

Township of Ravenna

ZONING ORDINANCE OF RAVENNA TOWNSHIP

Effective Date: November 18, 1995

(With Amendments through September 28, 2006)

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CHAPTER 1
TITLE, PURPOSE, AND SCOPE

SECTION 1.0 TITLE

This Ordinance shall be known and may be cited as “The Ravenna Township Zoning Ordinance.”

SECTION 1.1 PURPOSES

This Ordinance is based on the Ravenna Township Master Plan and provisions of the Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of Michigan of 2006, as may be amended from time to time, 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.

SECTION 1.2 SCOPE

- 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.

SECTION 1.3 VALIDITY AND SEVERABILITY

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.

SECTION 1.4 EFFECT OF ZONING

Except as provided in this Ordinance, no lot or parcel of land or premises shall be used, maintained or occupied, and no building or structure or any part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in compliance with the provisions of this Ordinance.

SECTION 1.5 REPEAL OF PRIOR ORDINANCE AND SAVINGS CLAUSE

The Ravenna Township Zoning Ordinance, effective August 18, 1976 and all amendments thereto are hereby repeated 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.

SECTION 1.6 LEGAL BASIS

This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of Michigan of 2006, as may be amended from time to time.

**CHAPTER 2
DEFINITIONS**

SECTION 2.0 RULES OF INTERPRETATION

- 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.

SECTION 2.1 GENERAL DEFINITIONS

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

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.

APARTMENT:

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

ARCADE:

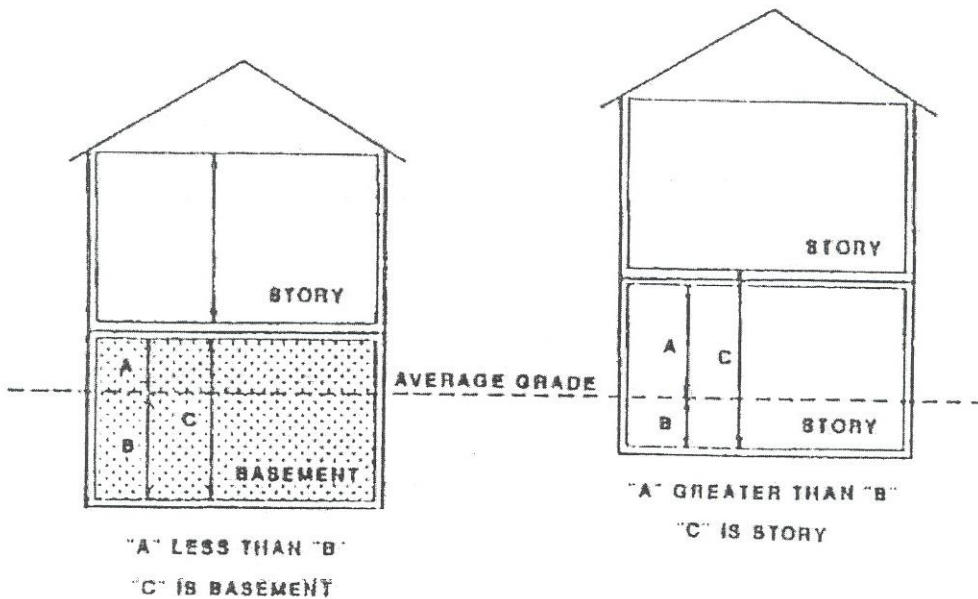
Any place, premises, establishment, building or portion thereof in a retail or commercial facility in which are located for public use five or more coin operated amusement devices. This definition does not include establishments not open to the general public.

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:

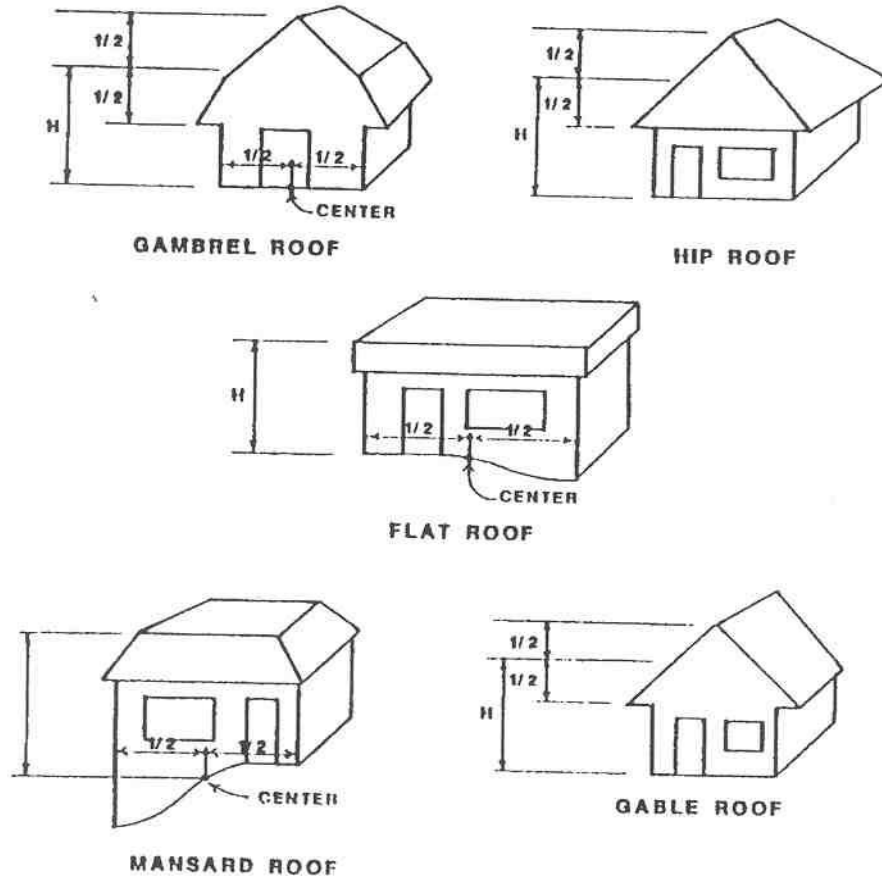
Any structure having a roof supported by walls, columns or other supports, which is used for the purpose of housing, sheltering, or enclosing persons, animals or personal property or is used for conducting any business activities. This definition includes mobile homes, tents, sheds, garages, greenhouses,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

FIGURE 2 - 2

BUILDING HEIGHTS



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.

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 EXTRACTION OR MINING:

The extraction 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 extraction 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 sandblows, 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 section or Section 13.4.BB, topsoil may not be removed from a lot or parcel. The extraction or removal of mineral material may not result in an accumulation of standing water. Commercial extraction or mining of mineral material shall be regulated by Section 13.4.BB of this Zoning Ordinance.

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.

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 dead end public or private street which terminates in a circular section which allows for vehicle turnaround.

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.

STORM WATER DETENTION FACILITY:

A storm water holding facility intended to hold and release storm water into a drainage course over a short period of time.

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 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.

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.

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.

FEEDLOT:

See Livestock Operation, Intensive.

FENCE:

Any artificially constructed barrier of some material or combination of materials installed or erected in order to enclose, delineate or screen an area of land.

FLEA MARKET:

An enclosed or outdoor retail activity in which two or more persons, operating independently, sell new or used hard goods, furniture, antiques, novelties or other merchandise.

FILLING:

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

FLOOD OR FLOODING:

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

- A. Overland flow of inland water, or
- B. The unusual and rapid accumulation of runoff or surface water from any source.

FLOOD HAZARD AREA:

Land which, on the basis of available flood plain information, is subject to a 1 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 flood plain and other flood related information; and which is used as the official floodplain map for insurance purposes.

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 Section 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.

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:

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.

GREENBELT:

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

GROUP DAY CARE HOME:

A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care homes include a home in which care is given to an unrelated minor for more than four weeks during a calendar year.

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.

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 OPERATION, INTENSIVE:

An agricultural activity in which 500 or more livestock are fed, bred and/or raised within a confined area, other than open pasture, either inside an enclosed building or outdoors.

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:

Contiguous land in the same ownership which is not divided by any street or alley, including any part thereof subject to any easement for any purpose other than a street or alley, but excluding any part thereof severed from another lot where the severance creates any non-conformity for any use, building or structure. The word "lot" shall include plot or parcel.

LOT AREA: (See Figure 2-4)

The total area of land within the lot lines, exclusive of any public street or private street right-of-way.

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, 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 nonconforming lots of record.

FIGURE 2-4
LOT TYPES

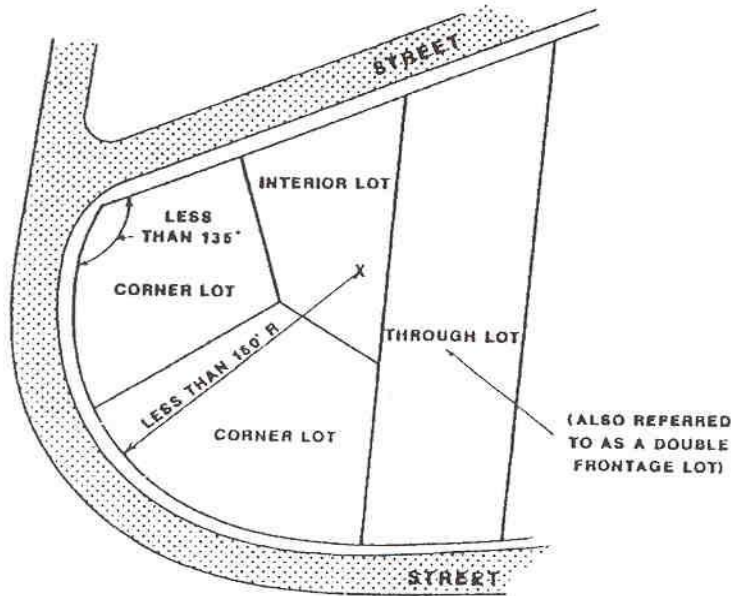
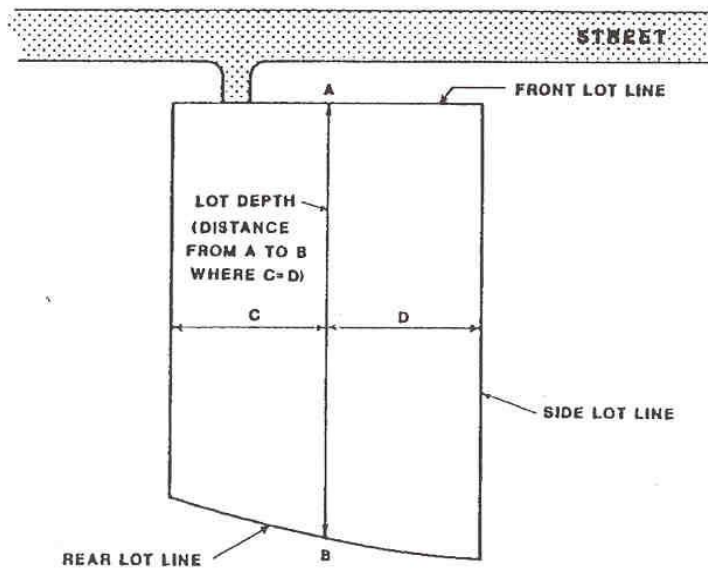


FIGURE 2-5
LOT DEPTH



LOT, THROUGH (Also Called Double Frontage): (See Figure 2-4)

An interior lot having frontage on two or more streets.

LOT AREA, GROSS (See Figure 2-6)

The area contained within the lot lines or property boundary including 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 LINES: (See Figure 2-7)

The line bounding a lot or parcel of land.

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 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)

Lot width shall be the distance measured by the shortest straight line that may be drawn between the side lot lines; provided, however, the line shall intersect the front setback line mid-way between the side lot lines.

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.

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

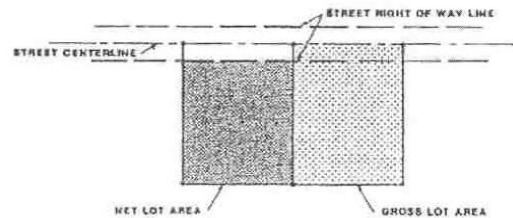
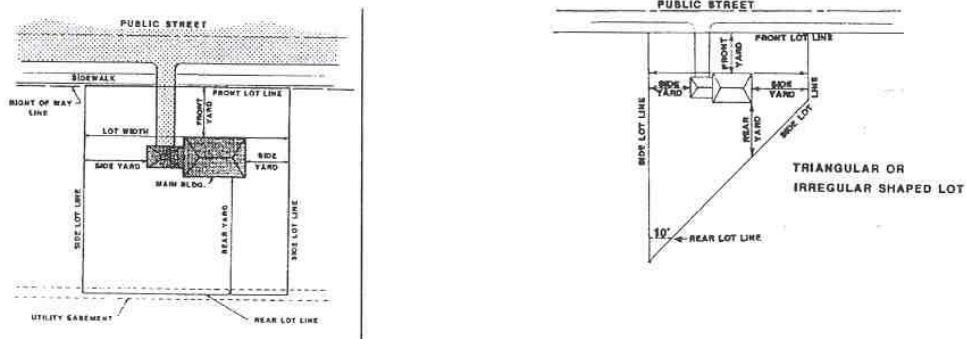


FIGURE 2-7

LOT LINES AND YARDS



MOBILE HOME:

A structure, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling unit when connected to required utilities, and the plumbing, heating, air-conditioning, and electrical

systems contained within the structure. A mobile home does not include a modular home, motor home, or travel trailers.

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.

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.

PARCEL:

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

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.

PRINCIPAL USE:

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

PRIVATE ROAD:

Any road used or intended for vehicular traffic which is privately owned and maintained and which provides the means of access to one or more lots or parcels meeting all requirements of Section 3.1.

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.

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.

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.

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.

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.

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 "TYRO'S" (Television Reception Only Satellite Antennas).

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.

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. **Outdoor Advertising Sign.** Any sign situated on privately owned land on which pictorial or written information appears which is not related to the principal use occurring on said land.
- B. **Free-Standing Identification Sign.** A sign designed to identify the name of a business and the business activity of the principal use occurring on the same lot or parcel.
- C. **Unregulated Sign.**
 - (1) Signs one square foot in area or less bearing only street address, post box numbers, name of resident or other sign not having commercial purpose.
 - (2) Flags and insignias of any government, except in connection with a commercial land use.
 - (3) Integrated architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - (4) Legal notices, identification, information, or directional signs erected or required by governmental bodies.
 - (5) Signs directing and guiding traffic and parking to private property which bear no advertising pictorials or letters.

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.

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.

SUBSTANTIAL IMPROVEMENT:

Any repair, reconstruction or improvement of a structure located within the 100-year flood plain, 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.

VARIANCE:

A relaxation or modification of the dimensional requirements in this Ordinance as authorized by the 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.

**CHAPTER 3
GENERAL PROVISIONS**

SECTION 3.0 STREET ACCESS

A lot or parcel of record shall not be occupied or buildings constructed thereon without access to a public street, private street or easement which complies with provisions of Section 3.1 Private Streets.

SECTION 3.1 DRIVEWAYS AND PRIVATE STREETS

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

- (1) That private streets and driveways are designed with sufficient width, surface and grade to assure safe passage and maneuverability of private vehicles and of commercial, fire, police, ambulance and other safety vehicles.
- (2) That private streets and driveways are constructed of suitable materials so as to insure minimal maintenance and safe passage.
- (3) That private streets and driveways will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands and the natural environment of the Township.
- (4) That private streets and driveways shall be properly maintained in a safe and usable condition.

B. **Definitions.**

- (1) Driveway means an undedicated, privately controlled and maintained easement, right-of-way or other interest in land extending from a public street or private street to less than three lots, principal buildings, principal dwellings or principal structures, and provides ingress and egress primarily for the occupants thereof.
- (2) Private street means a non-public street that provides the means of access to three or more lots, principal buildings, principal dwellings or principal structures.

C. **Driveways.** Driveways shall be permitted in accordance with the terms of this section and all other applicable sections of this Ordinance.

- (1) An easement or other interest in land established for the purpose of a driveway shall connect with a public street or a private street. A driveway providing access to more than one lot or principal building shall have a permanent recorded easement not less than 66 feet in width at any point. The easement shall permit public or private utilities to be installed within the right-of-way or within ten feet on either side thereof.
- (2) A driveway permit for a driveway extending from a public street shall be obtained from the Muskegon County Road Commission.
- (3) A driveway shall have a driving surface not less than 12 feet in width at any point.
- (4) A driveway shall be constructed and maintained such that it is accessible to and usable by emergency vehicles in all weather conditions.
- (5) The driveway shall be constructed on a base of stable soil and a sub-base consisting of at least four inches of sand and, on top of the sand, at least six inches of compacted road gravel.
- (6) A driveway shall have a minimum cleared width of 20 feet and overhead tree branches shall be trimmed and maintained to a height of no less than 14 feet above the ground over the traveled surface.
- (7) The surface of the driveway shall be crowned or sloped to facilitate drainage and shall be constructed over adequate culverts where necessary. Adequate measures shall be provided to maintain the surface water flow of any natural stream or drainage course, to the satisfaction of the Township Zoning Administrator, Township Engineer and any other agency having jurisdiction thereof. Any culvert, bridge or other structure used for the crossing of a natural stream, drainage course or similar feature shall have a sufficient load capacity to safely support emergency vehicles.
- (8) The slope of a driveway shall not exceed 15 percent unless a steeper driveway is specifically approved by the Planning Commission.
- (9) A driveway providing access to more than one lot or principal building shall be the subject of a driveway maintenance agreement, in recordable form, which shall be signed by all owners of or parties in interest in the lots to be served by the driveway. The agreement shall be recorded with the County Register of Deeds and a copy thereof promptly submitted to the Township after recording. The agreement shall include the easement or other rights necessary for the establishment and use of the driveway, or alternatively such easement or other rights shall be established by other legal instruments. The maintenance agreement shall provide for and assure that the driveway shall be regularly maintained, repaired and snowplowed so as to assure that it shall be safe for travel at all times. The

agreement shall also provide for the payment of expenses of such maintenance, repair and snowplowing by the parties in interest.

D. **Private Streets.** Private streets shall not be constructed, extended or relocated, after the effective date of this section until all of the following requirements have been satisfied:

- (1) An application for private street approval shall be fully completed and filed with the Township Clerk.
- (2) The private street application fee, the escrow fee and all other relevant fees and charges established by the Township Board shall be paid, with the application.
- (3) A private street maintenance agreement, signed by all parties in interest, shall be submitted to and approved by the Township in accordance with this section. The agreement shall have such provisions and be in such form as is acceptable to the Township, and it shall be recorded with the county register of deeds prior to the use of the private street. Proof of such recording shall be promptly submitted to the Township.
- (4) Township approval of the private street shall be obtained in accordance with this section.
- (5) A certificate of compliance shall be obtained from the Township.

E. **Application.** An application for approval of a private street shall contain all of the following information:

- (1) The name(s) and address(es) of the owner(s) and all other parties having any interest in the private street and the land across which it is to be constructed.
- (2) A site plan drawn to scale, prepared by a registered engineer or registered land surveyor, showing all proposed lots or parcels that would have access by means of the private street, and also showing the location, grade, route, elevation, dimensions and design of the private street and any proposed extensions thereof, together with existing and proposed curb cuts and the location of and distance to any public streets which the private street is to intersect. The site plan shall also show adjoining parcels of land and any buildings thereon.
- (3) The location of all public utilities including, but not limited to, water, sewer, telephone, gas, electricity and television cable, to be located within the private street easement or right-of-way or within ten feet of either side thereof.

- (4) The location of any lake, stream, wetland, drain and all other significant natural features affected by or within 100 feet of the proposed private street.
- (5) The location of all existing and proposed buildings and structures to be provided access by and located within 100 feet of the proposed private street.
- (6) A proposed recordable private street maintenance agreement complying with the terms of this section.
- (7) A permit or letter issued by the Muskegon County Road Commission and/or, if applicable, the M-DOT, approving the location of the private street intersection with the public street.
- (8) All other matters and information required by the terms of this section or other applicable provisions of this Ordinance.

F. **Design and Construction Requirements.** A private street shall comply with all of the following requirements:

- (1) There shall be a survey, submitted to the Township, covering the easement or right-of-way, prepared by a registered land surveyor or professional engineer, together with surveys of each parcel of land to be served by the private street.
- (2) Accurate copies of all easements, agreements or other instruments whereby the private street, and all rights necessary thereto are conveyed or established, shall be submitted to the Township.
- (3) A private street shall have a recorded permanent right-of-way and easement, with a minimum width of 66 feet. The instrument establishing the easement and right-of-way shall expressly permit public or private utilities to be installed within the right-of-way or within ten feet on either side thereof.
- (4) A private street shall be constructed approximately in the center of the private street easement. The area within which the private street is to be located shall have a minimum cleared width of 28 feet, and such cleared area shall always be maintained. Overhead tree branches shall be trimmed and maintained to a height of no less than 14 feet above the ground over the roadbed of the private street.
- (5) A private street shall have a roadbed not less than 24 feet wide and a minimum sub-base of 12 inches of sand and six inches of finished, compacted gravel (No. 22A). A private street serving ten or more parcels or dwellings, whichever is less, shall be paved with bituminous blacktop

paving of a depth of at least two and three-quarter inches. Such sub-base and paving shall comply in other respects with the requirements of the county road commission for local platted streets.

- (6) A private street in a planned unit development shall comply with this subsection, except that the width of the easement and traveled portion of the street may be modified by the Planning Commission and Township Board in their approval of the planned unit development.
- (7) Private streets serving commercial or industrial uses shall be designed and constructed in accordance with county road commission requirements for public commercial or industrial streets, but in its discretion the Planning Commission may permit modification of such public street requirements if deemed justified in the circumstances and if safe and adequate access would nevertheless be provided.
- (8) A private street which terminates at a dead end shall have a means for vehicle turnaround, either by use of a cul-de-sac or by a continuous loop private road system, both of which must be constructed in accordance with the private street design and construction requirements of this section. In the case of a residential cul-de-sac, there shall be a minimum radius easement of 60 feet, with at least a 40-foot radius roadbed; in the case of a commercial or industrial cul-de-sac, there shall be a minimum radius easement of 75 feet, with at least a 50-foot radius roadbed.
- (9) A private street or interconnected private street system shall not serve more than 30 residential lots, or dwelling units, unless a secondary means of ingress and egress is provided for the entire property served. Such secondary access shall meet the minimum standards of this section.
- (10) The private street surface shall have a minimum crown of 2/10ths of one foot, from the centerline of the street to the outside edge thereof.
- (11) A street shoulder, composed of at least six inches of compacted gravel, shall be provided on each side of the private street surface, with a minimum width of two feet for each shoulder, and with a slope of 22/100ths foot from the outside edge of the road surface downward to the toe of the slope.
- (12) The maximum longitudinal street grade shall not exceed 6 percent, provided, however, that the Township may allow up to a 10 percent grade if the applicant submits written justification thereof, satisfactory to the Planning Commission, to the effect that an increase in the street grade will not adversely affect public safety and the overall design of the street system; but provided further, that there shall be a maximum grade of 4 percent for a minimum distance of 30 feet back from the intersection of the private street with a public street right-of-way or another private street.

- (13) A private street shall be constructed so as to sufficiently control storm water runoff, such as by means of seepage basins, culverts and drainage contours and/or by such other effective methods as may be required by the Township so as to ensure adequate drainage and control of storm water runoff.
- (14) The method and construction technique to be used in the crossing of any natural stream, wetland or drainage course, by a private street, shall satisfy the requirements of the Township Engineer and/or any governmental agency having jurisdiction. The method or construction technique used shall have a sufficient load capacity to safely support emergency vehicles.
- (15) A private street shall be given a name subject to the approval of the Muskegon County Road Commission, and street signs shall be installed in accordance with the relevant standards of the Road Commission. Stop signs shall be installed at all intersections with a public street or another private street. The addresses of dwellings or other buildings on a private street shall be posted in a conspicuous place where it is visible from the private street.
- (16) All lots or other parcels of land on a private street shall use the private street address for property address and mailing purposes, when the lot or parcel of land is occupied.

G. Private Street Maintenance Agreement. The applicant for approval of a private street, together with any other owners or parties in interest, shall submit to the Township a recordable private street maintenance agreement, signed by all owners of the easement or right-of-way for the private street and by all other parties having any interest therein. Such agreement shall provide for and assure that the private street shall be regularly maintained, repaired and snowplowed so as to assure that the street shall be safe for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.

- (1) By filing an application for private street approval, the applicant(s) agree that they will assure that any buildings or parcels of land thereafter constructed or established along or at the end of the private street shall also be subject to the private street maintenance agreement, including any corner parcels that have public street frontage, unless the same shall be exempted by the Planning Commission.
- (2) The agreement shall run with the land and shall be recorded with the Muskegon County Register of Deeds. The certificate of compliance specified in this section shall not be issued until the agreement has been recorded.

- (3) The agreement shall be in a form and shall have such content as is satisfactory to the Township. A copy of the agreement shall be submitted to the Township prior to recording.
- (4) The private street maintenance agreement shall be so prepared as to legally constitute a restrictive covenant, binding upon all current and future owners and other parties in interest as to the lands occupied by the private street and any right-of-way or easement therefor, and also as to all lots and other parcels of land served or to be served by the private street.

