effects on the property or on adjoining or nearby lands;
 - c. The removal of mineral material where such removal is reasonably necessary for the purpose of erecting, constructing or remodeling a building or other structure, provided all other applicable provisions of this zoning ordinance are satisfied.

Except as permitted in this ordinance, topsoil may not be removed from a lot or parcel. The extrication or removal of mineral material may not result in an accumulation of standing water.

- C. General Requirements.

Commercial extrication shall be considered in any zoning district as a Special Land Use, provided the minimum lot area for extrication shall be 20 acre. Except that mining of topsoil is not permitted.

Natural Resources extraction shall be carried out under the conditions of a Special Land Use Permit, approved by the Planning Commission, and issued by the Board of Trustees. In addition, when applicable P.A. 303 of 1982, as amended, "The Michigan Surface and Underground Mine Reclamation Act" shall be enforced.

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- a) Before commencement of extraction operations the operating person or company shall apply for a Special Land Use Permit and pay fees established by the Township Board of Trustees. A detailed site plan shall also accompany any application for Special Land Use Permit.
 - 1.) The planning commission shall ensure that all site plans and operational guidelines are adhered to on a regular basis.
 - 2.) Site plans and operational plans shall set forth the area, or areas to be mined, the location of permanent structures, bodies of water including ponds, lakes, rivers, ditches, or drains, the points of access upon public roadways, and the roadway routes to be followed in the transportation of materials, and the reclamation plan for the area mined upon the completion of mining operations.
 - 3.) Any subsequent changes to the approved site or operational plan must be submitted to the Planning Commission for approval and shall be considered as a new Special Use Request. All site and operational plans shall be kept on file with the Township Zoning Administrator.
 - 4.) Topsoil of a quality equal to that naturally occurring in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where the operational plan has indicated roads, beaches, or other planned improvements shall be located. Topsoil shall be applied to a depth of at least 8 inches.
 - 5.) Vegetation shall be appropriately restored via the planting of grasses, trees, shrubs, or other foliage in order to establish a permanent vegetative cover on the land surface and to minimize erosion.
 - 6.) Upon cessation of mining operations by abandonment or otherwise, the operating person or company shall remove all mining structures, buildings, stockpiles, and equipment within twelve (12) months.
 - 7.) No Portion of the extraction area may be used to landfill or deposit materials of any type.
 - D. Mandatory Operational Guidelines. The following are mandatory operational guidelines to be applied to the Special Land Use request and shall be enforced by the Planning Commission.
 - a) In addition to the normal Special Use application fee of two hundred twenty-five dollars (\$225.00), the applicant shall be responsible for all township costs in relation to the commercial extrication project, including but not limited to, attorney fees, engineer fees and any other professional consultants.
 - b) Applicant shall also file with the township a performance bond in an amount not less than five thousand dollars (\$5,000.00) prior to the commencement of operation, and if not utilized shall be refunded one hundred twenty (120) days after permanent cessation of operations.
 - c) Operation of mining operations shall be restricted to Monday through Friday from 8 a.m. until 5 p.m., and shall exclude generally recognized holidays, and shall comply with all ordinances, laws, statutes, or other regulatory terms restricting noise and public nuisance. In addition, operator shall be responsible for ensuring that no excess materials organic, inorganic, chemical, or otherwise are deposited upon the public roadways on which the transportation of materials and equipment occurs.
 - d) When extrication operations result in the formation of a body of water the banks of the body of water shall be formed to maintain a slope of 1 foot of drop to every 4 feet of horizontal run. Also, a minimum of 2 rope and buoy stations placed equal distance apart must be maintained at all times.

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- e) Created bodies of water must allow for the establishment of dry hydrant construction and emergency access and/or use if local official deem appropriate.
 - f) All site plans shall include the roadway routes to be used in the transportation of materials and equipment. Before the commencement of operations the Muskegon County Road Commission and the Michigan Department of Transportation shall approve such site plans.
 - g) All site plans shall include the placement of bodies of water including lakes, streams, drains, ponds, etc. Before the commencement of operations the Muskegon County Drain Commissioner, and the Department of Environmental Quality shall approve such site plans.
 - h) Any site, which shall include an excavated area of over 5 acres, shall cause a comprehensive review of the Moorland Township Master Plan.
- E. Repeal and Severability. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed and deemed repealed to the extent of such inconsistency.
 - F. Publishing and Effective Date. This ordinance shall become effective thirty (30) days after it's publication or seven days after publication of a summary of it's provisions in a local newspaper of general circulation.

(Ord. No. 03-64, 5-3-2007)

CHAPTER 12

300.1200 SITE PLAN REVIEW

300.1200.0 Intent.

Sec. 12.0. It is the intent of this chapter to require site plan review and approval for certain buildings, structures, and land development that can be expected to impact on natural resources, traffic patterns, abutting lots or parcels, or the character of future development in an area.

300.1201 Uses subject to site plan review.

Sec. 12.1.

- A. Site plan review and approval by the Township Planning Commission is required for all uses by right or by special land use permit in the Commercial and Industrial Districts and any use which involves more than one acre of land in any other Zoning District, excluding single-family dwellings permitted by right.
- B. Any use which does not require site plan review under section 12.1 A. [300.1201 A.] shall be reviewed by the Zoning Administrator to determine compliance with the provisions of this Ordinance.

300.1202 Preliminary site plan review.

Sec. 12.2.

- A. Any use or development which occupies five or more acres or which is intended to be developed in phases, may seek preliminary site plan approval, the purpose of which is to indicate the general design and layout of the project site, uses and buildings.
- B. Application for preliminary site plan approval shall consist of the following items and information:

(Supp. No. 7)

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- (1) A completed application form.
 - (2) Nine copies of the preliminary site plan at a scale of not less than one inch equals 100 feet depicting; property dimensions, topographic elevation at two feet intervals, significant vegetation, water courses and water bodies, wetlands, 100-year floodplain, high risk erosion areas, existing public right-of-way, pavements, and/or private easements, existing and proposed buildings and structures, zoning classification of abutting properties, and the name of the person or firm who prepared the preliminary site plan.
- C. The Zoning Administrator shall forward the preliminary site plan to the Township Planning Commission for first consideration.
 - D. If the preliminary site plan accompanies a special land use permit application, it shall be considered along with said application in accordance with procedures in section 11.3 [300.1103].
 - E. If the preliminary site plan is independent of a special land use permit application, the Planning Commission shall review the site plan and approve, approve with conditions, or deny the plan, stating the reason(s) for denial.
 - F. Approval of the preliminary site plan is valid for a period of 12 months. If a final site plan for the development or portion thereof has not been submitted during the 12-month period, approval of the preliminary site plan shall become null and void. The time limit may not be extended.

300.1203 Final site plan review.

Sec. 12.3.

- A. [Required Items and Information:] An application for final site plan review shall consist of the following items and information:
 - (1) A completed application form supplied by the Zoning Administrator.
 - (2) Nine copies of a final site plan at a scale of greater than one inch equals 100 feet or less with the following information:
 - (a) Dimensions of the property, contours at two-foot intervals, and location of all buildings, driveways, parking areas and other structures on adjacent properties within 50 feet of the subject property, including those located adjacent on the opposite side of a public street right-of-way.
 - (b) Required building setback lines.
 - (c) Location of abutting public and private streets, drives and easements serving the property.
 - (d) Location, dimension and height of proposed buildings and structures, such as trash receptacles, utility pads, etc. including accessory buildings and uses, and intended future uses. Screening when required by this Ordinance shall be shown.
 - (e) Location and dimensions of parking areas, including computation of parking requirements, typical parking space dimensions, handicapped parking spaces, and aisle widths.
 - (f) Proposed water supply and wastewater disposal system locations and dimensions.
 - (g) Proposed grades and site drainage pattern, including necessary drainage structures, and, if applicable, the location of the 100-year floodplain limits.
 - (h) Location of high risk erosion areas on the site.
 - (i) Proposed common open space and recreational facilities, if any.

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- (j) Proposed landscaping, including locations, plant names, sizes, and quantities.
 - (k) Signs, including location and sizes.
 - (l) Location and dimensions, pavement markings, traffic control signs or devices, and service drives.
 - (m) Exterior lighting showing location of lighting fixtures, area illuminated and design of fixtures.
 - (n) The name and address of the person or firm who prepared the final site plan and the date on which the plan was completed.
- (3) The final site plan for developments which have been proposed in phases shall generally conform to the approved preliminary site plan.
 - (4) The Planning Commission may require written statements and analysis relative to the impacts of a development included on a final site plan for the following:
 - (a) Streets, traffic flow, traffic safety, service drive feasibility, and need for traffic control devices.
 - (b) Fire protection, police protection, water supply, wastewater disposal, site drainage outlet, school enrollment, or environment.
- B. Review of Final Site Plan: The Planning Commission shall receive and review all final site plans. It shall approve, approve with conditions, or deny the site plan. Whenever a final site plan is denied, the reasons for the denial shall be stated and included in the minutes of the meeting at which the action is taken.
- C. Approved Final Site Plans: The Zoning Administrator, following final site plan approval, shall sign and mark the final site plan as approved, including the date of approval thereon. A copy of the approved site plan shall be maintained in the Township files and a copy shall be returned to the applicant.

300.1204 Validity of approved final site plan.

Sec. 12.4. Approval of any final site plan is valid for a period of one year. If physical construction on the site has not begun within the period, the final site plan approval shall become null and void. Minor site grading shall not be considered physical construction pursuant to the approved final site plan.

Upon written application to the Planning Commission prior to the end of the one-year period, a single extension shall be granted for good cause shown.

300.1205 Standards for site plan approval.

Sec. 12.5. Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied. If these standards and other requirements of this Ordinance are met, the site plan shall be approved:

- A. For new uses or reuse of lots or parcels having frontage on a county primary road, the number, design and location of access driveways and other access provisions shall be reviewed and such access points reduced to the minimum to provide reasonable site access.
- B. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with requirements of chapter 13 [300.1300].

