



ASHLAND TOWNSHIP ZONING ORDINANCE

ADOPTED
FEBRUARY 8, 2011

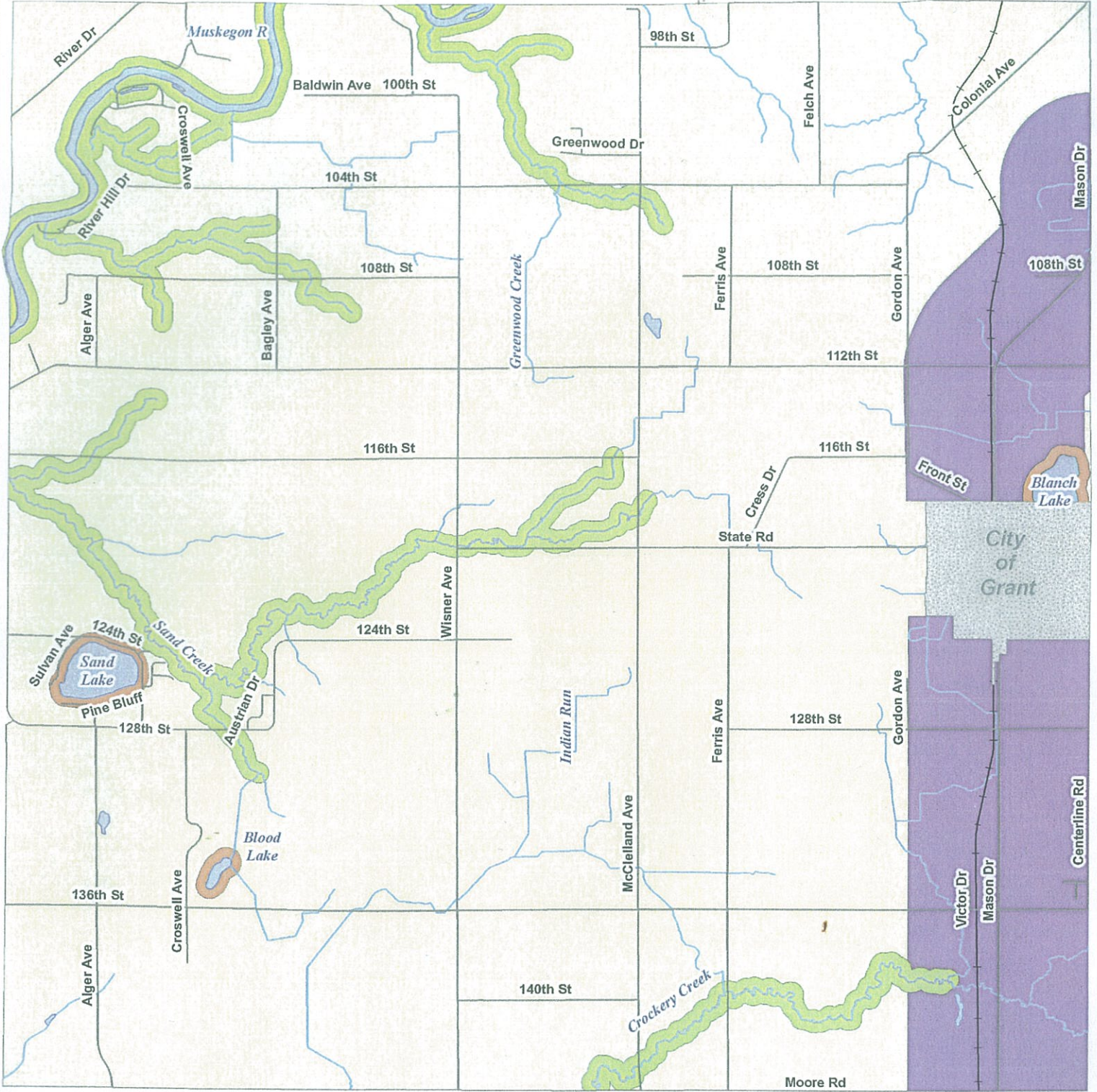
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Ashland Township, Newaygo County Township Zoning Map



Map Features

- Road
- +— Railroad
- ☪ Lake
- ~ River

Ashland Twp Zoning Districts

- Lake District (300ft from Shore)
- River District (300ft from River)
- Commercial District (1/2 mile on either side of M-37)
- Rural Residential



Map created on 11/16/2015 for Ashland Township for general reference purposes only. GIS data provided by MiGDL.

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SECTION 1
TITLE, PURPOSE, ENABLING AUTHORITY AND CONDITIONS OF ENACTMENT

The Township of Ashland, Newaygo County, Michigan ordains:

Section 1.01 – Title

This Ordinance shall be known as the Ashland Township Zoning Ordinance.

Section 1.02 - Purpose of this Zoning Ordinance and Resolution of Intent

It is the express purpose and intent of this Zoning Ordinance to provide an Ordinance for the protection of the public health, safety and other aspects of the general welfare of Ashland Township through the establishment of zoning districts for the planned orderly growth and development of the Township within which the proper use of land and natural resources may be encouraged or regulated, and within which zoning districts provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted by right or with special conditions; the minimum open spaces, sanitary, safety and protective measures that shall be required, and the maximum number of families or persons that may be housed in dwellings, buildings and structures that may be erected or altered; to provide, based upon the adopted Master Plan, for the growth and development of the Township, in an orderly manner and through the planned and efficient expenditure of public funds and use of public facilities, utilities and services required to be provided to the various types of land use developments in the Township; to provide for the conservation of the use of energy; to provide for the conservation of the natural and built environments, including agricultural, residential, forest, commercial, industrial, public and semi-public land uses, open space lands, flood lands, wetlands, around water and land areas containing other natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method of adoption of amendments to this Ordinance; to provide for coordination of land use developments and resolving conflicts with such programs and activities of other governmental jurisdictions, including, but not limited to, state, federal and county laws, administrative rules and regulations and plans and programs of land use development and local ordinances, regulations and programs of land use development with this Ordinance; to provide for penalties for violations of this Ordinance; to provide for the possible assessment, levy and collection of taxes on property zoned, developed and used in accordance with the provisions of Public Act 110 of 2006 (MCL 125.3101 et seq), as amended, and this Ordinance; to provide for the establishment and collection of fees for zoning and other permits and submissions required under this Ordinance; to provide for petitions, public hearings and referenda in accordance with the provisions of Public Act 110 of 2006 (MCL 125.3101 et seq), as amended, and this Ordinance, and to provide for appeals and the granting of variances from the provisions of this Ordinance.

Section 1.03 - State Legislation Enabling Authority

This Ordinance is adopted pursuant to Public Act 110 of 2006 (MCL 125.3101 et seq), as amended of the State of Michigan. Said Public Act entitled, "The Michigan Zoning Enabling Act" is hereby made a part of this Ordinance as if contained verbatim in its complete textual form.

Section 1.04 - Enactment Declaration:

This Zoning Ordinance, and its contained provisions, are hereby declared to be necessary for the implementation of the adopted Master Plan and to the providing of planned, orderly growth and development of the Township, in the interest of the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township and to provide adequately for the necessities in the pursuit of their daily living pattern. This Zoning Ordinance is hereby ordered to be given effect seven (7) days after its adoption by the Township Board and the publication of a notice in a newspaper of general circulation in the Township in accordance with Public Act 110 of 2006 (MCL 125.3101 et seq), as amended.

Section 1.05 - Adoption of this Zoning Ordinance as a Replacement for the Present Zoning Ordinance

The Zoning Ordinance of Ashland Township currently in effect and all amendments thereto are hereby repealed; provided, however, if this Zoning Ordinance shall be judicially determined to have been unlawfully adopted, such judicial determination shall then automatically reinstate the present Ashland Township Zoning Ordinance and all amendments to their full effect. Cases and prosecutions pending under an ordinance that is herein repealed are saved and may proceed to their lawful conclusion pursuant to such repealed ordinance.

Section 1.06 - Relationship to Master Plan

The zoning district map and text - the plans and specifications for the future development and redevelopment of the Township - are based upon the Township's adopted Master Plan. In particular, the Master Plan components for Land Use, Transportation and Public Utilities and Facilities have been and will continue to be the basis for amending or changing the Zoning Ordinance in the future, including both the textual regulations and the zoning district map.

SECTION 2
DEFINITIONS

Section 2.01 - Rules Applying to Text

All words used in the present tense shall include the future, all words in the singular number shall include the plural number, and all words in the plural number include the singular number; the word "structure" includes the word "building"; and "dwelling" includes "residence"; the words "person", "corporation", "co-partnership", "association" and "individual" are interchangeable; the word "shall" is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them or, if necessary, as the Zoning Board of Appeals may determine. All definitions are specifically intended to be defined and used for zoning purposes only.

Section 2.02 - Definitions

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

Access Roads or Driveways between Adjacent Properties - See "Frontage, Access Road or Connecting Driveway between Adjacent Properties".

Accessory Building - See "Building, Accessory"

Accessory Dwelling Unit - Dwelling units occupying a single land description in addition to the principal single-family dwelling, serving as housing for dependents, employees or guests of the principal householder. In no case shall rental or leasehold units be considered as accessory dwelling space, these being duplex or multiple in nature.

Accessory Use - See "Use, Accessory"

Adjacent Property - Property which adjoins any side or corner of a specific parcel of land. Property is not considered adjacent if it is across a public or private road, street or way in common usage by the general public.

Agriculture - All the contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner or by his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute actual farming; and for the purpose of this Ordinance, farms may be considered as including establishments operated as croplands, green houses, tree and shrub nurseries, tree farms, orchards, vineyards, chicken hatcheries, poultry farms, domestic animal; or fur bearing animals, farms and apiaries; but not including establishments operated as a fish hatchery, stock yard, slaughter house, fertilizer works, bone yard, or for the disposal of garbage, animal waste, sewage, or junk or for the removal and sale of top soil.

Alley - Any dedicated public ways affording a secondary means of access to an abutting property and not intended for traffic circulation.

Alterations - The term "Alterations" shall mean any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, or any change of which may be referred to herein as "altered" or "reconstructed".

Amusement Parks - A permanent or transient assemblage on a lot or parcel of all types of motorized equipment designed and operated to entertain and thrill people on what are generally called rides, attraction and entertainment displays, entertaining human and animal acts in what are commonly referred to as side shows, concessions for the sale of food and candy and the sale of goods and services for entertainment and purposes of personal pleasure, such as rifle and bow and arrow shooting, ring toss, baseball throws, dunking, and balloons and airplane rides.

Animal Hospital - A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan. Such animal hospitals shall be constructed in such a manner that noise and odor are not discernable beyond the property upon which it is located.

Animal Shelter - A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Apartments - The term "Apartments" shall mean the individual dwelling units in a multiple dwelling as defined herein:

Efficiency Unit: is a dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

One Bedroom Unit: is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit: is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit

Three or More Bedroom Unit: is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Apartment House - A residential structure containing three or more attached dwelling units, which share common front and rear entrances.

Appeal - See "Zoning Appeal"

Appurtenances – Attachments to the exterior of the buildings or structures, including but not limited to chimney flues, belt courses, sills, leaders, pilasters, cornices, eaves, gutters and similar features.

Assisted Living – Means, a term used to identify a variety of living arrangements such as but not limited to convalescent homes, nursing homes, adult foster care facilities, skilled nursing homes and independent living facilities.

Automobile Car Wash - A building, or portion thereof, where self-propelled motor vehicles are washed as a commercial enterprise.

Automotive Vehicle - A vehicle including automobiles, pickup trucks, vans, campers, motorcycles and similar motor driven vehicles, but shall not include tractor trailers, semi-trucks, construction equipment and similar types of heavy construction vehicles.

Automobile Repair - A place where, with or without the sale of engine fuels, the following services may be carried-out: general repair; engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Service - A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

Automobile or Trailer Sales Area - Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

Automobile Storage, Damaged - Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incident or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

Basement - That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walk-out capability. A walk-out basement shall be defined as- a room with at least one wall below grade which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade and two exits which are fire escape routes.

Bed and Breakfast Dwellings - Residential dwellings used for the purpose of housing transient and vacationing persons, limited to serving breakfasts, not including hotels, which meet the requirements of the State Laws governing such facilities.

Bedroom - A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

Berm - A lineal mound of soil, graded and shaped to sufficient height, length and width to act as a screening barrier and improved with landscaping which may include trees, shrubs, grass, rocks or suitable groundcover.

Billboard - See "Sign, Outdoor Advertising".

Block - The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development.

Board of Appeals - See "Zoning Board of Appeals"

Boarding House - A building other than a hotel, motel or bed and breakfast dwellings, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) persons or more.

Bordering Lands - All land adjacent to a parcel of land, including, but not limited to those lands separated from the parcel by a road right-of-way, easements or public utility right-of-ways, river, creek or stream.

Boat, Commercial - A boat which is licensed to carry passengers, mail and freight over the surface of a body of water.

Boat Docks - A structure connected to land and extending out into the water where its depth is capable of floating boats, and to which boats may tie for securing them to the structure in the water for parking purposes.

Boat Livery - A business which stores, supplies and maintains boats to persons for the purpose of using them on the surface of a water body, e.g. lakes, ponds, rivers and streams.

Boat, Recreational - A boat owned and operated on the surface of a body of water for the recreational pleasure of its occupants.

Body Shop - A business engaged in the repair, bumping and painting of motor vehicles.

Breezeway - Any covered passageway with open sides between two buildings.

Buffer Area or Zone - A buffer area or zone consisting of an open space strip of land, except as specifically required in certain sections of this Ordinance, which shall be either level ground or an earth berm landscaped with trees, shrubs, vines and ground covers. When a screen buffer is required, it shall consist of a dense evergreen planting with or without an open type fence or a solid fence or wall. The buffer area shall be designed so as to include (1) 30% evergreen trees, such as cedar, spruce, pine, etc., spaced no more than thirty (30) feet apart and no less than five (5) feet in height, (2) one row of dense evergreen shrubs spaced no more than five (5) feet apart.

Building - An independent structure, either temporary or permanent, having a roof supported by columns or walls which includes sheds, garages, stables, greenhouses, or other accessory structures. A detached building is one separated on all sides from adjacent buildings by open spaces from the ground up. When any portion thereof is completely separated from every other part thereof, by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate building.

Building, Accessory - A supplemental building or structure on the same lot or parcel of land as the main building, or buildings, or part of the main building occupied by or devoted exclusively to any accessory uses, but such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings, except when designed and approved as an accessory use for such purpose by the Planning Commission.

Building Area - The space remaining for building and structural construction after the maximum land coverage, yard and setback requirements of this Ordinance have been complied with.

Building, Envelope - The three dimensional area enclosed or to be enclosed by the exterior walls and roofs of the principal and accessory buildings on the property, plus the ground area beyond such walls and to exceed ten (10) feet, as long as the ground area does not encroach upon any required yard setback.

Building, Farm - Any accessory building or structure including the farm family dwelling, maintained, used or built on a farm of which the principal use is agriculture and which is essential and customarily used on farms in the Township for the pursuit of agricultural activities, including the storage or housing of farm labor, implements, produce and/or domestic animals.

Building Height - The vertical distance from the established grade to the highest point of the roof surface for flat roofs, to the deckline of mansard roofs; and to the average height between eaves and ridge for gables, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade around the perimeter of the building foundation wall.

Building Inspector - The administrator of the building, housing, plumbing, electrical or other codes that have been adopted or may be adopted in the future by the Township or the County.

Building Line - A line, at the ground surface line located at the base of a vertical plane, formed by each face of a building, and for the purposes of this Ordinance, a minimum building line is the same as the front, side and rear setback lines from the property line.

Building, Main - The building or structure in which the principal use or activity on a lot or parcel takes place.

Building Permit - A building permit is the written authority issued by the Building Inspector in conformity with the provisions of the State Construction Code as adopted and enforced by the Township to an applicant.

Building, Principal - A building in which is conducted the principal use of the premises on which it is situated.

Building Setback Line - The line formed by the outer surface of a structure or enclosure wall at or with the finished grade or surface of the ground; pertaining to defining those minimum (building) setback lines which are established, in general, parallel to the front road right-of-way and within which setback area no part of the front vertical plane of a building shall project or be located, except as otherwise provided for by this Ordinance.

Building, Temporary - See "Temporary Use or Building"

Cabin - A seasonal dwelling unit which is occupied seasonally as a dwelling or sleeping quarters or periodically, but which is not permitted to be used as a year-round dwelling, but not including motels or hotels.

Campground - The uses and activities which take place on a lot or parcel of land for vacation, resort or recreation purposes in accordance with Public Act 368 of 1978, Part 125, Sections 12501-12516 (MCL 333.12501-MCL 333.12516), as amended, and the Administrative Rules promulgated under P.A. 368 as administered by the County District or State Public Health Departments including sites offered for the purpose of camping in tents, recreation vehicles or travel trailers for which a fee may or may not be charged for use of a site.

Church, Temple or Synagogue - A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the church, are classified as part of the principal use as a church, temple or synagogue.

Clinic, Animal - A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related para-professionals and technicians and where such animals may be provided with overnight housing.

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

Club or Lodge - An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and guests and not the general public.

Commercial - A business operated primarily for profit, including those of retail trade and professional, personal, technical and mechanical services.

Commercial District or Center - A concentration of commercial uses or activities, on a specific area planned or zoned for commercial purposes.

Common Areas, Uses and Services - Land areas, improvements facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Conditional Uses - Are the same as Special Uses.

Condominium - The ownership of a land dwelling, office, commercial or industrial unit, including the space enclosed by the description thereof, as contained in the Master Deed, together with ownership of an interest in the common elements, as contained in the Master Deed.

Condominium Subdivision - A division of land accomplished under Public Act 59 of 1978, as amended, "The Condominium Act".

Construction Code - Means the Michigan State Construction Code or any Code established in accordance with the State Construction Code Act for structural or building construction purposes.

Convalescent Care Home – Means a nursing care facility, other than a hospital, that provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury or infirmity. County medical facilities shall be deemed convalescent care homes for the purpose of this Zoning Ordinance.

County - Means County of Newaygo.

District - See "Zoning District"

Drive-in Establishment - Any establishment which offers goods and services over the counter or through drive-up windows for service to customers in motor vehicles.

Drive-in Restaurant - A Drive-in Restaurant shall be deemed to be any restaurant designed to serve customers in cars or walk-ins to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other fast foods served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the premises, or permitted to be consumed by patrons on the premises, or off the site.

Dry Cleaners - A retail service business for the purpose of cleaning clothes and other fabricated dry goods or materials.

Dwelling – A building which is occupied wholly as the home, residence or sleeping place by one or more human beings either permanently or transiently, excluding any garage space, tents, portable buildings or automobile chassis, complying with the following standards:

1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
2. It has a minimum width for at least 75% of the floor area across any section of not less than 20 feet.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Construction Code and shall have a wall of the same perimeter dimensions of dwelling and constructed of such materials and type as required in the applicable building code.

4. Any dwelling transported to a site is required to have any wheels, axles, towing hitches, or other appurtenances used for towing removed promptly upon placing the dwelling upon its foundation.
5. It complies with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
6. The foregoing standards shall not apply to a mobile home located in a State licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

Dwelling, Farm - An accessory dwelling used to house the principal family operating the farm, upon which it is located, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling, Group - (Group housing) Two (2) or more single or multiple family dwelling structures on a parcel of land under single ownership.

Dwelling, Mobile Home - A dwelling unit manufactured in one or more sections, designed for year-round dwelling purposes, capable of being transported upon its own or a separate wheeled chassis and not motorized or self-propelled, but which meets the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance and the Construction Code specified for dwellings, when located outside of a licensed mobile home park.

Dwelling, Multiple Family - A dwelling structure, or portion thereof, designed for occupancy by two (2) or more families living independently of each other in separate dwelling units.

Dwelling, One Family - A dwelling structure designed exclusively for occupancy by one (1) family.

Dwelling, Two Family or Duplex - A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

Dwelling Unit - A dwelling unit is any building or portion thereof or a mobile home having cooking, bathing, sleeping and dining facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently. In cases of mixed use occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to a dwelling.

Environmentally Sensitive Area - Any area of land, bog, swamp, marsh or other surface water area, wildlife habitat, area of vegetation, or any man-made area of land, buildings and structures which are so unique or unusual in their natural, historical, or developed character which upon determination of their existence, and their importance to the welfare of the Township in the

future, must of necessity be preserved in their present state of existence, unless permitted to be modified or changed in any way except by approval under Township or other public regulations.

Erected - The word "erected" includes built, constructed, reconstructed, moved upon, or from, or any physical operations on the premises required for the building. Grading, excavations, fill, drainage, and other similar construction, shall be considered a part of erection.

Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

Excavation - Any breaking of ground, except farm use, common household gardening and ground care.

Excavation, Commercial - The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface when primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacturing, but does not mean grading or filling incidental to improvement of the land.

Exception - See "Zoning Exception"

Existing Building - A building existing in whole, or one for which a permit has been issued and whose construction is being diligently and continually in use on the effective date of this Ordinance.

Facilities and Services - Those facilities and services that are normally accepted as necessary for urban living such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.

Family - One (1) or two (2) persons with or without their direct lineal descendants and adopted children (and including the domestic employees thereof), or not more than four (4) persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

Farm - Real property used for agriculture, horticulture or forestry comprised of contiguous acres, but which may additionally contain other contiguous or non-contiguous acres, all of which is operated by an individual, a single family, family corporation, individual or business corporation.

Farming - Agricultural activity or the raising of livestock or small animals as a source of income.

Fence - A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An

ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

Filling - The deposit or dumping of any matter into or onto the ground, except common household gardening and general care.

Filling Station - See "Automobile Service"

Flood Plain - That portion of land adjacent or connected to a water body or water course which is subject to periodic inundation in accordance with the 100 year flood cycle as determined by the U.S. Army Corps of Engineers, U.S. Federal Housing Administration, Michigan Department of Natural Resources or any other designated and qualified public agency.

Floor Area - The sum of the gross horizontal areas of the several floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) dwelling units. The gross floor area of a building shall include the basement (see definition) floor area when more than one half (1/2) of the basement height is above the established curb level or finished lot grade and of interior finished construction similar to first or main floor. Any space devoted to off-street parking or loading shall not be included in gross floor area. Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

Floor Area, Usable (UFA) - The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story area, the usable floor area shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.

Frontage Access Road or Connecting Driveway between Adjacent Parcels - A public or private road or a private driveway paralleling and adjacent to any major road and providing direct and convenient automotive access between adjacent lots and parcels across private property lines.

Frontage, Road, Street, Highway or Road Easement - See "Road Frontage"

Garage, Commercial - Any garage, other than a private garage available to the public, operated for profit, and used individually or in any combination for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipping of automobiles or other motor vehicles.

Garage, Private - An accessory building not to exceed the height of the principal structure used for parking of vehicles or storage as may be required in connection with the permitted use of the principal building.

Garage, Public (Municipal or Governmental) - Any premise, except those described as a private or storage garage, used principally for the storage of automobiles, cars or motor-driven vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be equipped for

operation, repaired, rebuilt or reconstructed, but not including undercoating or overall painting, unless conducted in a completely enclosed spray booth.

Garage, Storage - Any structure except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

Gas Station - See "Automobile Service"

Grade - The term "Grade" shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt - A planting strip or buffer strip at least ten (10) feet in width, composed of deciduous and/or evergreen trees spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and not less than five (5) feet in height. A greenbelt, as described here, is not synonymous with greenbelt zoning, except as otherwise prescribed in this Ordinance.

Group Day Care Home – Means a “Group Day Care Home, regulated through the licensing process, and provides care for 7 to 12 unrelated children”. The Group Day Care Home is further defined and regulated by the State of Michigan under Act 116 of the Public Acts of 1973 as amended, being Sec. 722.111 et seq. of the Michigan Compiled Laws.

Group Housing - See "Dwelling, Group"

Highway - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (see also "Road")

Historical Building, Site or Area - Those parcels and/or uses of land and/or structures whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a structure or use which reflects elements of the community's historical, cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the area; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

Home Based Business – An occupation or profession carried on by an occupant of a lawful dwelling unit as an accessory use which is clearly incidental to the use of the dwelling unit, and the lot or parcel it is located on, for residential purposes, which business is operated by a resident of a lawful residential dwelling unit. A HOME-BASED BUSINESS shall be operated on the same lot or parcel as the principal residential dwelling unit or on adjacent property owned and/or controlled by the occupant of the dwelling unit.

Home, Motor - A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.

Home Occupation - Any use customarily conducted entirely within the dwelling or an accessory structure and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing in the same dwelling, which use is clearly incidental and secondary or accessory to the use of the dwelling for family living purposes, does not change the residential character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Such occupation shall not require external alterations of construction features, outdoor storage, or signs not customarily in residential areas. For more intensive operations including those that utilize out-of-family employees, require signs or are operated on adjacent parcels, see definition and section on 'Home-based business' in this ordinance.

Horticulture - The business of producing fruits, vegetables, plants, flowers, trees and ground covers.

Hospital - An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, emergency services and staff offices, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, education institution, convent, or a convalescent home, as previously defined.

Hotel - A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room, except for the management of the hotel. (Also see "Motel").

Housing, Transient or Migrant Labor - See Transient Worker Housing.

House Trailer - See "Mobile Home".

Industrial - A business operated primarily for profit, including those of product manufacturing or conversion through assembly of new or used products or through the disposal, reclamation or processing of salvaged material, and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.

Industrial Park - A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Institutional - An organization having a social, educational or religious purpose established by law, custom, practice or a system to serve a public.

Junk - all garbage, scrap and waste materials including, but not limited to, rags, cartons, paper, cans, bottles, used lumber, boxes, wooden skids or pallets or parts therefrom (excluding those stored and used in connection with an industrial or commercial operation on the site), inoperable and/or discarded/unused appliances and equipment, cut or broken tree branches, and broken or discarded plaster, concrete, or brick building materials.

Junk Yard - Any lot, parcel, field or tract of land not used as a dump on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not for profit bases. The term "junk yard" includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, salvaging, demolition or abandonment of automobiles, other vehicles or machinery or parts thereof, but does not include uses contained entirely within an enclosed building.

Kennel - Any lot or premises on which four (4) or more dogs of more than 6 months in age are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other fur bearing household or domestic pets of like number are bred or sold.

Laboratory - A place in which the principal use is devoted to experimental, routine, or basic study such as testing and analytical operations.

Lake - A permanent natural or man-made body of surface water of at least five (5) acres in area.

Landfill - See "Sanitary Landfill".

Landscaping - any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, berms, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces, drives, roads, parking areas, garden structures, and other landscape features exclusive of principal buildings and structures which are regulated by the Construction Code.

Land Use Permit - See "Zoning Permit"

Laundromat - A retail service provided on a coin operated basis to customers who want to wash and dry clean their own clothes and other household dry goods items.

Lighting, Source of - For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury, neon, sodium or other gaseous or vapor lamps shall be considered a direct source of light, except when used to light a public or private road or highway and approved by the Township for that purpose.

Livestock - Horses, cattle, sheep, hogs, goats or any animals which is raised or kept for the production of food for human beings or for the production of fiber.

Loading Space - An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

Lot - A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. (Also see "Parcel" or "Plat"). A lot shall not include road easements or road right-of-ways.

Lot Area - The total horizontal area of an imaginary flat plain contained within the perimeter lot lines of a lot or parcel. Where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as a street with the exception that in the "A" Agricultural District, the lot area shall be the recorded metes and bounds area.

Lot, Corner - A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.

Lot Coverage - That percentage of the lot or parcel covered by all buildings and structures located on a lot or parcel, elevated above the surface, on the surface or below the surface of the ground and which impairs the percolation of surface water into the sub-surface groundwater areas and causes additional surface runoff.

Lot Depth - The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines or the average horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage - Any interior lot having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and front yard setbacks shall be provided as required.

Lot Frontage - That portion of a lot extending along a street line. In odd-shaped or triangular-shaped lots the length of the frontage may be reduced to not less than one-half ($\frac{1}{2}$) of any minimum frontage herein required and that the actual length of the street line shall be not less than 50 feet.

Lot, Front of - The side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum road frontage.

Lot, Interior - Any lot other than a corner lot.

Lot Lines - The exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front - In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from each road upon which it fronts. Also that line separating said lot from a surface body of water (See also Lot Line, Rear).

Lot Line, Rear - That lot line opposite the road front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line generally parallel to the front lot line not less

than ten (10) feet long farthest from the front lot line and wholly within the lot. A lot having a road front lot line and a waterfront lot line has no rear lot line, but has two (2) front lot lines.