H. Maintenance and Repair of Private Streets.

- (1) Upon completion of the construction, improvement, relocation or extension of a private street, the applicant shall maintain, repair and snowplow the private street right-of-way, so as to comply at all times with the requirements of this section.
- (2) All private streets shall be continuously maintained in such a manner that they do not constitute a danger to the health, safety and welfare of the inhabitants of the Township or other persons. Private streets shall be continuously maintained so as to be readily accessible to and usable by emergency vehicles in all weather conditions.
- (3) All costs and expenses for the maintenance and repair of a private street shall be the responsibility of the owners of the lands served by the private street, and/or any property owners association comprised of owners of lands served by the private street.
- (4) Upon completion of construction of a private street, the applicant shall properly dispose of all removed trees and shrubs, along with construction debris and any other rubbish or debris.

I. Procedures for Approval of a Private Street.

- (1) An application for a private street shall be subject to the approval of the Planning Commission. The Commission shall consider approval of a private street at a public meeting, but a public hearing and special public notice shall not be required.
- (2) After an application for private street has been received, the Township Zoning Administrator shall initially review the application and determine whether the application and other materials submitted are in compliance with this section. The Zoning Administrator may submit the application to the Township Fire Chief for review and comment.
- (3) In approving an application for a private street, the Planning Commission shall make the following findings:

- (a) That the private street complies with all requirements of this section and other applicable provisions of this Ordinance.
 - (b) That the private street would not create conditions which may be detrimental to the health, safety or welfare of persons or property, through their creation of hazardous or potentially hazardous situations.
- (4) In approving an application for private street, the Planning Commission may require that the applicant comply with reasonable terms and conditions relating to the placement, design, construction and use of the private street, consistent with the terms of this section and other applicable provisions of this Ordinance.
- (5) Following review and approval of a proposed private street by the Planning Commission, the Township Zoning Administrator shall issue a permit for the construction of the private street, consistent with this section and any terms and conditions included in the Planning Commissions approval.
- (6) **Certificate of Compliance.**
- (a) The Township Engineer, or the Engineer's designee, shall inspect the completed construction to determine whether it complies with the approved plans and specifications for the street, the approval given therefor by the Planning Commission, and the terms of this section and other applicable provisions of this Ordinance.
 - (b) The applicant shall provide the Township with a set of "as-built" drawings, bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of this section and other provisions of this Ordinance and with the terms of approval given by the Planning Commission.
 - (c) After receiving the as-built drawings and the certification by the registered engineer, the Township Engineer shall issue to the applicant a certificate of compliance if based upon the Engineers inspection of the construction, review of drawings and other evaluation, the private street complies with this section, other applicable provisions of this Ordinance and the approval by the Planning Commission.
 - (d) If the completed private street does not satisfy the requirements of this section, other applicable provisions of this Ordinance or the approval given by the Planning Commission, the applicant shall be notified in writing of such noncompliance.

(7) **Building Permits.**

(a) No building permits or other permits shall be issued for any dwelling, or other principal building, principal structure or principal use, the primary access to which is to be provided by a private street, until the private street has been approved in accordance with this section and other applicable provisions of this Ordinance, and until a certificate of compliance have been issued, except as stated in subparagraph (b) of this paragraph (7).

(b) If a private street has not yet been completed and approved in accordance with this section and other applicable provisions of this Ordinance, but if the applicant has submitted to the Township a performance bond, with acceptable surety, or a letter of credit, in an amount satisfactory to the Township, conditioned upon the timely and full completion of the private street in accordance with this section, then a building permit may nevertheless be issued for a dwelling or for other principal building, structure or use, the primary access to which is to be provided by the private street; provided, however, that no such permit shall be issued unless the Building Inspector also determines that persons and vehicles may traverse the incomplete private street in sufficient safety. In such a case, the further construction of the private street shall be pursued diligently to completion.

(8) **Occupancy Permit.** An occupancy permit for a dwelling or other principal building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been laid out and constructed with sufficient width, surface and grade so as to assure the safe passage and maneuverability of fire, police, ambulance and other emergency service vehicles.

(9) **Planned Unit Developments.** If the private street is proposed as part of a planned unit development, the provisions of this section may be modified by the Planning Commission and Township Board, in the approval of the planned unit development, upon their determination that the requirements of the planned unit development chapter and the requirements of this section would nevertheless be sufficiently accommodated.

(10) **Indemnification.** The applicant for a private street and the owners of the affected lands agree that by applying for and obtaining approval of the private street, and a permit to construct the same, they shall indemnify the Township and shall hold it harmless from any and all claims for personal injury or property damage arising out of or in any way relating to the use of the private street or of the failure to properly construct, maintain, repair and replace the private street, in whole or in part. The indemnification

required herein shall be included in the maintenance agreement required by this section.

(11) **Performance Guarantee.** As a condition of approval of a private street and the issuance of a construction permit therefor, the Township may require that the applicant provide a performance bond, with an acceptable surety, or a letter of credit, in a specified amount, conditioned upon the timely and faithful performance by the applicant under the terms of this section and under the terms of any approvals given for the private street by the Planning Commission and Township Engineer.

(12) **Effect of this Section on New and Existing Private Streets.**

(a) The provisions of this section shall apply to all private streets constructed from and after the effective date of this section.

(b) **Addition of Dwellings, Etc., Along Length of Existing Street.** If, after the effective date of this section, dwellings or other principal buildings or principal structures are erected on lots or parcels of land served by an existing private street, without extending the length of the private street, the dwellings, principal buildings or principal structures may nevertheless be erected and access thereto may be provided by the existing private street, if the street is improved so as to be in compliance with the requirements of this section pertaining to new private streets, but with the following exceptions:

(i) Any improvement of the existing private street shall be required only along the direct route of travel from the public street to the driveway of the lot or parcel on which the dwelling or other principal building is to be located.

(ii) Review and approval of the use of the existing private street for the providing of access to the additional dwellings or other principal buildings shall be carried out by the Township Zoning Administrator or, in the Zoning Administrator's discretion, such review and approval may be carried out by the Planning Commission. In such review and approval, the Township or, if the matter is referred to the Planning Commission, then the Commission may waive those private street application requirements that are not necessary to determine compliance with this section, or otherwise needed with respect to review of the matter.

(iii) If the legal rights of third parties prevent compliance with the minimum right-of-way width for private streets, then

the minimum required right-of-way width may be reduced to the maximum width possible.

- (iv) If the legal rights of third parties prevent compliance with the minimum width of the traveled portion of the private street, then the minimum required width may be reduced to the maximum width possible.
 - (v) The requirements of this section pertaining to minimum cleared width for a private street; street construction specifications; crowning or sloping of the street surface; width of shoulder; maximum street grade; stream or wetland crossings; and private street maintenance agreement may be modified or waived by the Township Zoning Administrator or, in the Zoning Administrator's discretion, the Planning Commission, to the extent that the legal rights of third parties prevent compliance with such requirements as to portions of the existing private street; provided, however, that any such modification or waiver shall not have the effect of rendering the existing street or any portion thereof to be unsafe for travel, or not reasonably passable for travel, nor shall any such modification or waiver be approved if to do so would preclude the safe travel and maneuverability of fire department vehicles or other emergency or rescue vehicles.
 - (vi) The modification or waiver of the requirement for a private street maintenance agreement, authorized in subparagraph (ii) shall be granted only with respect to those aspects or provisions of such an agreement as to which agreement cannot be obtained on the part of all or any of the owners of lands then served by the existing private street; agreement and signature as to all other aspects and provisions of the private street maintenance agreement shall be obtained.
- (c) **Addition of Dwellings, Etc., at End of Existing Street.** If, after the effective date of this section, an existing private street is extended by an increase in its length, for the purpose of providing access to one or more additional lots or parcels of land, the provisions of this section shall thereupon apply to the entire private street, including both the existing portion of the private street and the extended portion thereof; provided, however, that with respect to the existing private street, but not to the extended portion of the street, the following exceptions shall apply:

- (i) Any improvement of the existing private street shall be required only along the direct route of travel from the public street to the driveway of the lot or parcel on which the dwelling or other principal building is to be located.
- (ii) Review and approval of the use of the existing private street for the providing of access to the additional dwellings or other principal buildings shall be carried out by the Planning Commission. In such review and approval, the Planning Commission may waive those private street application requirements that are not necessary to determine compliance with this section, or otherwise needed with respect to review of the matter.
- (iii) If the legal rights of third parties prevent compliance with the minimum right-of-way width for private streets, then the minimum required right-of-way width may be reduced to the maximum width possible.
- (iv) If the legal rights of third parties prevent compliance with the minimum width of the traveled portion of the private street, then the minimum required width may be reduced to the maximum width possible.
- (v) The requirements of this section pertaining to minimum cleared width for a private street; width of shoulder; maximum street grade; and stream or wetland crossings; and private street maintenance agreement (subject to subparagraph (vii)) may be modified or waived by the Planning Commission, to the extent that the legal rights of third parties prevent compliance with such requirements as to portions of the existing private street; provided, however, that any such modification or waiver shall not have the effect of rendering the existing street or any portion thereof to be unsafe for travel, or not reasonably passable for travel, nor shall any such modification or waiver be approved if to do so would preclude the safe travel and maneuverability of fire department vehicles or other emergency or rescue vehicles.
- (vi) The requirements of this section pertaining to street construction specifications and the crowning or sloping of the street surface may be modified or waived, to the extent stated in subparagraph (v), above, only where the extension of the existing private street is to accommodate only one additional lot or only one additional dwelling or other

principal building, but in the case of any greater extension of the existing private street, the requirements of this section on street construction specifications and the crowning or sloping of the street surface shall be complied with, as to the entire length of the existing private street, as well as the entire length of the extended portion of the street.

- (vii) The modification or waiver of the requirement for a private street maintenance agreement, authorized in subparagraph (v) shall be granted only with respect to those aspects or provisions of such an agreement as to which agreement cannot be obtained on the part of all or any of the owners of lands then served by the existing private street; agreement and signature as to all other aspects and provisions of the private street maintenance agreement shall be obtained.
- (d) No existing private street shall be improved, extended or reconstructed to serve additional lots or parcels of land, or dwellings or other principal buildings, nor shall an existing private street be relocated, unless an application for private street approval has been completed and submitted to the Township office, all required fees are paid and the private street is approved by the Planning Commission and a construction permit issued therefor; provided, however, that the above-stated provisions for modification or waiver of certain of the private street requirements of this section shall apply where applicable.

(13) Application Fee; Escrow Account.

- (a) The application fee established by resolution of the Township Board shall be paid at the time of application for private street approval.
- (b) In addition to the payment of the application fee, the applicant shall deposit sufficient funds in an escrow account with the Township, so as to cover reimbursement to the Township of its costs and expenses for the review and consideration of the private street application, including costs for services rendered by the Township Engineer and other Township consultants, together with reimbursement for other Township expenses in the matter. Any amounts paid into the escrow account that are in excess of Township expenses shall be refunded to the applicant. Other aspects of the payment of funds into an escrow account, for such purposes, shall be subject to the applicable Township Board resolution pertaining to escrow funds generally.

SECTION 3.2 WATER SUPPLY AND SANITARY SEWER SERVICE

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.

SECTION 3.3 FLOOD PLAIN REGULATIONS

- A. **Purpose.** These regulations apply specific controls on the use of land and placement of structures in those areas of the Township which are subject to periodic inundation. While permitting reasonable use of such lands, these regulations will help protect public health and safety and minimize public and private economic loss caused by periodic flooding, as well as preserving the ability of flood plains to carry and discharge a base flood.
- B. **Applicability.** All land and land uses within the designated flood hazard area shall be subject to terms specified herein and the provisions of the National Flood Insurance Program constituted in accordance with the National Flood Insurance Act of 1968, as amended, and the rules and regulations promulgated in furtherance thereof.
- C. **Flood Plain Delineation.** The boundaries of the flood hazard area within the Township shall be as determined by the report entitled The Flood Insurance Study, by the Federal Emergency Management Agency, with accompanying Rate Maps, Flood Boundary Maps and Floodway Maps. Within the flood hazard area, a regulatory floodway shall coincide with the floodway boundaries indicated on the Flood Boundary and Floodway Map.

Where disputes arise as to the exact boundary of the 100-year flood plain, a property owner may employ a professional engineer to resolve the boundary location.

- D. **Site Development Requirements for Flood Plain Areas.** All lands, buildings, structures and uses within the flood hazard area shall be subject to the following site development requirements;
- (1) No building or structure shall be constructed, placed, or substantially improved so as to extend its use within the flood hazard area.
 - (2) Filling within the flood hazard area with any material in any manner is prohibited unless such action is approved by the Michigan Department of Natural Resources.

- (3) Uses which, by their construction, operation, or occupation of a physical structure impede the ability of the flood plain to carry and discharge a base flood shall be prohibited. The operator of the proposed use shall submit to the Zoning Administrator a registered engineer's statement that the flood carrying capacity shall be maintained or shall submit a permit from the Michigan Department of Natural Resources.
- (4) In any zoning district, the 100-year flood plain area shall not be included in determination of Net Lot Area for the purposes of computing residential density and floor area ratio, except within a planned unit development.

E. **100-Year Flood Plain Application Information.** In addition to the information required for a special land use, variance, certificate of zoning compliance or any other application for development permission under terms of this Ordinance, the following information shall be submitted prior to commencing any type of use or development within the 100-year flood plain.

- (1) A description of the extent any watercourse will be altered or relocated as a result of proposed development. Where such watercourse is not subject to state and federal regulations intended to insure flood carrying capacity, the applicant shall provide a registered engineer's determination that the flood carrying capacity will be maintained.
- (2) Proof of development approval from the appropriate local, state and/or federal agencies or a letter certifying a lack of authority from the Michigan Department of Natural Resources.
- (3) Base flood elevation data for any site development subject to Public Act 167 of 1967 (Land Division Act), as amended, or Public Act 59 of 1978 (Condominium Act), as amended, or any site greater than five acres in gross site area.
- (4) Additional information the Zoning Administrator or Township Engineer may deem necessary to determine compliance with provisions of this Ordinance.

F. **Variance from Flood Plain Regulations.** Variance from provisions of Section 3.3, Flood Plain Regulations, shall only be granted by the Zoning Board of Appeals. A variance shall not be granted within the 100-year flood plain where the result would be an increase in flood levels during a base flood discharge. Any variance granted shall be the minimum necessary, considering potential flood hazard, to afford relief to the applicant. In granting any variance from provisions of this section, the Board of Appeals shall require that the following flood hazard reduction standards be met:

- (1) All new construction of, or substantial improvement to, any structure or building shall be:

- (a) Designed and anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (b) Electric, heating, ventilation, plumbing and air conditioning equipment shall be constructed with waterproof materials.
 - (c) Constructed with methods and practices that minimize flood damage.
 - (d) Have the lowest finished floor elevation above the 100-year flood plain elevation.
 - (e) Have any enclosed area below the lowest story ventilated with at least two openings within one foot of grade.
- (2) All new or replacement water supply systems shall minimize or eliminate infiltration of flood waters into the system.
 - (3) All new or replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the system and discharge from such systems into flood waters. On-site systems shall be located to avoid impairment to the system or contamination from the systems during flooding.
 - (4) Adequate drainage shall be provided to reduce exposure to flood.
 - (5) The applicant shall provide appropriate site, building, and engineering plans and data to demonstrate compliance with the standards contained in this section.

G. **Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study, though it is generally recognized that larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. Approval of any use of land or building under this section shall not be considered a guarantee or warranty of protection from flood damage, nor shall it create any liability on the part of the Township or any official or agency thereof. Moreover, this Ordinance does not imply or warrant that areas outside the 100-year flood plain will be free from flooding.

SECTION 3.4 DWELLINGS PER LOT OR PARCEL

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.

SECTION 3.5 PERMITTED FRONT SETBACK REDUCTIONS

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.

SECTION 3.6 PERMITTED YARD ENCROACHMENTS

- 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.

SECTION 3.7 PERMITTED HEIGHT EXCEPTIONS

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

- A. Purely ornamental appurtenances such as church spires, belfries, cupolas, domes, towers, flag poles and monuments.
- B. Appurtenances such as mechanical or structural functions such as, chimneys, smoke stacks, water tanks, elevator and stairwell penthouses, solar collectors, wind generators, windmills, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, cooling towers, barns as an accessory structure to a farm enterprise, grain elevators and silos.
- C. 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.

SECTION 3.8 CUL-DE-SAC LOTS

- A. A lot shall be considered a cul-de-sac lot only if more than one-half 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 70 percent of the required minimum lot width on the radius of the cul-de-sac and 100 percent of the required lot width at the required front setback line.

SECTION 3.9 CORNER LOTS

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 line running along the more heavily traveled street, as determined by the Zoning Administrator, shall be the principal front lot line.

A. Requirements for Corner Lots.

- (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, usually being the side opposite a principal front lot line, shall be a rear setback.
- (2) The minimum lot width and frontage requirements for corner lots contained in Schedule B herein shall apply to the principal and secondary front lot lines adjacent to both streets.
- (3) The width of a corner lot shall be determined as the 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 setback along the secondary street shall not be less than 30 feet. All other setbacks shall comply with the minimum required within the zoning district in which the corner lot is located.

SECTION 3.10 ACCESSORY BUILDINGS AND STRUCTURES

- 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.
- C. Where two or more abutting lots are held under one ownership, the owner may combine the lots and thereby erect an accessory building on a separate lot from that lot on which the principal building is located.
- 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 R-1, R-2 and R-3 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 be located in the front yard of any lot. Accessory buildings and structures shall not occupy any portion of a required buffer strip area.
- G. Accessory buildings or structures which are portable in nature shall comply with the regulations herein, including the minimum setback required for principal buildings specified in Schedules A, B, and C for the zoning district in which they are located.
- 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.
- I. 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.

SECTION 3.11 ANTENNAS AND TOWERS

Freestanding radio, television or microwave antennas or towers are permitted in all zoning districts provided the following provisions are satisfied:

- A. The antenna shall be permanently secured to a stable foundation.
- B. No portion of the antenna shall conduct or display any advertising, message or other graphic representation other than the manufacturer's name.
- C. No freestanding antenna shall exceed a height of 75 feet above grade, or have any other dimension exceeding ten feet, including its mounting structure, except that freestanding antennas or towers exceeding such height or other dimension may be permitted by the Planning Commission as a special land use under Chapter 13.
- D. An antenna or tower shall be located only in the rear yard or the side yard and shall not be closer to a property line than its height or the depth of the required rear or side yard setback, whichever is the greater.
- E. An antenna may be mounted on the roof of a principal or accessory building, provided it shall not exceed a height of ten feet, as measured from its foundation.

- F. All antennas must be grounded to protect against damage from lightning.
- G. An antenna or tower shall not be so located or constructed as to have a serious adverse effect on adjacent or nearby land uses.
- H. Antennas and towers for commercial communications services, including cellular telephone antennas and towers, shall be approved only as special land uses under the terms of Chapter 13.
- I. Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antenna may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such special land use for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Township's legitimate purposes in regulating such amateur radio antennas.

SECTION 3.12 FENCES, WALLS AND SCREENS

- A. No fence, screen or wall not defined as a building, of any material other than plant material shall be erected to a height greater than eight feet in any zoning district, except that in the Industrial District a greater height may be permitted if necessary for the health, safety or welfare of adjacent property owners.
- B. **Clear Vision Areas.**
 - (1) No fence, screen, wall not defined as a building, plant material, or growing crop shall be erected or maintained in such a manner as to obstruct vision between a height of three feet and ten feet within a triangular area formed by the intersection of public street or private street right-of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 30 feet from the point of intersection of right-of-way lines.
 - (2) No fence, screen, wall not defined as a building, plant material or growing crop shall be erected or maintained in such a manner as to obstruct vision between a height of three and ten feet within a triangular area formed by the intersection of a public street or private street right-of-line and the edge of a driveway and a line connecting two points which are located on the right-of-way or edge of private road easement and the driveway 20 feet from the point of intersection.

- C. A fence, screen or wall not defined as a building erected within the required front yard in any residential district shall not exceed four feet in height.
- D. A fence, screen or wall not defined as a building shall not be erected within a public right-of-way or within a private street right-of-way.
- E. Fences shall consist only of chain link wire, woven wire, brick, wood, wrought iron or vinyl material, but customary wire fencing for agricultural purposes shall be permitted in the Agricultural Districts and on bona fide farms in other districts, and shall also be permitted where necessary for the confining of livestock on non-farm parcels of land in the Agricultural or Residential Districts where livestock are lawfully kept.

SECTION 3.13 TEMPORARY BUILDINGS

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

- A. During renovation of a principal building damaged by fire. The temporary building or structure shall be removed when repair of fire damage is complete, but in no case shall it 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.

SECTION 3.14 ESSENTIAL PUBLIC SERVICES

- 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 which shall be obtained from the Planning Commission prior to start of such activity.

SECTION 3.15 KEEPING OF ANIMALS

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 one acre of land, not more than three dogs and/or cats, six months or older, shall be kept or housed.

B. Livestock.

- (1) No livestock may be kept in the R-2 or R-3 Zone District.
- (2) Livestock may be kept in the R-1 Zone District provided that the following regulations are adhered to:
 - (a) The number of livestock permitted shall be determined as one animal unit (equivalent to 1,000 pounds) per three acres for the first animal unit and one additional animal unit for each additional one acre of land thereafter.
 - (b) All livestock shall have stable space available on-site. Such stables shall comply with the applicable regulations in Section 3.10 and Schedule E.
 - (c) Areas in which livestock are kept shall be completely enclosed by a fence meeting requirements of Section 3.12.
 - (d) The keeping of livestock requires compliance with the Michigan Department of Agriculture's Generally Accepted Manure Management Practices.

SECTION 3.16 REPAIR OF MOTOR VEHICLES

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.

SECTION 3.17 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.

The provisions of this section are not intended to condone or legitimize the distribution of obscene material or legitimize activities which are prohibited by other sections of the Township Zoning Ordinance or other Township ordinances.

The provisions of this section are not intended to suppress any activity protected by the First Amendment of the United States Constitution or by the Michigan Constitution, but are intended to provide content neutral regulations that address the adverse secondary effects of Sexually Oriented Businesses.

A. **Definitions.** As used in this section, the following terms shall have the indicated meanings:

- (1) **Adult Bookstore.** 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.
- (2) **Adult Cabaret.** A nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features one or more of the following:
 - (a) Persons who appear nude or in a state of nudity or semi-nudity;
 - (b) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 - (c) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;

- (d) Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- (3) **Adult Entertainment.** Any exhibition, display or dance which involves exposure to view of specified anatomical areas or specified sexual activities.
- (4) **Adult Live Entertainment Theater.** An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see-through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”
- (5) **Adult Motion Picture Theater.** An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.
- (6) **Adult Video Store.** An establishment having a substantial or significant portion of its stock in trade in 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. An establishment may have other categories of items for sale which are not characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined herein, but still be classified as an adult video store.
- (7) **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 compensation by the manager or owner of said business.
- (8) **Entertainer.** Any person who performs any entertainment, exhibition or dance of any type within an adult cabaret, whether or not such person or anyone else charges or accepts a fee for such entertainment, exhibition, or dance.
- (9) **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.

- (10) **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.
- (11) **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 licensed sexually oriented business.
- (12) **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.
- (13) **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. This definition shall not be construed to include establishments where massage is provided only by persons who have successfully completed not less than 500 hours of training from a recognized school or state accredited college or university or has been approved by the National Certification Board for Therapeutic Massage and Bodywork or is certified as a massage therapist by the American Massage Therapy Association. This definition shall also not be construed to include barber shops, beauty salons, athletic facilities or separate service establishment where massages are administered only to the scalp, the face, the neck, the feet, the shoulder, or the back above the waist. This definition shall also 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.
- (14) **Nude Model Studio.** Any place where a person who appears nude or in a state of nudity or displays specified anatomical areas or specified sexual activities is provided for consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons.
- (15) **Nudity or State of Nudity.** The display of any specified anatomical areas.
- (16) **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.

- (17) **Owner.** A person owning, directly or beneficially, any interest or part interest, however identified, in a sexually oriented business.
- (18) **Peep Booth.** A viewing room, other than a private room not authorized for admittance by patrons, of less than 150 square feet of floor space upon the premises of a sexually oriented business where there is exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representation which depict or describe specified sexual activities or specified anatomical areas.
- (19) **Recognized School.** Recognized school shall mean any school or educational institution which: teaches the theory, method, profession, or, work of massage, and; requires 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 (AMTA).
- (20) **Sexually Oriented Business.** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult live entertainment theater, escort agency, massage parlor or nude model studio. This definition shall include the conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
- (21) **Specified Anatomical Areas.** Specified anatomical areas are defined as less than completely and opaquely covered human genitals, the public region including pubic hair, the buttock, the female breast below the top of the areola and male genitals. The term "specified anatomical areas" also includes male genitals in a discernibly turgid state even if completely and opaquely covered.
- (22) **Specified Sexual Activities.** Specified sexual activities include any of the following:
 - (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

- (b) Sexual acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (c) Human genitals in a state of sexual stimulation or arousal;
 - (d) Masturbation, actual or simulated.
- (23) **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) 25 percent 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) 25 percent 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.

B. Location Restrictions.

- (1) A sexually oriented business shall only be operated within areas zoned as C Commercial District or I Industrial District.
- (2) A sexually oriented business may not be operated within 500 feet of:
 - (a) A church, synagogue or regular place of worship;
 - (b) A public or private elementary or secondary school or public school academy;
 - (c) Any residential structure within or without a zoned area;
 - (d) A public park;
 - (e) A public library; or
 - (f) A child care center, family day care home, or group day care home.
- (3) A sexually oriented business may not be operated within 500 feet of another sexually oriented business.
- (4) A sexually oriented business may not be operated in a building or structure containing another sexually oriented business.
- (5) For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a

sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, public or private elementary or secondary school, public school academy, public park or library, child care center, family day care home, group day care home, residence, or another sexually oriented business.

- (6) The location of the sexually oriented business shall not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal.