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- C. All elements of the site plan shall be designed to take account of the site's topography, the site size, and the character of buildings and uses on adjoining property. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property.
 - D. The existing landscape shall be preserved in its natural state in so far as is practical.
 - E. The site plan shall provide for reasonable visual privacy for dwelling units located or to be located thereon. Fences, walls, barriers, and landscaping shall be used to accomplish this purpose.
 - F. All buildings or groups of buildings shall be arranged to permit ready access of emergency vehicles as required by the Township Fire Department.
 - G. There shall be provided a pedestrian circulation system which is separate from the vehicular circulation system. In order to provide for pedestrian safety, special measures such as crosswalks may be required in the vicinity of schools, public playgrounds, shopping centers or other use which generates considerable pedestrian movement.
 - H. All streets or pedestrian facilities on site shall be designed and located to permit connection with present or future similar facilities in the vicinity.
 - I. Appropriate measures shall be taken to ensure that removal of surface stormwater runoff will not adversely affect adjoining properties or existing public storm drainage systems. The use of retention or detention ponds may be required where the public storm drainage outlet for the site is inadequate to accommodate part or all of the new stormwater flow. Surface water on all paved areas shall be collected at regular intervals so that it will not obstruct movement of vehicles or pedestrians.
 - J. All loading and unloading areas and outdoor storage, including storage of refuse, shall be screened by an opaque fence, wall or landscape screen of not less than six feet in height.

300.1206 Conditions of site plan approval.

Sec. 12.6.

- A. As part of an approval for any site plan, the Planning Commission may impose additional conditions or limitations as in its judgment may be necessary for protection of public health and safety, general welfare or public interest.
- B. Such conditions or limitations shall relate to and ensure that the review standards contained in section 12.5 [300.1205] are met.
- C. A record of conditions imposed shall be affixed to the approved final site plan and a copy maintained in the office of Township Clerk, all approved site plans and conditions, if any, shall attach to the real property, regardless of ownership. Conditions shall remain unchanged unless an amendment to the site plan is approved.
- D. The Zoning Administrator shall make periodic inspections of developments for which a final site plan has been approved. Non-compliance of the development with the approved site plan shall be enforced by the Zoning Administrator.

300.1207 Amendments to approved site plans.

Sec. 12.7. Whenever a change to the approved site plan is proposed, the Zoning Administrator shall determine if the change constitutes a major or minor amendment using criteria as follows:

- A. A major amendment to the site plan shall require approval of the body first granting approval. Major amendments shall include:

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- (1) The addition of land to the area included in the approved site plan.
 - (2) The establishment of an additional use(s).
 - (3) The addition of more interior floor area, dwelling(s), or outdoor display area.
 - (4) An expansion or increase in the intensity of use(s).
- B. Any change not involving items included in section 12.7 A.(1)—(4) above [300.1207 A.(1)—(4)] shall be reviewed by the Zoning Administrator for compliance with this Ordinance. If approved, the Zoning Administrator shall make a record of such approval and place a copy in the office of the Township Clerk.

300.1208 Appeal of final site plan decisions.

Sec. 12.8.

- A. Any person aggrieved by the decision of the Zoning Administrator or the Planning Commission in granting or denial of a final site plan shall have the right to appeal the decision to the Township Board. The appeal shall be filed with the Township Clerk within five days of the decision. The appeal shall state in writing the aggrieved party's grounds for appeal. The appeal shall act to stay any certificate of zoning compliance, building permit, or construction of improvements on the property.
- B. The Township Board shall hold a hearing at its regular meeting following the filing of the appeal and shall determine whether or not there was support on the public record for the decision made. The appellant shall not have the right to present new evidence, but shall be bound by the record before the Planning Commission or Zoning Administrator. The Township Board shall approve the site plan if all requirements of this Ordinance are met.
- C. An appeal of a Township Board decision concerning a final site plan shall be to the Muskegon County Circuit Court.

CHAPTER 13

300.1300 LANDSCAPE STANDARDS

300.1300.0 Intent.

Sec. 13.0. It is the intent of this chapter to require buffer zones and landscape screening to reduce negative impacts between potentially incompatible land uses and to provide landscaping within parking lots. It is further intended to preserve and enhance aesthetic qualities, privacy, and land values of the Township.

300.1301 Buffer zones required.

Sec. 13.1.

- A. A buffer zone shall be required on the subject lot or parcel between zoning districts as indicated on Table 13-1.
- B. A buffer zone shall be required, even if the abutting parcel is unimproved land.

- C. Whenever a developed parcel of land changes to a more intense use, the use expands, or site plan approval is required, a buffer zone shall be established in accordance with requirements of this chapter.
- D. If existing conditions on the lot or parcel are such that compliance with the buffer zone requirements are not possible, then the Planning Commission shall determine the character of the buffer zone to be required based on the following criteria:
 - (1) Traffic impacts.
 - (2) Increased building or parking coverage on the parcel.
 - (3) Increased outdoor display area.
 - (4) Physical characteristics of the site, such as topography, existing building locations, and site access.
 - (5) Other physical conditions which prevent or impede the ability to place the required buffer zone.
- E. If two zoning districts requiring a buffer zone are separated by a public street, the design of the buffer zone shall be determined by apply required buffers set forth in Table 13-1 to each parcel.

300.1302 Buffer zone development standards.

Sec. 13.2. Required buffer zone shall comply with the following standards:

- A. Buffer Zone Level A (See Figure 13-1)
 - (1) 50 feet minimum width.
 - (2) The equivalent of one canopy tree per 20 linear feet of buffer zone length.
 - (3) Six-foot-high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
 - (4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on the top and side slope facing the exterior of the site.

TABLE 13-1. LANDSCAPE BUFFER MATRIX

Adjacent Zone						
	NR	A-1	A-2	C	I	MHP
NR						
A-1						
A-2						
C	B	A	A	C		B
I	B	A	A	C	A	A
MHP	B	B	B	A	A	A

* Read from subject zone across to adjacent zone.

LEGEND

A—Buffer Zone A

B—Buffer Zone B

C—Buffer Zone C

□—No Buffer Required

- (5) If a screen wall or fence is used for all or part of the buffer zone, then;
 - (a) The equivalent of four shrubs are required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
 - (b) All required plant materials shall be on the exterior side of the buffer strip.
- (6) All areas of the buffer strip outside shrub or flower beds, shall be covered with grass or other living ground cover.
- (7) All applicable standards in section 13.7 [300.1307].

B. Buffer Zone Level B (See Figure 13-2):

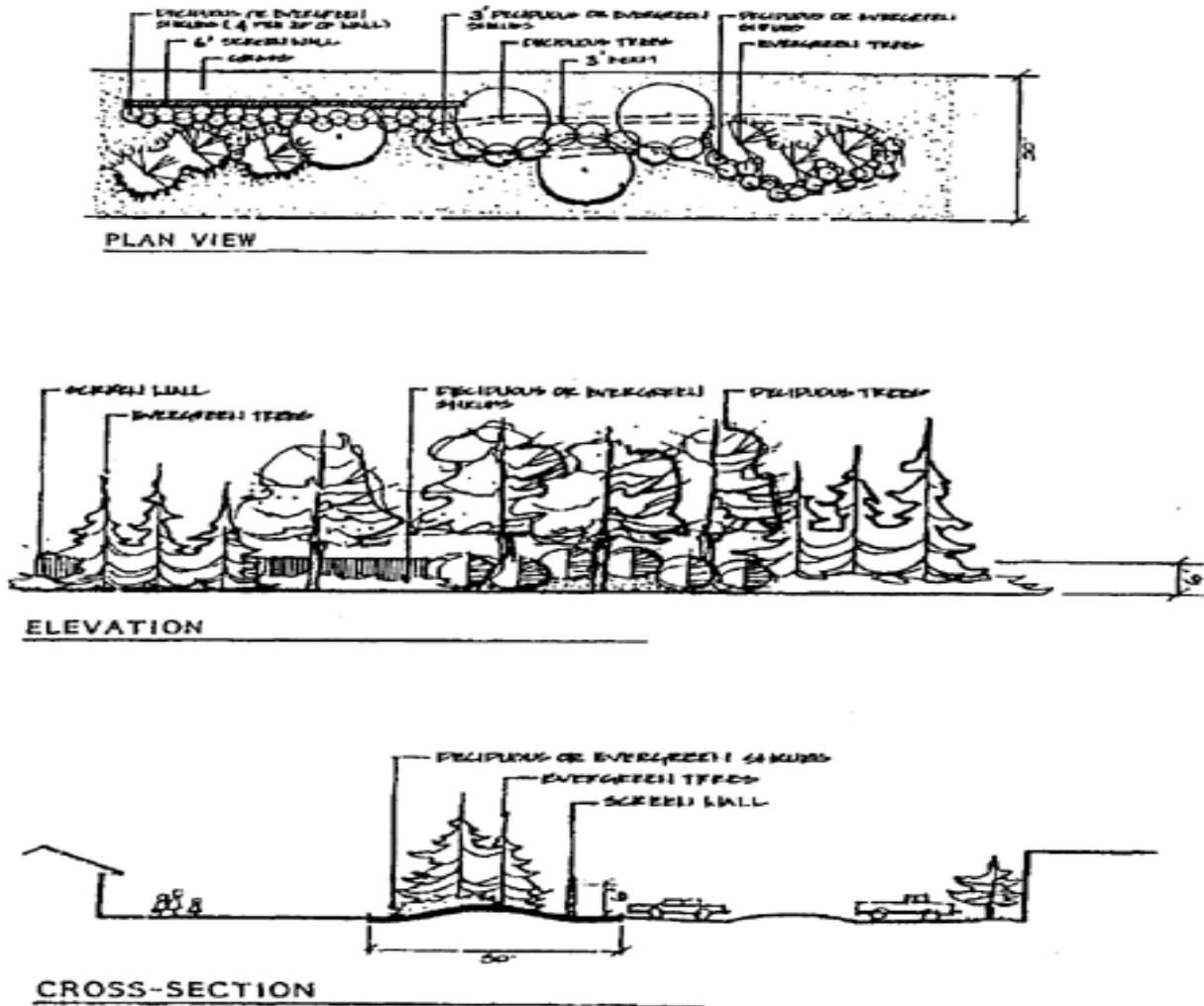
- (1) 30 feet minimum width.
- (2) The equivalent of one canopy tree per 30 linear feet of buffer zone length.
- (3) Six-foot-high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- (4) If berming is used for all or part of the buffer zone, all required plant material shall be placed on the top and side slope facing the exterior of the site.
- (5) If a screen wall or fence is used for all or part of the buffer zone, then:
 - (a) The equivalent of four shrubs are required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
 - (b) All required plant materials shall be on the exterior side of the buffer strip.
- (6) All areas of the buffer strip outside shrub or flower beds, shall be covered with grass or other living ground cover.
- (7) All applicable standards in section 13.7 [300.1307].