Lot Line, Side - Any lot line other than the front lot line or rear lot line. A lot line separating a lot from a road is a front road lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record - A lot existing prior to or subsequent to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purpose of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to or dated subsequent to the effective date of this or prior Ordinances shall also constitute a "lot of record". (Includes "Parcel of Record").

Lot, Waterfront - A lot having a frontage directly upon a lake, river, creek, stream or other impoundment of surface water. The portion adjacent to the water shall be designated as the lake or water frontage of the lot.

Lot Width - The horizontal distance between the side lot lines, measured between the two (2) points located at the building setback line where it intersects the side lot lines, or the average horizontal width measured at right angles to the lot depth.

Marihuana or Marijuana - This term shall have the meaning given to it in the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d)."

Marihuana Collective or Cooperative - Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed that is formed by a group or individuals in a group acting together as a collective enterprise or by an organization owned collectively by members who share in the benefits owned as a cooperative or in any way structured like a collective or a cooperative".

Marihuana Dispensary or Dispensary - Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary care giver, a registered qualifying patient, or a person with an identification card or in possession of an application for an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008; and the Administrative Rules of the Michigan Department of Community Health".

Marinas - A marine facility which provides sales of and service to boats, including marine supplies and equipment, repair of boats and motors and boat docking facilities.

Master Plan - A comprehensive statement including written and graphic proposals for the development of the Township; stating proposed policies for development and graphically

presenting location and overall design of public utilities and facilities systems, allocation of space to all public and private activities, and indicating all proposed physical development within the Township. Such Plan may be utilized, in whole or in part, with or without formal adoption by the Township.

Medical Use of Marihuana - The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

Mobile Home - A dwelling unit manufactured in one or more sections, designed for year-round, temporary or transient dwelling purposes, capable of being transported upon its own or a separate wheeled chassis, not motorized or self-propelled, built for the purpose of being located in a licensed mobile home park, meeting the requirements of the FHA Standards of the United States Department of Housing and Urban Development (HUD), and installed in accordance with this Zoning Ordinance and the Construction Code.

Mobile Home Park - For the purpose of this Ordinance a specifically designated parcel of land constructed and designed to accommodate three (3) or more mobile homes for residential dwelling use, and which complies with the requirements of Public Act 419 of 1976, the "Mobile Home Commission Act" and the provisions of this Ordinance.

Mobile Home, Site, Space or Pad - Specified area of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Motel - (also see "Hotel") - A motel or motor or auto court or lodge, including tourist homes, is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish temporary or transient guest lodging accommodations for the public for compensation.

Motor Court or Lodge - See "Motel"

Nonconforming Building or Structure - A nonconforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Nonconforming Lot - A lot or parcel of land which lawfully existed at the effective date of this Ordinance or any subsequent amendment to it, but which does not meet all of the requirements of this Ordinance or any subsequent amendment, and which is grandfathered in under this Zoning Ordinance or a subsequent amendment to it, as a legal nonconforming lot or parcel.

Nonconforming Use - A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located, but which is grandfathered in under this Zoning Ordinance as a legal nonconforming use.

Nuisance - Is an offensive, annoying, unpleasant, or obnoxious thing, activity or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical

characteristics of activity or use across a property line which can be perceived by and adversely affects a human being(s) located on adjacent or nearby properties.

Nuisance Per Se - Is a nuisance which is a violation of this Ordinance and which is subject to remedy as a matter of law.

Nursery or Tree Farm - A plant or tree nursery or farm in relation to those trees planted and growing on the premises, which are planted and grown for sale to the general public in the ordinary course of the business.

Nursing Home - See "Convalescent Care Home"

Occupied - A building, structure, or land area designed and used for the purpose of and occupied for a useful purpose permitted under the provisions of this Ordinance.

Office - An enclosed area which has as its primary use, rooms for the services provided by institutional, professional, public, financial and other service organizations and individuals, including labor unions, civic, social, fraternal and/or other related organizations or business enterprises.

Office Park - District or area planned as a single development unit of land specifically for office and office related accessory uses.

Off-Road Access between Properties - A public or private road or a private driveway which provides access between adjacent lots and parcels, and may be located as a frontage access road or driveway parallel to the public road upon which lots and parcels front or otherwise located according to an approved site plan to provide access between lots and parcels.

Off-Street Parking - See "Parking, Off-street"

Off-Street Parking Lot - See "Parking, Off-street, lot"

Off-Street Parking Space - See "Parking, Off-street space"

Open Air Uses - Are uses operated for profit or nonprofit, substantially in the open air, usually without buildings or structures, including uses such as the following:

1. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
2. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
4. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreational uses (transient or permanent).

Open Space- Any land set aside as wetlands, drainage ways, conservation easements, floodplains and floodways land area suitable for growing vegetation, parks, recreation, gardens or household service activities, such as, clothes drying, but not occupied by any buildings or structures, except those buildings and structures which are accessory to or which are consistent with the open space use and normal to them.

Open Space Uses - Any principal or accessory use of a lot or parcel not involving the use of buildings or structures which are required to meet the Township Construction Code.

Open Storage - A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Outdoor Advertising Signs - See "Signs, Outdoor Advertising"

Parcel - See "Lot"

Parking, Off-street - Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way or easement.

Parking, Off-street, Lot - A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than five (5) automobiles.

Parking, Off-street, Space - An area of definite length and width; said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within a public highway or public or private road right-of-way.

Parking Space - That area required for the parking or storage of one automobile including necessary aisle or driveway space providing access thereto, and so located as to be readily accessible to a public road or alley.

Person - An individual, partnership, corporation, association or other legal entity.

Pet - Shall mean only such animals as may commonly be housed within domestic living quarters.

Planned Unit Development - A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land of prescribed minimum area and approved by the Township after site plan review in accordance with the Section entitled, "Planned Unit Developments" and other pertinent Sections in this Ordinance.

Plat - A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Land Division Act (MCL 560.101 et seq.) and the Subdivision regulations of the Township, if and when enacted.

Plot - A single lot or parcel.

Pond - A small body of surface water of less than five (5) acres in area which exists in a natural state or is established by either the damming of surface water or by excavation of soil to expose groundwater.

Pool - Any structure or container, including swimming pools, whirlpools, hot tubs and decorative pools, located either above or below grade designed to hold water to depth greater than 18 inches, intended for swimming or bathing. A pool shall be considered an accessory structure for purposes of computing lot coverage.

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

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

Practical Difficulties - Shall mean that dimensional zoning requirements cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcels are different in the sense of these characteristics from other more typical lots located in the same zoning district.

Primary Caregiver - Primary caregiver or caregiver means a person as defined under MCL 333.7106(g) of the Michigan Medical Marihuana Act, and who has been issued and possesses a Registry Identification Card under the Act.

Principal Building - A building or structure in which is conducted the principal use of the lot or parcel upon which it is situated.

Principal Use - The primary use to which the premises are devoted and the purpose for which the premises exist.

Private Road - See "Road, Private".

Professional Office - Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc.

Public Utility - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public; electricity, gas, steam, communications, cable television, telegraph, transportation, water, storm water collection or wastewater collection and treatment.

Qualifying Patient or Patient - Qualifying patient or patient means a person as defined under MCL333.7106(h) of the Act, and who has been issued and possesses a Registry Identification Card under the Michigan Medical Marihuana Act.

Raft - A floating dock, anchored in water and not attached to the shore.

Recreation facility - A facility designed to provide recreation and entertainment both indoors and outdoors, including ski slopes and lifts; golf courses; snowmobile, hiking and horse riding trails; hunting and fishing areas; campgrounds; archery and gun ranges; beaches, and bathhouses; swimming pools and related facilities, court games, apparatus areas for children, field game areas, horse riding stables, bicycle and off the road vehicle equipment operations, theaters, dance floors, bowling alleys and other facilities normal to resort activities.

Recreation Vehicle - A vehicle primarily designed and used as temporary living quarters for recreational camping or traveling or a vehicle mounted on or drawn by another vehicle.

Recreation Vehicle Park (RV Park) - A family recreation-oriented facility for the overnight or short-term parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

Residential Care Facility – homes or care facilities providing care services on a part-time or full-time basis. Such uses are established as permitted or special exception uses based upon their compatibility with uses in those individual zoning districts and state licensing requirements as follows;

1. Family day care homes: Includes child day care and adult day care for six or fewer individuals within a residential setting. Such use is considered a permitted use in any district that permits single-family dwellings, subject to definition and state licensing requirements. No non-resident employees are permitted, and such use shall operate less than 12 hours per day.
2. Family adult foster care homes: Includes adult foster care for six or fewer adults within a residential setting. Such use is considered a special exception use in any residential district that permits single-family dwellings, subject to definition and state licensing requirements. A resident employee is required and not more than one nonresidential employee is permitted. Such use shall be for 24-hour care.
3. Group day care homes: Includes group child day care and group adult day care for between seven and 12 individuals within a residential setting. Such use shall be established as a special exception use. A resident employee is required and no more than one nonresident employee is permitted. Such use shall operate less than 24 hours per day.
4. Limited residential care facilities: Includes all other day care or foster care facilities for up to 25 individuals, subject to state licensing requirements. This may include nursing homes, assisted living facilities and senior housing for up to 25 people. It is anticipated that these facilities would operate 24 hours per day and would include non-resident employees.
5. Full residential care facilities: Includes commercial day care centers, nursing homes, assisted living facilities or other congregate care and/or senior housing facilities.

Such use shall be considered a commercial use and include part-time and full-time staff and/or access to medical staff. This definition shall include and regulate unlicensed residential facilities and those licensed by the state. It does not include facilities providing treatment, such as substance abuse, or rehabilitation, such as halfway houses or other uses regulated by the department of corrections.

Restaurant - Is a building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered.

Resort - A vacation or recreation facility, including those for skiing, hunting and fishing and summer recreation and including restaurants, taverns, specialty shops, recreation and entertainment facilities, personal and group services, lodging and group meeting facilities.

Retail Commercial Establishment - A store, market, or shop in which commodities or services are sold or offered to retail trade. Grocery and general stores, meat markets, tailor and shoe repair shops, etc. are included in this classification.

Right-of-Way, Road - See "Road Right-of-Way", includes "Highway and Street Right-of Way".

Road Frontage - The length of the front property line of the lot, lots or tract of land abutting a public or private street, road, highway or road easement.

Road, Frontage Access - A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designated intersections or interchanges.

Road, Hard Surface - A highway or road built to the concrete or asphalt surface road building specifications of the County Road Commission or the Michigan Department of Transportation.

Road, Major - An arterial road which is intended to serve as a large volume trafficway for either the immediate Township area or the region beyond, and is designated as a major thoroughfare and identified on the Road and Highway Plan. Any road with a right-of-way width, existing or proposed, of one hundred twenty (120) feet shall be considered a major road.

Road, Private - A non-public road which serves at least 2 separately owned lots or parcels, which must meet the County Road Commission standards, and which is operated and maintained by the owners or occupants of the lots it serves in behalf of the public using them.

Road, Public - Any public thoroughfare dedicated and maintained by the County Road Commission or the Michigan Department of Transportation for the use and operation of vehicular traffic.

Road Right-of-Way Line - The line which forms the outer limits or edge of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Roadside Stand - An accessory, temporary, seasonal or permanent building or structure operated for the purpose of selling products, the majority of which are raised or produced on the same premises, including the immediate surrounding area, by the proprietor of the stand or his family; its use shall not make it a commercial district or land which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity.

Rooming House - A dwelling, but not including a hotel or motel, where lodging is provided on at least a weekly basis for three or more persons for compensation, but not open to the public or to transients.

Salvage - Means the same as junk (see definition of Junk).

Sanitary Landfill - A private or public landfill that meets all of the requirements of Part 115 of Act 451 of 1994 (being MCL 324.11501, et seq) and the rules promulgated under these Acts by the Michigan Department of Natural Resources and Environment or its successor.

Setback Line, Building - The distance between a property line of a lot or parcel and the foundations or any point on the facing side of buildings and structures.

Setback, Road - The distance between the right-of-way line and the nearest point of the facing wall or any point on the facing side of the principal structure or the facing wall or any point on the facing side of accessory structures.

Setback, Waterfront - The distance between the shoreline and the nearest point of the facing wall of the principal structure or the facing wall or edge of accessory structures.

Shopping Center - A group of 5 or more commercial establishments planned, developed and managed as a unit, with off-street parking provided on the same property and related in location, size and type of shops in the center.

Shoreline - The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County or State. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign - The use of any words, numerals, figures, symbols, devices, designs or trademarks by which anything is made known, such as to show an individual firm, profession, business, product or message and visible to the general public.

Sign, Accessory - A sign which is accessory to the principal use of the premises.

Sign Area - The sign area is the surface of the structure used to convey the message exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structures, consisting of letters or symbols without a solid surface in-between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.

Sign, Lighted - Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Sign, Non-accessory - A sign which is not accessory to the principal use of the premises on which it is located, or which refers to any activity which is located on other premises.

Sign, Outdoor Advertising - (also Billboard) - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed, and which calls attention to a business, commodity, service, entertainment or other activity conducted, sold, or offered elsewhere than on the premises upon which the sign is located. The definition does not include any bulletin boards used to display official court or public notices by public agencies.

Site Plan - A legal plot of survey of a lot or parcel and the plan for all of the developmental proposals to develop or change the existing character of the lot or parcel.

Smoke House - Smoke house means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass: 1) a primary caregiver facility at which medical marihuana is consumed or ingested on the premises solely by the designated qualifying patient(s) of the primary caregiver(s); or, 2) the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is received care.

Space, Open - See "Open Space".

Special Exception Uses - Uses of land and/or buildings, because of their particular nature and due to certain circumstances are designated as exceptions, and may be permitted to become established within those districts as specified in this ordinance.

Special Use or Special Land Use - A permitted use which is subject to approval by the Township, if it meets all of the specified conditions, after site plan review. A permitted special use is not to be considered as an incompatible or nonconforming use.

Special Use or Special Land Use Permit - A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which may or may not be specifically listed in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants, but one which is directly needed to serve the inhabitants in the area in which they live or work.

Story - That part of a building included between the surface of one (1) floor, and the surface of the next floor; or if there is no floor above, then the ceiling next above. A story shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or it is used for business or dwelling purposes.

Story, Half - An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the ceiling height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Story Height - The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Street - See "Road"

Structure - See "Building", and in addition any man-made surface or subsurface feature or designed earth feature other than normal furnished grading for drainage purposes, including berms, drives, parking areas, garden houses, pole barns, sheds, tents, pergolas, decks, porches, play houses, game courts, signs, fences, walls, trailers, septic tanks, among others, but not including wires and their supporting poles, towers, or frames of electrical, telephone, television utilities or to service utilities below ground.

Structural Alterations - Any change in the supporting members of a building such as bearing walls, columns, beams or girders or any substantial changes in the roof and exterior walls.

Subdivision Plats - A Subdivision Plat shall for the purpose of this Ordinance mean the proposed division of land in accordance with the Land Division Act, Public Act 288 of 1967, as amended.

Television Satellite Dish - An outdoor structure used for the purpose of receiving television signals and programs from space satellites.

Temporary Building - See "Building, Temporary"

Temporary Use - See "Use, Temporary"

Tent - As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

Township - Means Township of Ashland.

Township Board - Whenever in this Ordinance appear the words "Township Board," it shall mean the Township Board of the Township of Ashland, Newaygo County, Michigan.

Travel Trailer - A portable non-motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes or tents.

Travel Trailer, Guest – See "Guest Travel Trailer."

Transient Worker - Is a nonresident migrant worker who, with or without family, travels from out of country, out of state or out of the Township for the purpose of being hired by the owners/operators of farms in the Township to assist as temporary, seasonal or periodic paid employees in the harvesting of crops and including related activities to crop harvesting.

Transient Worker Housing - Is housing located on farms for Transient Workers who are to coincidentally to be temporarily housed by the owner/operator of a farm while the Transient Workers are employed to harvest the crops produced on the same farm upon which the Transient Worker Housing is located.

Tree - Any self-supporting, woody plant of a species which normally grows to an overall height of fifteen (15) feet or more.

Tree Removal - The act of removing a tree by digging up or cutting down, or the effective removal through damage.

Undeveloped - A parcel of land which is unplatted and substantially unimproved. With respect to land which, on the effective date of this Ordinance, is partially improved by virtue of a building(s) or other improvement(s) located on a portion of the land, the portion of the land which does not contain the building(s) or other improvement(s) shall be considered undeveloped.

Use - The principal purpose for which land, the main building or premises or a structure or building thereon is designed, arranged, intended, or for which is occupied, maintained, rented or leased for a permitted and approved use or activity.

Use, Accessory - A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, wells, septic systems, and designed surface structures and areas, or any use determined by the Zoning Board of Appeals to be a normal and incidental use to a principal use.

Use, Agricultural - Any of the listed Agricultural uses permitted in this Ordinance.

Use, Commercial - Any of the listed Commercial uses or Commercial Planned Unit Developments (PUD) permitted in this Ordinance.

Use, Industrial - Any of the listed Industrial uses or Industrial Planned Unit Developments (PUD) permitted in this Ordinance.

Use, Institutional - Any of the listed public, semi-public, institutional or private organizational uses permitted in this Ordinance.

Use, Land - The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.

Use, Principal - The primary or dominant use or activity to which a lot or parcel and its land, buildings and structures are put.

Use, Public - Any of the publicly-owned or controlled uses of land, buildings or structures administered and operated by a public agency or for official purposes.

Use, Residential - Any of the listed Residential or Residential Planned Unit Developments (PUD) permitted in this Ordinance.

Use, Temporary - A specific non-permanent land, building or structural use permitted under the provisions of this Zoning Ordinance, and which use is permitted in a specified location upon a lot or parcel of land for a limited period of time as determined under the provisions of this Zoning Ordinance during the processing of a Temporary Use application by the Township Zoning Administrator, Planning Commission, Township Board or Zoning Board of Appeals.

Use, Transient - A specific non-permanent land, building or structural use permitted under the provisions of this Zoning Ordinance, which use travels from location to location, e.g. - community to community, on a scheduled basis of calendar dates, and which use is permitted in a location for a short period of time as determined by a schedule of calendar dates.

Variance - See "Zoning Variance".

Vehicles - Includes any motorized conveyance which requires a current license, registration or certification to legally operate in the air, on a public road, highway or public right-of-way. For purposes of this ordinance "vehicle" does not include a boat (see boat, commercial and boat, recreational), regardless of whether said boat is in the water or on a licensed trailer. Boats on licensed trailers are not considered "vehicles" for purposes of regulation under this ordinance.

Wall, Obscuring - A structure of definite height and location to serve as an obscuring screen in the carrying out of the requirements of this Ordinance.

Wetland - Land characterized by the presence of water at a frequency and duration sufficient to support, under normal circumstances, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp or marsh.

Woodland - One or more trees, and including a grouping of trees.

Yard - The open spaces on the same lot with a main building or group of buildings unoccupied and unobstructed from the ground upward, except as provided in this Ordinance.

Yard, Front - The open space extending the full width of the lot and skyward, the depth of which is the minimum horizontal distance between the front lot line and the nearest point on the front wall of the main building and other structures. Also a front yard includes both a road front yard and a waterfront front yard.

Yard, Road Front and Waterfront - Are both defined as front yards or setbacks from road right-of-way lines and shorelines of water bodies.

Yard, Rear - The open space extending the full width of the lot and skyward, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point on the rear wall of the main building and other structures.

Yard, Required - The minimum width or setback measurement prescribed for each yard between buildings and structures and their lot lines or shorelines in each Zoning District, or as otherwise specified in this Ordinance.

Yard, Side - The open space between a main building and the side lot line and skyward, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point on the side wall of the main building and other structures.

Zone - See "Zoning District".

Zoning Administrator - The Township official appointed by the Township Board of Trustees to administer and enforce the provisions of this Zoning Ordinance.

Zoning Appeal - An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals for the purpose of interpreting the provisions of or granting variances from the provisions of this Zoning Ordinance.

Zoning Board of Appeals - As used in this Ordinance, the term "Board of Appeals" means the Township of Ashland, Newaygo County, Michigan Zoning Board of Appeals.

Zoning District - A geographical portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Exception - See "Zoning Interpretation" and "Zoning Variance."

Zoning Interpretation - A decision made by the Zoning Board of Appeals as to the meaning of any part of this Zoning Ordinance text or district map.

Zoning Permit - A permit for commencing construction issued by the Zoning Administrator in accordance with a plan, including an approved site plan, for construction that complies with all the provisions of this Zoning Ordinance.

Zoning Variance - The term "Variance" shall mean a modification of literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) practical difficulties, (b) unique circumstances, and (c) exceptional and unusual elements are present which would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance, would permit compatible development similar to the uses and character of development permitted in a zoning district. The term Variance shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning dis

SECTION 3
General Provisions

Section 3.01 - Existing Uses of Lands, Buildings and Structures

The provisions of this Ordinance shall not be retroactive. At the discretion of the owners the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued, exactly as they existed at the time of adoption of this Zoning Ordinance except as provided in this Ordinance, even though such use does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

Section 3.02 - Scope of Ordinance

Except as provided by Sections 3.01, all land and premises shall be used, and all buildings and structures shall be located, erected and utilized in conformity with the provisions of this Ordinance following the effective date herein.

Section 3.03 - Establishment of Zoning Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning District Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

- R-1 Rural Residential District
- R-2 River Residential District
- R-3 Lake Residential District
- C-1 General Commercial District
- I-1 Light Industrial District
- I-2 General Industrial District

Section 3.04 - Provisions for Official Zoning District Map

The districts, as established in Section 3.03, are bounded and defined as shown on the map entitled: "Zoning District Map of Ashland Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the districts shown thereon were fully set forth in this Zoning Ordinance.

Section 3.05 - Changes to Official Zoning District Map

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006 (MCL 125.3101 et seq), as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning District Map may only be made as authorized by this

Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk with the assistance of the Zoning Administrator.

Section 3.06 - Authority of Official Zoning District Map

Regardless of the existence of other copies of the Zoning District Map, which may from time to time be made or published, the Official Zoning District Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

Section 3.07 - Interpretation of Zoning Districts

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

1. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
2. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
3. A boundary indicated as approximately following the corporate boundary line of the Township shall be construed as following such line.
4. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
5. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
6. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs 1 through 5 above shall be so construed.
7. A distance not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
8. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning District Map shall be determined by the Zoning Board of Appeals consistent with the intent and purpose of this Ordinance.

Section 3.08 - Application and Interpretation of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties or unnecessary hardships in the

way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of the Section entitled, "Zoning Board of Appeals" of this Ordinance and MCL 125.3601-125.3604, as amended.

Section 3.09 - Scope of Regulations

1. Except as may otherwise be provided elsewhere in this Zoning Ordinance every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.
2. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
3. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts. Accessory uses are permitted as listed in the various zoning districts or if such accessory uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed, if the required conditions are met, or as determined by the Planning Commission, if all specified criteria are met as well as required conditions of this Ordinance and those specified by the Planning Commission.
4. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
5. No part of a yard, other open space, or off-street parking space or loading space required in connection with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
6. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth in the Zoning District in which lot or parcel of land are located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by the Zoning District in which the lot or parcel of land are located.
7. No lot, out lot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with this Zoning Ordinance and the Land Division Act, Public Act 288 of 1967, as amended and any Land Subdivision Ordinance Requirements of the Township.

Section 3.10 - Conformance to Other Public Laws, Rules and Regulations

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance. It shall be the responsibility of the applicant to seek and receive the approval of all other public laws, rules and regulations prior to receiving a zoning permit from the Township Zoning Administrator and as required by the Planning Commission and Township Board.

Section 3.11 - Conflicting Regulations

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard in the public interest shall prevail. When this Section cannot be clearly determined by the Zoning Administrator, Planning Commission or Township Board as part of the required procedures in this Ordinance, the Zoning Board of Appeals shall make the determination.

Section 3.12 - Zoning - Not a Vested Right

The fact of any portion of the written text or districting of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of zoning in respect to any particular use, district, zoning classification or any permissible activities in this Ordinance, and are subject to possible future zoning change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township regardless of present zoning and future zoning changes.

Section 3.13 - Site Plan Review Procedures

All uses and activities permitted under the provisions of this Zoning Ordinance, shall follow the requirements of the Section entitled, "Site Plan Review", except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of the Section entitled, "Site Plan Review", and submitted with the application for a zoning permit.

Section 3.14 - Zoning Permits in Relation to Building Permits

Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant for construction under the provisions of the Construction Ordinance to first apply for, follow the necessary procedures and obtain a zoning permit from the Zoning Administrator of the Township in accordance with the provisions of this Zoning Ordinance.

Section 3.15 - Permitted Zoning District Uses and Other Provisions

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Sections in this Zoning Ordinance may also appropriately apply, including those provisions included in the following Sections entitled, "Supplemental Regulations;" "Nonconforming Land, Building and Structural Uses;"

"Off-Street Parking, Loading and Unloading Requirements;" "Sign Regulations;" "Site Plan Review," and "Environmental Conservation Provisions." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above Sections for applicability.

Section 3.16 - Uses Not Specifically Listed in the Permitted or Special Use Sections of the Respective Zoning Districts

It is the intent and purpose of this Zoning Ordinance to limit the permitted and special land uses and activities to those specifically included in the respective Zoning Districts. Any uses not listed shall be added only by the Zoning Amendment procedure as required in the Section entitled, "Amending the Zoning Ordinance".

Section 3.17 - Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance shall be a continuing obligation of the owner and any subsequent owner of such building or property on which such building or use is located. Owners shall be responsible for the occupants of their ownerships to maintain conformance to this Ordinance.

Section 3.18 - Wetland Development

All "Wetland Areas" in the Township as designated by the Michigan Department of Natural Resources and Environment or its successor (DNR) shall be required to meet the provisions of this Ordinance and the provisions of Part 303 "Wetlands Protection" of Public Act 451 of 1994, as amended, being MCL 324.30301, et seq and any rules promulgated by the Department of Natural Resources.

Section 3.19 - Project Planning and Plan Information from Other Agencies and Officials

All township, county, school districts, state and federal agencies and officials are required to submit to the Planning Commission through the Zoning Administrator their planning programs for land or site acquisition and project plans relative to all planned building, structural and land developments to be made within the Township prior to the final approval of site acquisition or construction plans and specifications by the respective township, county, school district, state and federal agencies and officials.

Section 3.20 - Conformance of Lots and Parcels to the Land Division Act and Lot Splitting Provisions of this Ordinance

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, "The Land Division Act", any Land Division Regulations of the Township if and when adopted and in effect at the time and the lot splitting provisions of this Ordinance.

Section 3.21 - Zoning in Relation to Private Property Rights, Investment and Establishing the Need and Necessity

It is the intent and purpose of this Zoning Ordinance to be interpreted and construed in a liberal and broad sense, and not unnecessarily and unreasonably applied so as to prevent property owners from having some reasonable use of their property. It is the further intent and purpose of this Ordinance to allow the real estate market and the economics of a willing investor/developer to determine the need or necessity for the development of a land use upon a lot or parcel as long as it can meet the location and regulatory provisions of the zoning district map and text of this Zoning Ordinance.

Section 3.22 - Relation of Zoning to Land Subdivision Regulations

All projects submitted by an applicant under this Zoning Ordinance shall, if applicable, meet all of the requirements of Public Act 288 of 1967, as amended, and any Land Division Regulations adopted by the Township.

Section 3.23 - Recording of Deeds

Prior to the recording of any deeds which involve lot splits or any other subdivision of land or changes in the lot lines of a lot or parcel, it shall be the responsibility of the fee owner/seller of the land or a designated agent to confirm whether or not such property changes will meet the requirements of this zoning ordinance with the Zoning Administrator before the filing any deed changes for recording with the County Register of Deeds.

Section 3.24 – Medical Marihuana Use and Prohibition

Medical marihuana use by patients and primary caregivers and the lawful cultivation and distribution of medical marihuana shall be in compliance with the Michigan Medical Marihuana Act, PA 208, Initiated Law, MCL 333.26421 and the Administrative Rules of the Michigan Department of Community Health as both may be amended from time to time. No medical marihuana dispensaries, collectives or cooperatives, smokehouses or the like shall be conducted, commenced, operated or utilized in any zoning district or on or from any property within the Township.

SECTION 4
R-1 - RURAL RESIDENTIAL DISTRICT

Section 4.01 - Purpose

The purpose of this district is to provide for the compatible arrangement between agriculture and development of parcels of land for residential building purposes in a pastoral, agricultural, woodland or open land setting, which will remain un-served by public water distribution and wastewater disposal systems in the foreseeable future, but which are suitable for large lot residential purposes, which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land uses.