C. **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 Chapter 13, an applicant for a special land use to establish a sexually oriented business must submit the following:

- (1) A floor plan of the premises showing the following:
 - (a) Location and dimensions of any manager's station, demonstrating that there is an unobstructed view from at least one of the manager's stations of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
 - (b) Location of all overhead lighting fixtures.
 - (c) Identification of any portion of the premises in which patrons will not be permitted.
 - (d) The location of any stage.
 - (e) Identification of the use of each room or other area of the premises.
- (2) A current certificate and straight-line drawing, prepared within 30 days prior to the application, by a land surveyor depicting the property lines and the structures containing any sexually oriented business within 500 feet of the closest exterior wall of the structure in which the applicant business will be located and depicting the property line of any church, synagogue, regular place of worship, public or private elementary or secondary school, public school academy, child care center, family day care home, group day-care home, public park or library, or residence within 500 feet from the closest exterior wall of the structure in which the applicant business will be located.

D. **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 days to properly complete the application.

- E. **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 year from the date of the denial, except on the grounds of new evidence not previously available or proof of changed conditions.
- F. **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 or more of the following to be true:
- (1) An applicant is under 18 years of age.
 - (2) 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.
 - (3) An applicant has failed to provide information required by the Ravenna Township Zoning Ordinance or has knowingly answered a question or request for such information falsely.
 - (4) 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.
 - (5) 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 year prior to the date of application.
 - (6) 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 year prior to the date of application.
 - (7) The applicant is not in good standing or authorized to do business in Michigan.
 - (8) The application fee has not been paid.
 - (9) An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this section.
 - (10) The applicant has been convicted of any of the following criminal offenses in any jurisdiction within the last ten years.
 - (a) Prostitution, procuring a prostitute, or solicitation of a prostitute.

- (b) Sale, distribution or display of obscene material.
- (c) Sale, distribution or display of material which is harmful to minors.
- (d) Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor.
- (e) Possession, sale or distribution of child pornography.
- (f) Public lewdness.
- (g) Indecent conduct with a child.
- (h) Sexual assault or rape.
- (i) Sexual solicitation of a child.
- (j) Contributing to the delinquency of a minor.
- (k) Harboring a runaway child.

G. Exterior Structural Requirements. All sexually oriented businesses must meet the following exterior structural requirements:

- (1) The merchandise or activities of the sexually oriented business may not be visible from any point outside the business.
- (2) The exterior portion of the sexually oriented business may not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.
- (3) It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the sexually oriented business to be painted any color other than a single neutral color.

H. Interior Structural Requirements.

- (1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose excluding restrooms from at least one of the manager's station. The view required in this subsection must be by direct line of sight from the manager's station.

- (2) A manager's station may not exceed 32 square feet of floor area.
- (3) No alteration to the configuration or location of a manager's station may be made without the prior approval of the Township zoning enforcement officer.
- (4) 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 inch thick and serves to prevent physical contact between patrons.
- (5) No private viewing rooms or booths shall be constructed unless one 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 adjacent viewing rooms or peep booths.

I. Signage.

- (1) It shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one primary sign and one secondary sign, as provided herein.
- (2) Primary and secondary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only the name of the enterprise.
- (3) Each letter forming a word on a primary or secondary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary or secondary sign shall be of a uniform and solid color.
- (4) Primary signs shall have no more than two display surfaces. Each such display surface shall be a flat plane, rectangular in shape.
- (5) Secondary signs shall have only one display surface. Such display surface shall:
 - (a) Be a flat plane, rectangular in shape.
 - (b) Not exceed 20 square feet in area.
 - (c) Not exceed five feet in height and four feet in width.
 - (d) Be affixed or attached to a wall or door of the enterprise.

- (6) The requirements of this section are intended to supplement the requirements and limitations of other signage requirement contained in the Zoning Ordinance. In the event of contradictions or inconsistencies, the stricter requirement shall govern.

J. Lighting Requirements.

- (1) 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 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.
- (2) 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 foot-candle of light as measured at the floor level.
- (3) 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 foot-candle of light as measured at the floor level.

K. Age Requirement Regulations.

- (1) It shall be unlawful to allow a person who is younger than 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.
- (2) 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 18 years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 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 18 years of age or older.

L. Hours of Operation. No sexually oriented business shall operate between the hours of 2:00 a.m. and 8:00 a.m.

M. **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:

- (1) 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.
- (2) No employee or entertainer shall engage in, encourage or knowingly permit any specified sexual activities on the premises of the sexually oriented business.
- (3) 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 18 inches above the immediate floor level and removed at least six 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 inch thick and have no openings between the entertainer and any patrons.
- (4) There shall be posted and conspicuously displayed in the common areas of each place offering adult entertainment a list of food and drink prices.
- (5) 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 or more containers to receive tips. Any physical contact between a patron and an entertainer is strictly prohibited.
- (6) No adult entertainment occurring on the premises shall be visible at any time from the outside of the premises.
- (7) An owner, manager or an employee shall not knowingly allow the possession, use, or sale of controlled substances on the premises.
- (8) An owner, manager, or an employee shall not knowingly allow prostitution on the premises.
- (9) An owner, manager, or an employee shall not knowingly allow any live specified sexual act to occur in or on the licensed premises.
- (10) 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.

- (11) 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.
- (12) All doors to public areas on the premises must remain unlocked during business hours.
- (13) 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 remain 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.
- (14) No viewing room or peep booth may be occupied by more than one person at any one time.

N. **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 unless the following standards of conduct are adhered to:

- (1) The premises of each massage parlor may be inspected by law enforcement personnel or by the Township Building Inspector during business hours and at other reasonable times to ensure compliance with this Ordinance.
- (2) All persons offering massages in a massage parlor shall, not less than five months and not more than six 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 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.
- (3) 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 sexual activity.
- (4) Each massage parlor and massagist shall comply with the following standards:

- (a) 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.
- (b) All massagists shall wash his or her hands in hot water with soap before giving any service or treatment to each separate patron.
- (c) All towels, tissues, sheets or other coverings shall be used singularly for each patron and discarded for laundry or disposal immediately after use.
- (d) Non-disposable tools of the trade shall be disinfected after use upon each patron.
- (e) 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.
- (f) 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.
- (g) Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one 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 toilet and 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.
- (h) 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.

- (5) 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.
- O. **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:
 - (1) By a proprietary school, licensed by the State of Michigan or a college, junior college, or university supported entirely or partly by taxation; or
 - (2) 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.
- P. **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 licensed premises, 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.

SECTION 3.18 ILLEGAL DWELLINGS

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.

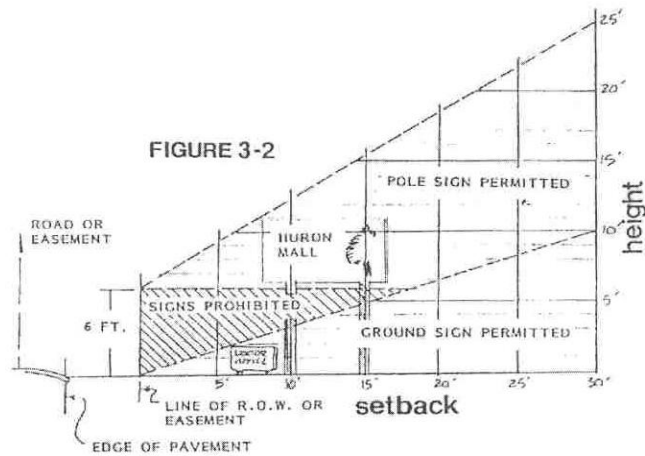
SECTION 3.19 ADVERTISING STRUCTURES, SIGNS, AND NAME PLATES

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 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.
- 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) 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.

- G. **Portable Signs.** A portable sign as defined in Section 3.19.K(12) may be permitted subject to procedures specified in Sections 3.19.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.** The following listed signs are exempt and shall not be required to obtain a sign permit:
- (1) Real estate sale, for rent or lease signs of less than nine square feet of display area when located in any residential or agricultural zoning district, or not exceeding 35 square feet of display area when located in any other zoning district.
 - (2) Building construction or land development signs not exceeding 50 square feet of display area during the period of construction. Signs designating “the future site of” a proposed use or establishment shall not be considered eligible under this subsection.
 - (3) Political campaign signs not exceeding 50 square feet of display area.
 - (4) No hunting, no trespassing, garage sale and non-commercial on-premise directional signs not exceeding four square feet of display area.
 - (5) Signs identifying a building address and/or name of occupant(s) not to exceed six square feet of display area.
 - (6) Historic markers authorized by the State of Michigan.
 - (7) Official public notices by any governmental agency not to exceed six square feet of display area.
 - (8) 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.
 - (9) Any sign, flag or pennant owned by and placed by a local, county, state or federal governmental agency, or a non-profit service club, not to exceed 50 square feet of display area.
- 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.



- J. **Requirements for Permanent Signs.** On-premise sign requirements for specific uses, off-premises signs, and billboard sign requirements shall be as contained in Table 3-1 below:

TABLE 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
Free-standing 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		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

USE	MAXIMUM DISPLAY AREA	SIGN TYPE	MAXIMUM HEIGHT	SIGN PURPOSE	MAXIMUM # OF SIGNS
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 <u>or</u> 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	Pole	12 feet	Identification	One per establishment
Off-premises signs and billboards are not permitted within the Township	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

K. **Sign Definitions.** Definitions of words and terms relating to signs, outdoor advertising and billboards are placed in this subsection for convenience. Chapter 2 shall govern construction or language terms and phrases used herein.

- (1) **Sign.** Every individual announcement, declaration, demonstration, display, illustration, insignia, lettering, or flat plain used for, erected or maintained outdoors in view of the general public for purpose of identification, advertisement or promotion of any business or private interest.
- (2) **Sign, Advertising.** Any sign erected for the purpose of advertising a business product, service, or subject unrelated to the lot or parcel on which the sign is located.
- (3) **Sign, Billboard.** An off-premise sign as regulated by Public Act 106 of 1972, as amended.
- (4) **Sign, Business.** Any sign erected or placed for the purpose of advertising an operating business located on the same lot or parcel.
- (5) **Sign, Display Area.** Display area means the entire area circumscribing 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.
- (6) **Sign, Ground.** A sign which is entirely within a height of 12 feet from the average grade below the sign.
- (7) **Sign, Height.** The maximum vertical distance from average grade below the sign and the uppermost portion of the sign structure.
- (8) **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.
- (9) **Sign, Identification.** A sign giving information about a building, business, service event, or product which is located on the same lot or parcel as that which is identified.
- (10) **Sign, Off-Premise.** A sign located on a different lot or parcel from that which is identified on such sign face.

- (11) **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.
- (12) **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.
- (13) **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.
- (14) **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.
- (15) **Sign, Setback.** The distance as measured between the right of-way line or edge of easement and the nearest part of a sign.
- (16) **Sign, Wall.** A sign that is 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.

SECTION 3.20 SEPTAGE WASTE SERVICES

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.

SECTION 3.21 SITE DEVELOPMENT STANDARDS FOR ALL BUILDINGS AND STRUCTURES

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-2 ZONING DISTRICTS**

SITE DEVELOPMENT STANDARD	NR	ZONING DISTRICT 2	
		A-1	A-2
Minimum Lot Area	20 Acres	40 Acres ⁽¹⁾	5.0 Acres
Minimum Lot Width	350 Feet	660 Feet ⁽¹⁾	200 Feet
Minimum Required Setbacks For Principal Buildings			
Front	75 Feet	75 Feet	50 Feet
Side	50 Feet	50 Feet	25 Feet
Rear	50 Feet	75 Feet	50 Feet
Maximum Lot Coverage	5 Percent	3 Percent	5 Percent
Maximum Building Height	35 Feet	35 Feet	35 Feet
Minimum Floor Area Per Dwelling Unit	864 Square Feet		

(1) Single family detached dwellings authorized by special land use permit may be located on a lot or parcel not less than 1.5 acres nor larger than 5.0 acres and having at least 250 feet of frontage. When a 40-acre parcel is entirely tilled or tillable one single-family dwelling will be permitted by Special Land Use permit, subject only to location approval by the Planning Commission. All other single-family dwellings shall comply with standards of Section 13.6.B and standards applicable to all special land uses.

If a dwelling is proposed on a former house site or one which has an inhabitable dwelling, the lot area and width standards herein may be waived by the Planning Commission.

A lot or parcel under separate title on the effective date of this Ordinance, even though including an area less than 40 acres, may be used for one or more single-family dwellings, subject to compliance with standards of Section 13.6.B and standards applicable to all special land uses.

Upon issuance of a Special Land Use Permit for single-family dwelling, land may not be further divided except by an amendment to the Special Land Use Permit approved by the Planning Commission.

**SCHEDULE C
SITE DEVELOPMENT STANDARDS FOR THE COMMERCIAL AND INDUSTRIAL
ZONING DISTRICTS**

SITE DEVELOPMENT STANDARD	ZONING DISTRICT		
	C – COMMERCIAL	I – INDUSTRIAL	MHP – MOBILE HOME PARK ⁽²⁾
Minimum Lot Area	1 Acre	1 Acre ⁽¹⁾	10 Acres
Minimum Lot Width	100 Feet	150 Feet	300 Feet
Minimum Required Setbacks for Principal Buildings			
Front	75 Feet	75 Feet	50 feet
Side	20 Feet each side	25 Feet each side	25 feet each side
Rear	20 Feet	25 Feet	25 feet
Maximum Lot Coverage	40%	40%	Per Approved Plans
Maximum Building Height	35 Feet	75 Feet	35 feet
(1)	For all Special Land Uses permitted in the Industrial District, a minimum Lot Area of 2 acres shall be required.		
(2)	Please refer to Chapter 12 for detailed site development standards.		

**SCHEDULE D
MINIMUM SETBACK REQUIREMENTS
FOR PRINCIPAL BUILDINGS UNDER CERTAIN CONDITIONS**

Condition: When Zoning District in Column "A" Abuts Zoning District in Column "B"	Required Setback from Abutting Lot Line for Principal Buildings in Zoning District in Column "A"		
A	B		
Commercial Zoning District	ABUTS	A-2, R-1, R-2 or R-3	50 Feet
Industrial Zoning District	ABUTS	A-2, R-1, R-2 or R-3	100 Feet
Prime Agriculture Zoning District	ABUTS	A-2, R-1, R-2 or R-3	75 Feet

**SCHEDULE E
SITE DEVELOPMENT STANDARDS FOR
ACCESSORY BUILDINGS IN ALL ZONING DISTRICTS**

SITE DEVELOPMENT STANDARD	ZONING DISTRICT							
	NR	A-1	A-2	R-1	R-2	R-3	C	I
Maximum Building Size Accessory To:								
Single Family Dwelling	(1)	(1)	(1)	(1)	(1)	(1)	NONE	
Two Family Dwelling	(1)	(1)	(1)	N/A	N/A	(1)		
Multiple Family Dwelling	(1)	(1)	(1)	N/A	N/A	(1)		
Minimum Required Setbacks for Accessory Buildings	75 Ft. 25 Ft. 25 Ft.	75 Ft. 15 Ft. 25 Ft.	75 Ft. 12 Ft. 25 Ft.	75 Ft. 15 Ft. 5 Ft.	75 Ft. 5 Ft. 5 Ft.	75 Ft. 15(4) 15A	75 Ft. 15 Ft. 25 Ft.	75 Ft. 15 Ft. 25 Ft.
Maximum Building Heights	(3)	Greater of 25 feet or (3)	(3)	25 Feet	25 Feet	25 Feet	(3)	
<p>(1) The accessory building first floor area shall not exceed 3% of lot area or 2,000 SF, which ever is less.</p> <p>(2) Total both sides, however an accessory building may not be located in any required buffer zone.</p> <p>(3) Not to exceed the height of the principal building, however, architectural features listed in Section 3.7 shall not be used to determine principal building height. Buildings used in bona fide agricultural operations are excepted from this Schedule E.</p> <p>(4) For lots containing multiple family dwellings, an accessory building may not be less than 25 feet from the rear or side lot line.</p>								

**SCHEDULE F
SITE DEVELOPMENT STANDARDS FOR PLANNED UNIT DEVELOPMENTS**

SITE DEVELOPMENT STANDARD		USE	ALL RESIDENTIAL ZONING DISTRICTS		
Minimum Lot Area		Single Family Dwelling Two Family Dwelling Multi Family Dwelling	2 Acres		
Minimum Lot Width		Single Family Dwelling Two Family Dwelling Multi Family Dwelling	100 Feet 100 Feet 100 Feet		
Minimum Setbacks for Principal Building		Front Side Rear	50 Feet 30 Feet 30 Feet		
Maximum Lot Coverage		All Uses	NONE		
Minimum Floor Area Per Dwelling Unit			As Required in Schedules A and B		
Maximum Building Heights			35 Feet		
			R-1	R-2	R-3
Maximum Residential Density (Dwellings Per Net Acre)	Single Family Dwelling		1.5	2.2	4.0
	Two Family Dwelling		N.A.	3.0	5.0
	Multi Family Dwelling		N.A.	N.A.	7.0
(1)		Public or community sanitary sewer service to the PUD site and service to each building will permit the proprietor to increase maximum permitted PUD density in any Residential District by 30 percent. Such service is required for a Multi-Family Dwelling.			

SECTION 3.22 LOT DIVISION PROVISIONS

Whenever a lot of record within the Township is intended to be divided to create two or more lots, each division shall comply with the provisions of the Land Division Act, including MCL 560.109. This section, pursuant to MCL 560.105, shall be an ordinance adopted to carry out the provisions of the Land Division Act, being Public Act 288 of 1967, as amended. All lots shall meet the following requirements.

- A. All lots shall comply with the minimum lot area and lot width requirements of this Ordinance.
- B. Each lot with less than 10 acres of area shall have a lot depth no greater than four times the lot width. The Planning Commission may modify this requirement in circumstances where significant wetland, unusable land or other natural features are included in the parcel, which, if not present, would result in the lot being in conformance with this provision.
- C. Each lot shall have a means of vehicular access as required by the provisions of Act 288 and shall comply with all applicable locational standards of the governmental authority having jurisdiction of the existing street.
- D. Each lot that is a development site, as defined in Act 288, shall have adequate easements for public utilities from the lot to existing public utility facilities.

- E. The applicant for a land division approval shall pay such fees for Township review and approval as are determined by the Township Board.

SECTION 3.23 LOT FRONTAGE AND ACCESS

All lots shall abut and have access to an approved public or private street, road, or highway and shall have a minimum width at such frontage of not less than 66 feet unless a greater width is indicated in this Ordinance.

SECTION 3.24 DWELLINGS IN NON-RESIDENTIAL DISTRICTS

No dwelling shall be erected in a natural resources, prime agricultural, commercial, or industrial district of this Ordinance except the sleeping quarters of a watchman or caretaker and then only by special land use permit under provisions of Chapter 13.

SECTION 3.25 BUILDING GRADES

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 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.

SECTION 3.26 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE

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.

SECTION 3.27 OPEN SPACE PRESERVATION

- A. **Purpose.** Act No. 177 of the Public Acts of Michigan of 2001 (“Act 177”) requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential development must adopt provisions in their zoning ordinances known as “open space preservation” provisions, which permit lands satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the Zoning Ordinance, but not more than 50 percent, that, as determined by the Township, could otherwise be developed, under existing ordinances, laws and rules, on the entire land area. The purpose of this section is to adopt open space preservation provisions consistent with the requirements of Act 177.

B. Qualifying Conditions.

- (1) Land may be developed under the provisions of this section only if each of the following conditions is satisfied:
 - (a) The land shall be zoned in the A-2 or R-1 Zoning District, or other zoning district permitting residential development.
 - (b) The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or shall permit development at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system.
 - (c) The development of land under this section shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this section would also depend on such extension.
 - (d) The clustering option provided pursuant to this section shall not have previously been exercised with respect to the same land.
- (2) If all of the preceding conditions are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions of this section.

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

D. Application and Review Procedure.

- (1) The application requirements and review procedures for land proposed to be developed pursuant to the provisions of this section shall be those stated in Chapter 14 of this Ordinance, governing site plan review, except as otherwise provided in this subsection D. If the cluster option permitted by this section is proposed as a platted subdivision or a site condominium development, the applicant must also submit all information required under the Township subdivision ordinance, if any, and Chapter 13A of this Ordinance as applicable.
- (2) In addition to the application materials required by Chapter 14 of this Ordinance, an application for the development of land under the provisions of this section shall include the following:

- (a) An Existing Zoning Plan prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the clustering option provided by this section were not exercised. The Existing Zoning Plan may be conceptual in nature but shall include at least the following information:
- (i) Date, north arrow and scale, which shall not be more than 1"=100', and, in all cases, the scale shall be the same as that utilized for the site development plan illustrating the proposed development using the clustering option permitted by this section.
 - (ii) Location of streets and driveways.
 - (iii) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
 - (iv) Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan and which would not be located within any public road right-of-way or private street easement, or on buildable lots. Such utilities include, but are not limited to, storm water retention or detention basins, community sewage treatment systems and community water supply facilities.
 - (v) If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the Existing Zoning Plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot would be approved, or has been approved, by the Muskegon County Health Department.
 - (vi) The Existing Zoning Plan shall illustrate all unbuildable land, which shall include slopes of 20 percent or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads. Each lot shown on the Existing Zoning Plan shall contain at least the minimum square feet of buildable area permitted in the zoning district in which the applicable lands are located.
- (b) A copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the

open space required by this section in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this section. The legal instrument shall:

- (i) Indicate the proposed permitted use(s) of the undeveloped open space.
 - (ii) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Planning Commission.
 - (iii) Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
 - (iv) Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
- (c) The site development plan for the clustering option permitted by this section shall include the following minimum information, in addition to that required by Chapter 14 of this Ordinance:
- (i) Date, north arrow and scale which shall not be more than 1"=100', and, in all cases, the scale shall be the same as that utilized for the Existing Zoning Plan.
 - (ii) The site development plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
 - (iii) The site development plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for clustered development, and the percentage of each, as compared to the total site acreage.
 - (iv) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed

front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission, and reduced to accommodate non-dwelling structures, if necessary, as described in Section 3.27.E(11).

- (v) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
 - (vi) If the clustered development will include septic tanks and drain fields, the site development plan shall illustrate the location of all septic tanks and drain fields. The applicant shall submit proof that the proposed septic tank and drain field location for each lot has been approved by the Muskegon County Health Department.
- (d) If the development is to be served by public streets, proof that the Muskegon County Road Commission has approved the design, layout and construction of the streets.
- (3) **Determination of Number of Lots by Planning Commission.** When reviewing an application submitted under the terms of this section, the Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of dwelling units that could be developed on the land under its existing zoning if the clustering option provided by this section were not exercised. If the Planning Commission determines that the number of dwellings illustrated on the Existing Zoning Plan exceeds the number of dwellings that could be permitted on the land if it were developed under its existing zoning, if the clustering option provided by this section were not exercised, the applicant shall submit a revised site development plan for the clustering option reflecting the permitted number of dwellings, as determined by the Planning Commission.
- (4) If a site development plan satisfies all requirements of Chapter 14 of this Ordinance, all requirements of this section and all conditions of approval imposed by the Planning Commission pursuant to Chapter 14, the Planning Commission shall approve the site development plan. If the cluster option permitted by this section is proposed as a platted subdivision or a site condominium development, the applicant shall also demonstrate compliance with all requirements of the Township subdivision ordinance and Chapter 13A of this Ordinance before the Planning Commission may approve the development.

E. **Development Requirements.**

- (1) **Required Open Space.** At least 50 percent, but no more than 60 percent of the land proposed for development under the provisions of this section shall remain in a perpetually undeveloped state (i.e., “open space”) by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Attorney. The following areas shall not constitute open space:
 - (a) The area within all public street rights-of-way.
 - (b) The area within all private street easements.
 - (c) Any easement for overhead utility lines, unless adjacent to open space.
 - (d) The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
 - (e) Off street parking areas.
 - (f) Detention and retention ponds.
 - (g) Community drain fields.
 - (h) Fifty percent of the area of wetlands, creeks, streams, ponds, lakes or other bodies of water.
 - (i) Fifty percent of the area of floodplains and steep slopes (20 percent or over).

- (2) **Standards for Open Space.** The following standards shall apply to the open space required pursuant to this section:
 - (a) The open space shall not include a golf course.
 - (b) The open space may include a recreational trail, picnic area, children’s play area, greenway, linear park, an agricultural use or other use which, as determined by the Planning Commission, is substantially similar to these uses.
 - (c) The open space shall be available for all residents of the development, subject to reasonable rules and regulations. The open space may be, but is not required to be, dedicated to the use of the public.

- (d) If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
 - (e) A portion of the open space shall be located along the public street frontage abutting the land. The depth of this area shall be at least 50 feet, not including public right-of-way, and this area shall be left in its natural condition or be landscaped to help to preserve or enhance the existing views.
 - (f) A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
 - (g) Open space shall be located so as to be reasonably accessible to the residents of the clustered development. Safe and convenient pedestrian access points to the open space from the interior of the clustered development shall be provided.
 - (h) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land.
- (3) **Use of Open Space.** All dwelling units and other structures and improvements shall be located outside that portion of the land designated as open space. However, the Planning Commission, at its discretion, may permit structures or improvements to be located in the open space if the structures and/or improvements would be consistent with the designated purpose of the open space. By way of example only, park or playground equipment or athletic fields could be permitted on open space designated for recreational use, or agricultural structures could be permitted on open space designated for agricultural use.
- (4) **Compliance with Zoning District.** The development of land under this section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except those setback and yard size requirements that must be adjusted to allow the clustering option permitted under this section.
- (5) **Uniform Lot Size.** Lots for dwellings in the clustered portion of the development shall be as uniform in area as is reasonably practicable, unless otherwise approved by the Planning Commission.
- (6) **Building Envelopes.** The location and area of building envelopes, as proposed by the applicant, shall be subject to the review and approval of the Planning Commission. The location and area of building envelopes

shall be established to achieve the intent and purpose of the zoning district in which the land is located.