C. Buffer Zone Level C (See Figure 13-3):

- (1) Ten-foot minimum width.
- (2) The equivalent of one canopy tree per 20 linear feet of buffer zone length.
- (3) Six-foot-high continuous obscuring screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
- (4) If berming is used for all or part of the buffer zone, then:
 - (a) All required plant material shall be placed on the top and slope facing the exterior of the site.
 - (b) The minimum buffer zone width shall be increased as needed to accommodate a maximum slope of three feet horizontal to one foot vertical.
- (5) If a screen wall or fence is used for all or part of the buffer zone, then:
 - (a) The equivalent of four shrubs are required per 20 linear feet of wall or fence with at least 50 percent being 24 inches high at the time of planting.
 - (b) All required plant materials shall be on the exterior side of the buffer strip.

(c) All applicable standards in section 14.8 [300.1408].

FIGURE 13-1. BUFFER ZONE--LEVEL A



300.1303 Off-street parking areas (See Figures 13-4, 13-5).

FIGURE 13-2 BUFFER ZONE—LEVEL B

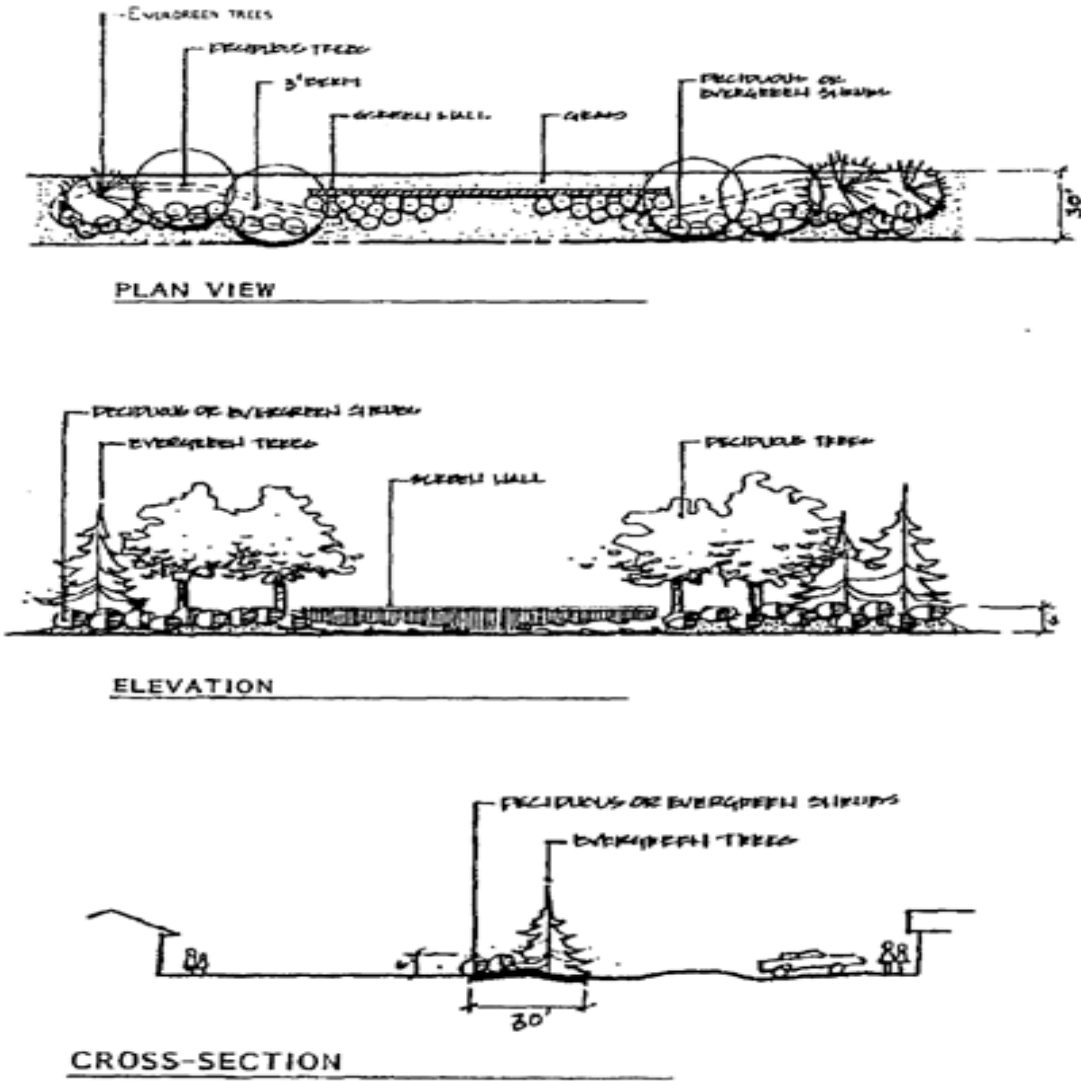
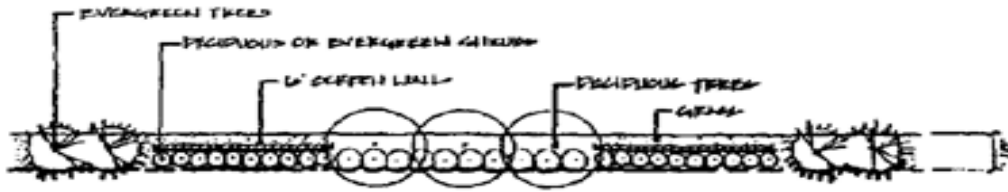


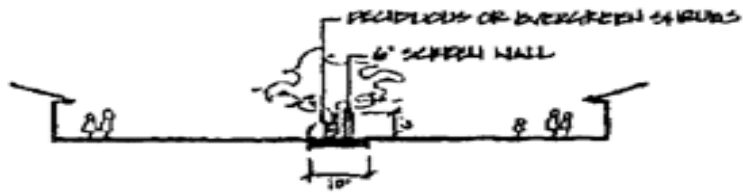
FIGURE 13-3. BUFFER ZONE--LEVEL C



PLAN VIEW

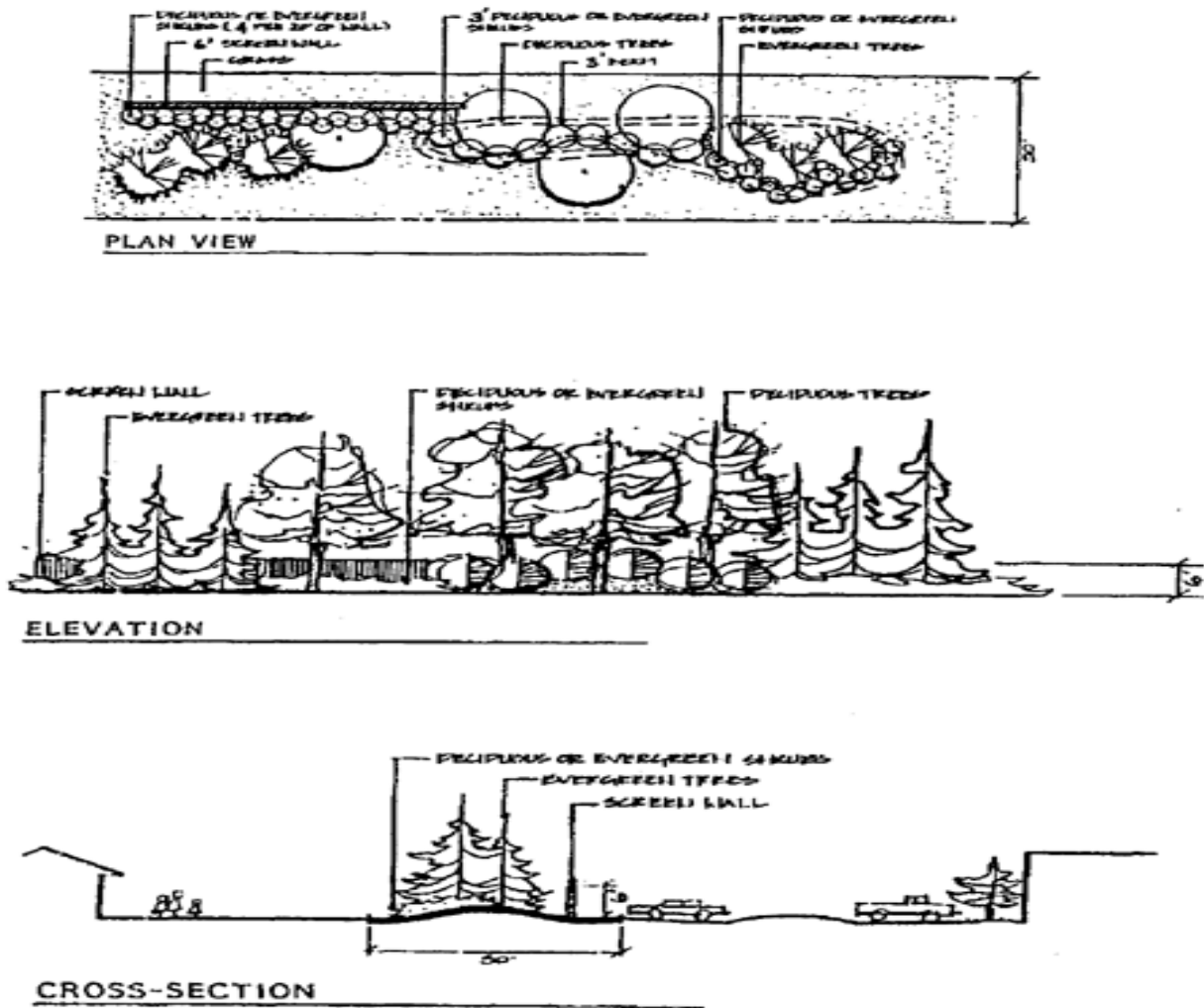


ELEVATION



CROSS-SECTION

FIGURE 13-1. BUFFER ZONE--LEVEL A



300.1303 Off-street parking areas (See Figures 13-4, 13-5).

Sec. 13.3.