Section 4.02 - Permitted Principal Uses

Fencing provisions see Section 13.16 of this ordinance.
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1. Conventional single family dwellings.
2. General farming and woodlot operations.
3. Field crop, fruit, vegetable, horticultural, maple sugar production, worm farming, and similar types of specialized farming
4. Greenhouses, nurseries and farms for trees, shrubs and plants
5. Raising and keeping of cattle, horses, ponies, sheep, goats, hogs and similar livestock on a minimum parcel of five (5) acres, but not including commercial or industrial cattle feed lots, intensive hog, sheep, goat, horse and similar high concentrations of livestock, provided that the number of cattle and horses shall not exceed one (1) per acre and ponies, sheep, goats and hogs shall not exceed six (6) per acre.
6. Raising and keeping of poultry, fowl, rabbits, fur bearing animals and similar small animals on a minimum parcel of five (5) acres, but not including commercial and industrial poultry and similar high concentrations of small animals, provided that the number of animals shall not exceed 100 per acre.
7. On-site production and consumption of food for animals
8. Apiaries
9. Public and semi-public buildings for the housing of public facilities, utilities and services
10. Conservation areas and structures for water, soil, forest, wildlife, minerals and open space
11. Public areas for forest preserves, game refuges and similar uses.
12. Conventional and manufactured single family dwellings on at least two (2) acres.

13. State licensed residential care facilities in single family dwellings.

1. A Family Daycare Home, as herein defined.
2. A Family Adult Foster Home, as herein defined

14. Churches, Temples, and Synagogues.

Section 4.03 - Permitted Principal Special Uses with Conditions

The following special uses of land, buildings and structures are permitted, subject to the provisions of Section 10, "Special Uses":

1. Public and Private Recreational Areas

a. Permitted Special Uses

- i. Public and private areas for clubs.
- ii. Public and private areas for resorts.
- iii. Public and private areas for organized camps.

b. Special Conditions

- i. Minimum lot or parcel area shall be twenty (20) acres.
- ii. All private recreation areas shall be located 600 feet from all existing residential structures located on adjacent properties.
- iii. All motorized recreational activities, with the exception of motorized golf carts, shall take place within a fully enclosed building.

2. Electronic receiving, transmitting and relay facilities

Electronic receiving, transmitting and relay facilities located on an area of land which has its minimum area determined by having the minimum distance in all directions from the perimeter of the base of the tower to the nearest property line at least equal to the collapsible height of the tower as determined by a professional structural engineer. The tower shall be enclosed by an open air fence of at least five (5) feet in height unless waived by the Planning Commission because of the isolated location of the tower.

3. Agribusiness

a. Permitted Special Uses

- i. Agricultural products, production and processing operations, but not including slaughtering.
- ii. Agricultural products storage facilities for farm products produced in the Township and surrounding areas.
- iii. Auctions for livestock raised in or to be sold in the Township or surrounding area.
- iv. Bulk feed and fertilizer outlets and distribution centers for agricultural use in the Township and surrounding area.
- v. Farm machinery: sales, service, rental and repair of such machinery used in the Township and surrounding area.

- vi. Grain elevators for storage, drying and sales of farm products produced in the Township and surrounding area.
- vii. Grain and livestock truck and cartage facilities for hauling farm products produced in or needed for agricultural purposes in the Township and surrounding area.
- viii. Riding stables, areas, trails and related facilities.
- ix. Sawmills, permanent or mobile (temporary) if established to process timber produced in the Township or the surrounding area.
- x. Seed dealership outlets and distribution centers for servicing the agricultural industry in the Township and the surrounding area.
- xi. Veterinary hospitals, clinics and indoor facilities required to serve the livestock and other animal needs related to the agricultural uses in the Township and surrounding area.

b. Conditions

An agribusiness shall be buildings, structures, lots, parcels, or parts thereof, which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. Permitted agribusinesses are listed below with the following conditions:

- i. Minimum lot or parcel area shall be ten (10) acres and minimum road frontage shall be 330 feet, except as otherwise required for specific uses listed.
- ii. All agribusiness uses shall be located at least 600 feet from all existing residential structures located on adjacent properties.
- iii. All agribusiness uses shall meet the requirements of the State and County Health Departments and State Department of Agriculture for water supply, liquid and solid waste disposal and other applicable health and sanitation requirements.

4. Permitted public and private institutions for human care, religion, education and other human social purposes.

a. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate zoning district area shall have at least one (1) property line abutting a paved impermeable hard surface public road and be located on at least five (5) acres.

b. Front, side and rear yards shall be set back at least fifty (50) feet, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these required yards, except required entrance drives and those walls used to screen the use from abutting residential lots and parcels.

5. Airplane landing strips Provided they meet all of the requirements of the Michigan Aeronautics Commission, are located in an area, which can be a farm, of at least 80 acres, a landing strip of at least 2500 feet long, with at least 500 feet of approach and take-off clearance at each end of the runway, at least 300 feet of clearance on each side of the runway, equipped with windsock, and other necessary facilities and equipment for daytime landings and takeoffs.

6. Windmills, as regulated under Section 13.04

7. A Group Daycare Home, as herein defined.
8. A Limited Residential Care Facility, as herein defined.
9. Cemeteries; public or private.
10. Multi-family housing, with the following conditions:
 - a. Density shall not equal an amount greater than five (5) units per acre.
 - b. Developments containing more than ten (10) units shall contain at least one acre of green space for every ten (10) units constructed.
 - c. A minimum of three (3) improved parking spaces shall be developed for each unit.
11. Large domestic animals which are used essentially for pet, contest, riding, educational or other special purpose as individual animal specimens are permitted at the rate of one (1) on a minimum of three (3) acres for the first animal and one (1) acre for each additional animal.

Section 4.04 - Permitted Accessory Uses

1. Buildings and structures customarily incidental to the operation of a principal agricultural or other use permitted in the R-1 District, including farm dwellings and farm worker housing.
2. Building and structures customarily incidental to nonfarm single family residential dwellings.
3. Signs related to permitted uses, provided that all such signs shall conform to the requirements of Section 16.
4. Home occupation enterprises in conjunction with farms, including, but not limited to, seed and other product sales, as conditioned by Section 13.
5. Private swimming pools and ponds as conditioned by Section 13.
6. Farm implement and vehicle repair and maintenance.
7. Herbicide, insecticide and fertilizer application in accordance with State and Federal requirements.
8. Greenhouses and nurseries for onsite production.
9. Grain and feed storage facilities for onsite needs.
10. Cold storage and other storage facilities for agricultural products produced on site.
11. Customary nonfarm home occupations, as conditioned by Section 13.04.

Section 4.05 - Permitted Accessory Uses with Conditions

1. Roadside Stands

Each farm may have one (1) roadside stand for the purpose of selling produce or other products principally raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

- a. The structure shall not be more than one (1) story and no more than twelve (12) feet in height.
 - b. The gross floor area shall not be more than 400 square feet.
 - c. The stand shall be located no closer than twenty (20) feet from the nearest road right-of-way line. In no case, shall the stand occupy any part of the existing road right-of-way.
 - d. Off road parking shall be provided.
2. Travel Trailer or Recreation Vehicle (does not include mobile homes) as accessory uses to the principal structure only as follows:
- a. Utilization for camping purposes shall not exceed ten (10) consecutive days per month or twenty (20) days per calendar year.
 - b. Travel Trailer or Recreational Vehicle shall not be located in the front yard, and shall not be located within any established setbacks outlined in Section 4.06.
 - c. Not more than one Travel Trailer or Recreational Vehicle shall be permitted on one property at the same time.
 - d. Any Travel Trailer or Recreational Vehicle used or stored on a property shall be legally licensed by the State of Michigan, or, if visiting from another state, must be licensed within the personal property owner's home state.
 - e. The use of a Travel Trailer or Recreational Vehicles as a primary or seasonal residence on any property without an occupied principal structure is prohibited.
3. Home Based Businesses. Subject to the provisions of Section 13.15 'Home-Based Business' of this Ordinance.

Section 4.06 Dimensional Requirements:

1. Lot Area: A permitted parcel shall have a minimum of Two (2) acres in area, except as otherwise may be required in this Ordinance.
2. Lot Width: Minimum of 330 feet of road frontage, except that nonfarm single family dwellings shall have a minimum of 200 feet of road frontage.
3. Lot Coverage: Maximum of twenty (20) percent.
4. Floor Area: The minimum first floor area of a one (1) story dwelling is 1,000 square feet, and for a two (2) story dwelling is 800 square feet on the first floor, and a minimum total of 1,200 square feet for both stories.
5. Yard and Setback Requirements:

- a. Front Yard: Minimum of fifty (50) feet from the planned road right-of-way line designated on the Master Plan for Roads and Highways, waterfront property lines and shorelines.
 - b. Side Yards: Minimum of ten (10) feet for one side yard, and a total of twenty (20) feet for both, except where a side yard abuts a road right-of-way or waterfront line, the minimum shall be the same as for Front Yard.
 - c. Rear Yard: Minimum of ten (10) feet, except where a rear yard abuts a road right-of-way line, the minimum shall be the same as for Front Yard.
6. Height Limitations: Maximum of thirty-five (35) feet and two and one-half (2.5) stories for all dwellings, and a maximum of twenty-five (25) feet for all buildings accessory to dwellings; maximum of forty-five (45) feet for all agricultural buildings, except for grain elevators and silos, which shall not exceed one-hundred twenty (120) feet in height, and except for windmills, which shall meet the conditions of Section 13.04.

Section 4.07 - Other Provisions

1. See Section 3.15, "Permitted Zoning District Uses and Other Provisions".
2. Right to Farm: It is the intent of this Zoning District to both govern and protect agricultural land, building and structural uses in accordance with the provisions of the "Right to Farm Act", Public Act 240 of 1987, being MCL 286.472 and 286.473. All legal nonconforming, agricultural uses included in Public Act 240 of 1987 shall be governed by the provisions of this Zoning Ordinance to the extent that they are not in conflict with the provisions of Public Act 240 of 1987. In which case the provisions of Public Act 240 of 1987 shall prevail.

Section 4.08 - Specifically Prohibited Principal and Accessory Uses

1. Rendering plants and operations.
2. Commercial fertilizer production.
3. Garbage feeding to animals.
4. Storage of garbage, animal excrement and other organic waste material disposal, except that which is produced and used on the same lot or parcel of land.
5. Commercial slaughtering of animals for meat or other animal product production, except that which is produced as a home occupation in conjunction with a commercial farming operation.
6. The use of travel trailers or recreational vehicles as primary or seasonal residences on any property without an occupied principal residential structure.

7. The storage of travel trailers or recreational vehicles on any property without an occupied principal structure.

SECTION 5
R-2 -LAKE RESIDENTIAL DISTRICT

Section 5.01 - Purpose

A district controlling the spatial location of year round residential, summer home and cottage development, and other uses in such a manner so as to preserve and protect the scenic resources and water quality of the lakes in Ashland Township. The boundaries of the Lake District shall be three hundred (300) feet from the generally established edge of the lake.

Section 5.02 - Permitted Principal Uses

1. Conventional single family dwellings.
2. Public parks and playgrounds.

Fencing Provisions see Section 13.16 of this Ordinance
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Section 5.03 - Permitted Principal Special Uses with Conditions

1. Club houses, sports clubs, lodge halls, and meeting halls.

Such uses shall provide off-street parking per Section 13, and such uses shall be limited to the hours of 8:00 AM to 10:00 PM.

2. Recreational campgrounds and tourist resorts.

Section 5.04 - Permitted Accessory Uses

1. Accessory uses structures customarily incidental to nonfarm single family residential dwellings.
2. Customarily incidental home occupations when conducted within the dwelling. Dwellings in residential zoning districts may be used for instruction in a fine art or craft as a home occupation.
3. Keeping not more than two roomers or boarders by a resident family
4. Private swimming pools and ponds as conditioned by Section 13.04.

Section 5.05 - Permitted Accessory Uses with Conditions

1. Travel Trailer or Recreation Vehicle (does not include mobile homes) as accessory uses to the principal structure only as follows:
 - a. Length of stay not to exceed ten (10) consecutive days per month or twenty (20) days per calendar year.

- b. Travel Trailer or Recreational Vehicle shall not be located in the front yard, and shall not be located within any established setbacks outlined in Section 5.06.
 - c. Not more than one Travel Trailer or Recreational Vehicle shall be permitted on one property at the same time.
 - d. Any Travel Trailer or Recreational Vehicle used or stored on a property shall be legally licensed by the State of Michigan, or, if visiting from another state, must be licensed within the personal property owner's home state.
 - e. A permit must be obtained from the Ashland Township Zoning Administrator.
2. Home Based Businesses. Subject to the provisions of Section 13.15 'Home-Based Business' of this Ordinance.

Section 5.06 Dimensional Requirements:

1. Lot Area: A permitted parcel shall have a minimum of thirty thousand (30,000) square feet in area, except as otherwise may be required in this Ordinance.
2. Lot Width: Minimum of 100 feet of road frontage.
3. Lot Coverage: Maximum of twenty (20) percent.
4. Floor Area: The minimum first floor area of a one (1) story dwelling is 1,000 square feet, and for a two (2) story dwelling is 800 square feet on the first floor, and a minimum total of 1,200 square feet for both stories. Accessory buildings shall not exceed 75% of the floor area of a dwelling, except that accessory buildings related to agriculture and forestry operations shall have no limit.
5. Yard and Setback Requirements:
 - a. Front Yard: Minimum of thirty (30) feet from any established high-water mark, except that any lot with a ground elevation at water's edge greater than one (1) foot above the water level, the minimum setback from water's edge shall be no less than twenty five (25) feet.
 - b. Side Yards: Minimum of ten (10) feet for one side yard, and a total of 20 feet for both, except where a side yard abuts a road right-of-way or waterfront line, the minimum shall be the same as for Front Yard.
 - c. Rear Yard: Minimum of ten (10) feet, except where a rear yard abuts a road right-of-way or water front line, the minimum shall be the same as for Front Yard.
6. Height Limitations: Maximum of thirty-five (35) feet and two and one half (2.5) stories for all dwellings, and a maximum of fifteen (15) feet for all buildings accessory to dwellings.

Section 5.07 - Other Provisions

1. No dwelling or accessory building shall be constructed or placed on lands which are subject to flooding, or on land where a minimum of four (4) feet between finished grade and high ground water level cannot be met. Land may be filled to meet the minimum requirements only under the following conditions:
 - a. Fill material shall be of a pervious material such as gravel or sand
 - b. Any and all permits as required by the State of Michigan, Newaygo County, Ashland Township, or any other governmental unit must first be obtained.
 - c. It shall be unlawful to alter the shoreline of any lake or river in the Township by excavation or soil removal, including the creation of ditches and channels running from or to any said lake.
2. Sanitary Waste Systems:
 - a. All waste systems must comply with the provisions of the Newaygo County Health Department and the Sanitary Code of the Michigan Department of Health
 - b. A fifty (50) foot setback from the water is edge is required for any and all parts of the disposal system.
 - c. Disposal system shall be at least four (4) feet above seasonal high water table.
3. There shall be no storage of recreational vehicles, boats, or trailers in any of the required setbacks described in Section 5.06.

Section 5.08 - Specifically Prohibited Principal and Accessory Uses

Camping as a Principal Use is prohibited on all property in the Lake District, except as described in Section 5.03.

SECTION 6
R-3 - RIVER RESIDENTIAL DISTRICT

Section 6.01 - Purpose

District Objectives: A district controlling the spatial location of year round residential, summer home and cottage development, and other uses in such a manner so as to protect against the loss of life, property, scenic resources and water quality along the Muskegon River floodplain, including its major tributaries. The expressed purpose of this district is to restrict development within flood prone areas and to protect its water quality through the wise setting of septic systems. The boundaries of the River District shall be three hundred (300) feet from the generally established edge of the river on both sides of the Muskegon River and all major tributaries shown on the zoning map.

Section 6.02 - Permitted Principal Uses

Fencing Provisions See Section 13.16 of this Ordinance

1. Conventional single family dwellings.
2. Public parks and playgrounds.

Section 6.03 - Permitted Principal Special Uses with Conditions

1. Club houses, sports clubs, lodge halls, and meeting halls.

Such uses shall provide off-street parking per Section 13.07, and such uses shall be limited to the hours of 8:00 AM to 10:00 PM.

2. Recreational campgrounds and tourist resorts.
3. Travel trailer or recreation vehicle as a seasonal residence (does not include mobile homes), with the following conditions:
 - a. No travel trailer or recreational vehicle may be used as a seasonal residence, or stored on the property, except between April 15th and October 30th of each calendar year.
 - b. No other residential structure shall be located on the property.
 - c. Any travel trailer or recreational vehicle used or stored on a property shall be legally licensed by the State of Michigan, or, if visiting from another state, must be licensed within the personal property owner's home state.
 - d. No travel trailer or recreational vehicle more than 15 years old shall be allowed as a seasonal residence.
 - e. No travel trailer or recreational vehicle used as a seasonal residence shall be located on the property unless said travel trailer or recreational vehicle is located on, and properly secured to, a permanent cement pad with an area

equal to no less than 100% of the floor area of the travel trailer or recreational vehicle in use.

- f. Any related picnic tables, propane tanks, or accessory items must be secured when not in use, and must be removed from the property when the travel trailer or recreation vehicle is not present on the property.
- g. Wheels and tires must be left on the travel trailer or recreational vehicle, and the entire travel trailer or recreational vehicle must be maintained in serviceable condition.
- h. A sanitary waste system approved by the Newaygo County Health Department must be installed.
- i. No travel trailer or recreational vehicle shall have skirting.
- j. No more than one (1) travel trailer or recreational vehicle as a seasonal residence shall be permitted at one time.
- k. No travel trailer or recreational vehicle shall be placed within any setback requirements outlined in Section 6.06 of this Ordinance.
- l. No bath houses or outhouses shall be allowed on the property.
- m. A permit must be obtained from the Ashland Township Zoning Administrator.

Section 6.04 - Permitted Accessory Uses

1. Accessory uses structures customarily incidental to nonfarm single family residential dwellings.
2. Customarily incidental home occupations when conducted within the dwelling. The use a dwelling for instruction in a fine art or craft is permitted as a home occupation.
3. Keeping not more than two roomers or boarders by a resident family.
4. Private swimming pools and ponds as conditioned by Section 13.04.
5. Travel Trailer or Recreation Vehicle (does not include mobile homes) as accessory uses to the principal structure only as follows:
 - a. Length of stay not to exceed ten (10) consecutive days per month or twenty (20) days per calendar year.
 - b. Guest Travel Trailer shall not be located in the front yard, and shall not be located within any established setbacks outlined in Section 6.06.

- c. Not more than one Guest Travel Trailer shall be permitted on one property at the same time.
- d. Any Guest Travel Trailer used or stored on a property shall be legally licensed by the State of Michigan, or, if visiting from another state, must be licensed within the personal property owner's home state.
- e. No travel trailer or recreational vehicle shall be placed within any setback requirements outlined in Section 6.06 of this Ordinance.
- f. A permit must be obtained from the Ashland Township Zoning Administrator.

Section 6.05 - Permitted Accessory Uses with Conditions

1. Home Based Businesses. Subject to the provisions of Section 13.15 'Home-Based Business' of this Ordinance.

Section 6.06 Dimensional Requirements:

1. Lot Area: A permitted parcel shall have a minimum of 30,000 square feet in area, except as otherwise may be required in this Ordinance.
2. Lot Width: Minimum of 100 feet of road frontage.
3. Lot Coverage: Maximum of twenty (20) percent.
4. Floor Area: The minimum first floor area of a one (1) story dwelling is 1,000 square feet, and for a two (2) story dwelling is 800 square feet on the first floor, and a minimum total of 1,200 square feet for both stories. Accessory buildings shall not exceed 75% of the floor area of a dwelling, except that accessory buildings related to agriculture and forestry operations shall have no limit.
5. Yard and Setback Requirements:
 - a. Front Yard: Minimum of fifty (50) feet from any shorelines, except that for every foot of ground elevation above the minimum grade level of the lot, five (5) feet may be subtracted from the minimum setback from water's edge.
 - b. Side Yards: Minimum of ten (10) feet for one side yard, and a total of 20 feet for both, except where a side yard abuts a road right-of-way or waterfront line, the minimum shall be the same as for Front Yard.
 - c. Rear Yard: Minimum of twenty-five (25) feet, except where a rear yard abuts a road right-of-way or water front line, the minimum shall be the same as for Front Yard.

6. Height Limitations: Maximum of thirty-five (35) feet and two and one half (2.5) stories for all dwellings, and a maximum of fifteen (15) feet for all buildings accessory to dwellings.

Section 6.07 - Other Provisions

1. A strip twenty-five (25) feet wide bordering each river bank in the River District shall be maintained in trees or shrubs or its natural state
2. No dwelling or accessory building shall be constructed or placed on lands which are subject to flooding, or on land where a minimum of four (4) feet between finished grade and high ground water level cannot be met. Land may be filled to meet the minimum requirements only under the following conditions:
 - a. Fill material shall be of a pervious material such as gravel or sand
 - b. Any and all permits as required by the State of Michigan, Newaygo County, Ashland Township, or any other governmental unit must first be obtained.
 - c. It shall be unlawful to alter the shoreline of any lake or river in the Township by excavation or soil removal, including the creation of ditches and channels running from or to any said lake
3. Pump houses shall contain no more than sixteen (16) square feet, and are not more than three (3) feet in height.
4. No dock shall be constructed more than eight (8) feet in width, nor more than twenty (20) feet in length, and no dock shall extend more than five (5) feet into the water.
5. Sanitary Waste Systems:
 - a. All waste systems must comply with the provisions of the Newaygo County Health Department and the Sanitary Code of the Michigan Department of Health
 - b. A one hundred (100) foot setback from the water is edge is required for any and all parts of the disposal system.
 - c. Disposal system shall be at least four (4) feet above seasonal high water table.
 - d. No septic tank or disposal field shall be nearer than forty (40) feet to any sub-soil drainage system (footing drains) emptying into the river or major tributary shown on the zoning map

Section 6.08 - Specifically Prohibited Principal and Accessory Uses

Reserved

SECTION 7
C-1 – GENERAL COMMERCIAL DISTRICT

Section 7.01 - Purpose

This District has the intent of providing sites for diverse business types that serve the daily needs of the residents of the larger community and the owners, employees, guests and customers of other commercial, industrial and agricultural uses and activities in the Township and adjacent municipalities.

Section 7.02 - Permitted Principal Uses

In C-1 General Commercial District, no building or land shall be used, and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

1. Retail businesses which supply commodities on the premises, such as, but not limited to, groceries, produce, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, or hardware.
2. Restaurants or other places serving food or beverages.
3. Any service establishment of an office, showroom, or workshop nature.
4. Personal service establishments which perform services on the premises, such as but not limited to repair shops, tailor shops, beauty parlors or barbershops, photographic studios, and self service laundries and dry cleaners.
5. Office buildings.
6. Medical Offices.
7. Banks, credit unions, savings and loan associations, and similar uses.
8. Post offices and similar governmental office buildings.
9. Off street parking lots.
10. Theatres, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
11. Private clubs, fraternal organizations and lodge halls when operated within a fully enclosed building.
12. Business Schools and colleges or private schools operated for profit.
13. Auto wash when completely enclosed in a building.

14. New and used car salesroom, showroom, or office.
15. New and used equipment salesroom, showroom, or office.
16. Funeral Homes.
17. A Full Residential Care Facility, as herein defined.
18. Accessory structures and uses customarily incident to the permitted uses in this section.
19. Churches, Temples, and Synagogues.

Section 7.03 - Permitted Principal Special Uses with Conditions

1. Outdoor sales spaces for the exclusive sale of new or secondhand automobiles, rental of trailers and/or automobiles, motorcycles, snowmobiles, recreation vehicles, mobile homes, manufactured and modular housing not constructed on site, all subject to the following conditions:
 - a. The lot area on which vehicles for sale are parked, along with required parking spaces and maneuvering lanes which access the showroom and/or sales area, shall be paved with asphalt or concrete materials in accordance with Section 13.08.
 - b. Access drives/ramps to the outdoor sales area shall be at least 60 feet from the intersection of any two streets;
 - c. No major repair or major finishing shall be done on the lot;
 - d. All lighting shall be shielded from adjacent residential districts.
2. Automotive repair facilities which provide for general vehicle maintenance, such as tune-up, brake repair, shock replacement, muffler installation and tire repairs. It is intended that only minor repair facilities be allowed in this zone, minor repairs being defined as vehicle repairs which can be completed in an eight-hour period. Automotive repair facilities shall conform to the requirements as provided in subsection 1a of this section.
3. Motel or hotel, subject to the following conditions:
 - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than 250 square feet of floor area;
 - c. No guest shall establish permanent residence at a motel or hotel for more than 30 days within any calendar year.

4. Businesses in the character of a drive-in or open front store, subject to the following conditions:
 - a. setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained;
 - b. Access points shall be located at least 60 feet from the intersection of any two streets;
 - c. All lighting shall be shielded from adjacent residential districts;
 - d. A six-foot high completely obscuring wall or berm shall be provided when abutting or adjacent districts are zoned for R-1, R-2, or R-3 districts. The height of the wall or berm shall be measured from the surface of the ground. Such wall or berm shall further meet the requirements of Section 13.04.
5. Seasonal business, in which any person who sells, offers for sale, exhibits, displays, demonstrates or takes orders for the retail sale of any personal property, produce, meats, fish or goods or services whatsoever from any stand, temporary structure, truck or vehicle; or any person who, for a period of eight (8) months or less per year, hires, leases, rents, occupies or uses any place or places within the township, whether it is a building or not, for the purpose of taking orders for future delivery; or both. The following standards shall be applied prior to approval by the zoning official:
 - a. An application for a seasonal business license shall be obtained from the township office and fully completed prior to submittal to the zoning official;
 - b. All parking requirements shall conform to Sections 13.07 and 13.08;
 - c. Signage shall conform to the requirements specified in Section 16;
 - d. Trash receptacles shall be provided; and the site shall be maintained in an appropriate fashion, including the removal of litter generated on the site and control of weeds, grass and vegetation;
 - e. If required by local health codes, appropriate sanitation facilities shall be provided;
 - f. Upon approval by the zoning official, proper fees shall be paid to the township for the license, as determined by resolution by the Ashland Township Board.
6. Veterinary hospitals or clinics, provided all activities are conducted within a totally enclosed building and provided further that all buildings are set back at least 200 feet from abutting residential districts on the same side of the street.
7. Commercial plant materials nursery for only the retail sale of plant materials not grown on site, and sales of lawn furniture, playground equipment and garden supplies, subject to the following conditions:

- a. The storage or display of any materials or products shall meet all setback requirements of a structure;
 - b. All loading and parking shall be provided off-street;
 - c. The storage of any soil, fertilizer, equipment, tools and products shall be contained so as to prevent any effects on adjacent uses.
8. Commercial greenhouse for the growing of plant material only to be sold at retail on the site, subject to the following conditions:
 - a. The storage or display of plant materials shall meet all setback requirements;
 - b. Storage of soil, fertilizers, equipment, tools and products required for the growing of plant material shall be totally enclosed within the building;
 - c. All parking and loading shall be provided off-street.
9. Gasoline service station for the sale of gasoline, oil, and minor accessories only, and where no repair work is done, other than incidental service, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
 - a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be 25,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles, including lubricating facilities, may be permitted on lots of 10,000 square feet, subject to all other provisions required in this chapter.
10. Planned shopping centers that provide for the grouping of two or more of the principal uses described in Section 7.02 (Permitted Principal Uses), subject to the conditions of Section 11 of this Ordinance.
11. Outdoor Commercial Kennels for Dogs
 - a. All commercial dog kennels shall be operated in conformance with all applicable county, state and federal regulations; permits shall be renewed annually if determined to be in conformance with this ordinance by the Zoning Administrator.

- b. A maximum of 30 dogs may be housed at each permitted commercial kennel.
- c. For dog kennels, the minimum lot size shall be one (1) acre for up to six (6) dogs and an additional one-sixth (1/6) acre for each one (1) additional dog.
- d. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall be located a minimum of 100 feet from any occupied dwelling or any building on an adjacent parcel used by the public, and shall not be located in any required front, rear or side yard setback area.
- e. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirements of said body deemed necessary to insure against the occurrence of any possible nuisance by requiring necessary minimum distances, berms, fencing, screening, soundproofing and sanitary requirements.