- (7) **Required Frontage.** Each lot shall have a minimum of 30 feet of frontage measured at the street right-of-way line.
- (8) **Lot Width.** Each lot shall have a minimum width equal to no less than 70 percent of the minimum lot width specified for the zoning district in which the land is located, unless otherwise approved by the Planning Commission.
- (9) **Maximum Number of Lots.** The clustered portion of the development shall contain no more than the maximum number of lots, as determined from the Existing Zoning Plan approved by the Planning Commission, and as reduced to reflect the inclusion of non-dwelling unit structures, if any, as described in subsection (11).
- (10) **Non-Dwelling Unit Structures.** Lots containing non-dwelling structures such as a clubhouse and its related amenities or an accessory building, shall be subject to all requirements of this section applicable to lots containing dwellings and shall further be subject to all other requirements of this Ordinance and other Township ordinances applicable to the type of structure proposed. However, the Planning Commission may, in its discretion, permit the enlargement of a lot containing a non-dwelling structure so as to reasonably accommodate it.
- (11) **Reduction in Lots for Non-Dwelling Structures.** If structures other than dwellings, such as a clubhouse, are constructed on a lot in the clustered portion of the land, the number of lots permitted in the clustered portion of the land shall be reduced as follows:
 - (a) The area of a lot or lots occupied by non-dwelling structures, shall be calculated and then divided by the average area of a lot that could be situated in the clustered development if the non-dwelling structures were not included in the clustered development, as determined from the approved Existing Zoning Plan. If this number is a fraction, it shall be rounded up to the nearest whole number.
 - (b) The number calculated under subsection (a) shall be subtracted from the number of lots that could be permitted in the clustered development in the absence of the non-dwelling structures, as determined from the approved Existing Zoning Plan, in order to determine the maximum number of lots permitted to be included in the clustered portion of the development with the non-dwelling structures included.

- (12) **Perimeter Lots.** Notwithstanding any other provision of this section, the Planning Commission may require that the clustered development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).
- (13) **Sidewalks.** The Planning Commission may require sidewalks in accordance with the Township's site condominium regulations and subdivision ordinance.
- (14) **Grading.** Grading within the clustered development shall comply with the following requirements:
- (a) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.
 - (b) All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, riding trails, hiking trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.
 - (c) Grading within the clustered development shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and so as to have only such minimal effect upon the environmental characteristics of the land as may be reasonably feasible.
- (15) **Private Streets.** Private streets within a clustered development shall conform to the private street requirements of this Ordinance. The Planning Commission may, however, modify the requirements for private streets and in doing so, shall consider the following criteria:
- (a) Number and type of dwelling units served by the private street.
 - (b) Traffic generation.
 - (c) Existing topography and vegetation.
 - (d) Security provisions.
 - (e) Inter-relationship with the public street network.

- (f) Future installation of public utilities.
 - (g) Likelihood of public dedication of the roadway.
- (16) **Other Laws.** The development of land under this section is subject to all other applicable Township ordinances, state and federal laws, rules and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

F. Amendments to an Approved Site Development Plan.

- (1) An approved clustered site development plan and any conditions imposed upon its approval shall not be changed except upon the mutual consent of the Planning Commission and the applicant, except as otherwise stated below with respect to a minor change.
- (2) A minor change may be approved by the Zoning Administrator. The Zoning Administrator shall notify the Planning Commission of the minor change and state the conclusion that the change does not substantially alter the basic design or conditions required for the plan by the Commission.

The following items shall be considered minor changes:

- (a) Reduction of the size of any building, building envelope or sign.
 - (b) Movement of buildings or signs by no more than ten feet.
 - (c) Plantings approved in the landscaping plan may be replaced by similar types of plantings.
 - (d) Changes requested by the Township for safety reasons.
 - (e) Changes which will preserve natural features of the land without changing the basic site layout.
 - (f) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site development plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on the development or on adjacent or nearby lands or the public health, safety and welfare.
- (3) The Zoning Administrator may refer any decision regarding any proposed change in an approved site development plan to the Planning Commission

for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the chairperson of the Planning Commission.

(4) Should the Zoning Administrator determine that a requested change in the approved site development plan is not minor, re-submission to the Planning Commission for an amendment shall be required, and the consideration thereof shall take place in the same manner as for an original application.

G. **Performance Guarantees.** The Planning Commission, in its discretion may require reasonable performance guarantees or assurance deemed satisfactory in the circumstances and authorized by law. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved clustered site development plan, including any conditions thereto, and construction and placement of all the improvements required thereby.

In its discretion, the Planning Commission may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission.

H. **Time Limitations on Development.** Each development permitted pursuant to this section shall be under construction within one year after the date of approval of the site development plan by the Planning Commission. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in the commencement of the clustered development.

If the clustered development has not been commenced within the above-stated time period, or within any authorized extension thereof, any building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this section in order to exercise the clustering option.

I. **Definitions.** Words and phrases used in this section, if defined in Act 177, shall have the same meaning as provided in the Act.

SECTION 3.28 SETBACK OF STRUCTURES AND SEWAGE SYSTEMS FROM WATER BODIES

No private sewage system nor any principal structure for human occupancy shall be located less than 100 feet from the normal high water line of any surface body of water

nor any sewage system located less than four feet above the normal high ground water table level. Fill material may not be used to elevate a septic system to meet the four foot requirement above the normal high ground water table level.

SECTION 3.29 STORAGE AND DUMPING OF WASTES

A. **Definitions.** The following words or terms when used herein shall be deemed to have the meanings set forth below:

- (1) The term “junk” shall include, without limitation, motor vehicles, broken and unusable furniture, stoves, refrigerators, or other appliances, remnants of wood or metal or any cast off material of any kind.
- (2) The term “trash and rubbish” shall include any and all forms of debris not herein otherwise classified.
- (3) The term “junk motor vehicles” shall include, without limitation, any vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of six months, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of 90 days; provided that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of regularly licensed and established new or used automobile dealer or other motorized vehicle; provided, further that the time limit such vehicles may remain upon the premises of a motor vehicle repair garage shall be a period of 120 days rather than 90 days, with the extension of an additional 30-day period upon presentation to the enforcing officer of written proof the offending vehicle is involved in insurance claims litigation or a similar matter and additional time is required for settlement before a vehicle can be moved.
- (4) The term “abandoned vehicle” shall include, without limitation any vehicle which has remained on private property for a period of 48 continuous hours, or more, without the consent of the owner occupant of the property, or for a period of 48 continuous hours or more after the consent of the owner or occupant of the property has been revoked.
- (5) The term “person” shall include, all natural persons, co-partnerships, corporation, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent, or employee. All persons who violate any of the provisions of this Ordinance, whether as owner, occupant, lessee, agent, servant, or employee shall, except as herein otherwise provided, be equally liable as principals.

B. **Junk, Trash, Rubbish, Junk Cars, etc.** It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk, junk

vehicles or abandoned vehicles on any private property in the Township except with a building or upon the premises of a properly zoned licensed or approved junk dealer, junk buyer, dealer in used auto parts, dealer in second hand goods or junk.

SECTION 3.30 NATURAL VEGETATION STRIP ALONG CROCKERY CREEK AND ITS TRIBUTARIES AND OTHER BODIES OF WATER

A natural vegetative strip of 50 feet wide bordering each side of Crockery Creek, its tributaries, and other bodies of water 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.
- 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.

SECTION 3.31 TRAVEL TRAILERS, COACHES, AND MOBILE HOMES

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. 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.

- D. 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.
- E. 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, 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.
- F. 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.
- G. 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.
- H. 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.

SECTION 3.32 CONVERSION OF DWELLINGS

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.

SECTION 3.33 STORM WATER MANAGEMENT

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.

SECTION 3.34 PONDS

Ponds 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 acre.
- B. Ponds over one 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 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 50 feet, no pond shall be closer than 50 feet to any lot line or structure.
- F. Ponds must be set back at least 50 feet from any well, septic tank or drain field.
- G. Ponds must be set back at least 100 feet from any public highway or road or private road or access easement.
- H. Ponds shall have a maximum slope of one foot drop to three 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 feet of any other surface water, wetlands area or drainage way or which results in a surface water area of five 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 appropriate safety measures including signs and safety equipment if necessary.
- 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 90 days, after which they shall become null and void if construction has not been started. The Zoning Administrator is authorized to renew permits for an additional 30 days if application is made prior to expiration.
- 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.

SECTION 3.35 DYNAMIC BREAKING DEVICE

A. Definitions.

- (1) A “Dynamic Breaking Device” (commonly referred to as a Jake Brake, Jacobs Brake, Jacobs Engine Brake™, engine brake, exhaust brake, or compression brake) means a device primarily used, applied or engaged on trucks or motor homes or other large motor vehicles for the conversion of the engine (usually a diesel engine) from an internal-combustion engine to an air compressor or power-absorbing retarding mechanism for the purpose of slowing down or braking the motor vehicle.
- (2) A “Motor Vehicle” means any vehicle that is self-propelled.

- B. **Use Prohibited.** It is unlawful for any person to operate any motor vehicle with a Dynamic Braking Device applied, used or engaged within the limits of Ravenna Township, except for the prevention of imminent danger to person or property.
- C. **Signage.** Appropriate signs prohibiting the application, use or engagement of any Dynamic Braking Device (commonly referred to as a Jake Brake, Jacobs Brake, Jacobs Engine Brake™, engine brake, exhaust brake, or compression brake) shall be erected at all public highway or roadway entrances as determined by the Ravenna Township Board.

CHAPTER 4
ZONING DISTRICTS - GENERAL

SECTION 4.0 ESTABLISHMENT OF DISTRICTS

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

- NR Natural Resources District
- A-1 Prime Agriculture District
- A-2 Agriculture-Recreation District
- R-1 Residential District
- R-2 Residential District
- R-3 Medium Density Multiple Family District
- PUD Residential Planned Unit Development District
- C Commercial District
- I Industrial District
- MHP Mobile Home Park District

SECTION 4.1 OFFICIAL ZONING MAP

The zoning districts are identified and located on a map entitled “Official Zoning District Map of Ravenna Township of 1995.” Said map, with all information thereon, is hereby made a 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 Ravenna Township Zoning Ordinance of 1995 together with the effective date of this 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 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 an interpretation of any district boundary which requires a correction to the Official Map. Any such correction ordered by the Zoning Board of Appeals, shall be noted by date on the Official Map by the person authorized to do so.

In the event that the Official Map is damaged, destroyed or 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 Zoning District 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.

SECTION 4.2 RULES FOR INTERPRETATION OF OFFICIAL MAP

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

- A. A boundary indicated as approximately following the centerline of a highway, street alley or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot or parcel boundary shall be construed as following such line.
- C. A boundary indicated as following a shoreline shall be construed as following such shoreline or the actual shoreline if the shoreline is changed by any means.
- D. A boundary indicated as following a centerline of a stream, river, canal, lake or other waterbody shall be construed as following such centerline.
- E. 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, Zoning Board of Appeals shall interpret the location of the zoning district boundary.
- F. 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
NATURAL RESOURCES DISTRICT**

SECTION 5.0 PURPOSE

It is the intent of this article to protect the exceptional and/or unique water and attendant adjacent land resources of Ravenna Township with particular emphases placed upon the agricultural environment and the Crockery Creek watershed and tributary systems. The regulations set forth herein are designed to limit, or obviate, uses incompatible with these uses and developments that are compatible; to protect surface and ground water supplies and quality.

SECTION 5.1 MAPPED AND UNMAPPED CONSERVANCY DISTRICTS

The Township flowage rights beginning at Ellis Road and extending to the north along Crockery Creek and its tributaries is indicated on the “Official Zoning District Map.” This district is coterminate with the description of the Township’s flowage rights. All other Natural Resources Districts are to be determined as follows: All other floodplain areas adjacent to Crockery Creek, its tributaries, other streams, lakes or ponds, excepting man made farm ponds and road drains located within the road right-of-way, shall be considered as Natural Resources Districts and no buildings or structures, other than fencing normal to uses permitted under this article, shall be placed in accordance with Section 3.3.

SECTION 5.2 PRINCIPAL USES PERMITTED

Land, buildings, structures, or other improvements in the NR Natural Resources District may be used for the following purposes only:

- A. Harvesting of wild crops.
- B. Hunting, fishing, and trapping.
- C. Sustained yield forestry.
- D. Essential services.
- E. Public or community water well and pumping station sites.
- F. Public park and recreational uses and facilities.

SECTION 5.3 ACCESSORY USES PERMITTED

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted. Accessory buildings and structures shall not be placed in any locations where they may interfere with the flow of surface waters or where they may cause or contribute to the erosion of stream banks or have other adverse effects on land or water resources.

SECTION 5.4 SPECIAL LAND USES

Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 13, the following special land uses may be established:

- A. Campgrounds.
- B. Trails.
- C. Hunting, archery, paintball, camping, dog, gun or paramilitary clubs or organizations.
- D. Park and recreational uses and facilities.
- E. Essential service buildings.
- F. Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 75 feet or, if roof-mounted, exceeding a height of ten feet above the roof.
- G. Canoe or boat liveryes and similar water related uses.

SECTION 5.5 HEIGHT

Refer to Schedule A.

SECTION 5.6 LOT AREA AND COVERAGE

Refer to Schedule A.

SECTION 5.7 YARDS

Refer to Schedule A.

CHAPTER 6
A-1 PRIME AGRICULTURAL DISTRICT

SECTION 6.0 PURPOSE

It is the intent of this article to promote the preservation of productive prime agricultural lands and existing agricultural uses as well as to protect these areas from development which would not be consistent with the agricultural land use and to mitigate potential land use conflicts between agricultural and non-agricultural areas.

SECTION 6.1 PRINCIPAL USES PERMITTED

Land, buildings, structures, or other improvements in the A-1 District may be used for the following purposes only:

- A. Crop and animal production, conducted in accordance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture, except intensive livestock operations.

SECTION 6.2 ACCESSORY USES PERMITTED

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted. Accessory buildings and structures shall not be placed in any locations where they may interfere with the flow of surface waters or where they may cause or contribute to the erosion of stream banks or have other adverse effects on land or water resources.

SECTION 6.3 SPECIAL LAND USES

Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 13, the following special land uses may be established:

- A. Trails.
- B. Hunting, archery, paintball, camping, dog, gun or paramilitary clubs or organizations.
- C. Wastewater treatment facilities.
- D. Essential service buildings.
- E. Single family detached dwelling.
- F. Home occupation.
- G. Agricultural services such as farm implement sales and service, food and bulk fertilizer distributor, farm credit agency and similar business services providing direct support to farm operators.

- H. Intensive livestock operations complying with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- I. Churches and other houses of worship; public and private schools.
- J. Removal and processing of sand, gravel and other such mineral resources.
- K. Veterinarian establishment, including animal clinic and boarding.
- L. Roadside markets and farm markets.
- M. Agricultural processing operations.
- N. Kennels.
- O. Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 75 feet or, if roof-mounted, exceeding a height of ten feet above the roof.
- P. Canoe or boat liveries and similar water related uses.
- Q. Day care or foster care facilities for six or fewer persons.
- R. Temporary migrant housing.

SECTION 6.4 HEIGHT

Refer to Schedule A.

SECTION 6.5 LOT AREA, FRONTAGE, WIDTH, AND COVERAGE

Refer to Schedule A.

SECTION 6.6 YARDS

Refer to Schedules A and D.

SECTION 6.7 FLOOR AREA/BUILDING WIDTH

Refer to Schedule A.

CHAPTER 7
A-2 AGRICULTURAL-RECREATION DISTRICT

SECTION 7.0 PURPOSE

The purpose of this district is to permit limited residential use within agricultural areas while preserving the rural character in portions of the Township.

SECTION 7.1 PRINCIPAL USES PERMITTED

Land, buildings, structures, or other improvements in the A-2 District may be used for the following purposes only:

- A. Single family detached dwellings.
- B. Single-family housing developments meeting the qualifying conditions of Section 3.27 are permitted in accordance with the requirements of Chapter 14.
- C. All principal uses permitted in the A-1 Prime Agricultural District.
- D. Family day care homes for not more than six minor children.
- E. State-licensed foster care or day care homes for not more than six persons; provided, however, an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions shall not be a principal use permitted in this district.

SECTION 7.2 ACCESSORY USES PERMITTED

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted. Accessory buildings and structures shall not be placed in any locations where they may interfere with the flow of surface waters or where they may cause or contribute to the erosion of stream banks or have other adverse effects on land or water resources.

SECTION 7.3 SPECIAL LAND USES

Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 13, the following special land uses may be established:

- A. Campgrounds.
- B. Trails.
- C. Park and recreational uses and facilities.
- D. Essential service buildings.

- E. Commercial communications antennas and towers; non-commercial ground-mounted communications antennas and towers exceeding a height of 75 feet or, if roof-mounted, exceeding a height of ten feet above the roof.
- F. Home occupation.
- G. Agricultural services such as farm implement sales and service, food and bulk fertilizer distributor, farm credit agency and similar business services providing direct support to farm operators.
- H. Churches and other houses of worship; public and private schools.
- I. Removal and processing of sand, gravel and other such mineral resources.
- J. Sanitary landfill.
- K. Veterinarian establishment including animal clinic and boarding.
- L. Kennels.
- M. Roadside markets and farm markets.
- N. Golf courses.
- O. Temporary migrant housing.
- P. Group day care home.

SECTION 7.4 HEIGHT

Refer to Schedule A.

SECTION 7.5 LOT AREA, FRONTAGE, WIDTH, AND COVERAGE

Refer to Schedule A.

SECTION 7.6 YARDS

Refer to Schedule A.

SECTION 7.7 FLOOR AREA/BUILDING WIDTH

Refer to Schedule A.

CHAPTER 8
R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 8.0 PURPOSE

The R-1 Low Density Residential District is intended for low density, single-family residential uses in those areas that are not anticipated to require public sewage collection treatment facilities, but rather will be dependent upon on-site treatment and disposal or upon subdivision or small area systems. This localized treatment approach requires larger lot sizes in order to protect on-site water supply systems and to reduce treated wastewater loading of the groundwater resources. This district also provides residential choice in the form of neighborhoods or areas of homes upon larger lots and of less density.

SECTION 8.1 PRINCIPAL USES PERMITTED

Land, buildings, structures, or other improvements in the R-1 District may be used for the following purposes only:

- A. Single-family detached dwellings.
- B. Single-family housing developments meeting the qualifying conditions of Section 3.27 are permitted in accordance with the requirements of Chapter 14.
- C. Family day care homes for not more than six minor children.
- D. State-licensed foster care or day care homes for not more than six persons; provided, however, an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions shall not be a principal use permitted in this district.

SECTION 8.2 ACCESSORY USES PERMITTED

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted. Accessory buildings and structures shall not be placed in any locations where they may interfere with the flow of surface waters or where they may cause or contribute to the erosion of stream banks or have other adverse effects on land or water resources.

SECTION 8.3 SPECIAL LAND USES

Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 13, the following special land uses may be established:

- A. Park and recreation use and facilities.
- B. Home occupation.

- C. Churches and other houses of worship; public and private schools.
- D. Essential service building.
- E. Family day care homes for more than six minor children.
- F. State-licensed foster care or day care homes for more than six adults.
- G. Bed and breakfast establishment.

SECTION 8.4 HEIGHT

Refer to Schedule B.

SECTION 8.5 LOT AREA AND COVERAGE

Refer to Schedule B.

SECTION 8.6 YARD REQUIREMENTS

Refer to Schedule B.

SECTION 8.7 LOT FRONTAGE AND WIDTH

Refer to Schedule B.

SECTION 8.8 FLOOR AREA/BUILDING WIDTH

Refer to Schedule B.

CHAPTER 9
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 9.0 PURPOSE

The R-2 Medium Density District is intended for medium density residential uses in areas that may be ultimately provided with community or public sewage treatment and disposal facilities or other utilities and public services on a reasonably efficient basis. It is intended to provide areas protected under this Ordinance as residential living areas free of incompatible uses, with adequate light, air and yard areas.

SECTION 9.1 PRINCIPAL USES PERMITTED

Land, buildings, structures, or other improvements in the R-2 District may be used for the following purposes only:

- A. Single-family detached dwellings which meet all Building code requirements and those of this Ordinance.
- B. Two-family dwellings.
- C. Family day care homes for not more than six minor children.
- D. State-licensed foster care or day care homes for not more than six persons; provided, however, an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions shall not be a principal use permitted in this district.

SECTION 9.2 ACCESSORY USES PERMITTED

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted. Accessory buildings and structures shall not be placed in any locations where they may interfere with the flow of surface waters or where they may cause or contribute to the erosion of stream banks or have other adverse effects on land or water resources.

SECTION 9.3 SPECIAL LAND USES

Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 13, the following special land uses may be established:

- A. Park and recreation use and facilities.
- B. Home occupation.
- C. Churches and other houses of worship; public and private schools.
- D. Publicly-owned libraries, museums and community centers.

- E. Essential service building.
- F. Family day care homes for more than six minor children.
- G. State-licensed foster care or day care homes for more than six adults.
- H. Bed and breakfast establishment.

SECTION 9.4 HEIGHT

Refer to Schedule B.

SECTION 9.5 LOT AREA AND COVERAGE

Refer to Schedule B.

SECTION 9.6 YARD REQUIREMENTS

Refer to Schedule B.

SECTION 9.7 LOT FRONTAGE AND WIDTH

Refer to Schedule B.

SECTION 9.8 FLOOR AREA/BUILDING WIDTH

Refer to Schedule B.

CHAPTER 9A
RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 9A.0 PURPOSE

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

SECTION 9A.1 AUTHORIZATION

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. 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 planned unit development ordinance shall be a violation of the Zoning Ordinance.

SECTION 9A.2 ELIGIBILITY FOR PUD REZONING

- A. Lands proposed for PUD rezoning shall have an area of at least 20 contiguous acres.
- B. A proposed PUD shall satisfy all of the following minimum requirements:
 - (1) The PUD shall result in substantial benefit to the users of the development and to the Township.
 - (2) The PUD 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 PUD as approved.
 - (3) The PUD shall be compatible with the Township Master Plan and consistent with the intent and purposes of this chapter.

SECTION 9A.3 LAND USES

Land, building and structures in the Residential Planned Unit Development District shall be used only for the permitted uses stated in the R-1 or R-2 Residential Districts.

SECTION 9A.4 APPLICATION AND REVIEW PROCEDURES

- A. **Optional Preapplication Conference.** Before submitting an application for a PUD, the applicant may meet with the Planning Commission to submit information regarding the proposed PUD and to confer with the Planning Commission about any proposed application and the PUD.
- B. **Preliminary Development Plan.**
- (1) An applicant for PUD rezoning shall submit 12 copies of a preliminary development plan of the development which contains the following information:
- (a) Legal description of the lands and the street address thereof.
 - (b) Area of the PUD lands.
 - (c) A narrative describing:
 - (i) The nature of the project.
 - (ii) The proposed density, number, and types of dwelling units.
 - (iii) A statement describing how the proposed PUD meets the objectives of the PUD District.
 - (iv) Proof of ownership or legal interest in the PUD lands.
 - (d) Location sketch of the site in relation to surrounding and nearby lands.
 - (e) Date, north arrow and scale which shall not be more than 1"=100.'
 - (f) All lot lines or other property lines, with dimensions.
 - (g) Existing and proposed topographical contours with a minimum of five foot intervals.
 - (h) 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.
 - (i) Existing zoning and land use of the proposed site and adjacent and nearby lands.
 - (j) Location, size and type of all existing and proposed buildings and structures.

- (k) Location of all existing structures within 100 feet of the property lines.
 - (l) Location of proposed landscaping, buffering and screening.
 - (m) Location and dimensions of all existing and proposed streets, driveways and parking areas.
 - (n) 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.
 - (o) Location and nature of facilities for water supply and sanitary sewer service.
 - (p) Size and location of all areas devoted to open space.
 - (q) Statement of all uses that are to be conducted on the lands and the location of all such uses.
 - (r) Location and description of existing and proposed signs and exterior lighting.
 - (s) Proposed restrictive covenants, if any, for the development.
- (2) 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.
 - (3) The Planning Commission may, in addition, require that the applicant obtain comments from the County Health Department, County Road Commission, County Drain Commissioner, 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. 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 PUD, not less than seven days prior to the date of the advisory public hearing. 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 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 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 Michigan Zoning Enabling Act for the rezoning of lands.
- G. **Recommendation by Planning Commission.** After public hearing, the Planning Commission shall recommend to approve, deny or approve with conditions the rezoning of the lands in accordance with the final development plan. The recommendation shall be forwarded to the Township Board.
- 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:
- (1) 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.
 - (2) They shall be related to the valid exercise of the Township's regulatory authority.

- (3) 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.

SECTION 9A.5 DESIGN AND DEVELOPMENT REQUIREMENTS

The following minimum design and development standards and requirements shall apply to a Residential Planned Unit Development:

- A. The maximum building density per acre of land in the PUD shall be as approved by the Planning Commission and Township Board.
- B. Building setback requirements shall conform to such requirements as stated in the R-1 District or the R-2 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 shall not exceed 35 feet; the height of accessory buildings shall not exceed 18 feet.
- D. At least 30 percent 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 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 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.

- 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 as determined by the Planning Commission and Township Board.

SECTION 9A.6 AMENDMENTS IN THE PUD

- 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 thereof, 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 the 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 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.