A. Off-street parking areas containing eight or more parking spaces shall be provided with landscaping in accordance with the following:

8—50 spaces:	1 canopy tree and 100 sq. ft. of landscape area per 8 spaces.
51—100 spaces:	1 canopy tree and 100 sq. ft. of landscape area per 10 spaces.
101 + spaces:	1 canopy tree and 100 sq. ft. of landscape area per 12 spaces.

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- B. In no case shall any buffer zone or greenbelt required in section 15.2 [300.1502] be considered a substitute for off-street parking landscape area.

300.1304 Off-street parking area landscape standards.

Sec. 13.4.

- A. Required parking lot landscape areas shall comply with the following:
- (1) The minimum size of a landscape area shall be 60 square feet and six feet wide.
 - (2) All landscaped areas shall be covered by grass, shredded bark, stone, or a living ground cover.
 - (3) All landscape areas shall contain at least one canopy tree. The tree shall be located to prevent damage by motor vehicles.
 - (4) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces and shall not obscure traffic signs or fire hydrants. Not more than 12 continuous parking spaces are permitted in a row unless landscaping is used to break up continuity.
 - (5) At least 25 percent of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point ten feet from the boundary of the parking lot.
 - (6) All landscape area shall be protected by raised curbs or similar barrier.
 - (7) Where any parking area, excepting areas serving one or two-family dwellings, abuts or faces a public right-of-way, a three-foot-high continuous obscuring screen shall be required between the parking area and the public road right-of-way line. The screen may be comprised of plant material, berming, or any combination of these elements, not more than ten spaces in a row.
 - (8) All applicable standards in section 13.7 [300.1307].

300.1305 Greenbelts.

Sec. 13.5.

- A. Greenbelts shall be required where any developed parcel abuts or faces a public right-of-way in the Commercial or Industrial Districts, multiple-family uses or in any Planned Unit Development.
- B. If a buffer zone is required along a public right-of-way, then the greenbelt requirement shall be waived.

300.1306 Greenbelt development standards.

Sec. 13.6.

- A. All greenbelts shall comply with the following standards:
- (1) One canopy tree for every 40 linear feet of frontage abutting a public right-of-way.
 - (2) All greenbelts shall be covered by grass.
 - (3) The width of the greenbelt shall correspond to the required front setback requirements for off-street parking areas contained in chapter 14 [300.1400].
 - (4) All applicable standards in section 13.5 [300.1305].

FIGURE 13-4. LANDSCAPE STANDARDS FOR GREENBELT AND OFF-STREET PARKING

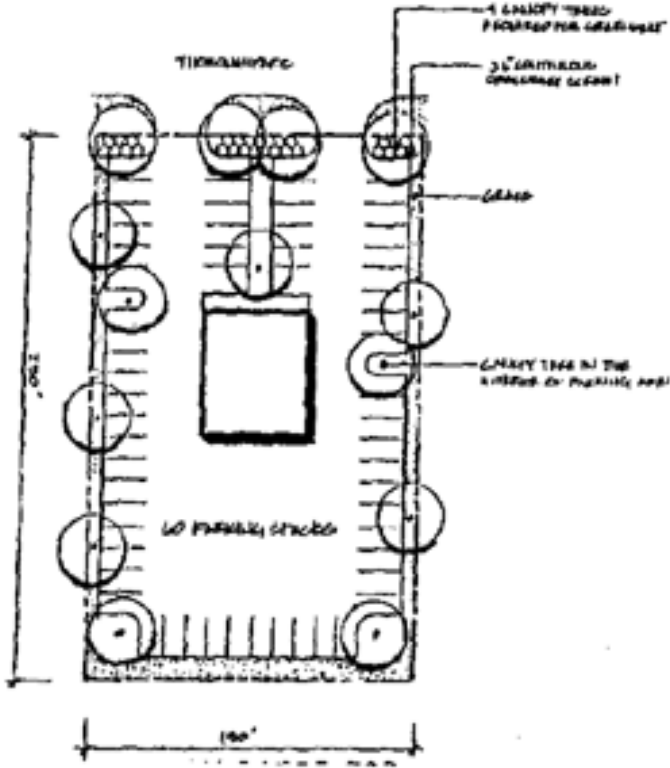


FIGURE 13-5. TYPICAL OFF-STREET PARKING LANDSCAPE AREA

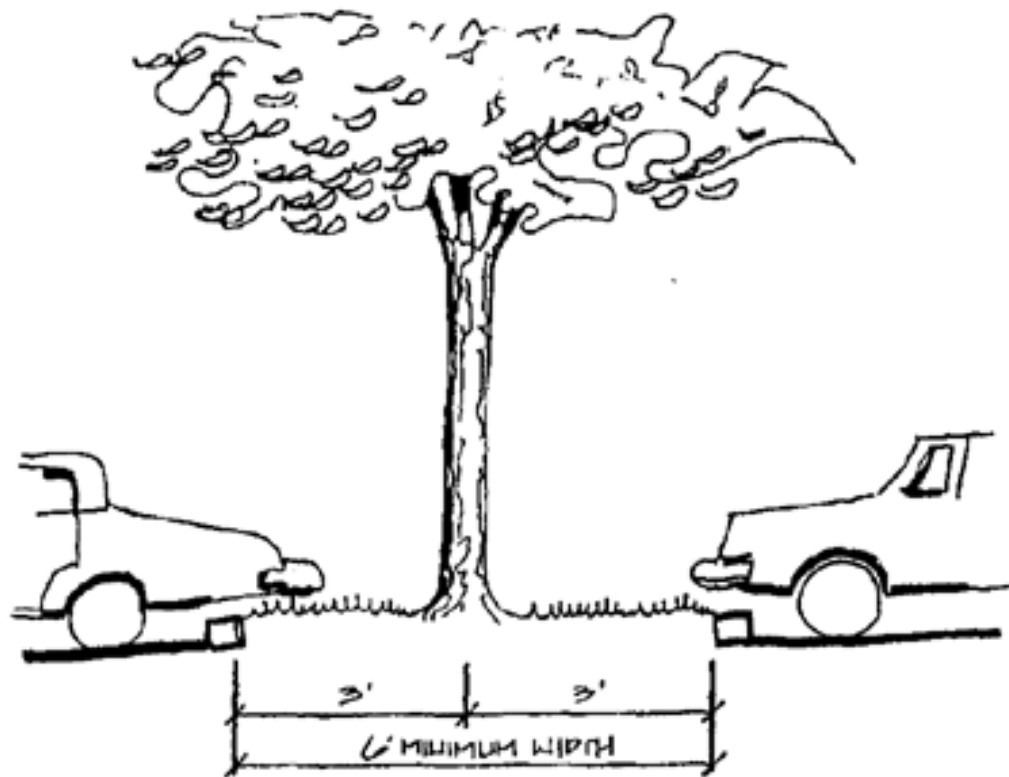
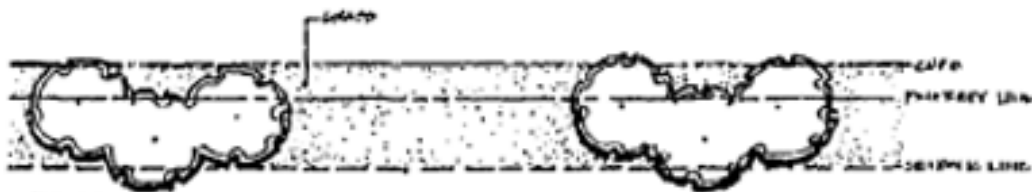
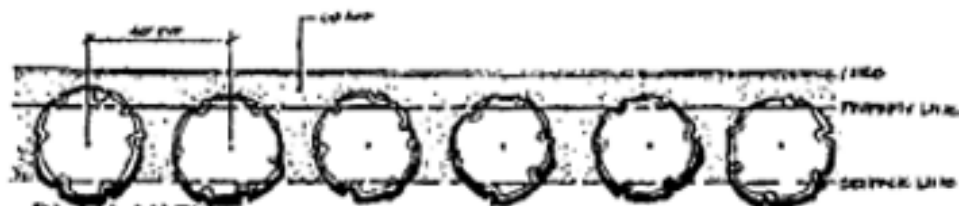


FIGURE 13-6. GREENBELTS



PLAN VIEW

GROUPING A VARIETY OF PLANT MATERIALS



PLAN VIEW

CONTINUOUS ROW OF EQUALLY SPACED TREES

300.1307 General landscape development standards.

Sec. 13.7.