12. Self-Storage facilities when operated within an enclosed building or one building with multiple outdoor locker accesses meeting the following conditions:

- a. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24') feet or equal to the building height, whichever is greater.
- b. The total lot coverage of all structures shall be limited to thirty-five (35%) percent of the total lot area.
- c. A twenty-five (25) foot landscaped greenbelt shall be provided between the property line and storage units along all road frontages.
- d. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office, if a rental office is present on premises.
- e. Internal driveway aisles shall be a minimum of twenty-four (24') feet in width.
- f. All off-street parking areas, driveways, and outdoor storage areas shall at a minimum be constructed consisting of a twelve (12) inch sand base with six (6) inches of gravel to accommodate truck traffic.
- g. All ingress and egress from this site shall be onto a major street.
- h. Building height shall not exceed one (1) story or thirty-five (35') feet except that a caretaker or resident manager's unit may be allowed a building height of two and one half (2.5) stories or thirty-five (35') feet.
- i. No building shall exceed seventy-five hundred (7,500) square feet.

- j. All storage on the property, with the exception of item k below, shall be kept within an enclosed building.
- k. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. Fencing of 6 feet in height, plus barbed wire security if desired.
- l. Signage will be accordance with Ashland Township Zoning Ord., Section 16.
- m. Lighting should be positioned to avoid shining on neighboring parcels.
- n. All off-street parking areas, driveways, and outdoor storage areas are to be constructed so as to preclude drainage onto adjacent property.

Section 7.04 - Permitted Accessory Uses

Accessory uses and structures which are customarily incidental to any of the aforementioned principal uses are permitted when located upon the same lot or parcel.

Section 7.05 - Permitted Accessory Uses with Conditions

1. Travel Trailer or Recreation Vehicle (does not include mobile homes) as accessory uses to the principal structure only as follows:
 - a. Length of stay not to exceed ten (10) consecutive days per month or twenty (20) days per calendar year.
 - b. Travel Trailer or Recreational Vehicle shall not be located in the front yard, and shall not be located within any established setbacks outlined in Section 7.06.
 - c. Not more than one Travel Trailer or Recreational Vehicle shall be permitted on one property at the same time.
 - d. Any Travel Trailer or Recreational Vehicle used or stored on a property shall be legally licensed by the State of Michigan, or, if visiting from another state, must be licensed within the personal property owner's home state.
 - e. A permit must be obtained from the Ashland Township Zoning Administrator.
2. Home Based Businesses. Subject to the provisions of Section 13.15 'Home-Based Business' of this Ordinance.

Section 7.06 Dimensional Requirements:

1. Lot Area: A permitted parcel shall have a minimum of 30,000 square feet in area, except as otherwise may be required in this Ordinance.

2. Lot Width: A minimum of 100 feet of road frontage is required.
3. Lot Coverage: A maximum of thirty-five (35) percent is permitted.
4. Floor Area: The minimum first floor area of a one (1) story building is 1,000 square feet, and for a two (2) story building is 800 square feet on the first floor, and a minimum total of 1,200 square feet for both stories. Buildings related to agriculture and forestry operations shall have no limit.
5. Yard and Setback Requirements:
 - a. Front Yard: Minimum of twenty-five (25) feet.
 - b. Side Yards: Minimum of twenty-five (25) feet, except when said side yard abuts another commercial property, there shall be no side yard setback requirement.
 - c. Rear Yard: Minimum of twenty-five (25) feet, except when said rear yard abuts another commercial property, there shall be no rear yard setback requirement.
6. Height Limitations: Maximum of thirty-five (35) feet and two and one half (2.5) stories for all buildings.

Section 7.07 - Other Provisions

1. All sanitary waste systems must comply with the provisions of the Newaygo County Health Department and the Sanitary Code of the Michigan Department of Health

Section 7.08 - Specifically Prohibited Principal and Accessory Uses

Reserved

SECTION 8
I-1 – LIGHT INDUSTRIAL DISTRICT

Section 8.01 - Purpose

1. General Intent. The I-1 Light Industrial Districts are designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way or create a nuisance to any of the surrounding districts. The I-1 Light Industrial District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared material. The I-1 Light Industrial District is further intended that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.
2. General Goals. The general goals of the I-1 Light Industrial Districts include, among others, the following specific purposes:
 - a. Providing sufficient space, in appropriate locations, to meet the needs of the township's expected future economy for all types of manufacturing and related uses.
 - b. Protecting abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
 - c. Promoting manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
 - d. Protecting the most desirable use of land in accordance with a well-considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the township's tax revenue.

Section 8.02 - Permitted Principal Uses

In an I-1 Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

1. Any use permitted in the C-1 General Commercial District.
2. Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing,

compounding or processing shall be totally obscured by a wall or berm on those sides abutting R-1 through R-3, C-1 districts, and on any front yard abutting a public thoroughfare. In I-1 Districts, the extent of such a wall or berm may be determined by the planning commission on the basis of usage. Such a wall or berm shall not be less than four feet six inches in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of Section 13.04 of this ordinance. A chainlink fence, with intensive greenbelt planting, at least 30 feet in width may be substituted for the obscuring wall or berm. The height of plant materials shall be determined in the same manner as the wall or berm height as set forth in this subsection:

- a. Warehousing and wholesale establishments and trucking facilities. This subsection is not intended to include self-storage facilities.
- b. The manufacture, compounding, processing, packaging or treatment of products, such as but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge, machine shops, welding shops and cabinet shops;
- c. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheetmetal, shell, textiles, tobacco, wax, wire, wood and yarns;
- d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas;
- e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded products;
- f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;
- g. Laboratories--Experimental, film or testing;
- h. Manufacturing and repair of electric or neon signs, light sheetmetal products, including heating and ventilating equipment, cornices, eaves and the like;
- i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with the consumer at retail;
- j. All public utilities, including buildings, necessary structures, storage yards and other related uses;
- k. Except where specifically prohibited, uses permitted by this subsection (2) may provide for retail outlet on-site. This retail outlet shall be used for the sale of products manufactured at the location. The retail outlet shall be provided with

parking and building entrances separate from those of the manufacturing operation.

3. Warehouse, storage and transfer, and electric or gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, water supply and sewage disposal plants, water and gas tank holders, railroad transfer and storage tracks, railroad rights-of-way, and freight terminals.
4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies; provided such is enclosed within a building or within an obscuring wall, berm or fence and greenbelt on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any I-1 District, the extent of such wall, berm or fence and greenbelt may be determined by the planning commission on the basis of usage. Such wall, berm or fence and greenbelt shall not be less than five feet in height, and may, depending on land usage, be required to be eight feet in height. A chain link type fence, with intensive greenbelt planting at least 30 feet in width inside of such fence, may be substituted for the wall or berm.
5. Municipal uses such as water plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
6. Commercial kennels.
7. Greenhouses, wholesale and retail.
8. Trade or industrial schools.
9. Accessory buildings and uses customarily incident to any of the permitted uses in this section.

Section 8.03 - Permitted Principal Special Uses with Conditions

The following uses shall be permitted in the I-1 Light Industrial Districts, subject to the conditions imposed in this section for each use and subject further to the review and approval of the planning commission:

1. Auto engine and body repair, and undercoating shops when completely enclosed (fence or within a building). Adequate space must be provided for storage of vehicles on the premises, exclusive of required off-street parking facilities. A maximum of five vehicles waiting to be repaired, in the process of being repaired or having completed repairs may be stored outside on the premises at any one time and shall conform to the required yard setbacks of the I-1 District. Vehicles in excess of five shall be located within the rear yard and shall be stored within the confines of a building or fence that

is completely enclosed with a minimum height of eight feet. Such storage shall not comprise an auto junkyard or salvage operation.

2. Lumber mills when completely enclosed within a building, and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 District.
3. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
4. Uses which serve the convenience needs of the industrial district, such as but not limited to eating and drinking establishments, banks, savings and loan associations, credit unions, automobile service stations, motel or bowling alleys, trade or industrial schools or industrial clinics.
5. Liquefied petroleum (LP) gas may be stored, distributed, and sold from facilities within this zone when an earth berm of a height equal to the highest point of the storage tank has been constructed between the facility and any residential or commercial zone, and subject to all special codes and permits applicable to this type of facility.
6. Freestanding non-accessory signs, so long as they are no nearer than 2,500 feet from another freestanding non-accessory sign, and are no larger than 500 square feet in area and 15 feet in height.
7. Self-Storage facilities when operated within an enclosed building or one building with multiple outdoor locker accesses meeting the following conditions:
 - a. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24') feet or equal to the building height, whichever is greater.
 - b. The total lot coverage of all structures shall be limited to thirty-five (35%) percent of the total lot area.
 - c. A twenty-five (25) foot landscaped greenbelt shall be provided between the property line and storage units along all road frontages.
 - d. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office, if a rental office is present on premises.
 - e. Internal driveway aisles shall be a minimum of twenty-four (24') feet in width.
 - f. All off-street parking areas, driveways, and outdoor storage areas shall at a minimum be constructed consisting of a twelve (12) inch sand base with six (6) inches of gravel to accommodate truck traffic.
 - g. All ingress and egress from this site shall be onto a major street.

- h. Building height shall not exceed one (1) story or thirty-five (35') feet except that a caretaker or resident manager's unit may be allowed a building height of two and one half (2.5) stories or thirty-five (35') feet.
- i. No building shall exceed seventy-five hundred (7,500) square feet.
- j. All storage on the property, with the exception of item k below, shall be kept within an enclosed building.
- k. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. Fencing of 6 feet in height, plus barbed wire security if desired.
- l. Signage will be accordance with Ashland Township Zoning Ord., Section 16.
- m. Lighting should be positioned to avoid shining on neighboring parcels.
- n. All off-street parking areas, driveways, and outdoor storage areas are to be constructed so as to preclude drainage onto adjacent property.

Section 8.04 - Permitted Accessory Uses

Accessory uses and structures which are customarily incidental to any of the aforementioned principal uses are permitted when located upon the same lot or parcel.

Section 8.05 - Permitted Accessory Uses with Conditions

1. Travel Trailer or Recreation Vehicle (does not include mobile homes) as accessory uses to the principal structure only as follows:
 - a. Length of stay not to exceed ten (10) consecutive days per month or twenty (20) days per calendar year.
 - b. Travel Trailer or Recreational Vehicle shall not be located in the front yard, and shall not be located within any established setbacks outlined in Section 7.06.
 - c. Not more than one Travel Trailer or Recreational Vehicle shall be permitted on one property at the same time.
 - d. Any Travel Trailer or Recreational Vehicle used or stored on a property shall be legally licensed by the State of Michigan, or, if visiting from another state, must be licensed within the personal property owner's home state.
 - e. A permit must be obtained from the Ashland Township Zoning Administrator.
2. Home-Based Businesses. Subject to the provisions of Section 13.15 'Home-Based Business' of this Ordinance.

Section 8.06 Dimensional Requirements:

1. Lot Area: A permitted parcel shall have a minimum of 40,000 square feet in area, except as otherwise may be required in this Ordinance.
2. Lot Width: A minimum of 125 feet of road frontage is required.
3. Lot Coverage: A maximum of thirty (30) percent is permitted.
4. Floor Area: The minimum first floor area of a one (1) story building is 1,500 square feet, and for a two (2) story building is 1,200 square feet on the first floor, and a minimum total of 2,000 square feet for both stories. Buildings related to agriculture and forestry operations shall have no limit.
5. Yard and Setback Requirements:
 - a. Front Yard: Minimum of twenty-five (25) feet.
 - b. Side Yards: Minimum of twenty-five (25) feet.
 - c. Rear Yard: Minimum of thirty-five (35) feet.
6. Height Limitations: Maximum of thirty-five (35) feet and two and one half (2.5) stories for all buildings.

Section 8.07 - Other Provisions

Reserved.

Section 8.08 - Specifically Prohibited Principal and Accessory Uses

Reserved.

SECTION 9
I-2 –GENERAL INDUSTRIAL DISTRICT

Section 9.01 - Purpose

The I-2 General Industrial Districts are designed primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared material.

Section 9.02 - Permitted Principal Uses

In an I-2 General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

1. Any principal use first permitted in an I-1 District.
2. Heating and electric power generating plants.
3. Any of the following uses, not including storage of finished products, provided that they are located not less than 500 feet from any residential district and not less than 200 feet from any other district:
 - a. Junkyards, provided such are entirely enclosed within a building or within a ten-foot obscuring wall, berm or solid wooden or solid aluminum fence, and greenbelt 30 feet in width; or provided there exists a natural terrain feature or sufficient mature tree growth that effectively screens the operation; and, provided further that one property line abuts a railroad right-of-way;
 - b. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant;
 - c. Blast furnace, steel furnace, blooming or rolling mill;
 - d. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster;
 - e. Petroleum or other inflammable liquids, production, refining or storage;
 - f. Smelting of copper, iron or zinc ore.
4. Accessory buildings and uses customarily incident to any of the permitted uses in subsections (1)-(4) of this section.
5. Vehicle impound yards for the temporary storage of motor vehicles, subject to the following conditions:

- a. The perimeter of the lot on which vehicles are actively stored shall be enclosed in its entirety with an opaque fence with a minimum height of eight feet.
- b. Adequate lighting shall be located near the perimeter of the storage area so as to deter vandalism.
- c. Adequate fire suppression devices shall be located on the premises in accordance with the International Fire Prevention Code.
- d. No more than one vehicle per 300 square feet of gross active storage area shall be allowed.
- e. No vehicle will be allowed to be stored on the premises for a continuous period of 90 days or more.
- f. No dismantling, repair or alteration of vehicles will be allowed on the premises.
- g. No sale of vehicles or vehicle parts shall be allowed.
- h. Impound yards shall be subject to periodic inspections for compliance with the requirements by the designated fire and building authorities of the township.

6. Self-storage facilities and mini-warehouses when operated within an enclosed building.

Section 9.03 - Permitted Principal Special Uses with Conditions

The following uses shall be permitted in the I-2 General Industrial Districts, subject to the conditions imposed in this section for each use and subject further to the review and approval of the planning commission:

- 1. Adult entertainment businesses, including adult book stores, adult novelty businesses, massage parlors, adult cabaret, and adult video stores are permitted subject to the following conditions:
 - a. No adult entertainment business shall be located nearer than 1,500 feet from any residence, school, church, or public park. The distance between an adult entertainment business and a protected use shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the adult entertainment business or building containing an adult business to the nearest property line of the protected use.
 - b. No adult entertainment business shall be established nearer than 1,000 feet from another adult entertainment business.
 - c. No adult business shall be located on, or be visible from any state route or state trunk-line.

- d. No person shall reside in, nor permit any person to reside in the premises of an adult business.
- e. No person shall operate an adult personal entertainment business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
- f. No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.
- g. No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.
- h. No person shall become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.
- i. No lessee or sub-lessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.
- j. The provisions of this subsection regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes or medical clinics, or to the offices of a physician, surgeon, chiropractor, osteopath or physical therapist, duly licensed by the state, or to barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders of patrons.

Section 9.04 - Permitted Accessory Uses

Accessory uses and structures which are customarily incidental to any of the aforementioned principal uses are permitted when located upon the same lot or parcel.

Section 9.05 - Permitted Accessory Uses with Conditions

1. Home-Based Businesses. On Parcels with residential use, subject to the provisions of Section 13.15 'Home-Based Business' of this Ordinance."

Section 9.06 Dimensional Requirements:

1. Lot Area: A permitted parcel shall have a minimum of 50,000 square feet in area, except as otherwise may be required in this Ordinance.
2. Lot Width: A minimum of 175 feet of road frontage is required.

3. Lot Coverage: A maximum of twenty-five (25) percent is permitted.
4. Floor Area: The minimum first floor area of a one (1) story building is 2,500 square feet, and for a two (2) story building is 2,000 square feet on the first floor, and a minimum total of 3,000 square feet for both stories. Buildings related to agriculture and forestry operations shall have no limit.
5. Yard and Setback Requirements:
 - a. Front Yard: Minimum of seventy-five (75) feet.
 - b. Side Yards: Minimum of seventy-five (75) feet.
 - c. Rear Yard: Minimum of fifty (50) feet.
6. Height Limitations: Maximum of thirty-five (35) feet and two and one half (2.5) stories for all buildings.

Section 9.07 - Other Provisions

Reserved.

Section 9.08 - Specifically Prohibited Principal and Accessory Uses

Reserved.

SECTION 10
SPECIAL USES

Section 10.01 – Purpose

The development and enactment of this Zoning Ordinance is based upon the division of Ashland Township into distinct zoning districts, each of which include specifically permitted uses that are mutually compatible. In addition to such permitted uses in districts, it is further recognized that there are certain unique uses that may be necessary or desirable to allow in definable locations in certain districts. On account of their actual or potential impact on neighboring uses or public facilities, these unique uses need to be more carefully and specifically regulated with respect to their location and requirements for the protection of the uses that are permitted by right in a district. Such uses, on account of their unique developmental needs or the nature of their uses and activities offered, may have to be established in a district in which they cannot be reasonably allowed as an unconditional permitted use.

Section 10.02 - Authority to Grant Special Use Approvals

The Ashland Township Planning Commission shall have the authority to grant Special Use Approvals, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all special uses conditionally permitted in the various districts of this Ordinance and in accordance with the Articles listed in Section 3.15.

Section 10.03 - Application and Fees

Application for any special use permitted under the provisions of this Ordinance shall be made to the Zoning Administrator by (1) filling in the official Special Use Application form, which, if approved becomes the Special Use Permit, (2) submitting required data, exhibits and information, and (3) depositing the necessary fee in accordance with the Township schedule of fees. No fee shall be required of any governmental body or agency. No part of such fee shall be returnable to an applicant. If the application is complete, the Zoning Administrator refers the application to the Planning Commission with a file copy to the Township Clerk.

An application for a special use approval shall be processed in the following manner:

1. The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission.
2. The Ashland Township Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.
3. The Ashland Township Planning Commission shall hold a public hearing on the proposed Special Use.
4. The Ashland Township Planning Commission shall either deny the application, approve the application, or approve the application with conditions.
5. The Ashland Township Board shall have the authority to approve or deny the application.

Section 10.04 - Data, Exhibits and Information Required in Applications

An application for a special use permit shall contain (a) the applicant's name and address in full, (b) a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, (c) the address of the property involved, (d) an accurate plot and topographic survey and site plan of said property showing the existing and proposed changes in grading and drainage and the location and types of all buildings and structures and site improvements to be constructed, and their uses, and (e) a statement and supporting data, exhibits, information and evidence regarding the required findings set forth in this Ordinance, including the requirements for site plan review, per Section 17 and the Application for a Zoning Permit per Section 18.03.

Section 10.05 - Public Hearing and Notices and Procedure

1. Notices:

Upon receipt of an application for a special land use, a notice that a request for special land use approval has been received shall be published in a newspaper that has general circulation in the Township, and sent by U.S. Mail or personal delivery to (1) the owners of property for which approval is being considered, (2) to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and (3) to the occupants of all structures within 300 feet. All notices must be published and delivered as per the requirements of Public Act 110 of 2006 (MCL 125.3101 et seq), as amended.

2. Posted Notices Shall Include the Following Information:

- a. Describe the nature of the special land use request.
- b. Indicate the property which is the subject of the special land use request.
- c. State when and where the special land use request will be considered at a public hearing.
- d. Indicate when and where written comments will be received concerning the request and special land use.

3. Procedure for Reviewing Special Land Uses

At the initiative of the Planning Commission, or upon the request of the applicant for special land use authorization or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing shall be required with notification as required for a notice of a request for special land use.

The Township Planning Commission, after public hearing procedures, is hereby empowered to deny; approve or approve with conditions any special land use application. A copy of the decisions of both, with any conditions of approval or reasons for rejection shall be sent promptly to the Zoning Administrator and to the Applicant.

4. Condition and Safeguards

The Ashland Township Planning Commission may impose such additional conditions and safeguards deemed necessary to protect the general welfare, for the protection of individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed. Special use approvals may be issued for specific time periods as approved by the Township Planning Commission.

5. Jurisdiction of Zoning Board of Appeals

The Zoning Board of Appeals shall have no jurisdiction over decisions of the Ashland Township Planning Commission in regard to matters concerning the granting of special use permits, except when there is a need for a variance from a specific requirement in the Zoning Ordinance.

Section 10.06 - Required Standards and Findings for Making Determinations

The Planning Commission shall review the particular circumstances and facts of each proposed special use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a special use on the proposed site, lot, or parcel is appropriate and makes its determination in accordance with the following general criteria and any particular criteria related to that special land use:

1. General Criteria

- a. Will be harmonious with, and in accordance with, the general objectives, intent and purposes of this Ordinance and the Zoning District in which it is to be located.
- b. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance and activities with the existing or intended character of the general vicinity.
- c. Can be served adequately by essential on-site or public utilities, facilities and services; such as, water supply, wastewater disposal, highways, roads, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will not create excessive additional requirements at public cost for public facilities, utilities and services.
- f. Will meet all of the requirements specified in this Ordinance for the Special Land Use requested, as well as all other Township, County, State and Federal requirements.

2. Specific Requirements of the Review Process

All Special Land Uses in all zoning districts shall be reviewed in accord with the following requirements and review procedure:

- a. Applicant may request a preliminary meeting with the Zoning Administrator or Township Planner to discuss proposal, design elements, ordinance requirements etc. (this is optional, but recommended).
- b. Applicant submits application, fee, and 10 copies of the proposed site plan to the Zoning Administrator, who in turn presents it to the Planning Commission as to its completeness in accordance with the requirements of this Ordinance.
- c. Planning Commission reviews plan for general conformance with Ordinance requirements and transmits its findings for required changes to the Applicant for revisions, unless there are none.
- d. If required changes are to be made, the Applicant submits 10 copies of the revised site plan to the Planning Commission; otherwise the Commission places the site plan and supporting documentation on file for the next meeting's agenda.
- e. Planning Commission establishes a public hearing date, notifies all adjoining property owners within 300 feet and publishes the required notice in a newspaper of general circulation in the Township.
- f. Planning Commission conducts public hearing on proposed Special Use.
- g. Planning Commission approves, approves with conditions, or denies the Special Use request. The Planning Commission may table a request to allow verification, compilation or submission of additional or supplemental information or to address other concerns or issues.
- h. If the Planning Commission approves, or approves with conditions, the Zoning Administrator sends the Applicant a Special Use Approval Certificate and a copy of the minutes of the meeting where it was approved. The Applicant then applies for site plan review in accordance with Section 17 of this Ordinance.
- i. If the Planning Commission denies the Special Use request, the specific reasons in terms of what requirements in the Zoning Ordinance are not met shall be stated in the Planning Commission's official minutes of record.

3. Review Standards and Criteria

The Planning Commission shall utilize and must find affirmatively that each of the following standards and criteria are met in their review of all Special Use requests:

- a. All information, submittals and site plan standards as outlined in Section 17 are hereby incorporated into this section and required to be met with regards to the site plans and supporting documentation submitted for Special Uses.
- b. All design standards or criteria imposed on specific Special Uses elsewhere in this Ordinance shall be met.
- c. The Special Use shall be in accordance with the objectives of the Township Master Plan.
- d. The Special Use shall be designed and located so that it is compatible with the surrounding properties, neighborhood and vicinity. At a minimum, this shall include:
 - i. Location of uses and activities to be conducted on the site;
 - ii. Height and bulk of all structures and improvements;
 - iii. Adjacent land uses;
 - iv. Need for the proposed Special Use in the specific area of the Township;
 - v. Conformance with future land use plans for the area as adopted or maintained by the Planning Commission in its Master Plan;
 - vi. Compatibility with the listed permitted principal uses in the zoning district where the Special Use is requested to be located.
- e. Ingress and egress for the Special Use shall be controlled to assure maximum vehicular and pedestrian safety, convenience and minimum traffic impact on adjacent roads and highways, drives and uses including, but not limited to:
 - i. Reduction in the number of ingress and egress points through elimination, minimization and consolidation of drives and curb cuts;
 - ii. Proximity and relation to intersections, specifically with regard to the distance between drives and intersections;
 - iii. Reduction and, if necessary, elimination of pedestrian and vehicular traffic conflicts;
 - iv. Adequacy of sight distances between road and driveway intersections;
 - v. Location and accessibility of off-street parking, loading and unloading for automotive vehicles, including busses and trucks;
 - vi. Location and potential use of ingress and egress drives to access Special Use parcels for possibly reducing the number of access points necessary to serve the parcels.
- f. The Special Use shall be screened along all side and rear property lines by a buffer area, berm, fence or wall, and along the front property line by a greenbelt, in accordance with Sections 13.04, unless the applicant demonstrates that the use can be adequately controlled through other means, such as restrictions on hours of activity or the extent of the impact from the Special Use by the type and level of activity to be conducted on the site.

- g. The use shall be adequately served by utilities as prescribed by the Township, County or State of Michigan.
- h. The use shall not have an adverse effect on the natural environment beyond the normal affects of permitted principal uses in the same zoning district, and shall not result in the impairment, pollution or destruction of the air, surface and ground water, vegetation and other natural resources in terms of their effect on the public health, safety and other aspects of the general welfare.
- i. The proposed use shall be designed and conditioned as to location, size, intensity, site layout, and periods of operation in order to eliminate any possible nuisances which might be obnoxious to the occupants of any other nearby properties. The Special Use shall, therefore, not be permitted to involve activities, processes, materials, equipment and operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration and odors and have adverse environmental impacts and detrimental effects on the general aesthetics or appearance of the character of the surrounding area.
- j. The Planning Commission shall determine that the proposed use does not impose an unreasonable burden upon public services and utilities in relation to the burden imposed by other permitted principal uses in the same zoning district.
- k. The Planning Commission may recommend the imposition of conditions in approving Special Uses which it deems necessary to fulfill the purpose and requirements of this Ordinance. The conditions may include those necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating any increased service and facility loads caused by the Special land use or any activity connected with it, to protect the natural environment, conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the arrangement of the use of land in a socially and economically desirable manner. Conditions shall be required to accomplish the following:
 - i. Be designed to protect the natural environment and conserve natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or related activity under consideration, residents and landowners immediately adjacent to the proposed land use or related activity, and the community as a whole.
 - ii. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or related activity.
 - iii. Be necessary to meet the intent and purpose of the Zoning Ordinance generally or any part of it specifically; be related to the provisions, standards and requirements established in this Ordinance for the Use or

related activity under consideration; and be necessary to ensure compliance with those purposes, provisions, standards and requirements.

- iv. Provide adequate safeguards for the protection of the general welfare and individual property rights, and for ensuring that the intent, purpose, goals and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement, and the failure to correct such breach within thirty (30) days after an order to correct is issued by the Township shall be reason for immediate revocation of the approved Special Use. Conditions and requirements included as a condition of approval of a Special Use shall be continuing obligations of all owners, managers and users of the Special Use and are binding upon their heirs and assigns and upon any persons taking title to the affected property while such Special Use approval is in effect.
- v. The discontinuance of a Special Use, after a specified period of time or by a specified date, may be a condition placed upon the issuance of the approved Special Use. Renewal of a Special Use may be granted after a review and determination by the Planning Commission that continuing private need and public benefit will be served by such renewal, provided that the renewal application shall be in accord with the Zoning Ordinance provisions, standards and requirements in effect at the time that the renewal is requested.

4. General Stipulations

- a. Application for a Special Use shall be made by those persons having ownership of the land on which the Special Use is requested. All persons having an ownership interest in the property shall sign the application prior to its acceptance by the Township.
- b. A Special Use approval is valid for a period of one (1) year from the date of its final approval by the Ashland Township Planning Commission. Site plan approval and commencement of construction of approved improvements must occur within one (1) year of the Ashland Township Planning Commission's Approval or the Approval shall be automatically null and void. The Planning Commission may grant an extension for good cause for a period not to exceed six (6) months from the date of expiration of the original approval provided the request for the extension is made during the year the original approval is still in effect.
- c. The approved minutes of the Ashland Township Planning Commission shall be the date official action was taken on a requested Special Use. Said minutes shall be made available to the applicant whether the Special Approval request is approved, approved with conditions, or denied and shall constitute notice of the Ashland Township Planning Commission's decision regarding the Special Use request.

- d. The Planning Commission shall give notice of the time and place of the required public hearing for Special Uses as required by State law.
- e. All construction, improvement or use of a parcel or parcels of land shall be in complete accord with the Special Land Use, and any conditions included in the final approval, including the approved site plan.
- f. A Special Use approval may be terminated by subsequent rezoning of the affected site as is the case of any other currently zoned property, as a part of an appropriate change in zoning, subject to the continuance of any vested legal nonconforming use rights. Such determination may be initiated only after a hearing by the Planning Commission and final decision by the Ashland Township Board to amend the Zoning Ordinance.
- g. The reapplication, reconsideration and rehearing for a Special Use that has been denied by the Ashland Township Planning Commission shall not be resubmitted until the expiration of one (1) year from the date of such denial, except on grounds of newly discovered evidence or proof of materially changed conditions, sufficient to justify reconsideration by the Planning Commission. Each re-application will be treated as a new application.
- h. All conditions included with the approval of a special use or a related activity shall be recorded in the official approved minutes of the Ashland Township Planning Commission and shall remain unchanged except upon the mutual approval of the Ashland Township Planning Commission and the landowner. The Ashland Township Planning Commission's approved minutes shall include a record of all changes in conditions mutually agreed to.