SECTION 9A.7 PERFORMANCE GUARANTIES

- A. The Township Board, after recommendation by the Planning Commission or in its own discretion, may require reasonable performance guaranties to assure the completion of a proposed PUD or portions thereof. Performance guaranties shall be conditioned upon timely and faithful compliance with all of the terms and conditions of the PUD.
- B. Such performance guaranties may be in the form of a cash deposit, performance bond, letter of credit, or other satisfactory written assurance. In the case of performance guaranties involving sureties or guarantors, such sureties or guarantors shall be satisfactory to the Township Board.
- C. The Township Board, after recommendation by the Planning Commission, or in its own discretion, may rebate or refund a proportionate share of the amount specified in a performance guarantee based upon the portion of the required improvements that have been satisfactorily completed.

SECTION 9A.8 TIME LIMITATIONS ON DEVELOPMENT

Each PUD shall be under construction within one year of the date that the Township Board approves the rezoning in accordance with the final development plan. The Planning Commission may in its discretion grant an extension not exceeding one 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 a case, the Planning Commission and Township Board may initiate proceedings for the rezoning of the lands to some other zoning district.

CHAPTER 9B
R-3 MEDIUM DENSITY MULTIPLE FAMILY DISTRICT

SECTION 9B.0 PURPOSE

The R-3 Medium Density District is intended for medium density single-family, two-family and multiple family residential uses in areas that are provided with community or public sewage treatment and disposal facilities or other utilities and public services on a reasonably efficient basis. It is intended to provide areas protected under this Ordinance as residential living areas free of incompatible uses, with adequate light, air and yard areas.

SECTION 9B.1 PRINCIPAL USES PERMITTED

Land, buildings, structures, or other improvements in the R-3 District may be used for the following purposes only:

- A. Single-family detached dwellings which meet all building code requirements and those of this Ordinance.
- B. Two-family dwellings.
- C. Multiple family dwellings.
- D. Family day care homes for not more than six minor children.
- E. State-licensed foster care or day care homes for not more than six persons; provided, however, an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions shall not be a principal use permitted in this district.

SECTION 9B.2 OTHER LAND USES PERMITTED

- A. **Accessory Uses.** Buildings, structures and uses customarily accessory to the principal permitted uses are permitted. Accessory buildings and structures shall not be placed in any locations where they may interfere with the flow of surface waters or where they may cause or contribute to the erosion of stream banks or have other adverse effects on land or water resources.
- B. Signs as regulated under Section 3.19.

SECTION 9B.3 SPECIAL LAND USES

Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 13, the following special land uses may be established:

- A. Park and recreation use and facilities.

- B. Home occupation.
- C. Churches and other houses of worship; public and private schools.
- D. Publicly-owned libraries, museums and community centers.
- E. Essential service building.
- F. Family day care homes for more than six minor children.
- G. State-licensed foster care or day care homes for more than six adults.
- H. Bed and breakfast establishment.
- I. Nursing homes, homes for the aged and those residential facilities licensed by the state for the care and treatment of persons released from or assigned to adult correctional facilities.

SECTION 9B.4 HEIGHT

Refer to Schedule B.

SECTION 9B.5 LOT AREA AND COVERAGE

Refer to Schedule B.

SECTION 9B.6 YARD REQUIREMENTS

Refer to Schedule B.

SECTION 9B.7 LOT FRONTAGE AND WIDTH

Refer to Schedule B.

SECTION 9B.8 FLOOR AREA/BUILDING WIDTH

Refer to Schedule B.

CHAPTER 10
C-1 COMMERCIAL DISTRICT

SECTION 10.0 PURPOSE

This district is intended for limited shopping and office purposes, with retail businesses and service establishments supplying goods and services for residents and recreational uses in the area. It is intended that the permitted uses and special land uses in the district will be reasonably compatible with surrounding land uses and that they will have only minimal impact on surrounding residential or agricultural use properties.

SECTION 10.1 PRINCIPAL USES PERMITTED

Land, buildings, structures, or other improvements in the C-1 District may be used for the following purposes only:

- A. Retail sales including food, drug store, hardware, liquor, gifts, antiques, feed stores, clothing, furniture, variety goods, dry cleaning and laundry pick up outlets, coin-operated laundromats, florist, jewelry, shoes, books, and news stands.
- B. Services including banks, offices, art, dance and photo studios, health and fitness clubs, inns, funeral homes, catering services and clinics.
- C. Recreational equipment sales when goods or equipment is entirely housed within an enclosed building.
- D. Restaurant and banks, where such uses do not have drive-through facilities serving patrons in their automobiles.
- E. Churches or other houses of worship, lodges, clubs and fraternities.

SECTION 10.2 ACCESSORY USES PERMITTED

Buildings, structures and uses customarily accessory to the principal permitted uses are permitted. Accessory buildings and structures shall not be placed in any locations where they may interfere with the flow of surface waters or where they may cause or contribute to the erosion of stream banks or have other adverse effects on land or water resources.

SECTION 10.3 SPECIAL LAND USES

Upon application to the Township Planning Commission and approval by said Commission, subject to provisions of Chapter 13, the following special land uses may be established:

- A. Veterinary clinic and animal boarding.
- B. Indoor entertainment uses such as theater, bowling alley, skating rinks and tennis court.

- C. Outdoor commercial recreation uses such as golf driving range, miniature golf, baseball, soccer or football fields, theme parks and carnival.
- D. Restaurant, bank or other business with drive-through facilities serving patrons in their automobile.
- E. Hotels and motels.
- F. Gasoline service station.
- G. Business or trade school.
- H. Automobile, truck or other vehicle repair, servicing and washing, but not automobile body shops or painting facilities.
- I. Electric, plumbing, or non-automotive mechanical repair service.
- J. Self storage warehouse facility, which may include manager's office and/or residence.
- K. Outdoor storage or display of materials or merchandise for sale in connection with any permitting use or special land use in this district.
- L. Neighborhood shopping center.
- M. Outdoor antique and flea market.
- N. Motor vehicle retail sales and leasing.
- O. Other similar retail, business or service establishments.
- P. Nursing homes, homes for the aged and those residential facilities licensed by the state for the care and treatment of persons released from or assigned to adult correctional facilities.

SECTION 10.4 HEIGHT

Refer to Schedule C.

SECTION 10.5 LOT AREA, FRONTAGE, WIDTH AND COVERAGE

Refer to Schedules C and D.

SECTION 10.6 YARDS REQUIREMENTS

Refer to Schedules C and D.

CHAPTER 11
I INDUSTRIAL DISTRICT

SECTION 11.0 PURPOSE

This district is intended to encourage and facilitate the development of general and intensive industrial enterprises in a setting appropriate to such uses.

SECTION 11.1 PRINCIPAL USES PERMITTED

Land, buildings, structures, or other improvements in the I Industrial District may be used for the following purposes only:

- A. Warehousing, storage or transfer buildings, excluding storage of bulk petroleum in above ground tanks.
- B. Truck terminals, including maintenance and service facilities.
- C. Manufacture, compounding processing, packaging, treating and assembling of materials and goods in the production of:
 - (1) Food products.
 - (2) Textile mill products.
 - (3) Apparel and other finished products made from fabrics and similar materials.
 - (4) Lumber and wood products, but not including logging.
 - (5) Furniture and fixtures.
 - (6) Paperboard containers and products.
 - (7) Printing and publishing.
 - (8) Engineering, optical, measuring, medical, lenses, photographic and similar precision instruments.
 - (9) Jewelry, silverware, toys, athletic, equipment, signs, displays and similar products.
- D. Wholesale establishments.
- E. Research and laboratories and product testing centers.
- F. Essential service buildings.

- G. Trade and industrial schools.
- H. Tool and die manufacturing establishments.
- I. Central dry-cleaning or laundry plants.
- J. Mini-warehouses.
- K. General fabrication and assembly operations.
- L. Automobile, truck or other vehicle repair, servicing and washing, but not automobile body shops or painting facilities.
- M. Other land uses determined by the Planning Commission to be substantially similar in nature to the listed permitted uses.

SECTION 11.2 ACCESSORY USES PERMITTED

Accessory uses common to those uses permitted under this article are allowed including parking and loading areas, offices, material equipment storage areas when enclosed and not visible from adjoining properties, living quarters for caretakers or watchmen when located within the main building.

SECTION 11.3 SPECIAL LAND USES

Land and/or buildings may be utilized for the following uses by Special Land Use approval, subject to the general and specific requirements and standards of Chapter 13:

- A. Retail sales incidental to any permitted use in the Industrial District.
- B. Neighborhood shopping center.
- C. Gasoline service station.
- D. Automobile body shops and establishments with painting facilities.
- E. Banks, credit unions, savings banks and other money lender establishment with drive-through facilities.
- F. Restaurants, including those with drive-through facilities.
- G. Recycling centers.
- H. Metal plating, buffing and polishing.
- I. Salvage yards.
- J. Fuel depot and fuel dispensing systems.

- K. Landfills of all classes as regulated by the Michigan Department of Natural Resources, excepting sanitary landfills for deposit of refuse, garbage or hazardous solids or liquids.
- L. Industrial incinerators intended for burning of any waste material or refuse.
- M. Any industrial use not expressly included as a principal permitted use.
- N. Open storage of any material.

SECTION 11.4 SITE DEVELOPMENT STANDARDS

- 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 C and D shall be met.
- D. Compliance with flood plain requirements.
- E. Site plan review in accordance with Chapter 14.
- F. Accessory buildings and structures shall comply with regulations contained in Section 3.10 and Schedule E of Chapter 3.

SECTION 11.5 OPERATIONAL REQUIREMENTS

The following requirements shall apply to all industrial land uses within the Township.

- 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 feet nor greater than eight feet in height, with solid gates at points of entrance and exit. All outdoor storage shall comply with building setback requirements.
- B. Noise emanating from a use permitted in this district shall not exceed the level of average street noise on abutting streets.
- 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. Emit no odorous gases or other odorous materials in such quantities as to be humanly perceptible at or beyond the boundaries of the property.
- E. Emit no smoke or particulates, other than that produced by normally operating heating equipment, in excess of State of Michigan air quality standards.

- F. Produce no glare or heat humanly perceptible at or beyond the boundaries of the property.
- G. Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products or materials stored on the premises.
- H. Produce no vibrations humanly perceptible at or beyond the boundaries of the property.
- I. Produce no electromagnetic radiation or radioactive emission injurious to human beings, animals, or vegetation, or which exceed quantities established by the U. S. Bureau of Standards.
- J. Do not engage in the production or storage of any materials designed as an explosive.
- K. 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 no pollution of water bodies. In all cases where possible public wastewater facilities shall be utilized.
- L. Access roads shall be built to Muskegon County road specifications. All turning areas shall have a radius of at least 60 feet or such other radius as may be approved in site plan review.

SECTION 11.6 MINIMUM LOT AREA

Refer to Schedule C.

SECTION 11.7 MINIMUM LOT WIDTH

Refer to Schedule C.

SECTION 11.8 MAXIMUM LOT COVERAGE

Refer to Schedule C.

SECTION 11.9 MINIMUM YARD DIMENSIONS

Refer to Schedules C and D.

SECTION 11.10 MAXIMUM BUILDING HEIGHT

Refer to Schedule C.

CHAPTER 12
MHP MOBILE HOME PARK DISTRICT

SECTION 12.0 PURPOSE

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.

SECTION 12.1 LOCATION OF MOBILE HOME PARK DISTRICT

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. Detailed mobile homes are the only principal permitted use in this district.

- 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 flood plains.
 - (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 storm water runoff, unless such runoff is of potable water quality, will be to surface or

ground waters utilized for human body contact, or as a municipal water supply source.

SECTION 12.2 ACCESSORY USES

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.

SECTION 12.3 HEIGHT

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

SECTION 12.4 LOT AREA AND DIMENSIONS

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.

SECTION 12.5 YARDS AND SETBACKS

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.

SECTION 12.6 SPECIAL PROVISIONS

All mobile home parks to be located within Ravenna 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 Ravenna Township.

SECTION 12.7 PLANS AND SPECIFICATIONS

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.

SECTION 12.8 TOWNSHIP APPROVAL

- 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. The Planning Commission shall hold a duly noticed public hearing.
- 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.
- 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.

SECTION 12.9 MOBILE HOME PARK DEVELOPMENT PLANS AND STANDARDS

- 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. Storm water drainage shall fully comply with the requirements of Section 3.33 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 5 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.

**CHAPTER 13
SPECIAL LAND USES**

SECTION 13.0 INTENT AND PURPOSE

Uses allowed as special land uses are those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests for authorized special land uses, and for imposing conditions upon such uses.

SECTION 13.1 APPLICATION FOR SPECIAL LAND USE

- A. An applicant who owns the subject property or who has an interest therein, may file an application for a special land use.
- B. The applicant shall submit the following to the Zoning Administrator:
 - (1) A completed application form, on a form provided by the Township office.
 - (2) At least 12 copies of a site plan complying with the provisions of Chapter 14.
 - (3) Such other information and materials either requested by the Planning Commission or necessary or appropriate to demonstrate that all requirements for the special land use have been or will be complied with.

Such additional information and materials may include, but are not necessarily limited to a traffic impact study; environmental impact assessment; information on expected impact on the community public service facilities; storm water management plan; and other plans or studies bearing upon the operation and effects of the special land use.

- (4) Payment of the application fee specified by Township Board resolution.

SECTION 13.2 PROCEDURES FOR CONSIDERATION OF SPECIAL LAND USE

- A. Except where indicated otherwise in this Ordinance, the Planning Commission shall consider a special land use application and shall make a decision on the application.
- B. After the filing of a completed special land use application, the matter shall be scheduled for public hearing by the Planning Commission. Notice of the public hearing shall be given in accordance with Section 20.14 of this Zoning Ordinance.

- C. At or following the public hearing, the Planning Commission may require the submission of additional information and materials concerning the nature and operation of the special land use.
- D. Following the public hearing, the Planning Commission shall approve, disapprove or approve with conditions the requested special land use.
- E. The decision of the Planning Commission shall include its findings pertaining to the special land use. The decision shall also include any terms and conditions imposed by the Planning Commission in its approval of the use.
- F. Upon approval of an application for special land use, the applicant may proceed to engage in and carry out the special land use, in accordance with all applicable requirements of this Ordinance and any terms and conditions imposed by the Planning Commission in approving the use. A violation of any such terms and conditions shall be a violation of this Ordinance.

SECTION 13.3 REVIEW AND APPROVAL OF SPECIAL LAND USES

- A. **General Standards.** A special land use shall comply with all of the following general standards:
 - (1) The special land use shall be compatible with existing Township plans for development and promote the intent of the zoning district in which the use is proposed.
 - (2) The special land use shall be designed, constructed, and maintained so as to be compatible with the existing and intended character of the general vicinity and not cause a substantial change in the essential character of the area in which it is proposed.
 - (3) The special land use shall be designed to be compatible with adjoining land and uses thereon and shall not interfere with or impair the use of adjoining lands.
 - (4) The special land use shall be served adequately by essential public facilities and services, including roads and streets, police and fire protection, drainage facilities, wastewater disposal, water supply, public schools, and other public services.
 - (5) The special land use shall not involve any use, activity, process, storage, operation or condition that will be detrimental to, a nuisance to, or cause a negative impact on the natural environment, adjoining uses and properties, public streets, or the public health, safety or general welfare.
- B. **Site Plan of Special Land Use.** Concurrent with its review of a special land use application, the Planning Commission shall also review a site plan for the

proposed special land use, prepared in accordance with Chapter 14. In approving a special land use, the Planning Commission shall approve the site plan or approve it with conditions. Such conditions may include revisions and amendments in the site plan or deletions from the site plan.

C. Conditions of Approval.

- (1) In approving a special land use, the Planning Commission may impose terms and conditions, including conditions regulating hours of operation, the effect of noise, light, dust, traffic and other matters on neighboring properties and the effect of the proposed use on available public services and utilities. Such conditions may include those necessary for the protection of the health, safety or general welfare.
- (2) An approved special land use, including any conditions imposed thereon, shall attach to the parcel of land described in the decision of approval, irrespective of subsequent changes in ownership of the land.
- (3) No changes in the special land use, nor in the conditions imposed thereon, shall be made unless such changes are approved by the Planning Commission in the form of an amendment to the special land use, following the amendment procedures specified in subsection F.
- (4) In the event that a special land use is conducted without full compliance with all of the terms and conditions thereof, the Zoning Administrator shall notify the property owner accordingly. The Township may proceed with all actions permitted by law and ordinance to enforce compliance with applicable provisions of the Zoning Ordinance and the terms and provisions of the special land use. Such actions may include a revoking of the special land use and an order that such use be terminated.

D. Conducting of a Special Land Use.

- (1) A special land use shall be commenced within one year after its date of approval, unless during such period of time a written application for an extension has been filed with the Township. In the absence of any filing of application for extension during such time, the special land use shall be null and void and all rights thereunder shall terminate.
- (2) The Planning Commission may grant an additional period of one year for the commencement of a special land use, if an application for such extension is filed during the first year after approval was granted. Such extension shall be granted, however, only where it is shown that there is a reasonable likelihood of the commencement of construction, or other work toward commencement of the use, during the extension period.

- (3) A special land use which ceases to be conducted or operated for a period of 180 days shall be considered abandoned, and the special land use shall thereupon be null and void and all rights thereunder shall terminate.
- E. **Resubmittal of Application.** No application for a special land use which has been denied in whole or in part shall be resubmitted to the Township, except on the grounds of changed circumstances or conditions, as compared to those existing at the time of the denial of the use.
- F. **Amendments in Special Land Uses.**
- (1) A change in the terms of a special land use is either a major change or a minor change. A minor change shall be a change which is not material or significant in relation to the nature or effects of the special land use, nor shall it include any change in the conditions under which the use was approved. Any other change in a special land use shall be a major change.
 - (2) A major change in a special land use shall be approved only by the Planning Commission, and such approval shall take place only after public hearing and public notice, in the same manner and to the same extent as is required for initial approval of the use.
 - (3) A minor change shall be approved only by the Planning Commission at a public meeting, but public hearing and special public notice shall not be required.

SECTION 13.4 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of Section 13.3.A(1-5) are basic to all uses authorized by special land use approval. This Section 13.4 identifies minimum requirements which shall be complied with by particular special land uses, in addition to the general standards and requirements:

- 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 flood plain 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 unless such trails are a part of a regional trail system operated by a unit of government.

C. Hunting, Archery, Paint Ball, Camping, Dog, Gun or Paramilitary Clubs or Organizations.

- (1) 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 flood plain or regulated wetland.
- (2) Any sport or shooting range where the discharge of firearms will occur shall be located on a parcel of at least 20 acres in area.
- (3) No firearms shall be discharged in a location or at a stationary or moving target which is within 450 feet of any property line unless such discharge of firearms occur within a wholly-enclosed building. Whether located in a building or outside, the facility shall be located or designed so that noise shall not be unduly disturbing to nearby residents or other uses.
- (4) Any discharge of firearms, archery, paint ball or other projectile shall not result in debris falling or landing onto any lot or parcel of land other than the lot or parcel authorized for the special land use.
- (5) The Planning Commission is generally authorized to place limits on the hours, days and seasons of operations, the number of persons using the facility, regulations on the level of noise caused by the activity, regulations regarding adequate off-street parking and other conditions for the safety and welfare of the lot and adjacent lots.

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. 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.

F. 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.
- (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.

G. Essential Service Structures or Buildings.

- (1) Special land use approval is required only when the building or structure has a gross floor area in excess of 100 square feet.
- (2) All structures and buildings above average lot grade shall be generally compatible in design and materials with any dwelling located on adjacent lands.
- (3) All parking, storage, open equipment and buildings or structures which cannot be constructed in a design or with materials that are generally compatible with adjacent buildings, shall be screened by a fence, wall or earth berm and landscaping as determined by the Planning Commission.

H. 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 Chapters 15 and 16.

- (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.
- (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 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.

I. Church or Other House of Worship.

- (1) The special land use shall be located on a parcel of land having such area as approved by the Planning Commission. Safe, adequate and convenient access from a public street shall be provided.
- (2) Adequate off-street parking areas shall be provided.
- (3) Steeples, spires and roof ornamentation in excess of the height permitted in the zoning district in which the church or other house of worship is located are permitted if approved by the Planning Commission.
- (4) A nursery school or child care center may be operated on church property if approved by the Planning Commission as a part of the special land use approval. Appropriate registration or licensing of the nursery school or child care center shall be provided, if required by law.

J. Automobile, Truck or Other Vehicle Repair, Servicing and Washing Facility.

- (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 premise 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.
- (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.
- (6) 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.
- (7) 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.
- (8) 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.

K. Commercial or Public Antennas and Towers and Certain Non-Commercial Antennas and Towers. Commercial or public antennas and towers for communications, radio or television, unless exempt under other provisions of this Ordinance, and noncommercial or non-public antennas and towers subject to special land use approval, may be approved by the Planning Commission as a special land use upon compliance with all of the following requirements:

- (1) Any such antenna or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
- (2) No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.

- (3) Any such antenna or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.
- (4) A commercial or public antenna or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission, unless it is exempt under Section 3.11.
- (5) The antenna or tower shall not be located, constructed or used so as to have a serious adverse effect on adjacent or nearby land uses.
- (6) The antenna or tower and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
- (7) Antennas and towers for commercial or public telecommunications services, including cellular telephone antennas and towers, shall unless otherwise exempt comply with all of the following requirements:
 - (a) Telecommunications antennas may be required by the Planning Commission to be located on an existing approved tower or other structure if such location is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed antenna and other relevant factors.
 - (b) A proposed tower for telecommunications services may be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and also equipment for at least two additional users. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.
 - (c) Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color or treatment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.
 - (d) The Planning Commission may require that telecommunications towers not be illuminated, unless required by state or federal agencies having jurisdiction.

- (e) The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.
 - (f) Towers for telecommunications services which are abandoned or unused shall be removed, along with any associated buildings, structures, equipment, foundations, pads and anchors. The property shall be restored to a good usable condition. Such removal and restoration shall be completed within six months of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to accomplish its removal.
- (8) The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:
- (a) The screening or buffering of an antenna or tower and any accessory buildings or structures.
 - (b) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures.
 - (c) The prohibition on the construction or occupancy of dwellings or other buildings or the construction and use of other structures on the lands where the antenna or tower is located, or within a specified isolation distance from the antenna or tower.
 - (d) The preservation of existing trees and other existing vegetation not required to be removed for installation of an antenna or tower; the reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of an antenna or tower or accessory buildings or structures.
- (9) This section shall also apply to other antennas and towers that are not otherwise provided for in this Ordinance and that are not exempt under other provisions hereof.
- (10) Where the effect of any of the provisions of this section would be to prevent or preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications

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

L. 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, but spaces at pump islands may be counted toward the required number of parking spaces.

M. Group Day Care Homes, Day Care and Foster Homes, Nursing Homes and Similar Facilities.

(1) Group Day Care Homes.

- (a) The group day care home shall not, unless specifically permitted by the Planning Commission, be located closer than 1,500 feet to another licensed group day care home or state-licensed residential facility or a community correction center, resident home, half-way house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- (b) The property shall be maintained consistent with the visible characteristics of the neighborhood.
- (c) The group day care home shall be registered and licensed as required under Act 116 of the Public Acts of 1973, as amended.
- (d) The Planning Commission shall approve all fencing, which shall meet the requirements of Section 3.12 of this Ordinance.
- (e) All signs shall comply with Section 3.19 of the Zoning Ordinance.

- (f) Off-street parking shall be provided in compliance with the requirements of Chapter 16 of this Ordinance.
- (g) Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.

(2) **State-Licensed Residential Facilities for More Than Six Persons, Except Facilities Licensed by the State for the Care and Treatment of Persons Released from or Assigned to Adult Correctional Facilities.**

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

- (iii) The accessibility of the proposed facility to convenience services, such as shopping, banking, health care, and public transportation; to employment opportunities; and to community resources and agencies, including medical and social services, that might be used by the facility's residents.
- (b) The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions as necessary for the facility to conform with the character of the adjacent neighborhood and to protect adjacent property from adverse impacts.
- (c) **Lot Size.** The lot size shall be not less than the minimum lot size applicable in the district in which the facility is located.
- (d) **Parking.** Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
- (e) **Fire Chief and Health Department Approvals.** The facility shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.
- (f) **Fencing.** All outdoor play areas shall be enclosed by a chain link fence or solid fence of at least four feet in height, which shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.
- (g) **Operating Hours.** Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
- (h) **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.
- (i) **Signs.** Signs shall conform to the sign regulations applicable in the district in which the facility is located.
- (j) **Licensing.** The facility shall be registered and licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended.

- (k) **Outdoor Play Area.** A child care center or other facility offering services to more than six minors shall provide and maintain an outdoor play area of not less than 5,000 square feet. The area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or a solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of the property. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.
- (l) **Refuse Collection.** All refuse collection facilities shall be screened from view by adequate fencing.
- (3) **Nursing Homes, Homes for the Aged and Facilities Licensed for the Care and Treatment of Persons Released from or Assigned to Adult Correctional Facilities.** A facility under this section may be permitted in the foregoing districts if the following conditions are satisfied:
 - (a) The proposed facility shall be consistent with and shall promote the intent and purpose of this Ordinance and shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed facility. In making its determination regarding a proposed facility, the Planning Commission shall consider the following factors:
 - (i) The design and location of the proposed facility; the density of population; the adequacy of educational, recreational, and other public support facilities; traffic volumes and circulation; compatibility with existing development; adequate provision for light and air; adequate provision of parking; and accessibility of fire and police protection.
 - (ii) The density of similar uses in the area; the cumulative effects of allowing the proposed facility (including effects upon the capacities of existing community recreation, social service, and other support facilities); and whether the proposed facility will alter the character of the neighborhood. In order to prevent an excessive concentration of facilities and consequent alteration of a

neighborhood's character and protect existing facilities from overdevelopment that could result in an institutional atmosphere, no facility shall be located within a 1,500-foot radius of any other state-licensed facility unless the Planning Commission finds that a lesser distance is compatible with the goals of this Ordinance and that the facility would not contribute to an excessive concentration of such facilities within a particular neighborhood.