A. Minimum Plant Material Standards:

- (1) All plant material shall be hardy to Muskegon County, free of disease and insects.
- (2) All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.
- (3) Minimum plant size at time of planting (See Figures 13-7 and 13-8):

Deciduous Canopy Tree:	2½" caliper
Deciduous Ornamental Tree:	2" caliper
Evergreen Tree:	6' height
Deciduous Shrub:	2' height
Upright Evergreen Shrub:	2' height
Spreading Evergreen Shrub:	18" spread

- (4) Existing plant material which complies with the standards of this Chapter may be retained and shall count as credit toward meeting the standards of this chapter.

B. Minimum Standards for Berms:

- (1) Berms shall be constructed so as to maintain a side slop not to exceed a one foot rise to three foot horizontal ratio. (See Figure 13-9).
- (2) Berm areas not containing plants shall be covered with grass or other living ground cover.
- (3) Berms shall be constructed so as not to alter drainage patterns on site or an adjacent properties.
- (4) If the berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

FIGURE 13-7. TREE CALIPER MEASUREMENTS

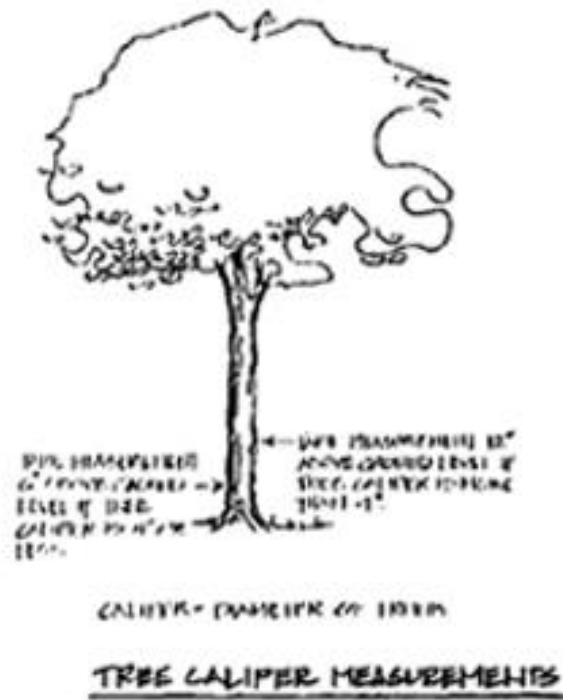
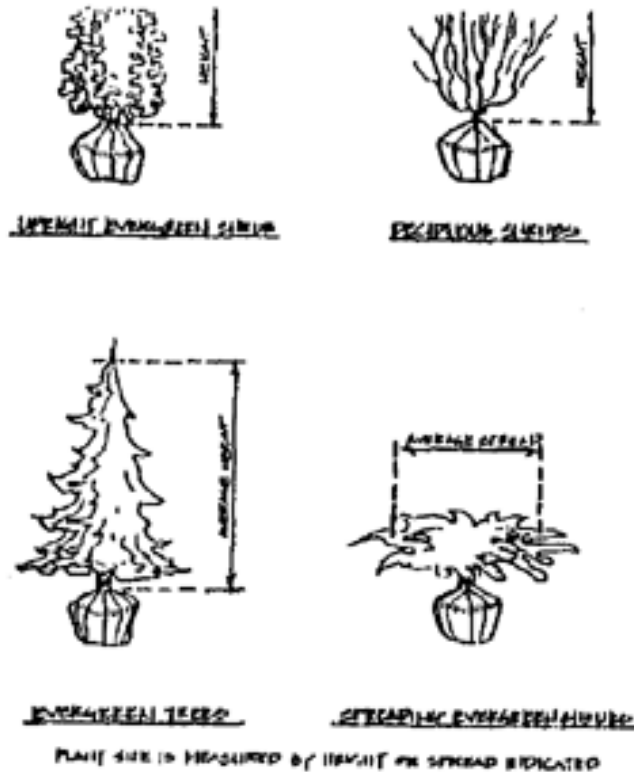


FIGURE 13-8. PLANT SIZES



C. Minimum Standards for Screen Walls and Fences:

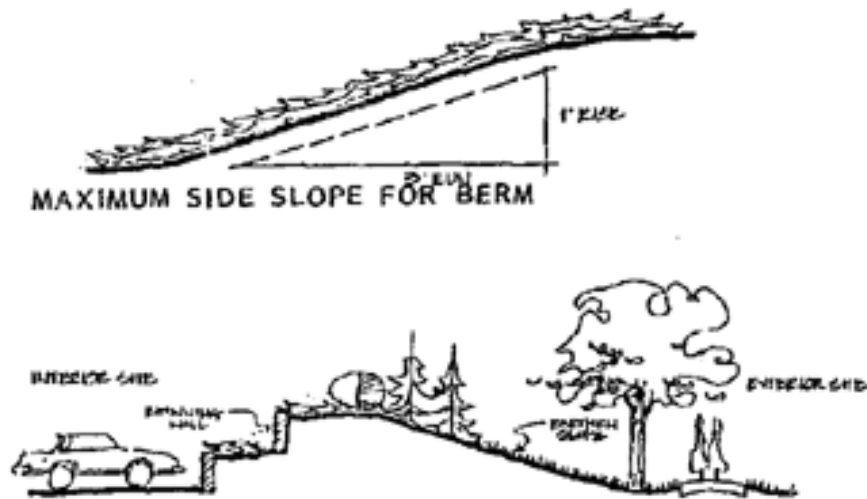
- (1) All screen walls and fences shall be constructed of new, durable, weather resistant and easily maintainable materials. Chain link and barbed wire fences are not permitted.
- (2) The wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. The openings shall allow passage of air but shall not reduce the obscuring effect of the wall.
- (3) Screen walls or fences shall be constructed so as not to alter drainage patterns on site or on adjacent properties.

D. [Stormwater Detention/Retention Areas]: Stormwater detention/retention areas shall be permitted within buffer zones provided they do not reduce the screening effect.

E. [Solid Waste Dumpsters:] Solid waste dumpsters may be located in buffer zones, provided they are screened by a continuous opaque wall or fence six feet in height.

F. Requirements for Projects Developed in Phases: If a land development is constructed in phases, required landscaping may also be installed in phases. Buffer zones or screening necessary to obscure and protect abutting uses may be required in their entirety within the first phase.

FIGURE 13-9. BERM WITH RETAINING WALLS



- G. Installation and Maintenance Provisions: All landscape materials required by this Ordinance shall be maintained in good condition. No required plant materials or landscape area shall be eliminated from the site. Dead or diseased plant materials shall be replaced within one growing season.

CHAPTER 14

300.1400 OFF-STREET PARKING AND LOADING

300.1400.0 Scope of regulations.

Sec. 14.0.

- A. Any time a building or structure is erected, enlarged or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this chapter.
- B. No parking space or loading area which exists at the time of adoption of this Ordinance shall be reduced or eliminated in any manner below the requirements of this Ordinance.

300.1401 Location of parking and loading areas.

Sec. 14.1.

- A. Off-street parking and loading areas required by this Ordinance shall be located on the same lot or parcel as the use for which parking or loading areas are required.
- B. Where two or more contiguous lots or parcels are under one ownership, parking and loading areas may be located on any one or more of these lots or parcels.

300.1402 Parking and loading area requirements.

Sec. 14.2.

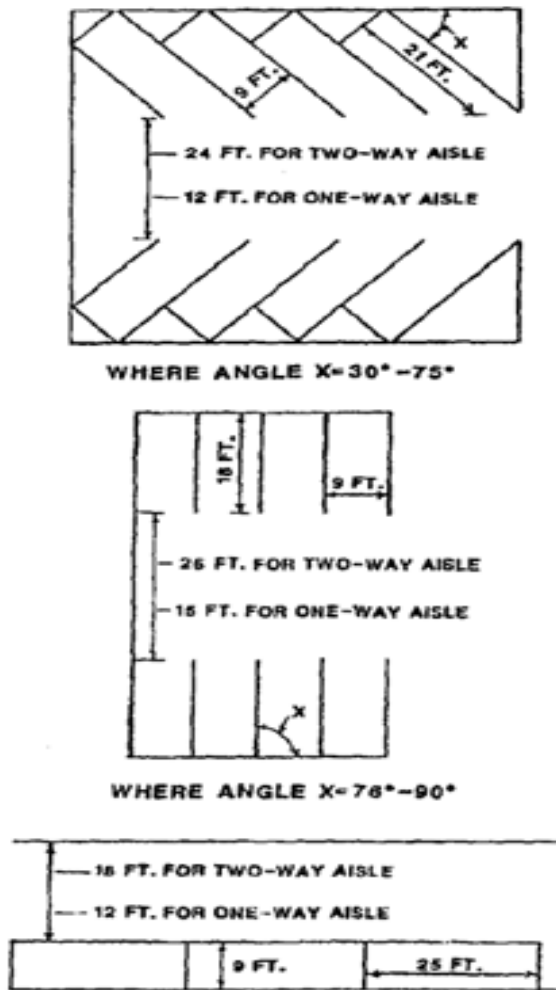
- A. Plans showing off-street parking and loading spaces shall be provided at the time of application for a certificate of zoning compliance or final site plan approval. Parking and loading space plans shall conform to requirements of chapter 12 [300.1200]. All parking and loading spaces required by this Ordinance shall be completed prior to establishment of the use, or occupancy of the building they are intended to serve.
- B. Every lot or parcel of land used for parking spaces shall be developed in accordance with the following requirements:
 - (1) All off-street parking areas shall be drained so as to prevent water run-off onto abutting properties and shall be hardsurfaced with asphalt or concrete, excepting parking for single-family and two-family dwellings.
 - (2) All off-street parking and loading areas that make it necessary for vehicles to back directly onto a public road are prohibited, provided this prohibition shall not apply to single-family and two-family dwellings.
 - (3) Parking is not permitted within the first 30 feet of a required front yard in the Commercial and Industrial Districts, multiple-family uses or in any Planned Unit Development.
 - (4) Loading areas may not occupy any front yard setback area in Commercial or Industrial Districts.

300.1403 Mixed use/joint parking facilities.

Sec. 14.3.