Section 10.07 - Site Plan Review and Issuance of Special Use Zoning Permits

If a site plan is disapproved by the Ashland Township Planning Commission, the applicant is required to wait one (1) year before re-submittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation by the Planning Commission of the provisions of this Zoning Ordinance, but not of land, building or structural use.

Upon final approval of a Special Use and a Site Plan, the Zoning Administrator shall issue a Special Use Zoning Permit to the applicant. The Special Use Zoning Permit shall be valid for one (1) year from the date of issuance. If construction has not started within the one (1) year period, the Special Use Zoning Permit shall become null and void, unless the applicant applies for a one time up to a six (6) months extension and such extension is approved by the Planning Commission on the basis of the reasons submitted by the applicant upon application for an extension.

SECTION 11
PLANNED UNIT DEVELOPMENT

Section 11.01 - Purpose

The intent of Planned Unit Developments (PUD) is to permit greater flexibility and more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of this district to allow flexible land use composition and design while enforcing basic principles of sound zoning practices. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. This district is intended to minimize development impacts upon important environmental natural features, and to provide for a more efficient and economical arrangement of on-site infrastructure by permitting principal uses to be more consolidated on one portion of a site while retaining the overall density requirements.

Section 11.02 - Permitted Principal and Accessory Uses

In the PUD Planned Unit Development Districts, the following provisions, regulations and restrictions shall apply:

1. Permitted Principal Uses

- a. All principal permitted uses and special uses allowed in the R-1, R-2, and R-3 Residential Districts on parcels of at least twenty-five (25) acres, provided such projects meet the requirements of the district in which it is located.
- b. All principal permitted uses and special uses allowed in the C-1 Commercial District on parcels of at least ten (10) acres.
- c. All principal permitted uses and special uses allowed in the I-1 Light Industrial District on parcels of at least twenty-five (25) acres.
- d. Platted subdivisions and condominium subdivisions on the basis of the above Zoning District uses and requirements.
- e. The clustering of any of the above providing that the overall density of development in terms of dwelling, building or structural units do not exceed those of the Zoning District in which the PUD is located.

2. Permitted Accessory Uses

- a. Accessory buildings and uses customarily incidental to the above-named permitted and special uses.

Section 11.03 - General Provisions

1. The location of all uses and buildings, all uses and mixtures thereof, all yards and transition strips, and all other information regarding uses of properties as shown on or as part of a site plan which is approved by the Township, shall have the full force and permanence of the Zoning Ordinance as though such site plan and supporting information were specifically set forth as requirements in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a PUD District or parts thereof and shall not be changed or altered except as approved through amendment or revision procedures as set forth in this Section. The approved site plan(s) and any conditions attached thereto shall control all subsequent planning or development. A parcel of land that has been approved as a PUD District shall not thereafter be developed or used except in accordance with the approved site plan and plats approved by the Township.
2. No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permit shall be issued until the requirements of this Section have been met, and approved as to conformance by the Township.
3. Performance bonds will be required for all public and common site improvements and developments and, if phased, performance bonds will be required for all phased developments on a per phase basis. Cost estimates to be used in setting bond amounts shall be based upon the findings regarding estimated cost as reported by the Township Engineer, Public Agency, or PUD Engineer. See Section 17.15, supra for bonding details.

Section 11.04 - Pre-Application Conference

1. An applicant for a PUD District may request a pre-application conference with Township officials prior to filing an application for developing a PUD District. The request shall be made to the Township Planning Commission, who shall set a date for the conference. The Township Planning Commission shall invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process.
2. The purpose of the conference shall be to inform Township and other officials of the concept of the proposed development, and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other information that will explain the proposed development.
3. Statements and presentations made in the conference shall not be legally binding commitments.

Section 11.05 - Site Plan Requirements

1. A site plan shall be submitted for approval for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of Section 17.
2. The Planning Commission shall require the applicant to provide housing and commercial market analyses, traffic studies, facility, utility and service studies and other information necessary for the Commission to properly and adequately analyze a PUD District as the basis for approval with respect to this requirement.
3. An impact assessment shall be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed shall include community impacts i.e., additional traffic likely to be generated per 24 hour period, directional distribution of trips generated by the proposed development, additional police and fire service needs to be anticipated and environmental impacts i.e., soils to be found on the site, site topography, natural features of note that are located on the site and how each would be impacted by the proposed development.

Section 11.06 - Site Plan: Administrative Review Procedure

1. An application for a PUD District shall be made by all of the owner(s) of record of the subject parcel. The applicant shall provide evidence of full ownership of all land in a PUD or execution of a binding or conditional sales agreement, prior to receiving a recommendation of approval of the application and site plan by the Township Planning Commission.
2. The application shall be filed with the Zoning Administrator, who will check it for completeness in accordance with this Zoning Ordinance, and who shall transmit the application and the site plan to the Township Planning Commission. A complete application shall be filed with the Zoning Administrator at least four (4) weeks prior to the Planning Commission meeting at which it is to be first considered.
3. The Township Planning Commission shall hold a public hearing on the application and site plan, said hearing to be held within thirty-one (31) days of the filing date. The public hearing shall follow the same procedure as that required in Sections 20.02 and 20.03.
4. At the public hearing, the applicant shall present evidence regarding adherence to all pertinent standards and requirements. Evidence and expert opinion shall be submitted by the applicant in the form of maps, charts, reports, models and other materials, and/or in the form of testimony by experts who can clearly state the full nature and extent of the proposal. Materials shall be submitted in a sufficient number of copies for review by each member of the Planning Commission and other Township officials. Materials submitted shall include the required site plan and any supplementary sources of information necessary to satisfy the requirements detailed in Section 11.07., which follows.

5. The Planning Commission shall undertake a study of the application and site plan and shall make a finding and analysis of the application and site plan, regarding standards, and conditions of approval, if applicable. Materials and information to be considered in this study may include input from such agencies as the County Health Department, Road Commission and Drain Commissioner among other public agencies having a public interest in the PUD project development.
6. If the application and site plan are approved by the Township Planning Commission, the applicant and all owner(s) of record of all property included within the PUD shall sign a statement that the approved application and area plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future Planning Commission and future applicant and owner(s) of record or the assigned agent(s) or their heirs, successors and assigns.

Section 11.07 - Supplementary Development Standards and Regulations

The following requirements expand upon and are in addition to the requirements detailed in Section 17. They shall, in all cases, be adhered to by developments in a PUD District.

1. The clustering of principal and accessory use structures shall be permitted provided that the overall density of dwelling units and lot coverage requirements are met and instead of front, rear and side yard setback requirements being met the spacing and principal and accessory structures, irrespective of lot lines, except for the perimetral boundary property lines of the PUD, shall equal the sum of such setback requirements as determined from the facing relationships of the structures as located in the PUD Site Plan.
2. District Location and Minimum Size
 - a. All development in this district shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of PUD Districts.
 - b. All development in this district shall be restricted to sites having access to a hard surfaced roadway and accepted and maintained by the County Road Commission or the Michigan Department of Transportation.
3. External and Internal Circulation and Access
 - a. Access points to a PUD development shall be located no less than three hundred thirty (330) feet apart when measured parallel to the adjoining roadway.
 - b. Each lot or principal building shall have internal vehicular access from a public or private road.

- c. Each lot or principal building shall have pedestrian access from a public or private sidewalk.
- d. As property is developed in a PUD Planned Unit Development District, a pathway system linking all principal residential, commercial and industrial units both with on-site amenities (e.g., recreation areas, shopping, places of employment) and (unless it is demonstrated to the Planning Commission that such a system would be inappropriate or unnecessary to the development) with adjoining parcels. The pathway system shall be designed so as to be appropriate for non-motorized transport modes (e.g., bicycling, walking). The pathway shall be no less than five (5) feet in width and it shall be constructed of hard surface paved materials suited to walking and to non-motorized vehicular use.
- e. Standards of design and construction for public and private roads may be modified to adequately provide the service required. Right-of-way standards may also be modified, especially where the site plan provides for separation of pedestrian and vehicular traffic and adequate off-road parking facilities. Modifications of proposed public roads shall be approved by the County Road Commission Engineer. Modifications of private roads shall be approved as a part of the Site Plan.
- f. Public and private roads shall be designed and constructed according to established standards for public roads as established by the County Road Commission.

If public roads are to be included in the PUD, the applicant(s) shall plan, design and build the roads to County Road Commission standards and specifications.

4. Open Space Regulations

- a. At least one (1) land or land/water area for active or passive recreation purposes, with the water areas constituting not more than twenty-five percent (25%) of the total open space area, shall be designed as permanent open space. The required open space shall be an area or areas equal to at least twenty-five percent (25%) of the total land area of the PUD, and developed according to the approved site plan. This open space shall be for the use and enjoyment of the residents, occupants and users of the PUD District, and shall be considered as an integral component of the over-all Planned Unit Development. The developer shall provide financially for the perpetual and mandatory maintenance of the open space through the use of deed restrictions which shall require the participation in said maintenance cost by each owner, lease holder, renter, resident, or occupant within the Planned Unit Development.
- b. Buildings, parking lots, drives and similar improvements may be permitted in open space areas if related and necessary to the functions of the open space.
- c. Open space areas shall be conveniently located and accessible in relation to the principal uses in the PUD.

- d. Open space areas shall have at least minimum design standards, so that they can be usable and maintained for the functions intended.
- e. The Township Planning Commission may require that unique natural amenities located on the PUD site, such as ravines, rocky outcrops, wooded areas, tree or shrub specimens, unusual wildlife habitats, ponds, streams, and wetlands, shall be preserved as part of the open space system.

5. Landscaping and Parking

- a. The parking and loading requirements set forth in Section 13.07 herein, shall apply except that the number of spaces required may be reduced if approved by the Township Planning Commission, and included as part of the site plan submitted. Such reduction shall be based upon specific and reasonable findings.
- b. A landscaped screening strip, no less than fifty (50) feet in width, shall be required when a free-standing physical structure containing a commercial, office or industrial use is located adjacent to a residential use. The screening strip shall be located between the two uses and shall be landscaped with trees, shrubs and ground cover, and may include fences, walls and berms.

6. Utilities

- a. Each principal building shall be connected to public or common water and sanitary sewer systems or to on-site facilities approved by the County and State Health Officials and Township Planning Commission as a part of the Site Plan.
- b. All PUD's shall be required to provide an adequate fire protection system as determined and approved by the Township Fire Department. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials, as well as written approval from the appropriate County or State agencies shall be presented as part of the Site Plan submitted.

Maintenance of any and all approved common on-site utility systems shall be ensured by use of deed restrictions which shall provide for financial participation in maintenance costs by each owner or occupant of the PUD served by the system.

- c. Each site shall be provided with adequate surface and piped storm drainage. Open drainage courses and storm water retention ponds may be permitted.
- d. Electrical, telephone, and cable television lines shall be placed underground. Surface mounted equipment for underground wires shall be shown on the Site Plan and shall be screened from view.
- e. A system of sidewalks connecting all principal buildings and a system of road lights shall be required of developments in the PUD District. Financial support

for their maintenance shall be ensured through deed restrictions providing for each owner's or occupant's participation in maintenance costs.

7. Site Design, Layout and Density Criteria

- a. All density requirements shall be completed on a total gross area basis, less water area, with the exception that water areas of less than one-quarter ($\frac{1}{4}$) acre each may be included as part of the gross land area for computing density.
- b. Residential areas may contain several different types of dwelling units if it can be demonstrated to the satisfaction of the Township Officials that the proposed combination will not interfere with the reasonable arrangement of lots of an area to be platted.
- c. All principal buildings and all accessory buildings or structures shall be located at least fifty (50) feet from any exterior public or private road right-of way line and property line of an area to be platted.
- d. The outdoor storage of goods and materials shall be prohibited in the PUD District.

8. Legal Mechanisms to Ensure Facility and Open Space Maintenance

- a. Legal instruments setting forth the manner of financing permanent maintenance of common areas, utilities and facilities shall be submitted to the Township Attorney for review before the Township Planning Commission approves a final site plan.
- b. Where a Home Owners Association (HOA) or an Association of Commercial Establishments (ACE) or an Association of Industrial Establishments (AIE) is to be used to maintain common areas, utilities and facilities, the developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE as a part of the Site Plan submitted. The provisions shall include, but shall not be limited to, the following:
 - i. The HOA, ACE, or AIE shall be established before any building or structure in the PUD is sold or occupied.
 - ii. Membership in the HOA, ACE, or AIE shall be mandatory for each building unit buyer and for any successive buyer and shall be so specified in the covenants.
 - iii. Restrictions shall be permanent.
 - iv. The HOA, ACE, or AIE shall be made responsible for liability.
 - v. Building unit owners shall pay their prorated share of the costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE shall become a lien on the individual properties.

9. Project Phasing

- a. If the proposed development is to be constructed in phases, a narrative description of the phased process that describes all work to be done in each phase should be submitted to the Planning Commission when the Site Plan is submitted.
- b. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services, and open spaces and recreation facilities, but that which is needed to make each phase completely functional and have all of the necessary common elements planned, designed and built when needed.

Section 11.08 - Standards for Review

The Planning Commission shall determine that the application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

1. The proposed development shall conform to the Township Master Plan.
2. The proposed development shall conform to the intent and purpose of the Township Zoning Ordinance and its regulations and standards of a PUD District and other Township, County, State and Federal requirements.
3. The proposed development shall be adequately served by public utilities, facilities and services such as: highways, roads, sidewalks, road lights, police and fire protection, storm drainage facilities, water and sanitary sewer facilities (if available), refuse disposal; or that the persons, organizations or agencies responsible for the proposed development shall be able to properly provide or connect to such utilities, facilities and services with a municipality or other public agency when not provided by the Township.
4. Common open space, other common properties and facilities, individual properties, and all other elements of a PUD which provide open space are so planned that they will achieve a unified plan for all of its elements in appropriate locations, which are suitably planned, designed and related to each other, the site and surrounding uses of land.
5. The applicant shall have made provision to ensure that public and common utilities, facilities and services shall be irrevocably committed through recorded deed restrictions for that purpose, including provisions for the financing of the construction, management, operation and maintenance of all public and common utilities, facilities and services included in the approved Site Plan and supporting documentation.
6. Traffic to, from, and within the PUD shall be safe and convenient to the occupants and users of the project and the surrounding area. In applying this standard, the Planning Commission shall consider, among other things:
 - a. Convenient routes for automotive and pedestrian traffic
 - b. Relationship of the proposed project to main thoroughfares and road intersections

- c. The general character and intensity of the existing and potential land use development of the surrounding area.
7. The mix of housing unit types and densities, and the mix of residential and non-residential uses shall be acceptable in terms of their interrelationships, convenience, privacy, compatibility, and similar common welfare measures.
8. The Planning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed PUD, will not adversely affect adjacent and surrounding area lands, uses and activities.
9. The proposed development shall create a minimum disturbance to natural features, land forms and the environment generally.
10. Roads shall be compatible with the topography, be properly spaced, and be located and aligned in accordance with the intended function of each road. The PUD shall have adequate access to public roads. The plans shall provide for logical extensions of public roads and shall provide suitable road connections to adjacent parcels, where applicable.
11. Pedestrian circulation shall be provided within the PUD and shall interconnect all PUD use areas where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the PUD and to the edges of the PUD where applicable, for future connections between the PUD and the future development of adjacent properties.

Section 11.09 - Amendments to Site Plans

Preliminary and final site plan may be amended in accordance with Section 17.

Section 11.10 - PUD Site Plans, Subdivision Plats and Condominium Subdivisions

The Township Planning Commission shall have the authority to deny or table an application for approval of a PUD Site Plan, Land Subdivision Plat or Condominium Subdivision if, in its opinion, such PUD Site Plan or Land Subdivision will result in premature development of the area involved, or will result in improper scheduling of various public improvements such as, but not limited to, roads, utilities, and schools, as determined from the Capital Improvement Program adopted by the Township.

Section 11.11 - Extension of Time Limits

Time limits set forth in Section 17 may be extended upon showing a good cause, and by written agreement between the applicant and the Planning Commission.

Section 11.12 - Performance Guarantees

Performance guarantees shall be provided in accordance Section 17.15.

Section 11.13 - Violations

Violations shall be dealt with in the manner provided in Section 17.16.

SECTION 12
NONCONFORMING LAND, BUILDING, AND STRUCTURAL USES

Section 12.01 - Purpose

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform to the provisions of this Ordinance. Further, it is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same districts. The continuance of all nonconforming uses and structures within the Township shall be subject to the conditions and requirements set forth in this section, and as otherwise provided by the Zoning Board of Appeals.

Section 12.02 - Continuance of Nonconforming Uses

1. Structural Changes.

A building that is nonconforming shall not be structurally changed, altered, or enlarged unless the resultant changed, altered, or enlarged building conforms to the provisions of this Ordinance for the district in which it is located, except as provided below and except as provided by the Zoning Board of Appeals.

2. Repairs.

Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided the subject building is changed by such repair to a more conforming building or structure.

3. Alterations and Improvements.

Alteration, improvement, or modernizing of a lawful nonconforming building shall be permitted, provided that such alteration does not increase the height, area, bulk, or use of the building.

4. Prior Construction Approval.

The completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance shall be permitted, provided that construction is commenced within 90 days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

Section 12.03 - Restoration of Damage

Any lawful nonconforming use damaged by fire, explosion, or an act of God, or by other causes may be restored, rebuilt, or repaired, as determined by the Township Zoning Administrator.

Section 12.04 - Discontinuance or Abandonment

Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon the legally the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished, and any future use shall be in conformity with the provisions of this Ordinance, except as otherwise provided by the Zoning Board of Appeals.

Section 12.05 – Prohibition on Reversion to a Nonconforming Use

If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

Section 12.06 - Displacement of a Conforming Use

No nonconforming use shall be extended to displace a conforming use.

Section 12.07 - Change to another Lesser Nonconforming Use

The Township Zoning Administrator may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which it is replacing.

Section 12.08 - Illegal Nonconforming Uses

Those nonconforming uses which are created after the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance. Uses which were illegal under a prior Ordinance and which do not conform to this Ordinance shall continue to be illegal.

Section 12.09 - Changes in Zoning District

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 12.10 - Elimination of Nonconforming Uses

One of the goals of zoning is the eventual elimination of non-conforming uses. The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public

purpose. The net cost of such acquisition may be assessed against a benefitted district or benefitted parcels or may be paid from other sources of revenue.

Section 12.11 - Nonconforming Lots and Parcels

1. Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the District in which such lot is located. It is the intent to permit only minimum variances which may be granted by the Zoning Board of Appeals upon application by a property owner.
2. If two (2) or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in the same ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Section, and no portion of said lots or parcels shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 12.12 - Nonconforming Uses

Nonconforming uses and structures are those which do not conform to one or more provision or requirement of this Ordinance, but were lawfully established prior to the time of its applicability.

It is the purpose of this Ordinance to eliminate nonconforming uses and structures as rapidly as is permitted by law without payment or compensation. No nonconforming use shall be resumed if it has been discontinued for a continuous period of at least one (1) year or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent (50%) of the reproduction cost of such structure. No nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent (50%) of the reproduction cost of such structure. No nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming. No nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

SECTION 13
SUPPLEMENTAL REGULATIONS

Section 13.01 - Purpose

The intent of this Section is to recognize that there are certain conditions concerning land uses in all Zoning Districts that warrant specific additional requirements, exceptions, regulations or standards to the requirements of the Zoning District in which they are permitted to be located. All of the following provisions apply to all uses permitted in this Zoning Ordinance in each of the Zoning Districts where applicable. No building or structure, or part thereof, shall be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.

Section 13.02 – Conflicting Regulations

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

Section 13.03 - Lots and Parcels

1. Area Limitations. In conforming to land and yard requirements, no area or yard shall be counted as accessory to more than one (1) dwelling or main building.
2. Lot-Building Relationship. Every building erected, altered, or moved shall be located on a lot as defined herein, and there shall be no more than one (1) principal building and its permitted accessory structures located on each lot.
3. Dwelling Lots or Sites. Every dwelling, cottage, cabin, occupied trailer coach or mobile home, erected outside of a mobile home or trailer coach park shall be located on a lot or site, and no more than one (1) such dwelling shall be erected on such lot or site, except as otherwise provided in this Ordinance.
4. Lot Surface Drainage. The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.
5. Ratio of lot Width to lot Length. All lots or parcels of ten (10) acres or less shall not have a length which exceeds four (4) times the width of the lot or parcel.
6. Lot Splits. All lot splits shall be approved by the Land Division Officer with the input of the Planning Commission prior to their being recorded in the County Register of Deeds Office and before any zoning or building permits shall be issued in order to assure

compliance of this Zoning Ordinance and before they can be sold, leased or conveyed to another owner, user or occupant for development and the issuance of Zoning Permits.

All lot splits resulting in two (2) or more lots or parcels, and which would create landlocked lots or parcels shall not be permitted unless a sixty-six (66) foot wide road easement is provided to the otherwise potentially landlocked lots or parcels, and, if built upon, shall have frontage access upon a public or private road which meets the minimum requirements of the County Road Commission.

7. Use of Yard Space. No yard surrounding a dwelling, building or structure utilized for dwelling purposes, except farm dwellings, shall be used, occupied or obstructed by accessory buildings or structures, either permanently or temporarily; provided however, that a side or rear yard may be used for the parking of not more than five (5) passenger vehicles in active service but no yard shall be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures; provided however, that the rear yard may be used for the parking of not more than one (1) vehicle not in active service.
8. Corner and Double Frontage Lots. Lots which abut on more than one public road, private road and/or recorded easement shall provide the required front yards along every such road or easement.
9. Reclamation of Excavated Areas. These areas shall include those resulting from the removal of topsoil by layers as a result of excavation of topsoil, sod or plant materials. When such excavation reaches a depth of four (4) inches below the present natural or existing grade, the owner/occupant of the lot or parcel shall bring in sufficient landfill to bring the area up to the natural or existing grade or terminate any further excavation. If any subsoil, blow sand or other unstable soil becomes exposed as a result of excavation such areas shall be stabilized by covering the areas with at least four (4) inches of topsoil or other approved stabilizer.
10. Substandard Lots. No land use permit shall be issued for the construction of any structure upon any lot within any District in any instance in which a particular lot fails to meet the dimensional standards and requirements of the District in which it is to be located. This stricture shall apply to any lot created after either the enactment of this Ordinance or the enactment of any amendment that affects such dimensional standards or requirements.
11. Lot Coverage Inclusions. When determining the percent of lot coverage on any lots or parcels in all Zoning Districts, all buildings and structures, whether above or below ground level or on the ground surface, shall be included in the computations so as to provide greater assurance for surface water percolation or necessary on-site impoundment in instances of excessive rainfall, flooding or other water accumulation circumstances.

Section 13.04 - Use of Land, Buildings, Structures and Site Improvements

1. Maximum Size of Attached Garages. In all Residential Zoning Districts and on all other residentially developed lots and parcels upon which dwellings are located in all other Zoning Districts, attached garages shall not exceed eighty-five percent (85%) of the living area of the dwelling.
2. Solar Buildings. Solar buildings are permitted in all districts as long as the glare from exterior reflective solar panels is deflected so as not to cause glare to be transmitted to adjacent properties below the maximum height established for each district.
3. Housing of the Elderly in Detached Single Family Homes. Housing of the elderly aged 55 or older at two (2) per bedroom, up to a maximum of six (6), per detached single family dwelling is permitted; provided that the bedrooms so used shall be in excess of the bedroom needs of the family occupying the detached single family home. The family needs shall be computed at two (2) family members per bedroom. Further, each two (2) bedrooms designated for the elderly shall be provided with a full bathroom for sanitary and bathing purposes which shall be located within ten (10) feet of the most accessible door of the respective bedroom it is designated to serve.
4. Use of Legal Nonconforming Mobile Homes, Travel Trailers, or Recreation Vehicles. The use of any mobile home, travel trailer, motor home or recreation vehicle placed on a lot, parcel or tract of land in the Township prior to the effective date of this Ordinance, shall be a "Valid Nonconforming Use" and may be continued as a legal nonconforming use, subject to the provisions pertaining to "Nonconforming Uses" contained in Section 12.
5. Basement as Dwelling. No basement structure shall be used for human occupancy unless a completed story is situated immediately above the basement structure and is used as a dwelling, except underground homes designed and built in accordance with the Construction Code in effect in the Township.
6. Windmill Energy Systems. Wind Energy Systems are permitted in R1, C1, I1, and I2 Zoning Districts, per the following guidelines.
 - a. Purpose. The purpose of this section is to establish standards and procedures by which the installation and operation of a Wind Energy System (WES) shall be regulated within the Township, in order to promote the safe, effective and efficient use of wind energy.
 - b. Definitions.
 1. A MET Tower or Anemometer shall mean a meteorological tower used for the measurement of wind speed.
 2. Wind Energy System (WES) shall mean any combination of the following:
 - i. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;

- ii. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 - iii. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
 - iv. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
 - v. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted;
 - vi. A windmill traditionally used to pump water shall not be considered a Wind Energy System.
3. On Site Use Wind Energy System. A WES, the purpose of which is to provide energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.
4. Single WES for Commercial Purposes. A single WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
5. Wind Farm. Clusters of two or more WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
6. Utility Grid Wind Energy Systems. A WES designed and constructed to provide electricity to the electrical utility grid.
7. Structure Mounted WES. A WES mounted or attached to an existing structure or building.
8. Interconnected WES. A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
9. WES Height. The distance from the ground at normal grade and

the highest point of the WES which is the tip of a rotor blade when the blade is in full vertical position.

10. WES Setback. The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.
 11. Nacelle. In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.
 12. Shadow Flicker. Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.
 13. Applicant. The person, firm, corporation, company, limited liability corporation, or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the owner of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.
- c. Wind Energy System Allowed as Principal Use. Any On Site Use Wind Energy System including structure mounted WES which is 65 feet or less in total height shall be a permitted use in the RR and C zoning districts, subject to the following:
1. The height of the WES with the blade in vertical position shall not exceed 65 feet.
 2. A WES shall be set back from all lot lines a distance which is at least equal to the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located outside of the rear yard.
 3. A structure mounted WES shall have a distance from the nearest property line which is at least equal to the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position and blade arcs created by a WES mounted on an existing structure shall have a minimum clearance of eight feet.

4. A permit shall be required to be obtained from Ashland Township to construct and operate an On Site Use WES 65 feet or less in total height. A permit shall be issued after an inspection of the WES by Ashland Township or an authorized agent of the Township, and where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions. The permit shall be valid until the WES is decommissioned or no-longer operational. A WES that has been decommissioned or is no longer operational must be removed from the property within 30 days.

The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

5. An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.
- d. Wind Energy Systems Which Require a Special Use Permit. Any WES including a structure mounted WES which is located in the front or side yard or greater than 65 feet in height, Wind Farms, Single WES for Commercial Purposes, and Utility Grid Wind Energy Systems may be allowed as a Special Use only within the R-1, R-3, C-1, I-1, and I-2 Zoning Districts subject to the following regulations and requirements of this section and also the general special land use review procedures and standards of Section 10 of this Zoning Ordinance.
1. Site Plan Requirements. For those WES for which a Special Use is required, the following items shall be included with or on the site plan:

- i. All requirements for a site plan contained in Section 4.6 herein.
- ii. A location map of the proposed WES sufficient to show the character of the area surrounding the proposed WES.
- iii. Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.

- iv. Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
 - v. Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES is or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
 - vi. Locations and height of all buildings and structures within 300 feet of the boundaries of the parcel(s).
 - vii. Contour elevations of all WES buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WES is proposed to be located.
 - viii. Land uses within 300 feet of the parcel.
 - ix. Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
 - x. All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
 - xi. Security measures proposed to prevent unauthorized trespass and access.
 - xii. Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state and federal building, structural and electrical codes.
 - xiii. Additional information as required by Section 6.3 Special Land Uses of this Ordinance, or as may be required by the Planning Commission.
2. Height. The height of a WES for which a Special Use is required shall be determined by Section 3.04.6.C.1 of this Ordinance.
 3. Setbacks. No part of a WES including guy wire anchors shall be located within or above any required front, side or rear yard setback. The setback for a WES shall be at least equal to the

height of the WES. A reasonable set back shall be maintained from overhead electrical transmission lines.