- (iii) The accessibility of the proposed facility to convenience services, such as shopping, banking, health care, and public transportation; to employment opportunities; and to community resources and agencies, including medical and social services, that might be used by the facility's residents.
- (b) The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions as necessary for the facility to conform with the character of the adjacent neighborhood and to protect adjacent property from adverse impacts.
- (c) **Lot Size.** The minimum lot size shall be calculated by multiplying the number of persons approved for capacity of the facility by 5,000 square feet, but in no event shall the minimum lot size be less than two acres.
- (d) **Parking.** Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
- (e) **Setbacks.** No part of the facility building or buildings may be closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; and will not materially impair the intent and purpose of this Ordinance or the public's interest. In modifying such setback requirements, the Planning Commission may attach conditions regarding the location, character, landscaping or treatment of the buildings or premises or other such matters as are reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the public's interest.

- (f) **Building Size.** The building must provide for each tenant, elderly or retired person or minor in the building or buildings so used a minimum floor area exclusive of basement or attic space of 250 square feet.
- (g) **Fire Chief and Health Department Approvals.** The child care facility shall be subject to the approval of the Township fire chief and subject to all state and county health department requirements.
- (h) **Fencing.** All outdoor play areas shall be enclosed by a chain link fence or solid fence of at least four feet in height, which shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.
- (i) **Operating Hours.** Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
- (j) **Outdoor Play Area.** A child care center or other facility offering services to more than six minors shall provide and maintain an outdoor play area of not less than 5,000 square feet. The area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or a solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of a property, or it may require a larger play area for larger facilities. In making its determination regarding the size of the play area, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.
- (k) **Refuse Collection.** All refuse collection facilities shall be screened from view by adequate fencing.
- (l) **Property Appearance.** The property shall be maintained consistent with the visible characteristics of the neighborhood.
- (m) **Signs.** Signs shall conform to the sign regulations applicable in the district in which the facility is located.

- (n) **Licensing of Facilities.** Homes for the aged shall be registered and licensed as required under Part 213 of the Public Health Code, MCL 333.21301 *et seq.*, as amended. Nursing homes shall be registered and licensed as required under Part 217 of the Public Health Code, MCL 333.21701 *et seq.*, as amended.
 - (o) **Impact on Neighborhood.** The facility shall be harmonious with the character of the neighborhood and shall not have a negative impact on or injure nearby properties or the use and enjoyment of nearby properties.
- (4) **Child Care Center as Accessory Use.** A child care center or day care center (a “child care facility”) may be permitted as an accessory use for a church, nursing home, home for the aged or a business, subject to review and approval by the Planning Commission according to the requirements provided for special land uses by this chapter and the standards provided in Section 13.4.M(2), and subject to all of the following additional conditions and requirements.
- (a) The child care facility may receive infants, pre-school and elementary school age children for care (including, without limitation, supervision, training or educational instruction) for periods of less than 24 hours per day.
 - (b) The child care facility shall provide care primarily to children of employees of the facility while those employees are engaged in carrying out their employment with the facility. The requirements of this paragraph shall be deemed satisfied so long as preference in admission to the facility shall be given to children of employees prior to the admission of any children of persons who are not employees of the facility. This paragraph shall not apply to churches.
 - (c) The principal functions of the child care facility accessory to a nursing home or home for the aged shall be to provide opportunities for the interaction of, and to foster an inter-generational relationship between, the elderly residents of the facility and the children attending the child care facility, and to provide child care for the children of employees of the facility. The principal function of a child care facility accessory to a business shall be to provide child care for the employees of the business.
 - (d) The child care facility shall be located on the same property as the home, church or business to which the child care facility is accessory.

- (e) The child care facility shall provide appropriate fencing, child drop-off and pick-up areas, and other facilities, design elements and operational characteristics for the safety of the children attending the child care facility, as determined necessary by the Planning Commission.
- (f) The child care facility shall be registered and licensed as required for “child care centers” or “day care centers” under the Child Care Organizations Act (Act 116 of the Public Acts of 1973, as amended).

N. Home Occupation.

- (1) Exterior storage of equipment, accessory items, or outdoor display of any kind are prohibited in connection with a home occupation.
- (2) No more than one employee, other than 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. All activities related to the home occupation must be carried on within the dwelling or an accessory building, except for permitted off-street parking and except for a permitted sign.
- (3) 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.
- (4) The home occupation shall not generate traffic in excess of that which might usually be expected in a residential neighborhood. All parking shall be located off-street.
- (5) A sign complying with applicable provisions of Section 3.19 shall be permitted but the sign shall not be illuminated.
- (6) Not more than 400 square feet of gross floor area in total, whether in a principal building, accessory building, or partially in both, shall be utilized for the home occupation.
- (7) The home occupation shall not produce fumes, odors, dust, vibration, noise, electrical interference, fire hazard, or other condition which will have serious adverse effects on adjacent or nearby properties.
- (8) The home occupation shall not involve the use or storage of commercial vehicles rated over one ton capacity.
- (9) A home occupation shall not sell or offer for sale on the premises any articles or products not produced on the premises.

- (10) 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) Kennels.
 - (j) Refuse collection service, including administrative office.
 - (k) Art, hobby or craft instruction involving the gathering of groups in excess of eight persons at any time.

O. Indoor Entertainment Uses.

- (1) The use may include a theater, bowling alley, skating rink, tennis club or other indoor entertainment of a similar nature.
- (2) There shall be safe, adequate and convenient driveways and other access to the use.
- (3) The use shall be conducted within a completely enclosed building, except for parking areas and driveways and except for incidental, related outdoor recreational uses, if such outdoor uses are approved as a part of the special land use.
- (4) The placement of buildings, signage, outdoor lighting, lot coverage, landscaping and buffering, handling of storm water drainage, water supply and sanitary sewage disposal and other aspects of the special land use shall be as determined by the Planning Commission.

P. Industrial Incinerators.

- (1) The special land use shall be available only in the I District.

- (2) All buildings and structures shall be set back at least 300 feet from any property line.
- (3) Access to the site shall be only from a major street.
- (4) Exterior storage of refuse, recycled materials or other materials or debris as prohibited.
- (5) Composting activity is prohibited.

Q. Metal Plating, Buffing and Polishing; Machine Shop.

- (1) Buildings and structures shall be located a sufficient distance away from property lines and the public streets so as to avoid adverse impacts by reason of noise, vibration, fumes and other adverse effects.
- (2) Any outdoor storage areas shall be adequately screened by a solid fence or substantial landscaping so as to obscure the view of the materials being store.
- (3) All driveways and parking and loading areas shall be paved or shall have some other hard surface sufficient to avoid accumulation of excessive dust.
- (4) Outdoor trash and waste receptacles shall be enclosed by a solid fence or wall.
- (5) Driveways shall be located a sufficient distance away from intersecting streets so as to avoid unsafe traffic conditions resulting from truck traffic serving the use or other adverse traffic effects.

R. Electrical, Plumbing or Non-Automotive Mechanical Repair Service.

- (1) The special land use shall be available only in the C-1 and I Districts.
- (2) Storage of equipment, supplies, components and the like outside of a completely enclosed building shall be prohibited, except to the extent that limited outside storage may be permitted by the terms of the special land use.
- (3) All equipment and activities associated with repair work shall take place only within a fully enclosed building.

S. Motor Vehicle Retail Sales and Leasing.

- (1) Safe, adequate and convenient driveways and other access to the special land use shall be provided.

- (2) Outdoor lighting on the site shall be shielded so as to prevent the glare of lighting onto adjacent or nearby lands or streets.

T. Off-Street Parking Facilities.

- (1) The parking of vehicles shall not be permitted within any required building setback area.
- (2) The off-street parking area shall have a durable and dustless surface, and such parking areas shall be properly graded and drained so as to effectively dispose of accumulated surface water.

U. Open Storage of Industrial-Related Materials.

- (1) The special land use shall be available only in the I District.
- (2) Such storage shall be effectively screened from existing residential uses and public streets by an opaque fence, wall or landscaped earthen berm.
- (3) Open storage shall not be located in any required building setback area.

V. Outdoor Antique and Flea Market.

- (1) The special land use shall be available only in the C-1 District.
- (2) Adequate and convenient off-street parking area shall be provided.
- (3) All outdoor lighting shall be shielded so as to prevent glare from lighting onto adjacent lands and nearby streets.
- (4) A fence or wall may be required to be installed along or near the boundaries of the site, so as to keep paper and other debris from being carried by wind to other lands.
- (5) Any required yard setback area shall not be used for the sale or display of merchandise.

W. Outdoor Commercial Recreation Uses.

- (1) The special land use shall be available only in the C-1 District.
- (2) Parking areas shall not be located closer than 150 feet to any property line of land used for or zoned for residential use.
- (3) Site lighting shall be designed to prevent direct glare onto adjacent property and public roads.

- (4) Apparatus located outdoors intended to provide thrill rides for people shall be located not less than 200 feet from any property line.
- (5) Midway areas and pedestrian spaces shall be provided with seating, approved lighting style and landscaping.

X. Outdoor Storage or Display of Merchandise for Sale.

- (1) The special land use shall be available only in the C-1 Districts.
- (2) Outdoor display is prohibited in any required front yard setback.
- (3) Proposed outdoor display areas for retail sales shall be enclosed with an opaque fence or screen wall not less than six feet in height, although the top two feet may be decorative and not completely opaque.
- (4) Access to the fenced-in display area shall be via the principal building.
- (5) Any area used for outdoor storage or display of goods shall be covered with four inches of washed stone or paved.
- (6) Any display area outdoors shall not occupy required landscape area, parking area or private access drive on the site.
- (7) Lighting of outdoor display areas shall be shielded so as to deflect light from any residential district or public street right-of-way.
- (8) 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 increase this limitation to permit a larger display area, but only when the display involves motor vehicles, large equipment, or building materials.

Y. 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 exiting 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.

Z. Intensive Livestock or Poultry Operations.

- (1) Intensive livestock or poultry operations shall not be conducted on a lot of less than 40 acres, said acreage shall be contiguous and under common ownership.
- (2) All structures housing or confining livestock shall be located at least 200 feet from any property line.
- (3) A plan for disposal of animal waste shall be submitted along with the special land use application. Disposal plans shall take into account odor control, impact on adjoining land uses, and effect on ground water quality. The Planning Commission, in reviewing the plan, shall consider whether an adequate amount of land is available for disposal and the proximity of existing or planned residential areas to the intensive livestock operation and disposal areas, according to generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.
- (4) Storm water and other runoff shall be managed so as to prevent injury to adjacent properties.
- (5) The terms and conditions imposed on the use shall be for the purpose of assuring compliance with generally accepted agricultural and management practices approved by the Michigan Commission of Agriculture.

AA. 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.
- (3) Storage of equipment or parking of buses shall not occur closer than 50 feet to any property line and shall be screened as in AA(2) above.

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

(1) **Procedure for Permit.** No building permit shall be issued until an application for a temporary occupancy permit has been approved by the Planning Commission. The application shall include the following:

- (a) A fee as set by the Township Board to be paid for each acre to be affected.
- (b) A map of the land to be altered depicting all buildings, streets, drainage and natural features within 300 feet of the property involved. The map shall depict contour elevations of five foot intervals of the property.
- (c) A two foot interval contour map of the proposed final elevations, the location of temporary structures, drives, parking areas, loading equipment, draining facilities and the extent of the first year's operations.
- (d) A written statement describing the equipment to be used, the processes involved, an estimate of the time such removal will require and a description of the proposed use of the premises after such alteration.

(2) **Required Conditions.**

- (a) Final grades shall be harmonious with surrounding grades and shall not exceed five percent unless necessary for the ultimate proposed use of the land. No topsoil shall be removed unless necessary for the ultimate proposed use. All topsoil shall be properly redistributed upon termination of the building permit. The Planning Commission may require the applicant to post a cash bond to insure that final grades are restored, all conditions placed upon the use will be met and the other requirements of this Ordinance will be satisfied. Said bond shall be forfeited if any of the provisions of this Ordinance are violated and the bond can then be used by the Township in its discretion for the enforcement of this Ordinance, for putting of the land in proper compliance or for any other purposes deemed proper by the Township.
- (b) Mechanical processing shall not be permitted in any residential or commercial district if such use would be detrimental to adjacent uses.
- (c) The creation or enlargement of a body of water shall only be permitted when the following is presented:
 - (i) Engineering and geological studies indicating that such water will not become stagnant or polluted.

- (ii) A plan for the future use of the body of water.
 - (iii) Approval of the Department of Natural Resources and the County Drain Commissioner.
- (d) The alteration of any body of water shall be approved by the Township Board and the Department of Natural Resources and the County Drain Commissioner.
- (e) No removal, storage, structure, drive or loading shall be closer than 150 feet to an adjoining principal structure. All roads and unpaved areas shall regularly be kept reasonably clear of dust, mud dirt and debris created by the extraction operations.
- (f) Trucks shall travel only on roads approved by the County Road Commission and the Planning Commission.
- (g) All structures, materials and equipment shall be removed within six months after termination of the use.
- (h) Topsoil shall not be permanently removed from any site. Upon completion of the extraction of materials, topsoil of equal quality to that originally at the site shall be replaced to a depth of at least eight inches.
- (i) All land shall be graded following extraction of materials to a slope not exceeding 3:1 (three feet horizontal to one foot vertical), including slopes extending under water at least five feet from the shoreline. Final grades shall be stabilized and restored with grass, trees, shrubs or other appropriate vegetation, to minimize erosion.
- (3) **Determination by the Planning Commission.** The Planning Commission shall determine the proper disposition of the application.
- (a) The Planning Commission must find the following prior to approval of the application:
- (i) The proposed use will prepare the premises for the ultimate use within a reasonable period of time.
 - (ii) The proposed use will not adversely affect existing uses substantially.
 - (iii) The proposed use shall meet all provisions of this section.
 - (iv) The proposed use shall not adversely affect the public health, safety and general welfare.

- (4) **Authorization.** Upon arrival of the application, the Building Inspector shall issue permits for a one year period.
- (5) **Renewal of Permits.**
 - (a) The Planning Commission may renew any permit if it finds at a public hearing that all conditions and plans have been met.
 - (b) The procedure for a new application shall be followed in any application for a renewal permit in which any new area is to be developed.
 - (c) An occupancy permit may be renewed for three years or for the duration of an approved bond, whichever is the lesser.
- (6) **Revocation of Permit.** The Building Inspector may revoke an occupancy or use permit if operations do not conform to approved plans. In such case, operations shall cease 14 days after notice by certified mail has been given to the violator if the condition has not been corrected. A new application and approval thereof shall be required to reinstate a revoked permit.

CC. 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.

DD. 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.

EE. Roadside Market or Farm Market.

- (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 non-compliance, the Zoning Administrator shall notify the operator and the Planning Commission in writing, whereupon the Commission shall convene a hearing under provisions of Section 13.3 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.

FF. 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.
- (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.

GG. 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.

HH. 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 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.

II. Any Business with Drive-Through Facilities.

- (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 16, at least three parking spaces shall be provided in close proximity to the pick-up window of the drive through to allow customers waiting for delivery of orders.

JJ. Self Storage Warehouse.

- (1) The minimum lot area shall be two acres.

- (2) Mini warehouse buildings shall be arranged on the site to prevent dead end 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.

KK. 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.

LL. **Temporary Migrant Housing.** Seasonal dwellings for the housing of migrant farm workers and migrant employees of permitted food processing and other agricultural uses may be permitted as a special land use by the Planning Commission in the A-1 and A-2 Districts. No structure may be used for such purposes in the Township of Ravenna unless the Planning Commission finds all of the following conditions and requirements are met:

- (1) Seasonal dwellings may be permitted as a principal or accessory use on a parcel which contains a minimum of four acres and which complies with all other requirements of this section. This parcel shall be adjacent to the farm parcel where the laborers are employed and both parcels shall be under the same ownership.
- (2) Seasonal dwellings may be occupied for no more than eight months per calendar year and shall be locked so as to prevent entry by any person but the owner during the remaining part of the year.
- (3) Seasonal dwellings may not be used for the housing of persons not directly employed at some time by the owner of the property.
- (4) The rules, regulations and standards of the State of Michigan governing the licensing and operation of migrant housing shall apply to any dwelling used to house one or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations and standards and further to apply the same to the housing of one or more such migrant workers notwithstanding that such act provides that it applies to five or more such workers.
- (5) Seasonal dwellings shall be located at least 200 feet from any public or private street, at least 200 feet from any other property line and 400 feet from any dwelling of an adjacent property owner.
- (6) No seasonal dwelling shall have more than one story nor contain more dwelling units than are necessary to meet the needs of the owner of the premises. No seasonal dwelling shall be closer than 30 feet to another structure.
- (7) No seasonal dwelling shall be located closer than 30 feet to any driveway serving another dwelling.
- (8) All construction shall conform to State Building Codes and other ordinances where such impose greater standards than state and federal regulations.
- (9) The applicant shall submit a Site Development Plan approved by the Planning Commission which shall signify the applicant's agreement to

comply with said plan and all the conditions placed upon the use and requirements at all times, and shall further agree that:

- (a) Any seasonal dwelling which is not occupied by migrant workers during five consecutive seasons shall be removed by the owner within six months notice from the Township.
- (10) **Permits.** If the Planning Commission approves the application for migrant housing, it shall authorize the Zoning Administrator to issue a Zoning Permit.
- (11) **Revocation of Permit.** If a violation of any of the above conditions, regulations or special conditions is found to exist, the Zoning Administrator shall notify the owner of migrant housing and the Planning Commission that such violation exists and that the Zoning Permit will be revoked within 15 days of such notification. If said violation is not corrected within said 15 days, the Zoning Administrator shall revoke said permit. All migrant housing shall be vacated within 15 days of the date of revocation.

MM. Single Family Dwellings as a Special Land Use.

- (1) **Location Standards.** Woodland, areas of steep slope, other physical conditions making the site unsuitable for crop or animal production, and lands which are not designated as prime agriculture by the USDA – Natural Resources Conservation Services may be used for single family dwellings.
- (2) The lot or parcel shall include between 1.5 and 5.0 acres have not less than 250 feet of frontage on a public road right-of-way or a private road meeting standards of Section 3.1 as well as meeting reasonable access management criteria.
- (3) The lot or parcel shall be located and the dwelling sited so as to maximize setback from crop or animal production activities, intensive livestock or poultry operations, regulated wetlands, and other potentially incompatible land use activities.
- (4) Documentation shall be provided by the applicant for each proposed lot or parcel regarding suitability of soils to support on-site wastewater disposal and availability of potable water.
- (5) Following approval of a special land use permit under this section, survey of each approved lot or parcel and private easement, if applicable, shall be prepared by a registered land surveyor. The survey and special land use permit shall be recorded on the title of the parent parcel and each lot divided thereafter. No additional land divisions under 40 acres are

permitted from the parent parcel, unless approved by the Planning Commission.

**CHAPTER 13A
SITE CONDOMINIUMS**

SECTION 13A.0 PURPOSE AND SCOPE

Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for purposes of determining compliance with the requirements of the Zoning Ordinance and other applicable laws, ordinances, and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the project’s location, any land use permitted by the Township Zoning Ordinance may be permitted in a site condominium project.

The purpose of this section is to ensure that plans for developments within the Township proposed under the provisions of the Michigan Condominium Act, shall be reviewed with the objective and intent of achieving the same or comparable characteristics achieved if the development and improvements therein were being proposed pursuant to the Land Division Act, Act 288 of the Public Acts of 1967, as amended. It is also the intent of this section to ensure that such development is in conformance with the requirements of this Zoning Ordinance, as amended, and other applicable Township ordinances and state and federal regulations.

SECTION 13A.1 SITE CONDOMINIUM REVIEW AND APPROVAL PROCEDURES

Application for review and approval of a site condominium shall be in accordance with the following procedures:

- A. **Conceptual Preliminary Review.** Prior to the formal application for a site condominium, the developer may meet with the Planning Commission. The purpose of this meeting is to inform the Planning Commission of the applicant’s intent to initiate a site condominium project. At or before this meeting, the applicant shall submit the following to the Township Clerk (or appropriate designee) who shall distribute it to all Planning Commission Members:
 - (1) A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.

- (2) A statement regarding the provision of sewer service and water supply.

During the preliminary discussion meeting, the Planning Commission, based on the information available to it, may inform the applicant about the following:

- (a) General requirements of this section and other applicable provisions of the Zoning Ordinance.
- (b) Planned or anticipated sites of parks and recreation areas and other public uses.
- (c) Utility system capabilities.
- (d) Planned or anticipated public improvements, including streets, pedestrian and bikeways, utility extensions, and the like.
- (e) Street plans and potential problems relative to the natural features of the area including, but not limited to, flood plains, soil conditions, topography, and groundwater tables.
- (f) Additional information which may assist the applicant in proceeding in a reasonable and sound manner toward final approval of the site condominium project.

Conceptual preliminary review is intended for information purposes only and does not constitute approval.

B. Preliminary Plan Review.

- (1) **Submission Requirements.** Application for preliminary review of a site condominium project shall be made to the Township Clerk along with the appropriate fees as required by Township Board resolution. The application shall, at a minimum, contain the following information:
- (a) The applicant's name, address and phone number.
 - (b) Proof that the applicant is the owner of the property or has a legal or financial interest in the property.
 - (c) The name, address and phone number(s) of the owner(s) of record if different than the applicant.
 - (d) The legal description, address and tax parcel number(s) of the property.

- (e) Project description, including number of structures, dwelling units, square feet of building sites (lots), open spaces and estimated inhabitants, phasing etc.
- (f) Gross size of the project in acres.
- (g) A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
- (h) A copy of the proposed Master Deed of the project and other condominium documents which are intended to be recorded with the Register of Deeds. Alternatively, these documents may be submitted at a later date, as the Planning Commission may direct.

The applicant shall provide at least 12 copies of the preliminary plan and additional copies if deemed necessary by the Clerk. The plans shall contain the information outlined in Section 13A.1.B.

- (2) **Planning Commission Review.** The Planning Commission shall review the preliminary plan. If the preliminary plan meets the requirements of this Ordinance and all other applicable local, county, state and federal regulations, the Planning Commission shall recommend preliminary plan approval. The Planning Commission shall forward one copy of the preliminary plan along with a notation indicating its recommendation for preliminary plan approval and any other recommendations to the Township Board.

If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:

- (a) Recommend denial of the preliminary plan, setting forth the reasons in writing, or
 - (b) Recommend granting approval of the preliminary plan, contingent upon completion of the revisions as noted.
- (3) **Township Board Review and Approval.** After receipt of the preliminary plan and recommendations from the Planning Commission, the Township Board shall consider the preliminary plan.
 - (a) If the plan meets the requirements of this Ordinance, the Board shall grant preliminary plan approval. The Township Clerk shall sign the plan with the notation that it has received preliminary approval and the applicant shall be so notified.
 - (b) If the preliminary plan substantially, but does not totally, meet the requirements of this Ordinance, the Township Board may grant

conditional approval of the preliminary plan. This approval shall be conditioned upon the submission of such changes or revisions as are determined to be necessary to complete the preliminary plan. Upon the submission of such changes or revisions to the Township Board, the Board shall grant approval of the preliminary plan and the applicant shall be so notified.

(c) If the preliminary plan does not meet the requirements of this Ordinance, the Township Board shall deny preliminary approval and shall notify the applicant, and state the reasons for denial.

(4) **Effect of Preliminary Approval.** Approval of a preliminary plan by the Township Board shall serve as conditional authorization to proceed with the project, including the sale of individual building sites on the basis of condominium ownership and the construction of the required general common elements to the plan. Preliminary plan approval shall not serve as approval for construction of buildings or other improvements on individual building sites.

C. **Final Plan Approval.**

(1) Within two years from the date of Preliminary Plan approval, the applicant shall prepare and submit the necessary copies of the Final Site Condominium Plan to the Township Clerk along with a completed application form and any fee established by the Township Board. The applicant shall also submit the following:

(a) Two copies of as-built plans of all required general common elements which shall be reviewed by the Township Engineer for compliance with applicable Township standards.

(b) A copy the Master Deed and Condominium Bylaws, which shall be submitted to the Township Attorney for review and approval prior to recording.

(2) If all Final Plan documents are found acceptable, the Clerk shall submit the same to the Planning Commission.

(3) The Planning Commission shall review the Final Plan and recommend to the Township Board that it be approved, rejected or approved with conditions. If any conditions are recommended, the Planning Commission shall adopt the same in a resolution or other motion, which shall be forwarded to the Township Board.

(4) The Board shall approve or reject the Final Plan, or approve it upon the conditions recommended by the Planning Commission, or upon revised or

additional conditions, and the Clerk shall then notify the applicant accordingly.

- (5) If the Final Plan is rejected by the Board, the Clerk shall notify the applicant, stating the reasons for denial in writing.
- (6) All Township approved provisions of the Site Condominium Plans shall be incorporated, as approved, in the Master Deed for the condominium project. The plan must comply with all Township requirements. A copy of the Master Deed shall be recorded in the office of the Muskegon County Register of Deeds. A copy of the recorded Master Deed and Condominium Bylaws shall be provided to the Township Clerk within ten days after recording.