- A. In the case of mixed uses in the same building or on the same lot, the required on-site parking shall be the total sum of the requirements for each use computed separately.

FIGURE 14-1. OFF-STREET PARKING SPACE AND MANEUVERING AISLE DESIGN STANDARDS



300.1404 Parking space and maneuvering aisles.

Sec. 14.4. All parking spaces and maneuvering aisles shall comply with the design standards shown in Figure 14-1.

300.1405 Units of measurement for determination of required off-street parking and loading areas.

Sec. 14.5.

A. Floor Area:

- (1) Where floor area is the unit for determining the required number of off-street parking spaces and loading spaces, said unit shall mean the gross floor area of the building.

- (2) Where net floor area is indicated as the unit of measure, the net floor area shall be determined by subtracting 15 percent of the gross floor area from the gross floor area.
- B. Places of Assembly: In stadia, sports arenas, church and other places of assembly in which any portion of the seating consists of benches, pews, or similar seating, each 18 inches of such seating shall be counted as one seat.
- C. Employees: For requirements stated in terms of employees, the calculation shall be based upon the largest number of employees likely to be on the premises during any work shift.

300.1406 Schedule of off-street parking requirements.

Sec. 14.6. Each use shall provide parking spaces according to the following schedule:

Use		Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
A.	Residential:	
(1)	Single-family, two-family, or multiple-family with three or more bedrooms	Two for each dwelling unit.
(2)	Multiple-family with one or two bedrooms	Two for each two bedroom dwelling unit and 1½ for each one bedroom dwelling unit.
(3)	Efficiencies	One for each dwelling unit.
(4)	Mobile home parks	Two for each mobile home or mobile home site.
(5)	Elderly housing	For independent living units, two for each unit. For "interim" or "intermediate care" units, one for each two beds, plus one per employee.
B.	Institutional:	
(1)	Churches or temples	One for each three seats.
(2)	Hospitals	One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors.
(3)	Nursing homes, homes for the aged and convalescent homes	One for each four beds, plus one for each staff doctor, plus one for each two additional employees.
(4)	Day care centers	Two spaces, plus one for every eight children licensed capacity.
(5)	Elementary and junior high schools	One per teacher plus one for each additional employee or administrator, plus requirements of the auditorium or assembly hall therein.
(6)	High schools	One for each teacher plus one for each ten students, plus one for each employee or administrator, plus requirements of the auditorium or assembly hall therein.
(7)	Theaters	One for each four seats plus one for each two employees.
(8)	Auditoriums and assembly halls	One for each three seats plus one for each two employees.
(9)	Stadiums, sports arenas or similar places of out-door assembly	One for each three seats.
(10)	Dance and union halls, civic clubs, fraternal orders, conference	One space for every two persons allowed with the maximum occupancy load as determined by the

	rooms, exhibit halls, ballrooms or any similar type of use.	building code in effect in the Township or one for each 100 square feet, whichever standard is more restrictive.
(11)	Private golf clubs, ski clubs, swimming clubs or beaches, tennis clubs, or similar uses.	One per every four persons of maximum anticipated capacity as determined by the building code in effect.
(12)	Golf courses open to the general public.	Five for each golf hole and one for each employee, plus amount required for accessory uses.
C.	Business and Commercial:	
(1)	Retail centers containing between 25,000 and 400,000 square feet	Four spaces per 1,000 square feet of Net Useable floor Area (NUA).
(2)	Retail centers containing between 400,000 and 600,000 square feet	Four and one-half spaces per 1,000 square feet of NUA.
(3)	Retail centers containing greater than 600,000 square feet	Five spaces per 1,000 square feet of NUA.
(4)	Other retail not otherwise specified herein	Five spaces per 1,000 square feet of NUA.
(5)	Furniture and home furnishing stores (not including appliance stores)	One for each 800 square feet of NUA.
(6)	Supermarket, self-service food or beverage shop.	One for each 200 square feet of NUA.
(7)	Motor vehicle and mobile home sales establishment	One for each 1,000 square feet of NUA, plus one for each employee.
(8)	Restaurants, taverns, bars, nightclubs	One space for each three persons allowed within the maximum occupancy load as established by the building code in effect plus one for each three employees.
(9)	Drive-in restaurants and self-service restaurants	One for each 2½ persons allowed within the maximum occupancy, plus one space for each employee on the largest shift.
(10)	Barber shops, beauty salons	Two for each barber or beauty operator chair/station plus one for every two employees.
(11)	Laundromats and coin operated dry cleaners	One for each two washing machines.
(12)	Car washes	One for each employee on the largest shift.
(13)	Auto service station	Two for each service bay, plus one for each employee, plus one for each road service vehicle.
(14)	Auto service station with sale of convenience goods	The requirements for an auto service station, plus one space per each 50 square feet of NUA devoted to non-gasoline sales area.
(15)	Bowling alley	Five for each bowling lane, plus amount required for accessory uses.
(16)	Miniature or Par 3 golf course	Three for each hole, plus one for each two employees.
(17)	Video rental stores	One for each 100 square feet Gross Floor Area (GFA) plus one for each employee on largest shift.
(18)	Funeral home or mortuary	One for each 50 square feet in service parlors, chapels and reception areas plus one for each funeral vehicle maintained on the premises.

(19)	Hotel, motel or other commercial lodging establishment.	One space for each guest room, plus one for each two employees, plus amount required for accessory uses.
D.	Offices:	
(1)	Banks, credit unions and savings and loan establishments	One for each 150 square feet of NUA, plus one for each employee, plus two for each automatic teller machine.
(2)	Business and professional offices, not otherwise specified herein	One for each 200 square feet of NUA.
(3)	Medical and dental offices or clinics.	One for each 150 square feet of NUA.
(4)	Office space in a retail shopping center occupying greater than ten percent of the center's GLA.	One for each 500 square feet of GFA.
E.	Industrial:	
(1)	Industrial or manufacturing establishment, research and testing labs	Two for each three employees computed on basis of maximum number employed at one time plus one for each company vehicle stored on the premises.
(2)	Warehouses, truck terminals	One for each employee based on shift with most employees.
(3)	Mini warehouse, storage	One for each office employee, plus one for each warehouse employee on two largest successive shifts, plus one for every 10 storage units or 500 sf of storage space.
F.	Barrier-Free Parking Requirements: Barrier-free parking spaces shall be provided in accordance with the requirements of the Township Building Inspector.	
G.	Where a use is not specifically listed in section 16.6 [300.1606], the parking requirements of a similar use shall apply. The Zoning Administrator shall make such determination.	

300.1407 Off-street loading requirements.

Sec. 14.7.

A. Commercial or Other Vehicles:

- (1) Parking of commercial vehicles in residential zoning districts which are rated over one ton capacity is prohibited.
- (2) Open storage of commercial vehicles over one ton capacity, including semi-trucks and trailers, mobile homes, tractors, bulldozers, earth movers, or other similar equipment is prohibited in any residential zoning district.

B. Parking of Recreational Vehicles and Equipment:

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- (1) Unless parked or stored within an enclosed building, all recreational vehicles shall be parked or stored so that they are no closer than 20 feet to the edge of a public road right-of-way nor closer than five feet to any side or rear lot line in any residential zoning district.
 - (2) Recreational vehicles shall not be parked or stored on a lot in any residential zoning district so as to obstruct vision of a driver entering a public street.

300.1408 Commercial driveway standards.

Sec. 14.8.

- A. The throat width for any commercial driveway shall not exceed 30 feet, except boulevard type, divided driveways which shall not exceed 15 feet per side.
- B. Minimum curb radius at the intersection with a public street shall be 30 feet.

300.1409 Storm detention/retention.

Sec. 14.9.

- A. Whenever stormwater detention or retention is required by the Muskegon County Drain Commission, such detention/retention facility shall also be designed to capture sediment and debris on site and to prevent siltation of drainage ditches and natural waterways, streams and lakes.

CHAPTER 15

300.1500 BOARD OF APPEALS

300.1500.0 Membership and term of office.

Sec. 15.0.

- A. [Composition of Board:] The Board of Appeals shall consist of three members: a member of the Township Board of Trustees, a member of the Planning Commission, and one citizen of the Township appointed by the Township Board who shall be representative of the various interests and population distribution of the Township.
- B. Terms of Office:
 - (1) The members of the Township Board and Planning Commission shall serve terms concurrent with their term on the Board or Commission.
 - (2) The additional member shall serve for a three-year term.
 - (3) Should a vacancy occur, the Township Board shall appoint a replacement within 60 days to fill the unexpired term.
- C. [Continuance of Present Board; Appointment of New Board.] The Board of Appeals as constituted on the effective date of this Ordinance shall continue and, upon completion of current terms, appointments by the Township Board shall be based upon the manner and terms heretofore set forth.

300.1501 Jurisdiction of the board of appeals.

Sec. 15.1.

- A. Subject to provisions of this chapter, the Board of Appeals shall have jurisdiction to decide applications for variance filed as hereafter provided:
 - (1) Where it is alleged by the appellant that there is an error in any order, requirement, permit, interpretation, decision, or refusal by the Zoning Administrator or other Township official or agency as to enforcement of this Ordinance. The Board of Appeals may affirm, modify, or reverse the order, requirement, permit, interpretation, decision or refusal. The Board shall have the power of the official from whom the appeal was taken. The authority does not include the power to review ordinance amendments or special land use permits.
 - (2) Where, by reason of the shape, topography or other extraordinary situation or condition of the land, building or structure, or use or development of property or area immediately abutting the property, the literal enforcement of requirements of this Ordinance would involve practical difficulties in use of the land, building or structure.
- B. The Board of Appeals shall interpret zoning district boundaries as provided in chapter 4 [300.400].
- C. The Board of Appeals shall consider and decide upon applications for expansion of non-conforming uses, buildings or structures.
- D. The Board of Appeals shall hear and decide any other matter referred to it by this Ordinance, the Township Board or Planning Commission.