4. Rotor or Blade Clearance. Blade arcs created by a WES shall have a minimum of 30 feet of clearance over and from any structure, adjoining property, or tree.
5. Lighting. A WES shall provide lighting as may be required by the FAA.
6. Maintenance Program Required. The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.
7. Decommissioning Plan Required. The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.
8. Sitting Standards and Visual Impact
 - i. A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
 - ii. A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project.
9. Inspection. The Township shall have the right upon approving any WES to inspect the premises on which the WES is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's cost.
10. Insurance. The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval.
11. Performance Guarantee. If a Special Use is approved pursuant to this section, the Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be

furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.

e. Standards for all Wind Energy Systems.

All WES shall comply with the following:

1. Sound Pressure Level.

- i. On Site Wind Energy Systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
- ii. Utility Grid Systems and Wind Farms shall be subject to the requirements of Section 4.83 above but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.

2. Shadow Flicker. The Planning Commission may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

3. Construction Codes and Interconnection Standards. The WES installation shall comply with:

- i. All applicable state construction and electrical codes and local building permit requirements;
- ii. Federal Aviation Administration requirements;
- iii. The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
- iv. The Michigan Tall Structures Act, Public Act 259 of 1959, as amended

- v. The Michigan Public Service Commission and Federal Energy Regulatory Commission standards if the WES is an interconnected system.

4. Safety.

- i. Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
- ii. To prevent unauthorized access, each WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
 - (a) Tower climbing apparatus shall not be located within 12 feet of the ground.
 - (b) A locked anti-climb device shall be installed and maintained.
 - (c) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten feet high with barbed wire fence.
- iii. All WES shall have lightning protection.
- iv. If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors.
- v. The minimum height of the lowest position of the rotor or blade shall be at least 30 feet above the ground.

5. Signs.

- i. Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:
 - (a) The words "Warning: High Voltage".
 - (b) Emergency phone numbers.

- ii. A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.
- 6. Electromagnetic Interference. WES shall be designed, constructed and operated so as not to cause radio and television interference.
- 7. Maintenance. WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
- 8. All distribution lines from the WES to the electrical grid connection shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e., are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- 9. A WES, except for structure mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road.

7. MET Towers.

- a. MET tower or anemometer may be permitted as a special use only within the R-1, R-3, B-1, I-1 and I-2 District Zoning Classifications subject to the regulations and requirements of this section and also the general special use review procedures and standards of Section 10 of this Zoning Ordinance.
- b. For purposes of this section a MET Tower or Anemometer is a meteorological tower used for the measurement of wind speed.
- c. Application Requirements. An applicant for a MET Tower shall submit an application in accordance with the requirements of Section 10 of this Ordinance and shall also submit the following materials:
 - 1. A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.
 - 2. A description of the height of the MET tower and its design including cross section and elevation drawings and a diagram of how the tower will be anchored to the ground.

3. An explanation of the purpose of the tower, the type, height and number of wind energy conversion systems anticipated to be proposed for installation on the site or nearby.
4. A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.
5. A description of the tower maintenance program.
6. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.
7. Security measures including emergency contact personnel.
8. Ten copies of a site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The site plan shall contain at a minimum the following information unless specifically waived by the Planning Commission.
 - i. The date on which the site plan was prepared.
 - ii. A north arrow and legal description of the property.
 - iii. Property lines and dimensions of the parcel containing the tower, the height of the MET tower and its distance to all property lines.
 - iv. Any buildings or structures existing on the site, and the use of the parcel.
 - v. The distance to the closest building on adjacent property.
 - vi. The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower
 - vii. Guy wires, guy wire anchors and any other tower supporting structure or device.
 - viii. Type and height of fencing to be installed around the tower or an equipment building.
 - ix. Elevation drawings of any buildings designed to serve the tower.
 - x. Access road; width and construction standards.

xi. Any lighting proposed to be located on the tower.

d. General Requirements. A MET tower shall comply with all of the following:

1. The tower shall be setback from all property lines a distance of not less than 1.1 times the height of the tower as measured from the base of the tower
2. All applicable state construction and electrical codes and local building permit requirements;
3. Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
4. The Michigan Airport Zoning Act (Public Act 23 of 1950), as amended;
5. The Michigan Tall Structure Act (Public Act 259 of 1959), as amended;
6. A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period.
7. In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.

e. Planning Commission Review. The Planning Commission shall review the proposed MET tower according to the standards for Special Uses contained in Section 10 herein. The Commission may approve a MET tower for a specified period of time subject to renewal by the Planning Commission.

The Commission may impose reasonable conditions at its approval of a MET tower in accordance with Section 10 herein including but not limited to a requirement that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site and a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.

9. Accessory Building Provisions. Accessory buildings, except as otherwise permitted in this Ordinance or on operating farms as authorized and installed pursuant to the Michigan Right to Farm Act, shall be subject to the following regulations:

- a. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
 - b. The total floor area of all accessory buildings shall not exceed seventy-five percent (75%) of the living area of the principal dwelling on lots up to one (1) acre. Lots exceeding one (1) acre may have accessory buildings up to a maximum of fifty percent (50%) of the living area of the principal dwelling or three percent (3%) of the lot size, whichever is greater. These requirements are subject to lot coverage restrictions as specified in each Zoning District.
 - c. Accessory buildings shall not be erected in any required yard, except a rear yard.
 - d. An accessory building not exceeding one (1) story or twenty (20) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
 - e. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than fifteen (15) feet to any side or rear lot line. In those instances where the rear lot line is in common with an alley right-of-way the accessory building shall not be closer than five (5) feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
 - f. No detached accessory building shall exceed the maximum height prescribed in each District.
10. Accessory Building as Dwelling. No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.
11. Damaged Buildings and Structures. Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage and made safe in the interest of public safety within seven (7) days as directed by the Zoning Administrator.
12. Home Occupations. Home occupations as defined in Section 2 shall be permitted in all detached single family residential dwellings and include such customary home occupations as: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; instruction in a fine art or craft; professional office and other similar occupations and other home occupations including incidental retail sales which shall not exceed twenty-five (25) percent of the gross sales of the business, operating in detached single family homes shall meet the following requirements:

- a. The non-residential use shall be only incidental to the primary residential use.
 - b. The occupation shall utilize no more than twenty-five (25) percent of the ground floor or basement floor area of the principal structure or an accessory building.
 - c. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional offices shall be used to accommodate the home occupation.
 - d. The home occupation shall involve no employees other than members of the immediate family residing in the home.
 - e. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
 - f. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
 - g. There shall be no external evidence of such occupations, except a small announcement sign not to exceed two (2) square feet in area on all nonfarm residential structures and ten (10) square feet in area shall be permitted on all farms not required to be attached to the principal structure but required to meet the setback and height requirements of the residential district.
 - h. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of Residential Districts and properties, in terms of use and appearance, to be changed by the occurrence of home occupations.
 - i. Retail sales are permitted as a home occupation provided they meet the requirements of the above Sections and the provisions of Section 10.
13. Parking or Storage of Recreation Vehicles, Trucks and Travel Trailers. The storage of not more than two (2) recreational vehicles shall be permitted to be parked or stored on all non-farm residentially-used lots and parcels in the Township, provided that such units shall be completely within the side and rear yards or completely enclosed within the side and rear yards or completely enclosed within a structure.
14. Television Satellite Receiving Dishes. All television and internet satellite receiving dishes are designated accessory uses to the principal uses permitted on each lot or parcel in each respective zoning district, and are governed by the same requirements as any other accessory use permitted in each zoning district. Satellite dishes with a diameter less than three (3) feet and a height less than six (6) feet may be located within the front yard setback of the principle structure if the property owner can establish that there is no other alternative on the property for receipt of a clear signal for household purposes.

Any mounting of a satellite dish or internet satellite/relay or receiver located within a front yard setback shall be mounted on a structure that will collapse or give way when it comes into contact with a motor vehicle or snow plow. In no event shall such mounting tower, if made of steel or wood, be more than 2 inches in circumference. No satellite dish or mounting facilities shall be permitted to be located in the road right-of-way line.

15. Swimming Pools, Jacuzzis and Hot Tubs. Private swimming pools, Jacuzzis and hot tubs shall be permitted as an accessory use within the rear and side yards only. All yards containing in-ground pools shall be completely enclosed by a fence not less than four (4) feet in height, and the gate shall be of a self-closing and latching type that is capable of locking, with the latch on the inside of the gate not readily available for children to open. All above-ground pools shall have a gated entry.

16. Fences

- a. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through permit by the Zoning Administrator as to its conformity to the requirements of the zoning districts wherein they are required because of land use development.
- b. Fences for farms located in any District are exempt from the provisions of this Ordinance, except when required for specific principal or accessory uses and special uses.
- c. Any existing fence not in conformance with this Ordinance shall not be altered or modified, except to make it more conforming.
- d. Fences which are not specifically required otherwise under the regulations for the individual Zoning Districts, shall conform to the following requirements:
- e. No fence exceeding 6 feet in height above the grade of the surrounding land shall hereafter be erected on property in a residential district or a lot used for residential purposes. No fence exceeding four feet in height above the grade of the surrounding land shall be erected along the line dividing lots or parcels of land, or located within any required side or front yard, except as otherwise provided in this Ordinance.
- f. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or whenever deemed necessary in the interests of public safety.
- g. In an Industrial District, no fence shall exceed twelve (12) feet in height.
- h. Fences in Residential Districts and on all lots used for residential purposes in all Districts, located between any front line and the main building, shall not exceed four (4) feet in height.

- i. No fence shall be constructed of any material other than wood pickets, chain link, wood stockade, or vinyl.

17. Walls and Protective Screening. In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

- a. Within the limits of a side or front yard space of a lot; no wall, other than a necessary retaining wall, or other screening structure shall be higher than four (4) feet. No such wall located within a rear yard shall exceed eight (8) feet in height, except as otherwise permitted or required in this Ordinance.
- b. Where a Multiple Family, Commercial, or Industrial Zoning District abuts directly upon a single family Residential Zoning District, or a residentially developed property in any Zoning District, a landscaped buffer as defined below, shall be provided and maintained along its entire length by the users of the said multiple family business, commercial, or industrial zoned or developed property. The latter mentioned types of Zoning Districts shall be screened from such contiguous, Residential Zoning Districts and developments in other Districts by either a building which houses a permitted use, or else by a solid masonry wall not to exceed five (5) feet in height above grade, between said multiple family residential office, commercial or industrial use. Such buffer shall be a strip of land not less than twenty (20) feet in width which is planted and maintained with evergreens such as spruce, pines or firs from a 5 to 6 foot initial height, so as to create a permanent fully screened buffer; or a hedge of evergreens not less than four (4) feet in height, so as to create a permanent fully screened buffer. All plants, when initially planted shall reach such required height within five (5) years of approval of the site plan by the Planning Commission. The remainder of the landscaped area which is not planted with the aforementioned stock shall be planted in a permanent well-kept lawn. All landscaping shall be continuously maintained in a healthy growing condition, neat and orderly in appearance. Such walls or protective screening for shielding off-road parking or storage areas shall not be required when such areas are located more than two-hundred (200) feet from such abutting residential property lines or Zoning District line.
- c. All walls shall be located on the property line, except as otherwise approved by the Planning Commission. When vehicles or open air displays exceed a five (5) foot height, said wall shall be increased to a height necessary to screen such vehicles and displays, not exceeding ten (10) feet, providing further that all such walls shall be of uniform height around the premises and the design of such wall is first approved by the Planning Commission as a part of the Site Plan.
- d. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise approved by the Planning Commission. Masonry walls, however, may be constructed with small dispersed openings which do not collectively exceed twenty (20) percent of the wall surface in area. The

arrangements of such openings shall be subject to approval by the Planning Commission.

- e. In the R-2 River Residential District Zoning Classification and the R-3 Lake Residential District Zoning Classification where a municipally-owned public access point adjoins residentially-used property, the municipality shall be permitted to erect a fence of up to six (6) feet in height separating the municipal access parcel from the adjoining residentially-used parcel. The fence shall be opaque and made of such materials as vinyl or wood. No chain link fence shall be permitted. The fence may extend to the water's edge."
18. Exterior Lighting. All sources of lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs, shall be directed away from and shall be shielded from adjacent residential districts, and shall also be so arranged as to not affect driver visibility adversely on adjacent public roads and highways. Lighting of parking areas is required when the number of parking spaces is more than five (5).
 19. General Height Limitation Exceptions. The height requirements established by this Ordinance shall apply as stated in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: flagpoles, chimneys, skylights, water tanks, utility poles, power lines, radio and television broadcasting and receiving antennae not directly linked to residential structures, silos; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, other public authorities having jurisdiction and any regulations established by authorized state, county and township agencies.
 20. Yard or Garage Sales. The sale of household goods other than automobiles on a residential parcel owned by the owner or occupant of the principal dwelling, anywhere on the lot or parcel of land is permitted, provided that the duration of such sales shall not be for more than three (3) days at any one time period and such sales shall not occur more than three (3) times each calendar year.
 21. Driveway Construction. All driveways providing access for principal structures designed to be used for human occupancy or used for that purpose shall be constructed in such a manner as to provide year-round access from public or private roads so that emergency vehicles and services can reach such structures readily, conveniently and safely. Construction shall consist of the removal of all unsuitable soil and placement of six inches of suitable road gravel. Driveways shall be at least eight (8) feet wide with clearance of all vegetation and obstructions so as to provide for the access of all types of emergency vehicles providing emergency services in the Township.
 22. Water Supply and Wastewater Disposal. All developments on lots, parcels and sites in all Zoning Districts shall meet the following requirements:
 - a. All developments in all Districts must either have access to public or common water and sanitary sewer facilities or utilize on-site systems that can be

demonstrated to be appropriate to the specific location chosen and the level of utilization envisioned.

- b. All development having access to public or common water systems shall be required to provide fire hydrants sufficient in number and location to provide adequate protection and firefighting capability.
 - c. In all cases where an on-site system is proposed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate County or State agencies must be presented to the Planning Commission before action can or will be taken on any application to be considered under this Ordinance. Plans, drawings and/or other background materials shall be presented to the appropriate County or State agency for their review and approval.
 - d. In all instances in which on-site sewer or water systems are utilized, the developer shall provide for mandatory and perpetual maintenance of such systems through the use of deed restrictions which shall provide for participation in said maintenance costs by each owner of the projected development.
23. Building Grades. The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.
24. Essential Services. Essential services, provided by the Township, County, State or a Public Utility and Service Company under the jurisdiction of the Michigan Public Service Commission, may be located in all districts and shall meet the requirements of the Districts in which they are located for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services, except wells under the supervision of the Supervisor of Wells in DNRE.
25. Flood Plain Regulations. The specific location and boundaries of land(s) subject to periodic flooding shall be determined by the State Coordinator, National Flood Plain Insurance Program, Water Management Division, Michigan Department of Natural Resources and Environment or the appropriate entity. Any other provision of this Ordinance notwithstanding, land(s) subject to periodic flooding shall be utilized only by the uses listed below:
- a. Agricultural uses arranged in such a manner as to ensure that no building to be used or occupied by human beings shall be located within the area subject to flooding.
 - b. Recreational uses arranged in such a manner as to ensure that no building to be used or occupied by human beings shall be located within the area subject to flooding.

In addition, any such condition shall be listed as an "Illegal Non-Conforming Use" to be abated in the public interest.

26. Solid Waste Receptacle Areas. All truck-lifted or transported receptacles shall be enclosed by a six (6) foot high wooden, vinyl, or masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas, by means of a self-closing and locking device on entrance gates.
27. Communication Towers and Attached Communications Antennas. It is the intent of this Section to provide regulations controlling the placement, design, and construction of commercial communication towers including their accessory uses and attached communication antennas. This ordinance intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Ordinance intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

a. Definitions.

1. Communication Tower. A radio, telephone, cellular telephone or television relay structure of skeleton frame work, or monopole attached directly to the ground or other structure utilized for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunication signals. Included in this definition are accessory structures and/or enclosures.

Not included in this definition are: citizen band radio facilities, short wave facilities, ham and amateur radio facilities, television reception antenna, satellite dishes, and government facilities which are subject to state and federal law or regulations that preempt municipal regulatory authority.

A communication tower shall not be included under the existing definition of essential services.

2. Attached Communication Antenna. Any wireless communication facility affixed to an existing structure, such as a building tower, water tank, utility pole, or other feature utilized to receive and transmit federally or state licensed communication services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.
3. Co-Location. The activity of placing more than one Attached Communication Antenna on a Communication Tower or other structure.

4. Height. Means the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
5. Preexisting Communication Tower and Communication Antenna. Means any legally existing or approved communication tower or antenna prior to the effective date of this Ordinance.

b. Regulations.

The following regulations shall govern the placement, design, and construction of commercial communication towers including their accessory uses, attached communication antennas, and co-locations.

1. Communication towers permitted by special use permit. Communication towers shall be permitted in all zoning districts with the approval of a Special Use Permit. The provisions of Section 10, in addition to the requirements of this Section, shall be required for the review of communication tower applications.
2. Attached communications antennas permitted by special conditions. Attached Communication Antennas shall be permitted by the Zoning Administrator in the R-1, C-1, I-1, and I-2 Zoning Districts if they meet the requirements of the district in which they are located, Section 17, and the requirements of this Section.

In reviewing a site plan for a proposed Attached Communication Antenna, the Zoning Administrator may refer it to the Planning Commission for review and approval.

3. Co-Location. Attached Communication Antennas which are proposed to attach to existing communication towers shall be approved by the Zoning Administrator if they meet all the conditions established by an existing Special Use Permit, the requirements of the district in which they are located, the requirements of Section 17, and the applicable requirements of this Section.
4. Communication towers permitted as a principal use. Antennas or towers located on property owned, leased or otherwise controlled by Ashland Township, provided a license or lease authorizing such antenna or tower has been approved by the Township Board, shall be deemed to be a permitted use, and shall not require a special use permit.

- c. Application Requirements. In addition to normal application requirements, all applications for Communication Towers and Attached Communication Antennas, regardless of the zoning district in which they are proposed to be located, constructed, or modified, shall include the following information:

1. Site Plan. A site plan which meets the requirements of Section 17. The site plan shall include the location of the tower/antenna, the tower/antenna height, type of construction, and a Landscape Plan which provides screening for the support structure base, accessory buildings, and enclosures.
2. Proposed Use. A complete written and graphic description of the proposed Communication Tower and/or Attached Communication Antenna. This written and graphic description shall include an explanation of the existing technology which is being proposed.
3. Location Justification. A written explanation of the reason for the proposed location with reference to the coverage area and capacity.
4. Ownership Interest. The nature and extent of the applicant's ownership or lease interest in the property, building, or structure upon which the facilities are proposed for placement.
5. Other Tower Locations. A map depicting other Communication Towers, Attached Communication Antennas, or site approved for such uses within the township or within (1) one mile of the boundary line shall be provided to the Zoning Administrator.
6. Co-Locations. Applications for Communication Towers must be accompanied by documentation that the applicant has investigated the potential of co-location (sharing tower facilities) with other providers. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the owners/operators of other communication towers within the service area of the proposed tower.
7. Engineering Certification. The application shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
8. Liability. The applicant shall provide documentation that indemnity and insurance provisions exists for the communications tower in the event that the provider abandons the structure. The specific dollar amount of the indemnity and insurance provisions shall be approved by the Township and that the cancellation of such policy shall not be effective without the approval of the Township.
9. Landscaping Plan. Landscaping, screening, fencing and buffering plans shall be submitted for review and approval. The plans shall take into consideration any existing vegetation and any other natural features of the site.

10. Visual Impact. The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.
- d. General requirements for communication towers and attached communication antennas.
1. Permitted Uses. Communication Tower and Attached Communication Antenna applications shall meet the requirements of this Section.
 2. Engineering Certification. The application shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes. The communication tower must be set back from all property lines a distance equal to its height, unless engineering specifications have been verified by the Building Official that the structural integrity of the communication tower will withstand high winds and impacts, and the likelihood of a communication tower failure is minimal. The applicant shall incur all cost associated with the Township engineering review.
 3. Separation from Off-Site Land Uses. Communication Towers shall be separated from all residentially used or residentially zoned land a distance of 150 feet or 250 percent of the height of the communication tower whichever is greater.
 4. Separation Between Communication Towers. Separation distances between Communication Towers shall be as follows
 - i. Monopole and Lattice Towers Over 75 Feet in Height: Two (2) Mile Separation Distance
 - ii. Monopole and Lattice Towers Equal to or Less Than 75 Feet in Height: One (1) Mile Distance
 5. Height. The maximum height of a Communications Tower shall be 200 feet. A Communications Tower greater than 200 feet may be permitted, if in the opinion of the Planning Commission, that the applicant has sufficiently demonstrated that a proposed Communications Tower in excess of 200 feet will reduce the total number of potential Communications Towers necessary to provide service within Ashland Township. The maximum height of an Attached Communication Antenna shall not extend 10 feet in height above the average height of the roof line, located on non-residential buildings at least two stories in height. The maximum height of an Attached Communication Antenna shall not exceed 20 feet in height above the average height of the roof line, located on non-residential buildings at least four stories in height.

6. Accessory Structures. Accessory structures are limited to the use associated with the operation of the communications tower. Accessory structures shall not exceed 600 square feet in area and a height of 20 feet. Accessory structures shall not be located closer than 30 feet from any property line.
7. Design Certification. The final plans for the communications tower shall be certified by a registered structural engineer and meet all requirements of the Federal Communications Commission, the National Environmental Policy Act of 1969, and the Federal Aviation Administration.
8. Liability. The applicant shall provide documentation that indemnity and insurance provisions exist for the communications tower in the event that the provider abandons the structure. The specific dollar amount of the indemnity and insurance provisions shall be approved by the Township and that the cancellation of such policy shall not be effective without the approval of the Township.
9. Abandonment. The communication tower shall be removed by the property owner or lessee within three (3) months of being abandoned. The tower shall be removed to the top of the footing. If the tower has not been removed within the period specified, the Zoning Administrator, with the approval of the Planning Commission, may have the structure removed.
10. Unsafe and Unlawful Communication Towers. When any communications tower is determined to be un-safe or is unlawfully erected or maintained and is found to be in violation of the provisions of this ordinance, the use of the tower shall be discontinued until all violations are corrected or it shall be removed.
11. Additional Equipment. Personal Communication Service (PCS) and Cellular Service providers shall provide disclosure of additional antennas or other equipment whenever installed on an existing structure.
12. Principal or Accessory Use. Communication towers and attached communication antennas are considered either principal or accessory uses. An existing principal use on a lot shall not prohibit the construction and operation of a communication tower or attached communication antenna as long as the requirements of this Section are met.
13. Additional Performance Requirements. The following additional regulations pertaining to communications towers and attached communication antennas shall apply.

- i. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- ii. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes.
- iii. All towers shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the property owner or lessee shall take all steps necessary to correct and eliminate such interference.
- iv. Towers shall not be artificially lighted unless required by the Federal Aviation Administration. Nor shall there be any type of advertising signs attached to the tower or antenna.
- v. There shall be no permanent employees located on the site.
- vi. All parking areas shall be located on site and be hard surfaced unless an alternative surfacing material is approved by the Planning Commission.
- vii. Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.
- viii. The use of guide wires is strictly prohibited unless specifically approved by the Planning Commission.

Section 13.05 - Animals

1. Household Pets. Domesticated household dogs, cats and songbirds are allowed on parcels with dwelling units in the Township, subject to any noise or nuisance ordinance the Township may have; and so long as such pets, when required to be licensed, are licensed to the person or persons dwelling on the parcel.
2. Exotic Animals. Exotic animals animal shall not be kept or stored within the township limits

Exotic Animals. For purposes of this section, exotic animals are defined as animals which are not normally considered to be household pets or farm animals, but which are potentially dangerous. Exotic animals include, but are not limited to, non-human primates; venomous cold blooded reptiles and other cold blooded animals that, if in contact with humans are capable of inflicting fatal injury to the average human; all poisonous animals; constrictor snakes three feet in length or more; cats of the wild family including but not limited to bobcat, cheetah, cougar, jaguar, leopard, lion, lynx, mountain lion, panther, puma, tiger; non-domesticated carnivores including hybrid crosses of non-domesticated carnivores (example bears and wolves); crocodiles and alligators; piranha fish; chondrichthyes (example sharks); struthie (example ostriches); poisonous spiders, venomous or poisonous insects; proboscides (elephants); periasodactyla (generally nonruminant ungulate mammals with odd number toes (example rhinoceros); and artiodactyla (example camel).

3. Housing of Farm and Other Domestic Animals. Barns, shelters, feeding pens and other buildings and structures housing farm and other domestic animals shall be located at least one hundred and fifty (150) feet from all adjacent residential lot lines.

Section 13.06 – Open Storage in Commercial and Industrial Classifications

The open storage of any industrial equipment, building materials, and other materials related to the operation of the business shall not be allowed less than twenty (20) feet from any side or rear lot line, and shall not be placed closer than the established setback from any street right-of-way for structures in any District, and shall not be visible to public view from a public street and from adjoining property. An enclosure consisting of a masonry wall or opaque fence not less than the height of the equipment, materials, or waste to be stored shall be required where the open storage is visible to public view or from an adjoining property.

13.07 – Off Street Parking Requirements

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy, as prescribed as follows:

1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback, unless otherwise provided in this chapter. Off-street parking shall not be permitted within a minimum front yard nor within a minimum side yard setback, unless otherwise provided in this chapter.
2. Recreational vehicles, such as travel trailers, campers, motor homes and similar vehicles owned by residents of the township and stored on their individual lots, shall be stored either in the confines of the rear yard or within the side yard behind the front building line of the main building; provided a minimum distance of five feet is maintained between the recreational vehicle and the nearest side or rear lot line. If for valid reasons, the recreational vehicle cannot be stored in the rear or side yard of the property in question, the property owner may request a variance from the zoning board of appeals to park vehicles in the designated front off-street parking spaces as required by this chapter. Any recreational vehicles, parked or stored, shall not be connected to sanitary sewer facilities and shall not be occupied.
3. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
4. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
5. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.

6. Off-street parking existing at the effective date of the ordinance from which this chapter is derived, in connection with the operation of an existing building or use shall not be reduced to an amount less than required in this chapter for a similar new building or new use.
7. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than seventy-five (75) percent of the sum of the requirements for the several individual uses computed separately.
8. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Planning Commission may grant an exception.
9. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles in areas designated for off-street parking is prohibited. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall be disregarded.
11. For the purpose of computing the number of parking spaces required, the definition of "Floor Area, Useable" in Section 2 shall govern.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

a. Residential	Two for each dwelling unit.
b. Housing for the elderly	One for each two units, and one for each employee.
c. Mobile home parks	Two for each mobile home site.
d. Churches or temples	One for each three seats in the main unit of worship.
e. Hospitals	One for each one bed.
f. Nursing Homes	One for each four beds.
g. Schools	Two for each employee.
h. Social clubs or halls	One for each three persons allowed within the maximum occupancy load as established by local fire codes.

i.	Golf courses	Four per hole.
j.	Theaters and auditoriums	One for each three seats plus one for each two employees.
k.	Child care centers	One for each 350 square feet of usable floor space.
l.	Shopping centers	One for each 150 square feet of usable floor area.
m.	Auto wash	One for each employee and five for each washing stall.
n.	Beauty parlor	Two spaces for each of the beauty or barber chairs
o.	Restaurant	One for each 75 square feet of usable floor space.
p.	Drive-in restaurant	One for each 25 square feet of usable floor area.
q.	Repair shop or showroom	One for each 800 square feet of usable floor area.
r.	Gasoline stations	One for each employee and three for each gasoline pump.
s.	Laundromats and dry cleaners	One for each three washing machines.
t.	Mortuary establishments	One for each 50 square feet of usable floor space.
u.	Lodging establishments	One for each one occupancy unit and one for each employee.
v.	Motor vehicle sales/service	One space of each 50 square feet of showroom floor area plus two spaces for each service bay plus one space for each new and/or used car.
w.	Banks	One for each 100 square feet of usable floor space.
x.	Business Offices	One for each 250 square feet of usable floor space.
y.	Industrial	Two for every employee in the largest working shift.
z.	Warehouses	One for every employee in the largest working shift.