SECTION 13A.2 FINANCIAL GUARANTEE

In lieu of completion of all required public or private improvements prior to the approval of the Final Plan, the Township Board may permit the developer to provide a financial guarantee of performance in one or a combination of the following arrangements. Completion of improvements shall be required prior to the issuance of occupancy and use permits for any dwelling; provided, however, that the Board may nevertheless authorize the issuance of occupancy and use permits for a dwelling, where all required improvements have not been fully completed, but in that event, the Board shall first require, and the Township shall receive from the developer, an acceptable cash deposit, or performance bond with acceptable surety, or letter of credit, so as to assure the completion of all remaining improvements, within such time as specified by the Board, but upon the failure thereof, the Board may obtain such cash deposit or enforce upon such guarantees, so as to gain the necessary funds for the completion of such improvements.

A. Cash Deposit, Certified Check, Irrevocable Letter of Credit.

- (1) A cash deposit, certified check, or irrevocable letter of credit shall be provided to the Township Treasurer.
- (2) The dollar value of the cash deposit, certified check, or irrevocable letter of credit shall be equal to the total estimated cost of construction of the specified public improvement.
- (3) In the case of either cash deposits or certified check, an agreement between the Township and the developer may provide for progressive payments out of the cash deposit or reduction of the certified check to the extent of the estimated cost of the completed portion of the public improvement.

B. Penalty for Failure to Complete the Construction of a Required Improvement. In the event the developer shall, in any case, fail to satisfactorily complete the required construction of a required improvement within such period

of time as required by the conditions of the guarantee for the completion of public improvements, the Township Board may declare the developer to be in default and require that all the improvement(s) be installed regardless of the extent of the building development at the time of such default. The Township Board may obtain sums necessary for the cost and expense of such installation by appropriating the amounts necessary to complete the improvements from the cash deposit, certified check, or irrevocable letter of credit.

SECTION 13A.3 SITE CONDOMINIUM PLANS

- A. **Required Content - Preliminary Plan.** The Preliminary Plan shall be drawn at a scale of not more than 100 feet to the inch and shall include or be accompanied by the following information:
- (1) The name of the project; the name and address of the developer; the name, address and seal of a registered surveyor or engineer preparing the Plan; and a legal description of the property to be subdivided.
 - (2) A map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
 - (3) North arrow, scale, contour interval, and legend when appropriate.
 - (4) Contour elevations adjusted to USGS datum.
 - (5) Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
 - (6) The location of all existing streets, lots, plats, public utilities, drains, streams or bodies of water on/or abutting the property.
 - (7) The lot lines, intended layout, and intended use of the entire property owned or represented by the developer, including future phases. The following shall be included:
 - (a) Street right-of-way – location, width and curve radii.
 - (b) Proposed street names.
 - (c) Building site lines, site dimensions to the nearest foot, site and block numbers, and building site areas to the nearest ten square feet.
 - (8) The location and dimensions of all existing or proposed easements or open space reserves, including electrical and telephone easements.

- (9) The locations and proposed sizes of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, or lagoons.
- (10) Statements regarding:
 - (a) Intent to utilize public water or sewage facilities.
 - (b) Zoning and lot size requirements.
 - (c) Zoning requirements for front, side and rear yards.
 - (d) A summary of the total number of building sites, minimum and average building site sizes and the square footage of all limited and general common areas.
 - (e) Size and type of streets in accord with Township public and/or private street standards.
 - (f) Intent to install gas, sidewalks, street lights, and shade trees.
 - (g) Use of waterways, rivers, streams, creeks, lakes or ponds.
- (11) The location of all general and limited common elements.
- (12) The use and occupancy restrictions and maintenance provisions for all general and limited common elements as will be contained in the Master Deed.

B. Required Content – Final Plan. The Final Plan for a Site Condominium Subdivision shall include:

- (1) A written application and payment of review fee.
- (2) The preliminary plan as originally approved by the Planning Commission and Township Board, and reflecting all required and approved amendments therein.
- (3) Proof of ownership of the land included in the Final Plan in the form of a certified abstract of title or a policy of title insurance.
- (4) One set of approved as-built or final construction plans for all required improvements to be kept on file by the Township.
- (5) One copy of the final Master Deed intended for recording.

SECTION 13A.4 SITE CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND REQUIRED IMPROVEMENTS

- A. **Conformity to Zoning.** All land uses and building sites within a site condominium subdivision project shall be subject to the requirements of the Township Zoning Ordinance for the zoning district in which it is located.
- B. **Streets.** All site condominium units shall be served by street systems constructed in accordance with applicable Township ordinance requirements. All streets dedicated to the public shall be accepted by affirmative action of the Township Board.
- C. **Water, Sanitary Sewer, Storm Drainage, Utilities, Sidewalks and Street Lighting.**
 - (1) If reasonably available, a site condominium shall have public water and sanitary sewer systems and fire hydrants to no less than the standards applied to platted subdivisions.
 - (2) All electric, gas and cable television utilities, when provided, shall be installed underground within easements dedicated for such use.
 - (3) Storm drainage collection, retention, and detention facilities shall be constructed subject to approval by the Township Engineer.
 - (4) Sidewalks and street lighting constructed to Township standards and dedicated to the public shall be installed along all public streets unless such sidewalks or street lighting is not required by the Township.

SECTION 13A.5 AMENDMENTS

Amendment of a Plan. Minor changes to a preliminary plan or final plan may be approved administratively by the Zoning Administrator, provided that changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes subject to administrative review include slight dimension changes, slight building, parking, and driveway relocation, changes in landscaping, signs, lighting, and decreases or increases in building size that do not exceed 5 percent of the gross floor area.

A major change to a Plan shall comply with the approval procedures contained in this Chapter 13A. Major changes include, but are not limited to an increase in the density or number of dwelling units or lots, an increase or decrease in the land area or building size, except as noted above, or an addition of other uses not authorized in the original Plan. The Zoning Administrator shall determine if the requested changes constitute a major amendment and shall provide the Planning Commission and the Township Board with a record of any and all minor changes approved administratively.

CHAPTER 14
SITE PLAN REVIEW

SECTION 14.0 INTENT

It is the intent of this chapter to require site plan review and approval for certain buildings, structures, and wand 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.

SECTION 14.1 USES SUBJECT TO SITE PLAN REVIEW

- 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 14.1.A shall be reviewed by the Zoning Administrator to determine compliance with the provisions of this Ordinance.

SECTION 14.2 PRELIMINARY SITE PLAN REVIEW

- 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:
 - (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 flood plain, 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 13.3.

- 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.

SECTION 14.3 FINAL SITE PLAN REVIEW

- A. 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 flood plain limits.
 - (h) Location of high risk erosion areas on the site.

- (i) Proposed common open space and recreational facilities, if any.
 - (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.

SECTION 14.4 VALIDITY OF APPROVED FINAL SITE PLAN

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.

SECTION 14.5 STANDARDS FOR SITE PLAN APPROVAL

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 15.
- 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 storm water 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 storm water 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.

SECTION 14.6 CONDITIONS OF SITE PLAN APPROVAL

- A. As part of an approval for any site plan, the Planning Commission may impose additional conditions or limitation as in its judgment may be necessary for protection of public health and safety, general welfare or public interest.
- B. Such conditions or limitation shall relate to and ensure that the review standards contained in Section 14.5 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.

SECTION 14.7 AMENDMENTS TO APPROVED SITE PLANS

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:
 - (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 14.7.A(1-4) above, 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.

SECTION 14.8 APPEAL OF FINAL SITE PLAN DECISIONS

- 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 the Township Board decision concerning final site plans shall be to the Board of Appeals. Such an appeal shall be filed with the Township Clerk within five days of the decision.

CHAPTER 15
LANDSCAPE STANDARDS

SECTION 15.0 INTENT

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.

SECTION 15.1 BUFFER ZONES REQUIRED

- A. A buffer zone shall be required on the subject lot or parcel between zoning districts as indicated on Table 15-1.
- 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 applying required buffers set forth in Table 15-1 to each parcel.

SECTION 15.2 BUFFER ZONE DEVELOPMENT STANDARDS

Required buffer zone shall comply with the following standards:

A. Buffer Zone Level A (See Figure 15-1).

- (1) Fifty feet minimum width.
- (2) The equivalent of one canopy tree per 20 linear feet of buffer zone length.
- (3) Six feet 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 15-1

LANDSCAPE BUFFER MATRIX

Adjacent Zone

		NR	A-1	A-2	R-1	R-2	R-3	C	I	MHP			
Subject Zone	NR												
	A-1												
	A-2										C	C	B
	R-1										C	C	B
	R-2	C	C	B									
	R-3	C	C	B									
	C	A	A	A	A	A	A	B					
	I	A	A	A	A	A	A	A			A		
	MHP	B	B	B	B	B	B	B			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 15.7.

B. Buffer Zone Level B (See Figure 15-2).

- (1) Thirty 30 foot 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 15.7.

C. Buffer Zone Level C (See Figure 15-3).

- (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 foot 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 15.7.

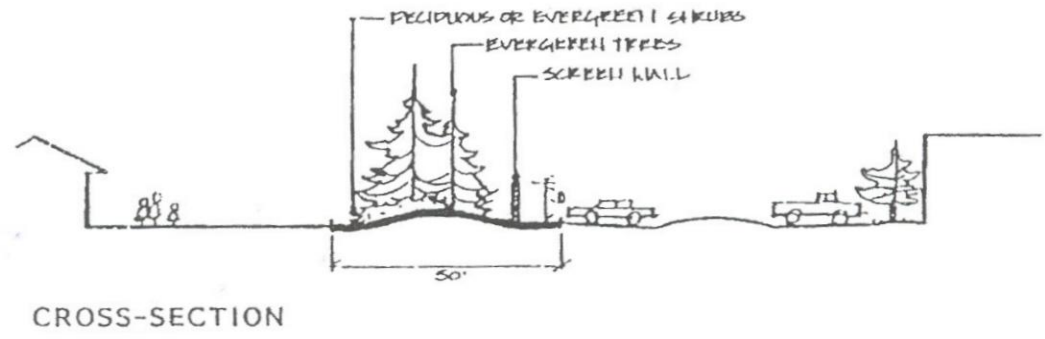
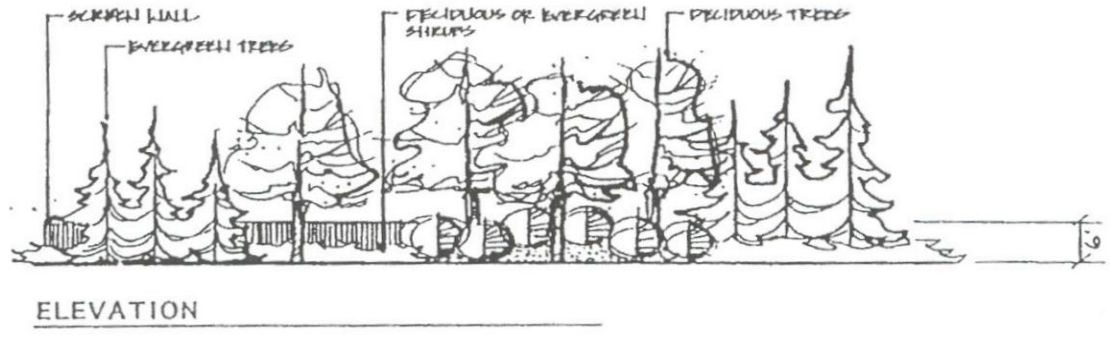
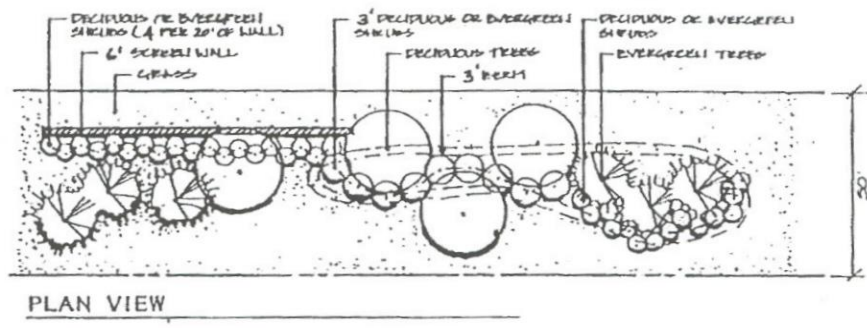
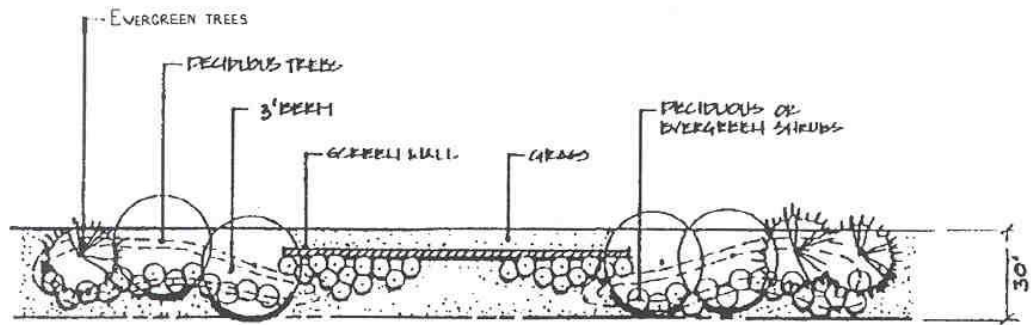
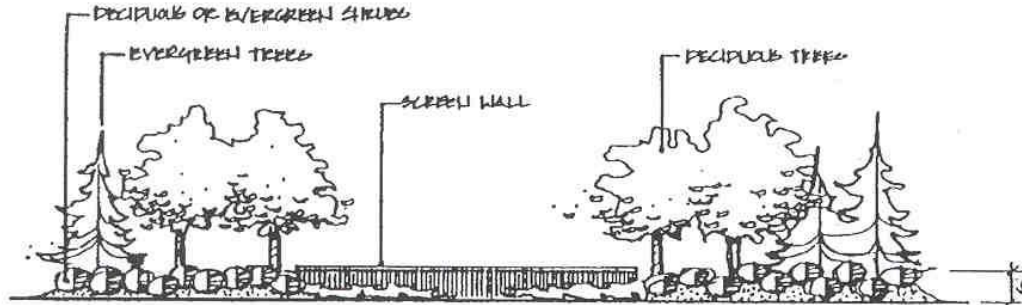


FIGURE 15-1

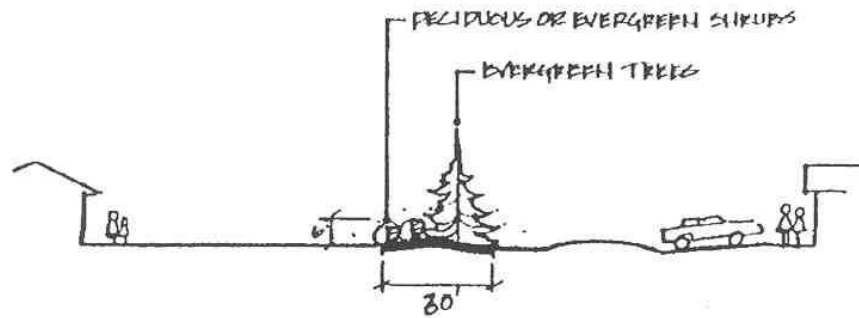
BUFFER ZONE - LEVEL A



PLAN VIEW



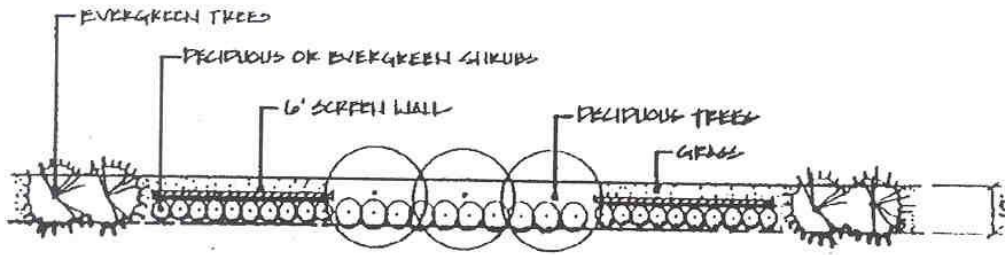
ELEVATION



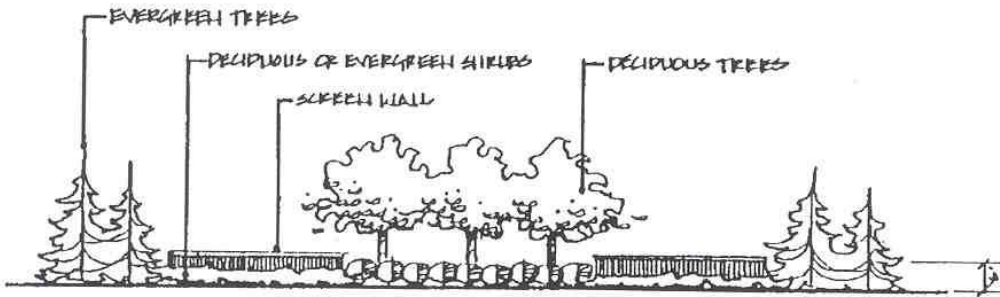
CROSS-SECTION

FIGURE 15-2

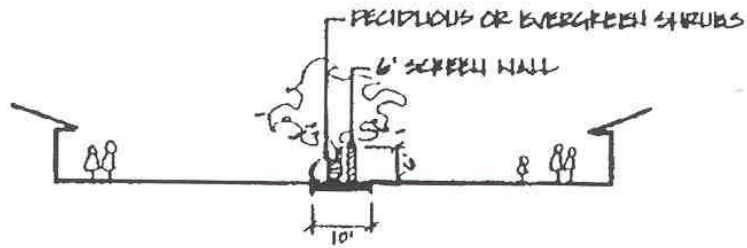
BUFFER ZONE - LEVEL B



PLAN VIEW



ELEVATION



CROSS-SECTION

FIGURE 15-3

BUFFER ZONE - LEVEL C

SECTION 15.3 OFF-STREET PARKING AREAS (See Figures 15-4, 15-5)

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. feet of landscape area per 8 spaces.
51 - 100 spaces	1 canopy tree and 100 sq. feet of landscape area per 10 spaces.
101 + spaces	1 canopy tree and 100 sq. feet of landscape area per 12 spaces.

In no case shall any buffer zone or greenbelt required in Section 15.2 be considered a substitute for off-street parking landscape area.

SECTION 15.4 OFF-STREET PARKING AREA LANDSCAPE STANDARDS

A. Required parking lot landscape areas shall comply with the following:

- (1) The minimum size of a landscape area shall be 60 square foot and 6 foot 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 contiguous 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 foot 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 10 spaces in a row.
- (8) All applicable standards in Section 15.7.

SECTION 15.5 GREENBELTS

- 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.

SECTION 15.6 GREENBELT DEVELOPMENT STANDARDS

- 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 16.
 - (4) All applicable standards in Section 15.5.

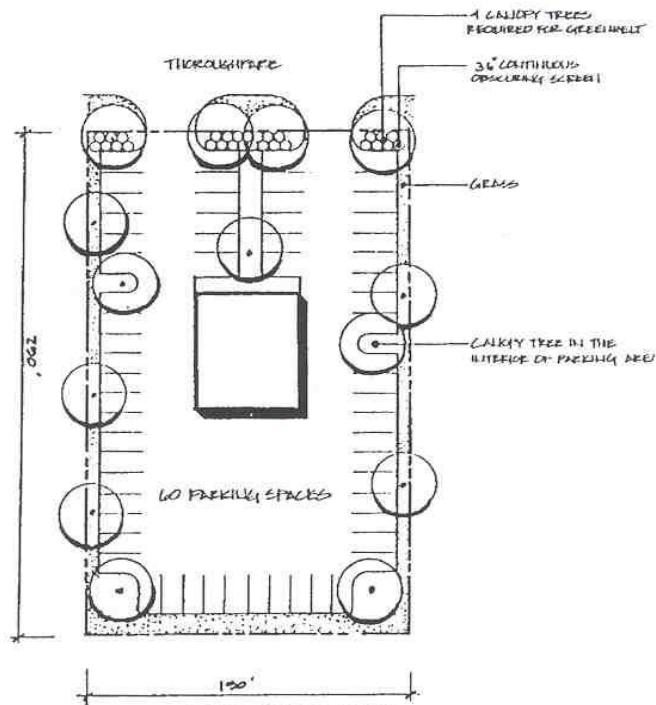


FIGURE 15-4

LANDSCAPE STANDARDS FOR GREENBELT AND OFF-STREET PARKING

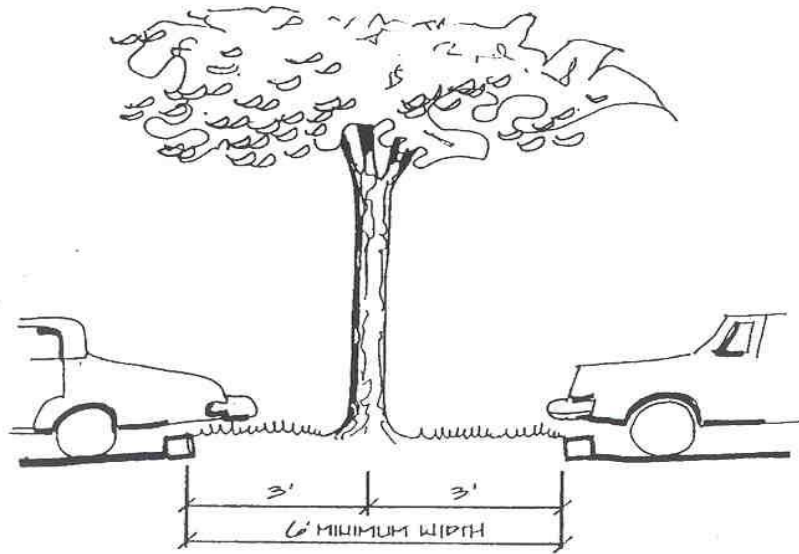
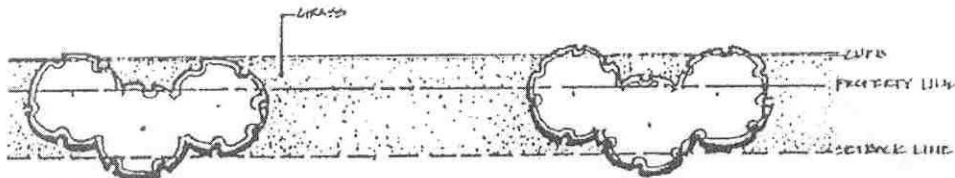
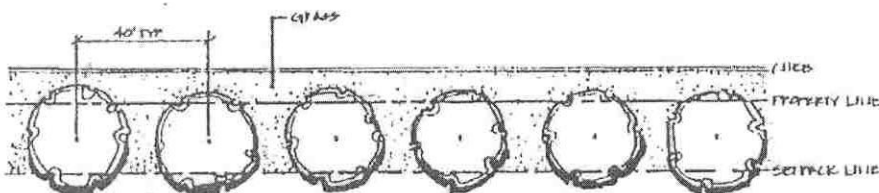


FIGURE 15-5 **TYPICAL OFF-STREET PARKING**
LANDSCAPE AREA



PLAN VIEW
GROUPING A VARIETY OF PLANT MATERIALS



PLAN VIEW
CONTINUOUS ROW OF EQUALLY SPACED TREES

FIGURE 15-6 **GREENBELTS**

SECTION 15.7 GENERAL LANDSCAPE DEVELOPMENT STANDARDS

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 15-7 and 15-8):

Deciduous Canopy Tree:	2 1/2" 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 slope not to exceed a one foot rise to three foot, horizontal ratio. (See Figure 15-9).
- (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.

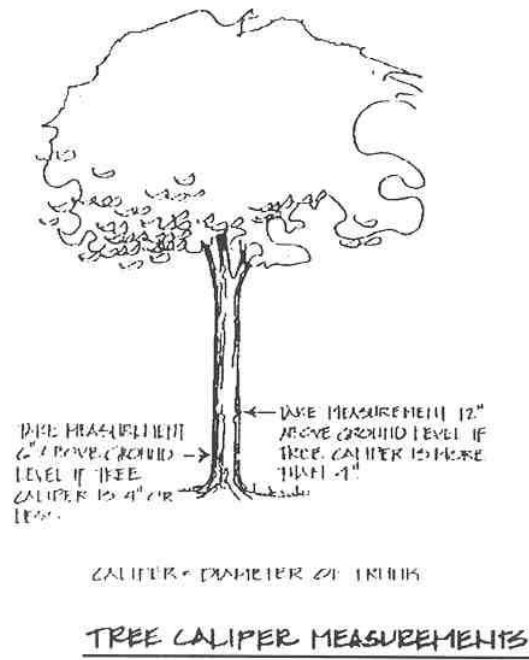


FIGURE 15-7

TREE CALIPER MEASUREMENTS

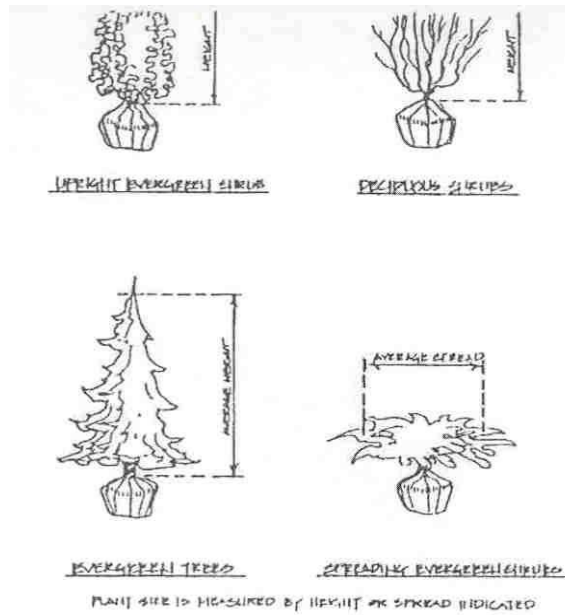


FIGURE 15-8

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. Storm water detention/retention areas shall be permitted within buffer zones provided they do not reduce the screening effect.