300.1502 Procedures of the board of appeals.

Sec. 15.2.

- A. The Board of Appeals shall adopt rules and regulations to govern its procedures and shall determine its own officers, except that the member from the Township Board shall not serve as Chairman.
- B. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may specify in its rules of procedure.
- C. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to revise any order, requirement, decision, or interpretation of the Zoning Administrator or provision of this Ordinance or to decide in favor of an applicant on any matter upon which they are required to pass or effect a variation of this Ordinance.
- D. All meetings shall be open to the public. All minutes shall be filed in the office of the Township Clerk and shall be made available upon request of interested parties.

300.1503 Application and hearing procedures.

Sec. 15.3.

- A. Filing of Appeal:
 - (1) An appeal shall be filed by any person or firm aggrieved with the Zoning Administrator on a form provided for that purpose.
 - (2) A fee, the amount of which shall be set by the Township Board from time to time, shall be paid at the time of filing the appeal.

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- (3) The filing of an appeal shall stay all proceedings in furtherance of the action appealed, unless a stay would create imminent peril to life or property.
 - B. Public Hearings:
 - (1) The Secretary of the Board of Appeals shall fix a reasonable time and date for the public hearing, not to exceed forty-five (45) days from the date of the filing of a complete application with the Zoning Administrator.
 - (2) On behalf of the Board of Appeals, the Secretary shall publish and deliver notice of the public hearing in accordance with Section 18.6 of this Ordinance.
 - (3) [repealed]
 - C. The Zoning Administrator shall provide the Board of Appeals copies of all papers constituting the record upon which the action appealed was taken.
 - D. The applicant or his agent shall appear at the public hearing in order for the application to receive consideration. If an applicant or his agent does not appear at the public hearing, the Board of Appeals may table the application to a date certain or deny in whole the application.

(Ord. No. 06-21, § 6, 9-7-2006)

300.1504 Decisions of the Board of Appeals.

Sec. 15.4.

- A. The Board of Appeals shall have the power to authorize variances from the strict application of requirements contained in this Ordinance.
- B. A variance shall not be granted by the Board of Appeals unless evidence is submitted demonstrating that all of the following standards of approval are met:
 - (1) That special conditions and circumstances exist which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings or structures in the neighborhood or same zoning district.
 - (2) The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the neighborhood or same zoning district.
 - (3) That the special conditions and circumstances do not result from actions of the applicant, financial consideration alone shall not be grounds for granting a variance.
 - (4) That granting of a variance will not confer on the applicant any special privilege that is denied by this Ordinance to other land, buildings, or structures in the same zoning district.
 - (5) That the granting of the variance will be in harmony with the intent of this Ordinance and will not be injurious to the neighborhood, or otherwise be detrimental to the public interest.
- C. A non-conforming use of land, building or structure, whether legally non-conforming or not, shall not solely constitute grounds for granting of a variance.
- D. The Board of Appeals shall, when granting any variance, determine the variance is the minimum that will make possible the reasonable use of land, building or structure. To this end, the Board of Appeals may grant a lesser variance than that requested by the applicant, provided that the lesser variance also meets the standards of [sub]section[s] 15.4 B.(1)—(5) [300.1504 B.(1)—(5)].

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- E. In granting any variance or any other ruling, the Board of Appeals may prescribe reasonable conditions and safeguards necessary to meet the intent of this Ordinance and ensure proper protection of adjoining properties and the neighborhood.
 - F. Findings of Fact:
 - (1) The minutes of the Board of Appeals shall record all relevant findings of fact, conditions, and other relevant factors, including the vote of each member upon each question.
 - (2) To this end, the Board of Appeals shall prepare an official record for all appeals and base its decision on this record. The official record shall include the following items as a minimum:
 - (a) The minutes of each meeting.
 - (b) The application for appeal or variance.
 - (c) Such documents, exhibits, photographs or written reports as may be submitted to the Board of Appeals for consideration.
 - (d) A written record of findings of the Board of Appeals, in resolution form, stating the facts of the appeal, the decision, any conditions of the decision and the reasons for reaching the decision, including compliance with standards of [sub]section[s] 15.4 B.(1)—(5) [300.1504 B.(1)—(5)].
 - G. The Board of Appeals shall decide upon all matters within a reasonable time, not to exceed 30 days from the close of the public hearing. The Board of Appeals may adjourn any hearing to a specific date, time and place for any reason.
 - H. Decisions of the Board of Appeals shall become effective five days after the decision is reached, unless the Board shall find it necessary to give immediate effect to preserve a substantial property right and so certify in the record.

300.1505 Voiding of a variance.

Sec. 15.5.

- A. Whenever actions authorized by a variance are not commenced within one year of the date granted, the variance shall become null and void.
- B. No application for variance which has been denied in whole or in part shall be resubmitted to the Board of Appeals within one year of the date of denial, except on grounds of new evidence or proof of changed conditions.

300.1506 Appeal of board of appeals decision.

Sec. 15.6. The decision of the Board of Appeals shall be final. Appeal from decisions of the Board of Appeals shall be to the Muskegon County Circuit Court, as provided by law.

300.1507 Limitations on powers of the board of appeals.

Sec. 15.7.

- A. The Board of Appeals shall not have the power to grant a variance for use of land, building or structure.
- B. The Board of Appeals shall not grant any variance or issue any order which, in effect, results in an amendment to this Ordinance.

300.1508 Administrative variance—Lots of record.

Sec. 15.8.

- A. The Zoning Administrator is empowered to consider minor variance applications and approve the same if the standards of Section 15.4B are met. The administrative variance shall be limited to variances in the side or rear yard for principal or accessory structures. The variance granted by the Zoning Administrator shall not exceed ten percent (10%) of the required setback. The Administrator shall publish and deliver notice of the application for administrative variance in accordance with Section 18.6 of this Ordinance. The notice shall state the deadline for the receipt of public comments. The Zoning Administrator shall not make a decision on the administrative variance until the deadline for receipt of public comments has expired.
- B. The authority granted to the Zoning Administrator by this section shall apply only to lawfully established non-conforming lots of record.

(Ord. No. 06-21, § 7, 9-7-2006)

CHAPTER 16

300.1600 NONCONFORMITIES

300.1600.0 Intent.

Sec. 16.0. It is the intent of this chapter to provide for regulations governing lots, buildings, structures and uses thereof, which were legal before this Ordinance was enacted, that would be prohibited or restricted under provisions of this Ordinance. It is the intent of this chapter to permit these uses, lots, buildings or structures to continue until the nonconformity is discontinued or removed.

These nonconformities are declared by this Ordinance to be incompatible with uses, buildings and structures lawfully permitted by this Ordinance. As such, the regulations of this chapter are designed to ensure that nonconformities will be regulated so as to result in a minimum of disharmony in the zoning district in which they are located.

300.1601 Nonconforming uses.

Sec. 16.1.

- A. Where, on the date of adoption of this Ordinance, a lawful principal use of a lot or parcels exists but is no longer permissible under terms of this Ordinance, such principal use may continue so long as it remains otherwise lawful.
- B. Non-conforming uses shall not be changed to another non-conforming use, except after approval by the Board of Appeals. The Board of Appeals, prior to granting the change, shall find that the proposed use is more conforming to the intent of the zoning district in which the use is to be located than the existing use. The Board may impose reasonable conditions to ensure greater compatibility with other uses in the zoning district.
- C. Non-conforming uses shall not be enlarged, expanded or increased in any manner as to increase the nature of the non-conforming, including but not limited to the addition of floor space, display area, dwelling units, or other facilities.

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- D. Non-conforming uses shall not be reestablished if abandoned for a period longer than 270 consecutive days.

300.1602 Nonconforming buildings and structures.

Sec. 16.2.

- A. Nonconforming buildings and structures may be altered or expanded without approval of the Board of Appeals, provided that such structural alteration or addition shall not increase the extent of the nonconformity and shall satisfy all other site development requirements of this Ordinance which are applicable.
- B. Nonconforming elements of buildings and structures may be structurally altered to increase the non-conformity only after the Board of Appeals has given approval and then, only if it is determined:
 - (1) The proposed building or structure alteration complies as nearly as possible with the requirements of this Ordinance, and;
 - (2) The granting of the approval for the construction of the proposed alteration will not have an adverse impact on neighboring property.
- C. Re-Establishment of Nonconforming Buildings and Structures:
 - (1) Nonconforming buildings and structures shall not be reestablished in their non-conforming condition after damage or destruction if the estimated expenses of reconstruction exceeds 50 percent of the replacement cost of the building or structure. The Zoning Administrator shall make the determination of estimated reconstruction costs and building or structure replacement costs based on information provided by the owner of the building or structure and other information available. Persons aggrieved by the Zoning Administrator's decision may appeal to the Zoning Board of Appeals.
 - (2) In cases where the cost does exceed 50 percent, the nonconforming building or structure shall not be replaced unless the building or structure is rebuilt to conform with requirements of this Ordinance. The Zoning Board of Appeals may grant a variance to this requirement, but only to the minimum extent necessary to accomplish a reasonable use of the lot, building or structure.

300.1603 Non-conforming lots of record.

Sec. 16.3.

- A. Where the owner of a single, nonconforming lot or parcel of record in existence on the effective date of this Ordinance does not own sufficient land to enable conformance to requirements of this Ordinance relating to lot area, lot width, or both, such lot or parcel of record may be used as a building site, provided that provisions of this Ordinance are complied with to the maximum extent possible.
- B. The minimum side yard setback requirement for lots of record in any zoning district shall be ten percent of the lot width, but in no case shall the side yard be less than five feet.
- C. The Zoning Administrator shall work with the owner of a lot or parcel of record to ensure that the proposed use, building or structure complies to the maximum extent possible with the requirements of this Ordinance. The Zoning Administrator shall note on the final site plan all requirements for compliance he/she has imposed on the lot or parcel of record in permitting the use of the lot or parcels.