13.08 – Off-street parking space layout, standards, construction and maintenance

Whenever the off-street parking requirements in Section 13.07 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the zoning administrator. Applications for a permit shall be submitted to the building department in such form as may be determined by the building inspector and shall be accompanied by two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
2. All spaces shall be provided adequate access by means of a maneuvering lane at least twelve (12) feet in width. Backing directly onto a street shall be prohibited.
3. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
4. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
5. The off-street parking area shall be provided with a continuous and obscuring wall or berm not less than four feet six inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district. When a front yard setback is required, all land between such wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
6. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalt or concrete surfacing prior to the issuance of the occupancy permit. Off-street parking areas shall be drained so as to dispose of all surface waste accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or towards the building. If the parking area cannot be paved in accordance with the surfacing specifications due to inclement weather conditions, a temporary extension may be granted by the building inspector.
7. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
8. The planning commission, upon application by the property owner of the off-street parking area, may modify the surfacing material, yard, or wall requirements where, in

unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

13.15 – Home-Based Business Regulations

1. Location and Operation of Home-Based Businesses:

- a. A Home-Based Business is allowed in any zoning district, provided that the Home-Based Business is located on the same lot or parcel, or on an adjacent lot or parcel as described in this Ordinance, as a lawfully established and maintained residential dwelling unit.
- b. The Home-Based Business must be clearly accessory and incidental to the lawful, principal residential use of the property.
- c. The operator of the Home-Based Business must be an occupant and reside in the principal residential dwelling unit located on the lot or parcel where the Home-Based Business is located.
- d. Home-Based Business shall be operated by an occupant of the principal residential dwelling unit. The Home-Based Business may also employ any member of the operator's family that live in the lawful residential dwelling unit associated with the business and no more than one (1) additional employee.
- e. All activities of the Home-Based Business shall take place inside an enclosed building on the same lot or parcel as the principal residential dwelling unit, or on an adjacent lot or parcel as described in this ordinance. Such building shall comply with all applicable Township, county, state and/or federal regulations.
- f. No outside storage of materials, product, or equipment for the Home-Based Business is allowed.
- g. No outdoor sales for the Home-Based Business will be allowed.
- h. No on-premises retail sales for the Home-Based Business will be allowed.
- i. No construction, assembly, storage of materials or other activities associated with the Home-Based Business will be allowed to take place out-of-doors.
- j. One (1) parking space shall be provided on site if a non-family employee is employed by the Home-Based Business and/or if customers will come to the site.
- k. A Home-Based Business may have one wall mounted sign or one small directional sign, each of which may be no larger than two (2) feet by three

(3) feet. All Home-Based Business signs must be located so as not to interfere with vehicular or pedestrian traffic and may not be externally or internally lit.

- l. A Home-Based Business may not generate vehicular or pedestrian traffic that is injurious to the surrounding permitted residential uses or that unreasonably exceeds the normal traffic levels associated with the surrounding permitted land uses.
- m. Home-Based Business may not create, cause or maintain a nuisance in terms of noise, vibrations, odors, smoke or other negative impacts generated by or associated with the Home-Based Business.

2. Home-Base Business Review and Permit Process:

- a. An applicant seeking approval for a Home-Based Business shall complete a Home-Based Business application. The Home-Based Business application shall be accompanied by a site plan and an application fee. Such fee shall be determined by the Township Board and may be amended, from time to time. Upon completion, a Home-Based Business application shall be submitted to the Township official and/ or body as designated by the Township Board by resolution.
- b. The applicant shall provide proof of ownership and/or control of the property where the Home-Based Business will be located.
- c. The reviewing official and/or body shall, within a reasonable time of the receipt of a complete Home-Based Business application, review the application.
- d. The reviewing official and/or body shall review the application:
 - i. for compliance with all regulations contained in this Ordinance;
 - ii. for compliance with all other applicable local, state and/or federal regulations;
 - iii. to determine that the principal residential dwelling unit is lawfully established and maintained;
 - iv. to determine that the proposed Home-Based Business will not create a nuisance to surrounding residents and property owners in terms of noise, odor, vibrations or other negative effects;
 - v. to determine that the proposed Home-Based Business will be accessory and incidental to the principal residential use of the property;
 - vi. to determine that the proposed Home-Based Business will not negatively impact the residential character of the area;
 - vii. to determine that the proposed Home-Based Business will not negatively impact the Township's natural resources;

- viii. the reviewing body is authorized to place reasonable conditions on the hours of operation; and types and locations of activities that are permitted to take place so as to preserve the residential character of the area and protect the neighboring property owners from effects of the business.
- e. Upon approval of a Home-Based Business, the applicant shall execute and provide a notarized statement to the Township, in which statement the applicant shall verify the scope and parameters of his/her Home-Based Business. The Township shall retain this statement in the Township records.
- f. Upon Township approval and the applicant's submittal of the required verification of the Home-Based Business' scope, the Township shall issue the applicant a Home-Based Business zoning permit, which shall contain a summary of the Home-Based Business' scope and operation.
- g. If a Home-Based Business changes its scope, nature or operation in any way from that permitted by the Township approved zoning permit, the Home-Based Business must bring the property into compliance with all Township, county, state and federal regulations, including, but not limited to, the Township Zoning Ordinance.

SECTION 14
ENVIRONMENTAL CONSERVATION PROVISIONS

Section 14.01 - Purpose

The purpose of this Section in all Zoning Districts is to promote the conservation or wise use of important nonrenewable natural resources and to protect the desirable qualities of the natural environment for present and future generations as determined by Master Plans adopted by the Planning Commission.

Section 14.02 - Natural Environment

It is the general requirement of this Section to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Part 17 of Act 451 of 1994, "The Michigan Environmental Protection Act" and Under this Section where it is the judgment of the Planning Commission and its written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement.

Section 14.03 - Natural Resources

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important nonrenewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

Section 14.04 - Lakes, Ponds, Rivers, Streams, Water Courses and Drainage Ways

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainage ways in the Township, no such feature shall be altered, changed, transformed, or otherwise be varied from its present existing condition unless such is done in conformance with State and Federal laws, regulations and standards.

In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of Part 301 of Act 451 of 1994, " Inland Lakes and Streams ", Part 11-2 of Act 451 of 1994, (3) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control ".

Section 14.05 - Flood Plains

No building shall be located within a designated floodway, except as approved by the Michigan Department of Natural Resources and Environment. The Township Planning Commission may, upon approval by the Michigan Department of Natural Resources and Environment, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure

is built within the floodway, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodwaters, except as part of a plan for flood control.

SECTION 15
CONDITIONAL REZONING

Section 15.01 - Intent

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Section 15.02 – Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to

final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

Section 15.03 – Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 20.06 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

Section 15.04 – Township Board Review

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 20.06 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, the Township Board shall refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

Section 15.05 – Approval

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the

implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

- e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

Section 15.06 – Compliance with Conditions

Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

Section 15.07 – Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter

proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

Section 15.08 – Reversion of Zoning

If an approved development or use of the rezoned land does not occur within the time frame specified under Subsection 15.07 above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

Section 15.09 – Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection 15.08 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

Section 15.10 – Amendment of Conditions

During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

Section 15.11 – Township Right to Rezone

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3101 et seq).

Section 15.11 – Failure to Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

SECTION 16
SIGN REGULATIONS

Section 16.01 - Purpose

1. This Section is intended to regulate and limit the construction or reconstruction of signs and billboards to protect the health, safety and general welfare. Such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, create unattractive conditions, aesthetics or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for herein.
2. All sizes and locations of signs are intended for the purpose of readability by the motoring public. The locations are intended to assist the motoring public to their destinations without adversely affecting the rural community and natural sights or impeding the flow of traffic adversely affecting safety. Limitations of time on seasonal signs are to assist law enforcement for traffic flow into and out of such seasonal sales areas. The roadway infrastructure posted speed throughout most of the township is 55 mph with only a few Residential Districts with a 25 mph posted speed. Identification and Informational signs are intended for the purpose of those providing services to specific locations and Homeland Security. The continuity of locations is intended to assist emergency and other services to quickly identify their locations, and again to assist the motoring public without adversely affecting the rural community and natural sights or impeding the flow of traffic.
3. There is no attempt to limit the content of actual messages except for sign size restrictions that limits the length of a message and what can be included in signs of instruction, driveway, and regulations which are for the purpose of safety only. Signs for certain land uses that are an exception to the zoned district are identified by that special use for the consistency of terms in the ordinance. Height restrictions are intended to aid traffic flow to and from on-site parking to and from roadways.
4. Residential District signs are intended only as minimal identification for the purpose of assisting the public, delivery services and Homeland Security to and through both concentrated and scattered residential communities, to home occupations and other permitted uses for health, safety and welfare of residents with only minimal effect to the rural, scenic aesthetic character of the township.
5. Commercial District signs are intended to assist the public equally to all configurations of businesses, individual and joined locations, for the purpose that all have the opportunity to advertise their name and service without slowing the traffic on adjacent roadway infrastructure to the business for the traveling public safety. Uniformity of sizes of all types of signs is intended for the purpose of giving each business an opportunity for equal readability by the public without overpowering advertising by a few and without adversely affecting other nearby permitted uses and to protect adjacent residential and other permitted uses for the general welfare of these uses. Billboards are intended for local or remote businesses or products, with the purpose of being spaced far enough apart, so that, the public in fast moving traffic will be able to

comprehend the messages on the permitted sign size without confusion. The purpose of the height regulation of billboards is intended to provide readability to travelers on the highway without adversely affecting the rural community and natural sights of other nearby permitted uses.

Section 16.02 - Definitions

The term sign means any display, figure, symbol, drawing, object, word message, or other graphic representation with or without words and intended or used to convey a message, advertise, inform, or direct attention to a person, institution, organization, activity, place, or product. Except for billboards all signs are to be on-site signs.

1. Billboard: A sign which directs attention to a business, commodity, service, or entertainment not necessarily sold upon the adjacent premises where such sign is located.
2. Bulletin Board: A permanent sign structure used to display announcements of services, activities, sales or other events of an institutional or commercial nature, and which message can be changed periodically.
3. Canopy Sign: A sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway, or to a permanent awning or marquee.
4. Driveway Entry Sign: A sign or pair of signs located at the road right of way line, providing direction for vehicular circulation into and out of a drive-in business.
5. Ground Sign: A short freestanding sign mounted on the ground.
6. Height of a Sign: Height of a sign shall mean the vertical distance measured from the natural surface grade of the land without any berm, landscaping, grading, or other artificially or unnaturally constructed or raised portion of land beneath the mid-point of the face of the sign to the highest point of the sign or supporting structure.
7. Identification Sign: A ground and/or wall sign indicating the street number address of the building of that lot. The sign may also include a name plate indicating the street or occupants' identification.
8. Informational Sign: A sign in roadway right of ways used for the purpose of providing information for public services. Such signs are to be located on the back slopes of roadways close to the right of way line and shall not obstruct "sight lines". Signs are to be located in accordance with the Newaygo County Road Commissions regulations and obtain their written approval.
9. Pole Sign: A sign supported entirely by a pole or poles placed in or upon the ground and providing sight clearance beneath the sign so as not to obstruct the view of motorists or pedestrians entering, leaving, or approaching the premises.

10. Projecting Sign: A sign, other than a wall sign, attached to the outside wall of a building and projecting in a perpendicular manner to the building face, provided such sign does not extend beyond the street right-of-way line.
11. Regulatory/Safety Sign: A sign placed only where required by the governmental agency having jurisdiction. A mailbox sign as required by the United States Postal Service is this type of sign as well as flammable liquids, hazards, no trespassing, no hunting, and similar signs.
12. Subdivision Sign: A sign placed at the entrance to a residential subdivision, mobile home park, apartment complex, industrial park or similar large-scale development. Such sign shall only contain the name of the development.
13. Temporary Sign: A display, informational sign, banner, bulletin board, or other advertising device with or without a structural frame and intended for a limited period of display.
 - a. Political Sign: A temporary sign advocating action on a public issue or endorsing a candidate for public office.
 - b. Real Estate Sign: A temporary sign advertising the sale, rental, lease, of the premises or part of the premises on which the sign is located.
 - c. Other Temporary Signs: Temporary sign(s) of public interest, advertising seasonal sales or to identify the supplier of farming products on the premises on which the sign is located.
14. Wall Sign: A sign which is attached directly to or painted upon a building wall and, having the exposed face of the sign in a plane parallel to the building wall.
15. On-Site Sign: Any sign, the message of which relates to the premises on which the sign is located, or to products, accommodations, services, or activities on the premises.

Section 16.03 - General Sign Regulations

Signs, as permitted in the various use districts; shall be designed so as to be similar in character with regard to materials, color and size to signs designed or located on the same building and on adjoining buildings in order to equalize the attention they are meant to attract, and to produce an overall unified aesthetic effect in accordance with the design standards set forth in this Section.

1. Billboard: New billboards and off-premises advertising signs are not permitted. Every permanent legally-existing off-premises billboard sign is hereby deemed to be a non-conforming sign. Existing non-conforming billboards along M-37 and other state highways in Ashland Township are subject to the provisions of the State Highway Advertising Act, MCL 252.301 et seq. Non-conforming billboards shall not be expanded, enlarged, or extended however they may be maintained and repaired so as to continue the useful life of the sign in accordance with the Highway Advertising Act (MCL 252.301

et seq) and only upon permission granted by the State Agency responsible for the licensing of billboard signs adjacent to highways. "Enlarged or expanded" for purposes of this subsection shall mean the implementation of a second-side or sign face so that it can be read from the opposite direction ("cross-reader signs"); the addition of any protrusion, mounting; framework; same-facing sign structure or other structural addition.

2. Bulletin Board: One (1) bulletin board may be permitted provided that any bulletin board relating to the business on the lot shall be considered to be an on-site sign.
3. Canopy Sign: The vertical dimension of such signs shall not exceed eighteen (18) inches and the lowest member shall not be less than eight (8) feet above the sidewalk. The sign face of any canopy sign shall not exceed six (6) square feet.
4. Driveway Entry Sign: No sign shall be located within the road right-of-way. The maximum sign area shall not exceed four (4) square feet per sign and the exterior of the sign face shall not exceed a height of three (3) feet.
5. Ground Sign: Ground signs shall be mounted permanently upon the ground and shall not exceed a height of four (4) feet. A ground sign shall be an on-site sign, and shall not advertise for any business(es) located off-site. .
6. Identification Sign: At least one (1) street number address sign shall be required for fire and law enforcement safety.
7. Informational Sign: Signs in roadway right of ways used for the purpose of providing information for public services, such as hospitals, schools, libraries, etc. and recreational facilities, such as lakes, boat landings, golf courses, etc.
8. Pole Sign: Pole signs shall not exceed a maximum height of twenty-five (25) feet with a minimum ground clearance of ten (10) feet. The maximum size of a pole sign shall not exceed seventy-five (75) square feet. In cases where two (2) or more separate businesses use the same pole, the sign may be increased to a maximum area of one hundred (100) square feet relating to the businesses on the lot shall be an on-site sign.
9. Projecting Sign: Projecting signs may be attached to the building wall and project perpendicularly at an angle of approximately ninety (90) degrees for a distance of not more than six (6) feet or project over the cornice line more than one-third (a) of the total height of the sign. Projecting signs shall be located at the approximate center of the facade and the lowest member of a projecting sign shall be at least ten (10) feet above walkway or a public sidewalk and fifteen (15) feet above any drive. Signs shall not project into any dedicated right-of-way.
10. Wall Sign: A wall sign shall not project more than fifteen (15) inches from the building wall to which it is attached and shall be setback from the end of the building and party wall lines for a minimum distance of three (3) feet and shall not project beyond any corner or above the coping or eaves of any building.

11. Relation to Building Openings: Signs shall not project over or obstruct the windows or doors of any building, shall not be attached to or obstruct a fire escape or interfere with other safety provisions as may be further regulated by the Township of Ashland.
12. Relation to Traffic Controls: Signs shall not be erected so as to obstruct "sight lines" along any public way, traffic control lights, street name signs at intersections, or street sight lines or signals at railroad grade crossings. Signs visible from the sight lines along a street shall not contain an arrow or words such as "stop", "go", "slow", etc, and the content, coloring or manner of illumination shall not resemble highway traffic signs. Flashing or moving illumination shall not be permitted. For purposes of this section "flashing or moving illumination" shall mean a change to the wording or pictures on a sign at an interval of 30 seconds or less.
13. Signs on Corner Lots: No projecting, pole or permanent ground sign shall be allowed within a triangle formed between points on the front and side lot lines within thirty-five (35) feet from their intersection. Clear vision requirements of this ordinance, the Newaygo County Road Commission and the Michigan Department of Transportation, or its successor agency, shall be met.
14. Advertising Adjacent to State Highways: Refer to Section 16.1 herein and the Highway Advertising Act, MCL 252.301 et seq.

Section 16.04 – Sign Measurement

The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed unless utilized as part of the total display area. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

Section 16.05 – Sign Illumination

There shall be no flashing, oscillating, or intermittent illumination of any sign. All illuminated signs shall be designed and located to prevent the light therefrom from being cast upon adjoining residences and shall be located at least one hundred (100) feet from any residential district. Illumination includes all types of artificial light. The illumination of any sign shall not be detrimental or annoying to surrounding property owners or occupants, nor constitute a safety hazard as determined by the Zoning Administrator. For purposes of this section, "flashing" means any change in sign face by electronic means for less than a continuous 30 second duration.

1. Advertising Adjacent To State Highways. Refer to Authority conferred on the State Transportation Commission by Public Act 286 of 1964 and Public Act 106 of 1972, and as amended.
 - a. This ordinance hereby incorporates 257.615 of the State of Michigan Vehicle Code, and which provision is commonly known as "Signs or Lights Resembling Traffic Control Devices; Commercial Advertising on Traffic Signs; prohibition." The provision controls as follows:

"Sec 615. (a) Except with authority of a statute or of a duly authorized public body or official, no person shall place, maintain, or display along any highway or upon any structure in or over any highway any sign, signal, marking, device, blinking, oscillating or rotating light or lights, decoration or banner which is or purports to be or is in imitation of or resembles or which can be mistaken for a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising".
 - b. No person shall place, maintain or display along any highway any blinking, oscillating or rotating light or lights sufficiently similar in color and design that they may be mistaken for the distinguishing lights authorized by law for emergency vehicles or that creates a hazard for the safety of drivers using said highways."

Section 16.06 – Signs Required

At least one street number address sign as selected from Section 16.07, below, is required on all lots with a principal building in all Zoning Districts.

Section 16.07 - Permitted Signs

Signs are permitted according to the Zoning Districts in which they are located or intended to be located as follows:

1. All Zoned Districts: The following types of signs are permitted for all principal uses in all districts on the lot of the principal use. These signs are in addition to any signs that may be allowed in a specific zoned district.
 - a. One (1) street number address and one (1) name plate, each not more than one hundred eight (108) square inches in area may be placed anywhere within the front yard.
 - b. Wall Sign: One (1) street number address and one (1) name plate per principal building each not more than one hundred forty four (144) square inches.
2. Residential Districts: The following types of signs are permitted in the R-1, R-2, and R-3 districts, provided that no more than two (2) separate on-site signs may be permitted

for any non-residential use. Except where specifically noted otherwise, no signs shall be illuminated, and no sign shall be located nearer than half the required setback distance from the front lot line and not located in any side yard. Temporary signs as defined herein are permitted in addition to the two (2) on-site signs.

- a. Bulletin Board: For existing public or semi-public institutions such as schools, hospitals, library, or community center, and new and existing churches. One (1) sign is permitted and shall be located on the premises, which sign shall not exceed thirty-two (32) square feet in area, shall be setback at least twenty-five (25) feet from the front lot line, not located in any side yard and shall not exceed a height of four (4) feet.
 - b. Ground Sign: For permitted principal uses other than single and two (2) family dwellings; one (1) sign not more than twelve (12) square feet in area is permitted advertising the name and activities of a permitted non-residential use. For permitted incidental home occupations; one (1) sign not more than two (2) square feet in area is permitted to advertise the home occupation.
 - c. Subdivision Sign: One (1) ground type sign at an entrance of each subdivision, mobile home park, or multiple family development; continuously and properly maintained; not exceeding forty eight (48) square feet in area; and not located closer than fifty (50) feet to the front lot line or other lot. Sign may be illuminated.
 - d. Temporary Sign, Other: Signs not exceeding four (4) square feet in area.
 - i. Seasonal sales sign, one (1) sign shall be displayed for a single period, for a total of not more than fifteen (15) consecutive days in any six (6) month period.
 - ii. Customary farm crop seasonal sales sign for harvests from that farm's crops, one (1) such sign shall be displayed until the crop season is over or until stored crops are sold.
 - iii. Farm crop signs on active farms may be displayed at the end of crop rows, but no nearer to the road than the front lot line, until the crop is cut.
 - iv. Public interest sign, one (1) sign to be displayed not more than thirty (30) consecutive days prior to an event and provided such signs are removed within 48 hours after the event.
3. Commercial and Industrial Districts: The following signs are permitted in the C-1, I-1, and I-2 Districts, provided that no more than two (2) separate on-site signs are permitted for any single business, and further provided that the combined total area of all such signs shall not exceed one hundred fifty (150) square feet. Except where specifically noted otherwise, no freestanding type sign shall be located nearer than half the required setback distance from the front lot line and shall not be located in any side yard.

Temporary signs and driveway entry signs, as defined herein, are permitted in addition to the two (2) on-site signs. Temporary signs shall not be illuminated. Signs for permitted R-1 uses, per Section 4.02, located in the C-1, I-1, or I-2 Districts, that are not a commercial use, are required to be per the permitted signs for Residential Districts, 16.07.

- a. Bulletin Board: One (1) bulletin board may be permitted provided that any bulletin board relating to the business on the lot shall be regulated as an on-site sign; shall be permanently integrated with a pole sign; and shall be considered part of such pole sign in determining the maximum size, height, and clearance of such pole sign.
 - b. Canopy Sign: One (1) sign may be permitted per business.
 - c. Driveway Entry Sign: One (1) sign per driveway but not exceeding a maximum of two (2) signs are permitted provided the following conditions are met:
 1. Such signs are necessary to direct vehicles into or out of driveways designed for one-way traffic only and to eliminate confusion on the part of the driver of such vehicle, as determined by the Zoning Administrator or Planning Commission if the permitted use is a special use.
 2. No words other than "enter" or "exit" shall be permitted on each sign.
 3. The corporate logo, colors, and/or other recognizable symbol associated with the drive-in business may appear on the driveway entry sign, provided that if this occurs, the maximum size of a Pole Sign on the premises shall be reduced to fifty (50) square feet.
 4. The location shall be adjacent to the drive near the front lot line.
 - d. Ground Sign: One (1) ground sign shall be permitted per lot, with an area of twenty-four (24) square feet.
 - e. Pole Sign: One (1) sign per lot.
 - f. Projecting Sign: One (1) sign per business, provided that the area of such sign does not exceed fifteen (15) square feet.
 - g. Temporary Signs, Other: One (1) sign per business, not exceeding thirty-two (32) square feet in area. No temporary sign shall be displayed for a total of more than fifteen (15) days in any six (6) month period.
 - h. Wall Sign: One (1) wall sign per business, not exceeding a total area equal to one and one-half (1 ½) square feet per lineal foot of building front occupied by the business on which the signs is to be placed up to a maximum of seventy-five (75) square feet.
4. Commercial District adjacent to State Highway: The following signs are permitted in the C-1 District that abuts a state highway, provided that no more than two (2) separate on-

site signs are permitted for any single business, and further provided that the combined total area of all such signs shall not exceed two hundred (200) square feet. In the case of two or more businesses occupying a single building or located on a single parcel of property, the sign requirements for the C-1 District shall apply collectively to the single grouping of businesses, provided, however, that each business may have one (1) wall sign as permitted herein. Except where specifically noted otherwise, no freestanding type sign shall be located nearer than half the required setback distance from the front lot line and shall not be located in any side yard. Temporary signs, driveway entry signs, and one (1) billboard as defined herein are permitted in addition to the two (2) on-site signs. Temporary signs shall not be illuminated.

- a. Billboard: See Section 13.1 of this Ordinance.
- b. Bulletin Board: One (1) bulletin board per lot may be permitted provided that any bulletin board relating to the business on the lot shall be regulated as an on-site sign; shall be permanently integrated with a pole sign; and shall be considered part of such pole sign in determining the maximum size, height, and clearance of such pole sign.
- c. Canopy Sign: One (1) sign may be permitted per business.
- d. Driveway Entry Sign: One (1) sign per driveway but not exceeding a maximum of two (2) signs may be permitted provided the following conditions are met:
 1. Such signs are necessary to direct vehicles into or out of driveways designed for one-way traffic only and to eliminate confusion on the part of the driver of such vehicle, as determined by the Zoning Administrator or Planning Commission if the permitted use is a special use.
 2. No words other than "enter" or "exit" shall be permitted on each sign.
 3. The corporate logo, colors, and/or other recognizable symbol associated with the drive-in business may appear on the driveway entry sign, provided that if this occurs, the maximum size of a Pole Sign on the premises shall be reduced to fifty (50) square feet.
 4. The location shall be adjacent to the drive near the front lot line.
- e. Ground Sign: One (1) ground sign shall be permitted per lot, with an area of twenty-four (24) square feet.
- f. Pole Sign: One (1) sign per lot.
- a. Temporary Political Sign: Signs to be displayed not more than thirty (30) days prior to the election and provided such signs are removed within 48 hours after the election.

- b. Temporary Real Estate Sign: One (1) sign is permitted per premises, not exceeding twenty-four (24) square feet in area.
 - c. Temporary Sign, Other: One (1) sign per business, not exceeding thirty-two (32) square feet in area, and setback at least fifteen (15) feet from the right-of-way line. No temporary sign shall be displayed for a total of more than fifteen (15) days in any six (6) month period.
 - d. Wall Sign: One (1) wall sign per business not exceeding a total area equal to one and one-half (1-½) square feet per one (1) lineal foot of building front occupied by the business on which the sign is to be placed up to a maximum of one hundred fifty (150) square feet.
5. Signs in Commercial and Industrial Districts C-1, I-1, and I-2 abutting Residential Districts R-1, R-2, and R-3 must:
- a. Be placed flat against the building.
 - b. Not project above the roof line.
 - c. Not face a residentially zoned lot.
 - d. In the case of a corner lot, no portion of such sign facing the side street shall be within one hundred (100) feet of the side lot line of any residentially zoned lot.
 - e. In the case of a principal use involving no building, or in case of a building the front wall of which is located farther from the street line than the required depth of front yard or width of side street side yard; such sign may be supported by a freestanding structure, and may be located anywhere on the premises except within the required front or side yard. The requirements of provisions "c" and "d" above must be met.

Section 16.08 – Sign Permit

A permit shall be required for the erection, construction, or alteration of any sign twelve (12) square feet or larger. Application for such permit shall be submitted on forms furnished by the Township and shall be made either separately or in conjunction with the application for a zoning permit. A fee shall be paid in accordance with a schedule of fees established by the Ashland Township Board.

Section 16.09 – Non-Conforming Signs

Signs lawfully erected prior to the adoption of this Ordinance which do not meet the standards of this Section may be continued except as hereafter provided.

- 1. No nonconforming sign shall:
 - a. be changed to another nonconforming sign;

- b. have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message;
 - c. be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign;
 - d. be reestablished or continued after the activity, business, or use to which it relates has been discontinued for ninety (90) days or longer.
2. No person shall be required to remove a sign which was erected in conformance with this Section if such sign becomes nonconforming due to a change in the location of a building, street, or other sign which change is beyond the control of the owner of the sign and the premises on which it is located.
3. If the owner of a sign of the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Section.

Section 16.10 – Unauthorized forms of Advertising

Advertising on the sides of semi-tractor trailers, other trailers, panel trucks and similar devices, including banners on those devices, but not including business signs on the doors of pickup trucks, is not to be used in lieu of permitted signs. Such trailers, trucks or similar devices parked continuously on a lot in a prominent location near streets placed to take advantage of the advertising on the device to the passing public for two days (48 hours) or longer without being moved from the lot is not a permitted type of sign, and is a violation of the this Zoning Ordinance.

Section 16.14 - Removal of Signs

Signs erected or maintained in violation of this Ordinance shall be removed by the owner and/or occupant within seven (7) days of notification of the Zoning Administrator.

SECTION 17
SITE PLAN REVIEW PROCEDURES

Section 17.01 - Purpose

The purpose of this Section is to establish uniform requirements of procedure for all developments in the Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a Zoning Compliance Permit and the starting of construction.

Section 17.02 - Developments Requiring Site Plan Approval

The following land, building and structural uses require "Site Plan Approval":

1. All land subdivisions, including land subdivision plats and lot splits.
2. All principal and special uses and their accessory uses in all Zoning Districts, except those specified in Section 17.03.
3. All special uses and their accessory uses in all Districts.
4. All principal and special uses and their accessory uses in a Planned Unit Development.