E. 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.

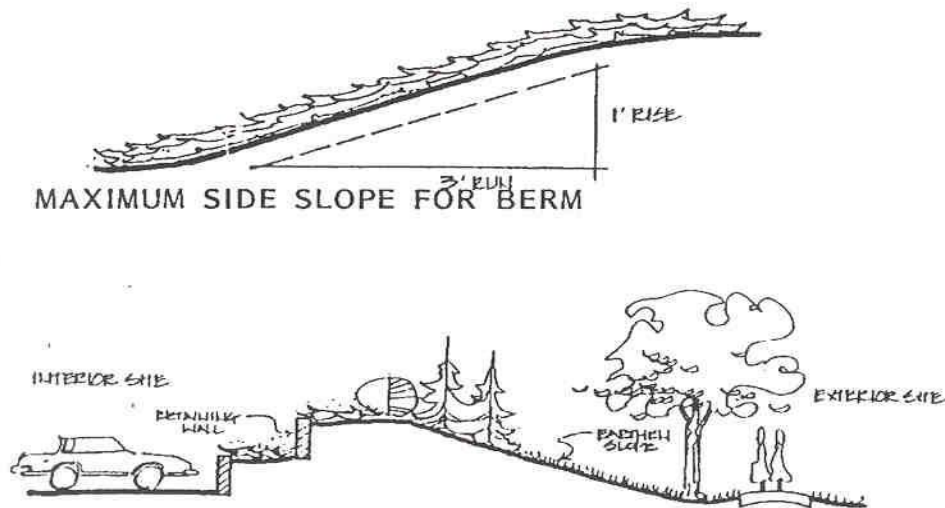


FIGURE 15-9

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 16
OFF-STREET PARKING AND LOADING

SECTION 16.0 SCOPE OF REGULATIONS

- 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.

SECTION 16.1 LOCATION OF PARKING AND LOADING AREAS

- 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.

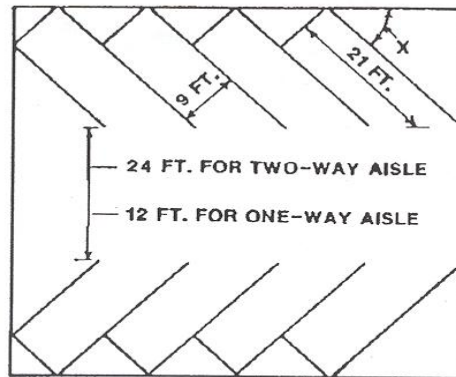
SECTION 16.2 PARKING AND LOADING AREA REQUIREMENTS

- 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 14. 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 area 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.

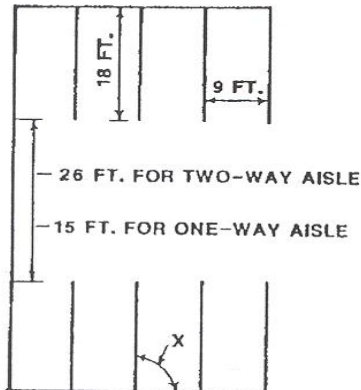
SECTION 16.3 MIXED USE/JOINT PARKING FACILITIES

- 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.

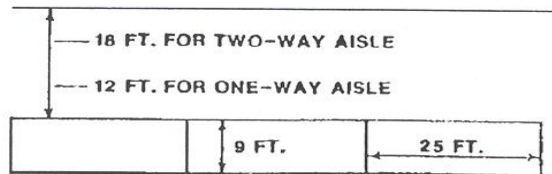
FIGURE 16-1 OFF-STREET PARKING SPACE AND MANEUVERING AISLE DESIGN STANDARDS



WHERE ANGLE X=30°-75°



WHERE ANGLE X=76°-90°



SECTION 16.4 PARKING SPACE AND MANEUVERING AISLES

All parking spaces and maneuvering aisles shall comply with the design standards shown in Figure 16-1.

SECTION 16.5 UNITS OF MEASUREMENT FOR DETERMINATION OF REQUIRED OFF-STREET PARKING AND LOADING AREAS

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 stadium, 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.

SECTION 16.6 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

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 1 1/2 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.

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
(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 school	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, sport arenas or similar places of outdoor assembly	One for each three seats.

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
(10) Dance and union halls, civic clubs, fraternal orders, conference rooms, exhibit halls, ballrooms or any similar type of use.	One space for every two persons allowed with the maximum occupancy load as determined by the 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 Usable 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.

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
(8) Restaurants, taverns, bars, nightclubs	One space for each three persons allowed with 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 2 ½ 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.

Use	Number of Motor Vehicle Parking Spaces Required Per Unit of Measure
D. Offices.	
(1) Banks, credit unions and saving 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 10% 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 vehicles stored on the premises.
(2) Warehouses, truck terminals	One for each employee based on shift with most employees.
(3) Mini warehouse, storage	See Section 13.10.I
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, the parking requirements of a similar use shall apply. The Zoning Administrator shall make such determination.	

**Use Number of Motor Vehicle Parking Spaces Required Per Unit of Measure

SECTION 16.7 OFF-STREET LOADING REQUIREMENTS

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.

- (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.

SECTION 16.8 COMMERCIAL DRIVEWAY STANDARDS

- 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.

SECTION 16.9 STORM DETENTION/RETENTION

- A. Whenever storm water 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 17
BOARD OF APPEALS

SECTION 17.0 MEMBERSHIP AND TERM OF OFFICE

- A. **Membership and Officers.** A Board of Zoning Appeals is hereby created. Such Board shall consist of five members, and may consist of two alternates, appointed by the Township Board. Regular and alternate members shall be registered electors of the Township, provided that no elected officials of the Township, nor any employee of the Township, may serve as a member of the board except as provided herein. One of the regular members of the Board shall be a member of the Township Planning Commission. One regular member may be a member of the Township Board, but that member shall not serve as chairperson of the Board of Zoning Appeals. The Board shall elect one of its member as chairperson and one of its members as secretary.
- B. **Term of Office.** Initially, one member of the Board shall be appointed for a term of three years, two members shall be appointed for a term of two years each, and two members shall be appointed for a term of one year each. Thereafter, each member, when appointed, shall have a term of three years. Alternates shall be appointed for three year terms. A successor shall be appointed not more than one month after the term of the preceding member has expired.
- C. **Service on Board; Removal.** Members of the Board may be removed at the pleasure of the Township Board. Any vacancy on the Board shall be filled by the Township Board for the remainder of the unexpired term. An alternate member of the Board may be called to serve if the regular member is unable to attend or has abstained for reasons of conflict of interest. An alternate member appointed in a case shall serve in that case until a final decision is made. An alternate member shall vote and otherwise have all of the authority and responsibility of a regular member.

SECTION 17.1 JURISDICTION OF THE BOARD OF APPEALS

- 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.
- C. The Board of Appeals shall consider and decide upon applications for expansion of nonconforming 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.

SECTION 17.2 PROCEDURES OF THE BOARD OF APPEALS

- 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 and Quorum.** Meetings of the Board of Appeals shall be open to the public and shall be at the call of the chairperson and at such other times as the Board shall specify in its rules of procedure. No less than three of the regular members of the Board of Appeals must be present to constitute a quorum for the conduct of business.
- 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.

SECTION 17.3 APPLICATION AND HEARING PROCEDURES

- 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.

- (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 45 days from the date of filing with the Zoning Administrator.
- (2) On behalf of the Board of Appeals, the Secretary of the Board of Appeals shall give due notice of the hearing in accordance with the provisions of Section 20.14 of this Ordinance.

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.

SECTION 17.4 DECISIONS OF THE BOARD OF APPEALS

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 nonconforming use of land, building or structure, whether legally nonconforming 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 Section 17.4.B(1-5).
- 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 Section 17.4.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.

SECTION 17.5 VOIDING OF A VARIANCE

- A. Whenever actions authorized by a variance area 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.

SECTION 17.6 APPEAL OF BOARD OF APPEALS DECISION

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.

SECTION 17.7 LIMITATIONS ON POWERS OF THE BOARD OF APPEALS

- 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.

SECTION 17.8 ADMINISTRATIVE VARIANCE - LOTS OF RECORD

The Zoning Administrator is empowered to consider minor variance applications and approve same if the standards of Section 17.4.B 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 10 percent of the required setback. The Zoning Administrator shall provide mailed notice of the application for administrative variance to residents and property owners in accordance with Section 20.14. The Zoning Administrator shall not issue the administrative variance unless at least five days shall have passed since providing mailed notice of the application for variance. The notice shall state the deadline for public comments.

The authority granted hereunder shall apply only to lawfully established nonconforming lots of record.

CHAPTER 18
NON-CONFORMITIES

SECTION 18.0 INTENT

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 non-conformity is discontinued or removed.

These non-conformities 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 non-conformities will be regulated so as to result in a minimum of disharmony in the zoning district in which they are located.

SECTION 18.1 NONCONFORMING USES

- 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. Nonconforming uses shall not be changed to another nonconforming 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. Nonconforming uses shall not be enlarged, expanded or increased in any manner as to increase the nature of the non-conformity, including but not limited to the addition of floor space, display area, dwelling units, or other facilities.
- D. Nonconforming uses shall not be reestablished if abandoned for a period longer than 270 consecutive days.

SECTION 18.2 NONCONFORMING BUILDINGS AND STRUCTURES

- 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 non-conformity 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. Reestablishment of Nonconforming Buildings and Structures.

- (1) Nonconforming buildings and structures shall not be reestablished in their nonconforming 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.

SECTION 18.3 NONCONFORMING LOTS OF RECORD

- 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 10 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 parcel.

**CHAPTER 19
AMENDMENTS**

SECTION 19.0 INITIATION OF AMENDMENTS

The 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.

SECTION 19.1 AMENDMENT PROCEDURE; PUBLIC HEARING/NOTICES

- 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 given in accordance with the provisions of Section 20.14 of this Ordinance.
- 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.

SECTION 19.2 AMENDMENTS INITIATED BY A RESIDENT OR PROPERTY OWNER

- 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.
 - (4) The present zoning district and the zoning district requested.

SECTION 19.3 AMENDMENTS REQUIRED TO CONFORM TO A COURT DECREE

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 20
ADMINISTRATION AND ENFORCEMENT

SECTION 20.0 GENERAL STATEMENT OF ADMINISTRATION

The provisions of this Ordinance shall be jointly administered by the Township Planning Commission, the Township Board, the Zoning Administrator and the Ordinance Enforcement Officer in accordance with the Michigan Zoning Enabling Act, Public Act 110 of the Public Acts of Michigan of 2006, as may be amended from time to time.

SECTION 20.1 DEFINITIONS

- A. **Authorized Township Official.** “Authorized Township official” means a police officer (including, but not limited to, the Muskegon County Sheriff or any of his/her deputies) or other personnel of the Township authorized by this Ordinance or any other Township ordinance to issue municipal civil infraction citations including, but not limited to, the Township Supervisor, the Ordinance Enforcement Officer and the Zoning Administrator.
- B. **Board.** Unless otherwise stated, the word “Board” shall mean the Township Board.
- C. **Construction of Words not Defined.** Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
- D. **Costs.** “Costs” mean any expense incurred by Ravenna Township in its taking of any action or proceeding (whether formal or informal) against any person it deems to be in violation of this Ordinance, including, but not limited to, filing fees, deposition fees, witness fees, copying expenses, mileage expenses, telephone expense, office supplies, postage expense, or attorney fees.
- E. **Municipal Civil Infraction.** “Municipal civil infraction” means an act or omission that is prohibited by any provision of this Ordinance, but which is not a crime under this Ordinance, and for which civil sanctions, including, without limitation, fines, damage, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961 (MCL 600.8701 *et seq.*), as amended. A municipal civil infraction is not a lesser included offense of a violation of any Township ordinance that is a criminal offense. The procedures and sanctions for a Municipal Civil Infraction are contained in Section 20.7 *et seq.*
- F. **Municipal Civil Infraction Action.** “Municipal civil infraction action” means a written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited. The procedures and sanctions for a Municipal Civil Infraction and any action pertaining thereto are contained in Section 20.7 *et seq.*

- G. **Municipal Civil Infraction Citation.** “Municipal civil infraction citation” means a written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited. The procedures and sanctions for a Municipal Civil Infraction and any citation pertaining thereto are contained in Section 20.7 *et seq.*
- H. **Municipal Ordinance Violation Notice.** “Municipal Ordinance Violation Notice” or “Ordinance Violation Notice” means a written notice prepared by an authorized Township official which permits a person served therewith to admit responsibility and pay a civil fine as scheduled under Section 20.8 *et seq.* A Municipal Ordinance Violation Notice is subject to the jurisdiction of the Ravenna Township Municipal Ordinance Violations Bureau as established in Section 20.8 *et seq.*, and the procedures pertaining to such notice are contained in Section 20.8 *et seq.*
- I. **Ordinance.** “Ordinance” means the Zoning Ordinance of Ravenna Township and any amendments thereto.
- J. **Person.** “Person” means any natural person/individual or entity (including, but not limited to, any business, business enterprise, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, limited liability company, corporation, association, or any other organization or group of persons acting alone or jointly) as well as such entity’s officers, officials, representatives, employees or agents.
- K. **Premises.** “Premises” mean any lot or parcel of land of whatever kind, shape or size and includes any improvement that may be situated thereon, whether permanent or temporary, and includes, but is not limited to, any building, facility, structure, enclosure, factory, warehouse, establishment, conveyance, house, home, mobile home, shelter, billboard, sign or antenna.
- L. **Township.** “Township” means Ravenna Township or the Township of Ravenna or any successor thereof.

SECTION 20.2 ZONING ADMINISTRATOR

- A. The Township Board with recommendation from the Planning Commission shall employ a Zoning Administrator to assist in the administration of 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 any premises; removal or correction of illegal premises; discontinuance of any illegal

work being done; and/or shall take any other action authorized by this Ordinance to assure compliance with, or prevent violations of, its provisions.

- D. The Zoning Administrator shall possess the same authority and duties as those granted to the Ordinance Enforcement Officer and the Township Board may, in its discretion, appoint the Zoning Administrator to serve in both the capacity of Zoning Administrator and Ordinance Enforcement Officer.

SECTION 20.3 CERTIFICATES OF ZONING COMPLIANCE

- A. A permit for erection, alteration, moving, or repair of any building shall not be issued until a Certificate of Zoning Compliance has been issued therefor. Issuance of such a Certificate shall indicate the use(s) and plans for which the permit is requested comply with the 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 hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. The Certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this Ordinance.
- C. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection.
- D. Certificates of Zoning Compliance authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and subject to the procedures and sanctions provided in Section 20.7 *et seq.* or subject to the jurisdiction of the Ravenna Township Municipal Ordinance Violations Bureau as outlined in Section 20.8, or both. Any change in approved plans shall occur only as provided for in this Ordinance and requires the issuance of an amended Certificate of Zoning Compliance.

SECTION 20.4 PERFORMANCE GUARANTEES

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require, as a condition of land use approval, that the applicant give financial security to ensure that all roads, landscaping, public utilities and other improvements associated with a development are made in full compliance with all Township ordinances and conditions placed upon such land use approval. The amount of such security may be up to the full amount of the estimated cost of the improvements.
- B. Security shall be in the form of a cashier's check payable to Ravenna Township, or by establishment of a performance bond or letter of credit in favor of the

Township. Any performance bond or letter of credit shall, at a minimum: (1) be issued by a financial institution or insurer satisfactory to the Township; (2) continue until the project is completed or until such further time as specified in subsection C, below; and (3) allow full or partial draws upon certification by the Township Zoning Administrator that improvements have not been completed as required.

- C. The Township shall rebate a proportional share of performance guarantees only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. For private street improvements, sanitary sewer systems and other circumstances where proper completion of performance may not be readily ascertainable upon completion of construction, the Township may retain the performance guarantee for up to one year after completion of the required improvements.
- D. The security shall be used by the Township only for the purpose of completing improvements if a developer fails to do so, including payment of engineering, legal and other consultant fees and professional services associated with such default. In no event shall the Township be under any obligation to complete improvements on behalf of a developer.
- E. If a bond or letter of credit posted as security is prematurely terminated or expires, all work on a development shall be stopped until appropriate security is re-established.

SECTION 20.5 APPLICATION FEES AND RECOVERY OF TOWNSHIP COSTS

All applicants for permits, special land use, rezoning, site condominiums, variances, site plan approval and other land use review or approval required by this Ordinance, shall pay the fees and escrow established by resolution of the Township Board from time to time. The Zoning Administrator, Planning Commission, Zoning Board of Appeals and Township Board shall not consider any application for land use approval for which the required fee has not been paid, or any escrow maintained at the required level.

The applicant/owner requesting the land use approval shall reimburse the Township for all expenses incurred by the Township for consultant services related to permit applications, reviews and inspections required by this Ordinance. The applicant/owner shall make deposits to an escrow account, in amounts specified by the Zoning Administrator, so as to assure that adequate funds are available to meet anticipated or incurred expenses. The escrow account shall contain adequate funds to meet anticipated final expenses before a certificate of zoning compliance or other land use approval is issued.

SECTION 20.6 ORDINANCE ENFORCEMENT OFFICER

- A. **Establishment of Office.** The Office of Ravenna Township Ordinance Enforcement Officer is hereby established.
- B. **Appointment.** The Township Board is hereby authorized to appoint by motion/resolution any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designated in said motion/resolution and for such compensation as the Board may determine. The Board may further, by motion/resolution, remove any person from said office, in the discretion of the Board.
- C. **Authority.** The Ordinance Enforcement Officer is hereby authorized to enforce all ordinances of the Township, whether heretofore or hereafter enacted, and whether such ordinances specifically designate a different enforcing officer or do not designate any particular enforcing officer. Where a particular officer is to be designated in any ordinance, that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this Ordinance, and the authority of the Ordinance Enforcement Officer shall be in addition and supplementary to the authority granted to such other specific officer. An Ordinance Enforcement Officer shall in the performance of the officer's duties be subordinate and responsible to the supervisor or such other Township Board member as the Township Board may from time to time designate.
- D. **Duties.** The Ordinance Enforcement Officer's duties shall include the following: investigation of ordinance violations; issuing and serving ordinance violation notices; issuing and serving appearance tickets as authorized under Public Act 147 of 1968, as amended (MCL 764.9c); issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized under Public Act 12 of 1994, as it may from time to time be amended (MCL 600.8701, *et seq.*); appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcing duties as may be delegated by the Township Board, Township supervisor or assigned by the Township attorney.

SECTION 20.7 PROCEDURES AND SANCTIONS FOR MUNICIPAL CIVIL INFRACTIONS

- A. **Municipal Civil Infraction Citations; Issuance and Service.** A municipal civil infraction citation shall be issued and served by an authorized Township official as follows:
 - (1) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
 - (2) The place for appearance specified in a citation shall be the district court.

- (3) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator.
- (4) The first copy of the citation (the original citation) shall be filed with the district court. The second copy of the citation shall be retained by the Township. The third copy (and any duplicate copies, as needed) shall be issued to the alleged violator.
- (5) A citation for a municipal civil infraction signed by an authorized Township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- (6) An authorized Township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and any required copies of a citation.
- (7) An authorized Township official may issue a citation to a person if:
 - (a) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - (b) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction [and if the Township attorney approves in writing the issuance of the citation].
- (8) A municipal civil infraction citation shall be served by an authorized Township official as follows:
 - (a) Except as provided by Section 20.7.A(8)(b), an authorized Township official shall personally serve a copy of the citation upon the alleged violator.
 - (b) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the

citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

B. Municipal Civil Infraction Citation; Contents.

- (1) A municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time as or by which the appearance shall be made.
- (2) Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - (a) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (b) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
 - (c) Deny responsibility for the municipal civil infraction by doing either of the following:
 - (i) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Township; or
 - (ii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
 - (d) The citation shall also inform the alleged violator of all of the following:
 - (i) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (ii) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and

time to appear for a hearing, unless a hearing date is specified on the citation.

- (iii) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Township.
 - (iv) That at an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
 - (v) That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (3) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

C. Sanctions for Municipal Civil Infractions; Repeat Offenses; Continuing Violations; Equitable Relief.

- (1) Unless otherwise stated separately in a specific provision of this Ordinance, the sanction for a municipal civil infraction shall be a civil fine in the amount of \$500.00, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.
- (2) Increased civil fines may be imposed for repeat offenses by a person of an requirement or provision of any ordinance. As used in this section, “repeat offense” means a second (or any subsequent) admission or determination of responsibility for the same municipal civil infraction made within the period as specified by the ordinance violated.
- (3) Each day on which any violation designated as a municipal civil infraction continues constitutes a separate offense and shall be subject to sanctions as a separate violation.
- (4) In addition to any remedies available at law, the Township may seek equitable relief (such as for an injunction or other process to restrain, prevent or abate any municipal civil infraction violation).

SECTION 20.8 MUNICIPAL ORDINANCE VIOLATIONS BUREAU; ORDINANCE VIOLATION NOTICE; ORDINANCE VIOLATION NOTICE REQUIREMENTS; SCHEDULE OF CIVIL FINES/COSTS

- A. **Establishment of the Bureau.** The Ravenna Township Municipal Ordinance Violations Bureau (hereafter “Bureau”) is hereby established pursuant to Public Act 12 of 1994 (MCL 600.8396), as it may be amended from time to time, for the purpose of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines/costs for such violations as prescribed herein.
- B. **Location.** The Bureau shall be located at the Township hall/office or other such location in the Township as may be designated by the Township Board.
- C. **Personnel.** All personnel of the Bureau shall be Township employees. The Township Board may by resolution designate Bureau personnel and a Bureau clerk with the duties prescribed herein and as otherwise may be delegated by the Township Board.
- D. **Bureau Authority.** The Bureau shall only have authority to accept admissions of responsibility (without explanation) for municipal civil infractions for which a municipal ordinance violation notice (as compared to a citation) has been issued and served, and to collect and retain the scheduled civil fines/costs for such violations specified pursuant to this Ordinance or other applicable ordinance. The Bureau shall not accept payment of fines/costs from any person who denies having committed the alleged violation or who admits responsibility only with explanation. The Bureau shall not determine or attempt to determine the truth or falsity of any fact or matter relating to an alleged ordinance violation.
- E. **Ordinance Violation Notice Requirements.**
 - (1) **Ordinance Violation Notice Requirements.** A Municipal Ordinance Violation Notice shall be issued and served by authorized Township officials as provided by law. A Municipal Ordinance Violation notice shall include, at a minimum, all of the following:
 - (a) The violation.
 - (b) The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation.
 - (c) The amount of the scheduled fines/costs for the violation.
 - (d) The methods by which the violation may be admitted or denied.
 - (e) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time.

- (f) The address and telephone number of the Bureau.
- (g) The days and hours that the Bureau is open.

F. **Denial of Responsibility.** Where a person fails to admit responsibility (without explanation) for a violation within the jurisdiction of the Bureau and pay the required civil fines/costs within the designated time period, the Bureau clerk or other designated Township employee(s) shall advise the complainant to issue and file a Municipal Civil Infraction Citation for such violation pursuant to Section 20.7 *et seq.*

G. **Schedule of Civil Fines/Costs.** Unless a different schedule of civil fines is provided for by an applicable provision of this Ordinance, the civil fines payable to the Bureau upon admissions of responsibility by a person served with a municipal ordinance violation notice shall be determined on the basis of the date of the violation pursuant to the following schedule:

(1)	First violation	\$ 25.00
(2)	Second violation within a 1-year period	\$ 50.00
(3)	Third violation within a 2-year period	\$100.00
(4)	Fourth or subsequent violation within a 2-year period	\$200.00

In addition to the above-prescribed civil fines, costs in the amount of \$10 shall be assessed by the Bureau if the fine and costs are paid within ten days of the date of service of the municipal ordinance violation notice. Otherwise, costs of \$20 shall be assessed by the Bureau.

H. **Record and Accounting.** The Bureau clerk or other designated Township official/employee shall retain a copy of all municipal ordinance violation notices and shall account to the Township Board once a month or at such other intervals as the Township Board may require concerning the number of admissions and denials of responsibility for ordinance violations within the jurisdiction of the Bureau and the amount of fines/costs collected with respect to such violations. The civil fines/costs collected shall be delivered to the Township treasurer at such intervals as the treasurer shall require, and shall be deposited in the general fund of the Township.

I. **Availability of Other Enforcement Options.** Nothing in this Ordinance shall be deemed to require the Township to initiate its municipal civil infraction ordinance enforcement activity through the issuance of a Municipal Ordinance Violation Notice. As to each ordinance violation designated as a municipal civil infraction, the Township may, at its sole discretion, proceed directly with the issuance of a municipal civil infraction citation or take such other enforcement action as is authorized by law.

SECTION 20.9 NUISANCE PER SE

Any violation of any provision of this Ordinance shall constitute a nuisance per se.

SECTION 20.10 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

SECTION 20.11 SUPPLEMENTARY EFFECT

All ordinances of the Township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this Ordinance.

SECTION 20.12 REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 20.13 EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

SECTION 20.14 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING

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, notice of the public hearing shall be published and delivered according to 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 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) A statement of 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.