CHAPTER 17

300.1700 AMENDMENTS

300.1700.0 Initiation of amendments.

Sec. 17.0. The Moorland Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Districts Map or the written provisions of this Ordinance, Amendments to this Ordinance may be requested by the Township Board, Planning Commission or by any resident or property owner or authorized agent thereof within the Township. All proposed amendments shall be referred to the Planning Commission for public hearing and recommendation prior to consideration by the Township Board.

300.1701 Amendment procedure; public hearing/notices.

Sec. 17.1.

- A. Whenever an amendment is proposed, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the public hearing shall be published and delivered in accordance with Section 18.6 of this Ordinance. If notices are mailed, an affidavit of mailing shall be filed with the Planning Commission before or at the public hearing.

In the case of an amendment to the Official Zoning Districts Map, notice of the time, date and place of the public hearing shall be given not less than eight days prior to the hearing to the owner(s) of the subject property, and to all persons to whom any real property within 300 feet of the subject property is assessed, and to all occupants of single- and two-family dwelling within 300 feet of the subject property. The notice may be delivered by first class mail. If notices are mailed, an affidavit of mailing shall be filed with the Planning Commission before or at the public hearing.

- B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the proposed amendment and shall report its findings and recommendations to the Township Board.
- C. Following receipt of the Planning Commission recommendation, the Township Board may accept, modify or reject the Planning Commission's recommendation. The Township Board may refer any amendment back to the Planning Commission for further consideration, stating the reasons for the referral in its motion.

(Ord. No. 06-21, § 8, 9-7-2006)

300.1702 Amendments initiated by a resident or property owner.

Sec. 17.2.

- A. Whenever a resident or property owner in the Township initiates an amendment to this Ordinance, the following information shall be included in the application for amendment:
- (1) A legal description and street address of the subject property.
 - (2) A plot plan of the subject property showing dimensions and area of the lot or parcel in square feet or acres.
 - (3) The name and address of the property owner and a statement of the applicant's interest if not the property owner.

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- (4) The present zoning district and the zoning district requested.

300.1703 Amendments required to conform to a court decree.

Sec. 17.3. Any amendment to this Ordinance for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board, without referral to the Planning Commission or a public hearing.

CHAPTER 18

300.1800 ADMINISTRATION AND ENFORCEMENT

300.1800.0 Authority.

Sec. 18.0. The provisions of this Ordinance shall be administrated by the Moorland Township Board of Trustees after consideration of recommendations of the Planning Commission and the Zoning Administrator in accordance with provisions of the Township Rural Zoning Act, Act 184 of 1943, as amended.

(Ord. No. 101-104, 10-1-97)

300.1801 Zoning Administrator.

Sec. 18.1.

- A. The Township Board, with recommendation of the Planning Commission, shall employ a Zoning Administrator to administer this Ordinance.
- B. The Zoning Administrator shall have the power to grant Certificates of Zoning Compliance, certain site plans, and to make inspections of premises necessary to carry out administration and enforcement of this Ordinance.
- C. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures, discontinuance of any illegal work being done; and/or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

300.1802 Certificates of zoning compliance.

Sec. 18.2.

- A. A permit for erection, alteration, moving, or structural repair of any building or structure shall not be issued until a Certificate of Zoning Compliance has been issued by the Township Zoning Administrator. Issuance of such a Certificate shall indicate the use(s) and plans for which the permit is requested comply with this Zoning Ordinance.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator.
- C. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection.

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- D. Certificates of Zoning Compliance authorize only the use, arrangement, and construction set forth in an approved application and plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorize shall be deemed a violation of this Ordinance. Any change in approved plans shall occur only as provided for in this Ordinance and shall require issuance of an amended Certificate of Zoning Compliance.

300.1803 Performance guarantees.

Sec. 18.3.

- A. As a condition of any special land use permit or final site plan approval, the Township Planning Commission or Zoning Administrator shall determine a bond or other financial guarantee of a sum sufficient to assure the installation of required on-site improvements. Said bond shall include but shall not be limited to required landscaping, buffer zones and screens, fencing, fencing of refuse containers, driveway access to public street right-of-way, drainage improvements, sidewalks and similar items.
- B. Performance guarantees shall be processed in the following manner:
- (1) Prior to filing of a final site plan for approval, the applicant shall prepare an itemized cost estimate of the required improvements listed in [sub]section [18.3 A.] 20.3 A. The cost estimate shall be reviewed by the Zoning Administrator or Planning Commission. The Township Board shall act in finality on each such performance guarantee. The performance guarantee shall cover 100 percent of the estimated cost of the required improvements.
 - (2) If approved, the Township Clerk or Zoning Administrator shall accept the performance guarantee and the Zoning Administrator shall issue a Certificate of Zoning Compliance.
 - (3) The Township Clerk, in request of the party filing the performance guarantee, shall rebate portions of the performance guarantee upon determination of the Zoning Administrator that the improvements for which the rebate is requested have been satisfactorily completed.
 - (4) Upon completion of all required improvements, as certified by the Zoning Administrator, all remaining portions of the performance guarantee shall be returned by the Township Clerk to the party filing same.
 - (5) A record of all performance guarantees shall be maintained in the office of the Township Clerk.

300.1804 Application fees.

Sec. 18.4. Before consideration of any application submitted to the Township in accordance with the requirements of this Ordinance, a fee shall be collected by the Township Clerk or Zoning Administrator. The fee shall be as set by the Township Board from time to time by resolution.

300.1805 Violations and penalties.

Sec. 18.5.

- A. Notification: If the Zoning Administrator shall discover that any provisions of this Ordinance are being violated, he/she shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering action necessary to eliminate it. Written notice shall be personally served or sent by certified mail, return receipt.
- B. Appearance Tickets: The Zoning Administrator shall be authorized to issue and serve an appearance ticket as a civil infraction on any person responsible for a violation of this Ordinance, when the Zoning Administrator has reasonable cause to believe that the person has committed such offense.

C. Penalties:

- (1) Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of any condition or safeguard established in connection with any approval authorized by this Ordinance, shall constitute a misdemeanor.
- (2) Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than \$300.00 or imprisoned for not more than 90 days, or both, and, in addition, shall pay all costs and expenses incurred by the Township in prosecuting the violation. Each day such violation continues shall be considered a separate offense.
- (3) The owner of record of real property, a tenant on any real property, and any builder, architect, contractor or agent or person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
- (4) The imposition of any fine, or jail sentence, or both, shall not exempt or relieve the violator(s) from compliance with the provisions of this Ordinance.

300.1806 Publication and delivery of notice of public hearing.

Sec. 18.6. Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, Public Act 110 of 2006, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - (1) The applicant;
 - (2) All persons to whom real property is assessed within 300 feet of the property that is the subject to the application; and
 - (3) The occupants of all structures within 300 feet of the property that is the subject of the application.

If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.
- C. The notice of public hearing shall include the following information:
 - (1) A description of the nature of the application or request.
 - (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
 - (3) State when and where the application or request will be considered.
 - (4) Identify when and where written comments will be received concerning the application or request.

(Ord. No. 06-21, § 9, 9-7-2006)

301.000 REZONING ORDINANCE

Ord. No. 19

Adopted: July 3, 1997

SHORT TITLE: An ordinance to amend the Moorland Township Zoning Code by changing the zoning for the parcel described hereby from Prime Agricultural (A-1) to Agricultural-Residential (A-2).

MOORLAND TOWNSHIP, COUNTY OF MUSKEGON, STATE OF MICHIGAN HEREBY ORDAINS:

301.001 [Change of zoning map.]

Sec. 1. That the Moorland Township Zoning Map is hereby amended by changing the zoning of the below-described parcel from Prime Agricultural (A-1) to Agricultural-Residential (A-2):

The property in question is located on the south side of Laketon Road, west of Squires Road at the intersection of Laketon Road and Squires Road. The parcel number of the property is: M-036-200-0002-00.

The legal description of the property is: The N 580' of the E 672' of the NE¼ of the NE¼ of Section 36.

301.002 Severability.

Sec. 2. Should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts of the Ordinance shall be severable and continue in full force and effect.

301.003 Repeal.

Sec. 3. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed upon the effective date of this Ordinance.

301.005 Effective date.

Sec. 4. This Ordinance will become effective 30 days after the date of adoption.

CODE COMPARATIVE TABLE ORDINANCES

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Ordinance Number	Date	Section	Section this Code
1292	6-14-2012	1	300.402
12-01	9-13-2012	1	300.201
		2	300.602

Created: 2022-05-11 14:21:31 [EST]

(Supp. No. 7)

Moorland Township, (Muskegon Co.), Michigan, Compilation-General and Zoning
CODE COMPARATIVE TABLE ORDINANCES

		3 Rpld	300.603(l)
		4	300.703
		5 Rpld	300.1006 D.
01-2013	3-14-2013	1—5 Added	65.000—65.015
01-2013a	12-12-2013	1	65.010
Amd. of	3-26-2015	Added	300.1011
Min. of	6-11-2015(1)		142.000
12-2015	12-10-2015	1—12 Added	Pt. 203, §§ 203.000— 203.012
09-2016	9- 8-2016	1—6 Added	Pt. 90, §§90.000—90.006
01-2017-O	1-12-2017	1 Added	300.337
		2 Added	300.503(j)
		3 Added	300.903(n)
07-2017	7-13-2017	1	203.001
		2	203.002
		3	203.004
		4	203.003
		5	203.009
		6	203.010
		7	203.011
		8	203.012
07(a)-2017	7-13-2017	3 Rpld	Pt. 230, §§ 230.000— 230.007
12-2018	12-13-2018	1	300.321
		2	300.604
05-2019	6-13-2019	1—8 Added	Pt. 204, §§ 204.000—204.008
2021-11	11-11-2021	1 Added	300.338
		2 Added	300.602(g)
		3 Added	300.702(g)
		4	300.337A.(4)