Section 17.03 - Developments Not Requiring Site Plan Approval

1. Single family homes and their accessory uses in all Residential Zoning Districts.
2. General or specialized farming and forestry and their accessory uses and roadside stands in the R1 District, but not including all other principal and special uses and their accessory uses permitted in the R1 District.

Section 17.04 - Role of the Zoning Administrator

The Zoning Administrator shall not issue a Zoning Compliance Permit for construction of, or addition to, any use until a final site plan has been approved by the Township Planning Commission and is in effect. A use of land requiring site plan review and approval, not involving a building or structure, shall not be commenced or expanded until a final site plan has been approved by the Township Planning Commission and a Zoning Compliance Permit has been issued by the Zoning Administrator.

Section 17.05 - Site Plan Approval Required Prior to Starting Construction or Use of Land

No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and a Zoning Permit issued, except as provided in this Section.

Section 17.06 - Preliminary Conference on Proposed Site Plan

An applicant may request a meeting with the Planning Commission for the purpose of reviewing and discussing a proposed preliminary site plan for the purpose of determining the feasibility of the project which the site plan represents. The request may be put on the agenda of a regularly scheduled meeting or on the agenda of a special meeting at the request of the applicant who shall pay the established fee for such a special meeting.

Section 17.07 - Site Plan Requirements

1. Application. Any person may file a request for site plan approval by filing required forms with the Zoning Administrator, payment of the review fee, and providing at least ten (10) copies of a site plan drawing(s) and other documents. Upon receipt of such application, the Zoning Administrator shall transmit the site plan drawing(s) and other documents to the Planning Commission.
2. Information required for review. Every site plan submitted under this Section shall contain information required by Township regulations for site plan review, as specified in Section 18.04 and as follows:
 - a. Ten (10) copies of each submittal for site plan review shall be submitted to the Planning Commission for each application and site plan. The application shall, at a minimum, include the following information, except that when deemed unnecessary, the Planning Commission may waive any of the following, or when it deems necessary, may at its discretion require the submittal of specifically needed information in addition to the following:
 - i. The applicant's name, address, and phone number in full.
 - ii. Proof of property ownership; and whether there are any options on the property or liens against it.
 - iii. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf with the power of attorney to represent the owner in writing.
 - iv. The name and address of all owner(s) of record if the applicant is not owner of record (or firm or corporation having a legal or equitable interest in the land) and signature(s) of the owner(s).
 - v. The address and tax parcel number and legal description of the property.
 - vi. Name of Project.
 - vii. A complete project description, including total number of structures, units, offices, square feet, parking spaces and employees, the amount of recreation and open space, and related pertinent information or as otherwise required by this Ordinance.
 - viii. Name and address of the developer (if different from the applicant).
 - ix. Name and address of the engineer, architect, land surveyor, landscape architect or other qualified designer of the project.

- x. A vicinity map drawn at a readable scale with the north point indicated, which will satisfactorily be used to determine the exact location of the project property or site.
 - xi. The gross and net acreage involved in the project.
 - xii. Existing land uses, zoning classification and existing structures on the project parcel and adjoining parcels including buildings, floor plans (footprint), number of floors, and number of bedrooms in all structures.
 - xiii. Proposed project completion schedule and development phases, if not to be completed as one phase.
- b. The site plan shall consist of an accurate, reproducible drawing at a readable and measurable scale of 1"=100' or less, in ten (10) copies, showing the site and all land within 150' of the site which depicts the following:
- i. Property lines, dimensions, legal descriptions, setback lines and monument locations to be prepared as a Plot of Survey by a land surveyor licensed to practice in the State of Michigan.
 - ii. Existing topographic elevations at two (2) foot contour intervals, proposed grades and direction of surface drainage and drainageway flows.
 - iii. The location and type of existing soils on the site and certification of soil borings.
 - iv. Location and type of significant areas of existing vegetation, wetlands, rock outcroppings, slopes of more than 10 percent, major stands of trees, large individual trees of 6" or more in diameter and areas of woodland vegetation (combination of trees, shrubs and other vegetation).
 - v. Water courses and water bodies, including lakes, ponds, rivers, streams, flood plains and wetlands, county drains, and manmade surface drainage ways.
 - vi. Location of existing and proposed buildings and their intended uses as well as the length, width, and height of each building, including front, inside and rear elevations.
 - vii. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, lightpoles, signs, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
 - viii. Location of existing public roads, rights-of-ways and private easements of record.
 - ix. Location of abutting roads and proposed alignment and gradient of roads, drives, curb cuts and access easements serving the development.
 - x. Location and design of all accessways barrier free, including parking areas (including indication of all spaces and type of surfacing), fire lanes and all outdoor lighting.
 - xi. Location, size, and characteristics of all off-street loading and unloading areas.
 - xii. Location and design of all sidewalks, walkways and bicycle paths.
 - xiii. Location and design of public or common water supply lines or on-site wells, including fire hydrants and shut off valves, and the location and design of

public or common waste water lines, cleanout locations, connection points and treatment systems, or on-site septic tank and tile field systems.

- xiv. Location of all other utilities on the site including but not limited to natural gas, electric power, cable TV and telephone.
 - xv. Location of proposed public or common open spaces and facilities if applicable.
 - xvi. Location, design, size and construction specifications of all signs and advertising features.
 - xvii. Location, design and specifications for all fences, walls, berms and other screening features with cross sections.
 - xviii. Location, landscape plans and specifications for all proposed landscaping, screening and other buffering features for each landscape feature and planting material, the proposed size plants at time of planting and of all existing vegetation to be retained on the site shall be indicated.
 - xix. Method for all solid waste disposal.
 - xx. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities and regulations.
 - xxi. Identification of any significant site amenities or unique natural features.
 - xxii. Identification of any significant scenic views onto or from the site to or from adjoining area.
 - xxiii. North arrow, scale and date.
 - xxiv. Seal of the Michigan registered engineer, architect, landscape architect, surveyor, or planner who prepared the site plan.
 - xxv. All required permits, approvals and reviews in written form from all Federal, State, County, Township, School and other public agencies and officials under Federal, State, County or local laws and administrative rules and regulations.
3. Planning Commission Action. The Planning Commission shall study the plan and shall, within sixty (60) days of the filing date make a determination to approve, approve with conditions or deny the application. If denial is recommended, the Planning Commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.
4. Effect of Approval. Approval of a site plan authorizes the Zoning Administrator to issue a Zoning Compliance Permit. Approval shall expire and be of no effect after six (6) months following approval by the Planning Commission, unless a Zoning Compliance Permit is applied for and granted within that time period. Approval of the site plan shall expire and be of no effect one (1) year following the date of issuance of a zoning permit unless authorized construction has begun on the property in conformance with the approved site plan. One extension of six (6) months from the date of approval of the site plan for good reason, as submitted by the applicant and with the approval of the Planning Commission may be granted to the applicant.

Section 17.08 - Criteria for Site Plan Review

In reviewing a site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance.

Section 17.09 - Modification of Procedure

An applicant may, at his discretion and risk, combine a preliminary and final site plan in the application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the discretion and the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants the need to require both the preliminary and final site plan review and approval procedures.

Section 17.10 - Amendment of an Approved Site Plan

A site plan may be amended upon application and in accordance with the procedures provided in Section 17.07 herein. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Township Planning Commission. The Township Planning Commission shall also have authority to determine if a proposed change requires an amendment to the approved site plan.

Section 17.11 - Modification during Construction

All site improvements shall conform to the approved final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, the applicant shall do so at his own risk, without any assurance that the Township Planning Commission will approve such changes. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Township Planning Commission in writing of any such changes. The Zoning Administrator or the Township Planning Commission may require the applicant to correct the changes so as to conform to the approved final site plan.

Section 17.12 - Phasing of Development

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase shall be submitted for approval.

Section 17.13 - Inspection

All underground improvements, such as utilities, sub-base and base installations for roads, drives, walls, parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all site improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting appointments for making the necessary inspections. The Zoning Administrator shall notify the Township Planning Commission, in writing, when a development for which a final site plan was approved does not pass inspection

with respect to the approved final site plan, and shall advise the Board of steps to be taken to achieve compliance. In such cases, the Zoning Administrator shall periodically notify the Township Planning Commission of progress towards compliance with the approved final site plan, and when and if compliance is achieved. The fee schedule established by the Township Board shall include a special schedule of fees to cover large and costly projects so as to adequately cover the costs of the Township inspections of such projects as required under the provisions of this Ordinance.

Section 17.14 - Fees

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board.

Section 17.15 - Financial Guarantees

Upon authorizing any Zoning Compliance Permit, Special Use permit, or variance, the body or official which administers the respective request, as designated by this Ordinance, may require that a cash or surety bond be submitted to: (1) insure compliance with any and all the requirements, specifications and conditions imposed with such permit or variance; and (2) insure the discontinuance of a temporary use by a stipulated time.

1. Amount of Bond. The amount of bond to be submitted by the applicant shall be equal to the total estimated cost of all required improvements and conditions of site plan and zoning approval, including contingencies. If development is staged or phased over time, a separate bond for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite.
2. Return of Performance and Rebates. During project development, as specific improvements and conditions of site plan and zoning approval are satisfactorily completed, as attested to by the Zoning Administrator, the Township Planning Commission shall direct the Township Clerk to return or rebate a portion of the cash or surety bond equal to the cost of the specific Improvement or condition complied with.
3. Withholding and Partial Withholding of Performance Bond. Upon the failure to comply with any or all of the requirements of this Ordinance, an approved site plan, or with any or all conditions of zoning approval, the bond, or portion thereof, shall be forfeited by the applicant. The Township Planning Commission shall determine the cost of the zoning and site plan requirement to be completed according to the most current construction prices, including the cost of administration. The amount determined shall be the amount of bond forfeited. The Township Planning Commission shall apply said forfeited bond toward zoning enforcement upon the site, and/or toward completing the necessary improvements, requirements or conditions of zoning approval upon the site.
4. Performance Bond for Moving of Buildings Other Than Mobile Homes. The Zoning Administrator shall require a bond prior to the relocation off the premises of principal structures (other than mobile homes) and any accessory structure having more than one hundred, forty-four (144) square feet of floor area. The bond shall be determined according to a guideline of \$5,000 for each 1,000 square feet or fraction thereof of floor

area of the structure to be moved. Said bond shall be conditioned on the applicant completing the move within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Inspector or the Township Planning Commission may from time-to-time prescribe, including filling or excavation and proper treatment of utility connections.

Section 17.16 – Violations

The approved final site plan shall regulate development of the property. Any violation of this Section, including any improvement not in conformance with an approved final site plan, shall be deemed a violation, and shall be subject to the penalties of this Ordinance. See Section 18.06.

SECTION 18
ADMINISTRATION AND ENFORCEMENT

Section 18.01 - Administration

The Ashland Township Zoning Administrator, Ordinance Enforcement Officer, and any other individual Township Official that may from time to time be designated by the Ashland Township Board, shall administer this Ordinance and are hereby authorized and empowered to investigate for violations and to issue notices of violations and citations for violation of the same. The term Zoning Administrator, as used in this Ordinance means any of the named individuals designated by the Township Board to administer the Zoning Ordinance.

Section 18.02 - Duties of Zoning Administrator

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in so doing shall perform the following duties:

1. Issue Permits. All applications for zoning compliance permits and special use permits shall be submitted to the Zoning Administrator, who may issue such permits and certificates of occupancy when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.
2. Record Applications. The Zoning Administrator shall maintain and keep in an orderly, accessible manner, files of all applications for all of the above permits, and for variances; and shall keep records of all such permits and variances issued. These shall be filed at the Township Administration Office and shall be open to public inspection. Copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved.
3. Conduct Inspections. The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.
4. Cancel Zoning Compliance Permits, Special Use Permits and Variances. With proper notice given, the Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this Ordinance; in case of any false statement or misrepresentation made in the application, the provisions of Section 18.05 shall be invoked. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation.
5. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Township Board to assure that the Zoning Administrator enforces the provisions of this Ordinance.

Section 18.03 - Zoning Compliance Permit

1. Prior to the construction, physical development or razing of a proposed new or expanded use, structure or building, or the moving of any structure or the restoration and structural improvement, other than normal repairs and minor improvements, of any existing use or structure, or the conversion from one use to any other use, a zoning compliance permit shall first be obtained. An application for a required zoning compliance permit must be made to the Zoning Administrator. For uses permitted only by special use permit, see Section 10.

Among the Information to be supplied by the applicant and which shall constitute the application package, the following shall be included:

- a. An "Application For Zoning Compliance Permit" completed as fully as possible with all data, descriptions and Information, as called for therein;
 - b. A site plan where required;
 - c. Description of proposed use and of the building (dwelling, structure, barn, garage, etc.) or improvements;
 - d. The yard, open space and parking space dimensions (as shown on a site plan);
2. In the case where the current use is commercial or industrial without access to public waste water removal, and the application is to change, convert, add or expand such commercial or industrial use, a statement from the Newaygo County Health Department must be submitted certifying that the present on-site septic disposal system is adequate to meet the needs of the changed, converted, added or expanded use after development.
3. Upon submission of an application, the Zoning Administrator shall:
 - a. Review the application package:
 - i. To make sure that it is the proper application for the zoning action requested.
 - ii. To see that all required information is submitted.
 - iii. To determine conformance with zoning regulations, unless waived by variance from the Zoning Board of Appeals.
 - b. Take one or more of the following preliminary actions:
 - i. Request from the applicant that any omitted or pertinent and necessary information now be submitted.
 - ii. If necessary, request the Board of Appeals to interpret an unclear ordinance provision.
 - iii. Where required, review site plan according to site plan review standards for approval as set forth in Section 17

- iv. If necessary, discusses the application and site plan with the Planning Commission for advisory comments.
 - v. Makes a site inspection to verify accuracy of the application and to gather additional information.
4. Upon satisfaction of the standards for site plan review/approval, and of any additional requirements or conditions that may be needed to meet those standards, the Zoning Administrator shall approve site plan and issue a zoning compliance permit. One copy of the zoning compliance permit shall be returned to the owner or applicant. A performance bond may be required to ensure compliance with any imposed or proposed public improvements, requirements, specifications, and conditions.
5. Denial of Zoning Compliance Permit. If the application for Zoning Compliance Permit is denied by the Zoning Administrator, the reason or cause for denial shall be stated in writing.
6. A Zoning Compliance Permit shall be valid for one (1) year. A valid Zoning Compliance Permit is eligible for one (1) additional one-year extension granted by the Zoning Administrator as a reasonable length of time within which to begin construction.
7. At least one site inspection by the Zoning Administrator must be held before development.

Section 18.04 - Nuisance Per Se

Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, placed, moved, erected, expanded, altered, razed, converted which is begun or changed subsequent to the effective date of this ordinance, or its amendments in violation of any term or provision of this Ordinance, or the requirements thereof, or any provision that is a condition in a zoning compliance permit, site plan, special use permit, decision of the Zoning Board of Appeals, or a variance is hereby declared to be a nuisance per se subject to abatement pursuant to State of Michigan MCL 125.3407.

Section 18.05 – Violations and Penalties

Any person who violates, disobeys, neglects, or refuses to comply with any provision of this Ordinance, or any provision that is a condition in a zoning compliance permit, special use permit, Zoning Board of Appeals decision or variance granted, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, employee, or otherwise shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense	\$150.00	\$500.00
2 nd Offense	\$225.00	\$500.00
3 rd Offense	\$350.00	\$500.00
4 th of More Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Ashland Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

Section 18.06 - Fees

Upon the filing of an application for a Zoning Compliance Permit, Special Use Permit, Board of Appeals review, variance or rezoning, an administrative fee shall accompany said application. The Township Board shall, by resolution, determine and set a schedule of fees to be charged. Fees shall be collected prior to processing of any requested permit, variance, appeals, rezoning applications, etc.

SECTION 19
ZONING BOARD OF APPEALS

Section 19.01 - Establishment of Board of Appeals

A Zoning Board of Appeals is hereby authorized in accordance with Public Act 110 of 2006 of the State of Michigan, as amended, to carry out the responsibilities provided therein, and those delegated herein.

Section 19.02 - Membership and Terms of Office

Membership to the Zoning Board of Appeals shall consist of five (5) members. The first member shall be a member of the Planning Commission, the second member may be a member of the Township Board, and the remaining members shall be from the electors of the township residing outside of any incorporated areas. Membership shall be representative of the population, including the various interests located in the township. All members shall be appointed by the Township Board.

1. No elected official shall serve as Chairperson.
2. No regular employee of the Township Board may serve on or be hired by the Zoning Board of Appeals.
3. Terms of office shall be three (3) years, except for those serving as representatives from the Planning Commission or Township Board. For such representatives, terms shall be limited to the time they are members of their respective commission or board.
4. Successive members shall be appointed within one (1) month after the preceding member's expiration date.
5. The Zoning Board of Appeals is authorized to prepare and submit an annual budget to the Township Board for consideration.
6. Members may be removed by the Township Board for non-performance of duty or misconduct in office, based on written charges and after a public hearing.
7. Where member conflicts of Interest exist, such member shall disqualify himself from voting. Failure to do so constitutes misconduct in office.

Section 19.03 - Organization and Conduct of Business

1. Rules of Procedure and Decision-Making. The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its own chairperson, and in his absence, an acting chairperson. The Zoning Board of Appeals shall formulate decisions based upon the standards and other various provisions of this Ordinance.

2. Meetings. Meetings shall be held at the call of the Chairperson and at such times as the Zoning Board of Appeals may determine. All meetings by the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business . A quorum of three (3) members is required.
3. Records. Minutes shall be recorded of all proceedings which shall contain the evidence received, the findings of fact and data relevant to every case considered, together with the votes of the members and the final disposition of each case. Such minutes shall be filed with the Township Administration Office and shall be made available to the general public.
4. Procedure for Appeals/Variance and the Decision Process. See Section 19.08.
5. Hearings. All appeals and requests before the Zoning Board of Appeals shall require public hearing with proper notification.
6. Decisions (Voting). A concurring vote of a majority of the members of the Zoning Board of Appeals is necessary in order to take any action on a matter before the Zoning Board of Appeals.

Section 19.04 - Public Meetings and Minutes

All meetings of the Zoning Board of Appeals shall be open to the public. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered, together with the record of the vote of each member by name of the Board and the final disposition of each case. The grounds or reasons of every determination shall be stated, in writing, and recorded as part of the official minutes and record of the Board. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall be filed in the office of the Township Clerk and with the Planning Commission and shall be sent promptly to the applicant or appellant and to the Zoning Administrator. The Township Clerk shall act as the depository for all official files of the Zoning Board of Appeals.

Section 19.05 - Powers and Duties

The Zoning Board of Appeals shall have all the power and duties prescribed by Public Act 110 of 2006, as amended, and by this ordinance, which are specified as follows:

1. Hear Appeals. The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance. Upon appeal, the Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, as in its opinion ought to be made in the premises, and to that end shall have all the power of the official from whom the appeal is taken, and may direct the issuance of a permit.

2. Interpretation. The Zoning Board of Appeals shall have the power to:
 - a. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
 - b. Determine the precise location of the boundary lines between zoning districts, where uncertainty exists.
 - c. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district providing that it conforms to a comparable permitted or regulated use, in accordance with the purpose and intent of each district, until such time when the unclassified use is properly assigned or classified by amendatory legislation.
3. Variances. The Zoning Board of Appeals shall have the power to authorize, upon appeal, variances from the specific requirements of this ordinance, such as, lot area and width regulations, building height and other bulk regulations, off-street parking and loading space requirements, etc, provided all of the conditions listed in Section 19.07 can be satisfied.

Section 19.06 – Standards for Variances

Where there are practical difficulties in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals shall have the power, in passing on appeals, to vary or modify any of its rules, regulations, or provisions of the zoning ordinance by granting variances only when all of the following conditions exist:

1. Zoning requirements cannot be met by an existing lot or that the physical topography inhibits the lawful location of a structure or its accessories such as garage, sheds, etc. If the Zoning Board of Appeals finds that local requirements, as written, can be met, variance must be denied. Increased financial return alone shall not be deemed sufficient to warrant a variance.
2. The appellant must show that a variance:
 - a. Will not be contrary to the public Interest and it is not for a self-made hardship;
 - b. Will not cause a substantially adverse affect upon adjacent property values;
 - c. Will relate only to the property under control of the appellant
 - d. Will not jeopardize the preservation of a substantial right, although the spirit of the ordinance shall be observed, public safety secured, and substantial justice be done;
 - e. Will not adversely affect or diminish the purpose of this ordinance;
 - f. Will not increase the hazard of fire, flood or similar dangers;

- g. Will not increase traffic congestion;
- h. Will not produce nuisance conditions to occupants or nearby premises, whether by reason of dust, noise, fumes, odor, vibrations, smoke or lights; and
- i. Will not otherwise impair public health, safety, comfort, or general welfare of the residents of the township.

Section 19.07 - Voiding of and Reapplication for Variances

1. Each variance granted under the provisions of this Ordinance shall become null and void unless:

The use and construction authorized by such variance or permit has been commenced within one year (1) after the granting of such variance.

2. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

Section 19.08 - Procedure for Appealing to the Zoning Board of Appeals

When any order, requirement, decision or determination is subsequently appealed to the Zoning Board of Appeals or when a variance is requested, as provided for in this ordinance, the appellant shall file a Notice of Appeal with fee to the Zoning Administrator who shall forward all records and materials to the Zoning Board of Appeals. If appealing a determination or order, the Zoning Administrator shall also send copies of all materials to the official or body of officials from whom the appeal is taken. Such body or official shall also make all records available to the Zoning Board of Appeals for review.

1. General Procedural Steps by Zoning Board of Appeals.
 - a. The Zoning Board of Appeals reviews the appeal form to make sure that it is the proper form for the action requested, and to see that all required information is submitted.
 - b. The Township Clerk shall place said appeal form on the calendar for hearing at the next meeting of the Zoning Board of Appeals, and shall cause notice stating the time, place and object of the hearing to be served. Such notices shall be served personally or by mail at least fifteen (15) days prior to such hearing upon the applicant or appellant, the Zoning Administrator and the owners of record of property within three hundred (300) feet of the premises in question which notices, if by mail, shall be addressed to the respective property owners of record at the address given in the last assessment roll. In the event property immediately adjacent to said premises shall be part of, a different governmental

subdivision, the owner of any such property shall nevertheless receive notice and shall be entitled to be heard.

- c. At the hearing, rules and procedures for the conduct of the hearing as may be established in the Bylaws of the Zoning Board of Appeals shall be followed:
 - i. Any party may be heard in person or by agent or attorney;
 - ii. The Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional Information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested In said application or appeal. If the hearing is adjourned, persons previously notified and persons already heard, need not be notified of the time of resumption of said hearing.
- d. Following the hearing, the Zoning Board of Appeals shall formulate its decision, as follows:
 - i. The Zoning Board of Appeals shall consider the merits of the individual application or appeal within the context of any and all standards and considerations established in this ordinance. In the case of variances, the standards of Section 19.07 shall control.
 - ii. The Zoning Board of Appeals may reverse or affirm, wholly or part, or may modify the order, requirement, decision or determination of issue, as in its opinion ought to be made, and to that end shall have all the powers of the official or body of officials from whom the appeal was taken, and may direct the issuance of a permit.
 - iii. The written decision of the Zoning Board of Appeals shall not be final until five (5) days after it is made unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights, and shall so certify on the record. In the written decision on the application or appeal, the Zoning Board of Appeals must include the reasons for decision and facts supporting such decision.

Section 19.09 - Conditions of Zoning Board of Appeals Approval

1. Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. Be designed to protect natural resources, the health, safety and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the Intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to Insure compliance with those standards.
2. The conditions Imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals and the appellant. The Zoning Board of Appeals shall maintain a record of conditions which are changed.
 3. In the event the Zoning Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question in such a way that it would exceed those rights given by the zoning ordinance or the variance, or fail to follow any conditions placed thereon by the Zoning Board of Appeals. In the event the use of the property exceeds those rights given by the zoning ordinance or the variance, or falls to follow the conditions placed upon the variance, the variance shall immediately terminate and it shall be deemed a violation of this ordinance.

Section 19.10 - Time Limit on Decision of Zoning Board of Appeals

Any decision of the Zoning Board of Appeals on an appeal or application for a variance which has resulted in granting a zoning compliance permit, special use permit or variance shall be valid for a period of one (1) year with an additional six (6) month extension granted by the Zoning Administrator. This is construed to be a reasonable period of time within which to begin construction.

Section 19.11 - Final Action on Appeals

The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by any such decision shall have the right to the courts on questions of law and fact. The records of the Zoning Board of Appeals shall be made available for the court's review.

Section 19.12 - Effect of Appeals Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer or body from whom the appeal is taken certifies to the Board of Appeals (after the Notice of Appeal shall have been filed with that officer or body), that by reason of facts stated in the certificate, a stay would cause immediate peril of life or property.

SECTION 20
AMENDING THE ZONING ORDINANCE

Section 20.01 - Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 20.02 - Procedures

Every proposed amendment or change shall be enacted in conformance with the provisions of Public Act 110 of 2006, as amended.

A petition, together with a completed and signed application and fees, shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Township Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Public Act 110 of 2006, as amended.

Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.

Section 20.03 - Notice of Public Hearing

The Clerk shall give Notice of Public Hearing in the following manner:

1. By one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing.
2. By mail or personal delivery, at least fifteen (15) days in advance of the hearing, a Notice of Hearing to each owner of property for which approval is being considered. Notice shall also be sent to all persons for whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
3. By mailing, at least fifteen (15) days in advance of the hearing a Notice of Hearing to each electric, gas, pipeline and telephone company that has registered its name and mailing address with the Township Clerk and Planning Commission for the purpose of receiving such notice.
4. By mailing, at least fifteen (15) days in advance of the hearing, a Notice of Hearing to each railroad operating within the Township, in the case of textual changes, or within three hundred (300) feet of the area proposed to be rezoned, if the amendment proposed is in the nature of rezoning of land, buildings and structures.

Section 20.04 - Information Required

The applicant shall submit a detailed description of, and the reasons for, the requested zoning change to the Zoning Administrator. When the application involves a change in the Zoning District Map, the applicant shall submit the following information:

1. The legal description of the property.
2. A scaled map or plot of survey of the property, which correlates with the legal description, and an area map clearly showing the property's location with the certified signature of the owner affixed to the application for rezoning.
3. The name and address of the petitioner.
4. The applicant's interest in the property, and if the applicant is not the owner; the name and address of the owner with the signatures of all of the owners affixed to the petition requesting the zoning change.
5. Date of filing with the Township Clerk.
6. Signature(s) of the applicant(s) and all of the owner(s) certifying the accuracy of the information contained in the application.
7. A complete description of the requested change and the reasons for wanting the change in zoning from that which the Zoning Ordinance text or Zoning District Map already provides.

Section 20.05 - Steps in Making a Change

1. Petitioner submits application and fee to the Zoning Administrator.
2. Zoning Administrator transmits application to Planning Commission and Township Clerk
3. Township Clerk sets hearing date and publishes notices of hearing.
4. Planning Commission holds hearing, makes its decision stating its reasons in the official written record, and transmits the record of its decision as its recommendation to the County Planning Commission and to the Township Board.
5. Township Board reviews Township Planning Commission's recommendation and those of the County Planning Commission and either enacts or rejects the proposed change as an Ordinance amendment, and publishes the text of the change in a newspaper of general circulation in the Township.

Section 20.06 - Findings of Facts Required

In reviewing an application for a zoning change, the Planning Commission shall identify and evaluate all factors relevant to the requested change, and shall report its findings in full, along

with its recommendations for disposition of the requested change, to the Township Board within sixty (60) days of the filing date of the application.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

1. Whether the requested zoning change is justified because of a change in conditions since the original ordinance was adopted or because of an error in the original ordinance.
2. The precedents and the possible effects of such precedents, which might likely result from approval or denial of the application.
3. The compatibility of the requested amendment with the Township's Master Plan
4. The Compatibility of the requested amendment with other government agencies which provide any services, facilities, and/or programs that might be required if the application were approved.
5. Effect of approval of the application on adopted development policies of the Township and other government units.
6. All findings of fact, conclusions and reasons for approval or denial shall be made a part of the official published public records of the meetings of the Planning Commission and Township Board.

SECTION 21
SEVERABILITY

Section 21.01 - Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

SECTION 22
EFFECTIVE DATE OF ORDINANCE

Section 22.01 - Effective Date of Ordinance

This Ordinance shall become effective eight (8) days after its publication in a newspaper of general circulation in the Township when the same is published in its entirety or in summary form following passage by the Township Board of the Township of Ashland, Newaygo County, Michigan.