

EVERETT TOWNSHIP ZONING ORDINANCE

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APPENDIX

Everett Township Private Street Design and Construction Standards

NOTE REVISIONS/AMENDMENTS: DATE

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ARTICLE 1

TITLE AND PURPOSE

1.01 TITLE

This Ordinance shall be known, and may be cited, as the Everett Township Zoning Ordinance (as defined below).

1.02 DESCRIPTION AND PURPOSE

This Ordinance is based on the Township Comprehensive Plan, dated November 2015, and is designed to encourage the use of lands and natural resources in Everett Township in accordance with their character and adaptability, and to promote public health, safety, morals and the general welfare. The Ordinance provides for the orderly development of land in the Township by designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. In addition, the Ordinance establishes minimum open spaces, sanitary, safety and protective measures for all dwellings, buildings and structures. It is intended that these measures will lessen congestion on streets, provide safety in traffic and vehicular parking, and facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, a safe and adequate water supply and other public requirements. The Ordinance should contribute to the conservation of life, property and natural resources, maximize the benefits of expenditures of funds for public improvements and services, and encourage the most advantageous use of land, resources and properties. The Ordinance was constructed with reasonable consideration, among other things, to the character of each zoned district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

1.03 LEGAL BASIS

This Ordinance is enacted pursuant to Michigan Act 110 of 2006, as amended.

1.04 SCOPE

This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations or requirements upon (1) the use of buildings, structures or land; (2) the height of buildings and structures; (3) lot coverage; (4) lot area; (5) yards or other open spaces; or (6) any other use or utilization of land imposed or required by such existing laws, ordinances, regulations, private restrictions or restrictive covenants, the provisions of this Ordinance shall control.

ARTICLE 2

DEFINITIONS

2.01 RULES APPLYING TO TEXT

The following rules of construction shall apply to the text of this Ordinance.

1. The particular shall control the general.
2. Except with respect to the definitions which follow in this chapter, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance, or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
3. The word "**shall**" is always mandatory and not discretionary. The word "**may**" is permissive.
4. Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number. A "**building**" or "**structure**" includes any part thereof.
5. The word "**person**" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them, as well as a natural person.
6. The words "**used**" or "**occupied**," as applied to any land, building or structure, shall be construed to include the words "**intended**," "**arranged**," or designed to be "**used**," or "**occupied**."
7. The words "**erected**" or "**erection**" as applied to any building or structure, shall be construed to include the words "**build**," "**installed**," "**constructed**," "**reconstructed**," "**moved upon**," or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
8. The word "**Township**" means the Township of Everett or its governmental successor.
9. The terms "**Township Board**" or "**Board**" mean the Everett Township Board.
10. The words "**Board of Appeals**" mean the Township Zoning Board of Appeals.
11. The words "**Zoning Administrator**" means the Everett Township Zoning Administrator.
12. The words "**legal record**" means the circumstance where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the County Register of Deeds.
13. The masculine gender of a word shall also include the feminine gender and vice-versa.

2.02 WORDS DEFINED

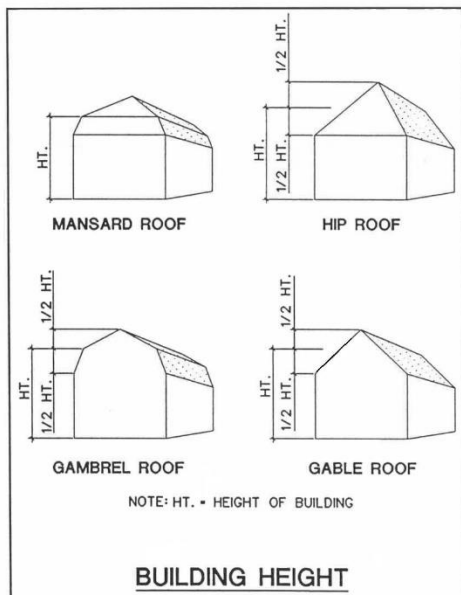
For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be defined with its common or standard definition, according to the most recent version of Webster's Dictionary.

2.03 DEFINITIONS

As used in this Article, the following terms shall have the indicated meanings:

1. "**Abandonment**" is the cessation of activity in, or use of a dwelling, structure or lot, other than that which would normally occur on a seasonal basis, for a period of six (6) months or longer.
2. "**Abutting**" - Having a property, boundary or district line in common, (i.e., two lots are abutting if they have one or more property lines in common).
3. "**Accessory Building or Structure**" - A structure, building or portion of a main building or structure on the same lot or parcel of land as the main building or buildings, the use of which is of a nature customarily and clearly incidental and subordinate to that of the main building or structure. Where an accessory building is attached to the main building in a substantial integral manner by a wall or roof, such accessory building shall be considered part of the main building and not an accessory building.
4. "**Accessory Use**" is the use of a nature customarily and clearly incidental and subordinate to the main use of the land, lot, building or structure.
5. "**Adult Entertainment Activities**" - An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein. Also, an establishment having as a substantial or significant portion of its stock in trade, items, videotapes, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, showing, displaying, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale or display of such material. Also, any building, structure, premises or part thereof wherein there is activity that includes the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge. Also, eating or drinking establishment that features topless servers, go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers displaying "specified anatomical areas."
6. "**Agriculture**" - Where a lot or parcel of land is used primarily for any of the following: (1) cultivation of the soil for the production of crops; (2) horticulture; (3) nurseries; (4) hatcheries; (5) poultry farms; (6) dairy farms; (7) apiaries; (8) tree farms; and (9) operations associated with animal husbandry and livestock.
7. "**Altered or Alteration**" - Any change, addition or modification in the construction or existence of any building or structure including, without limitation, any change in the supporting members, bearing walls, columns, posts, girders or roof structure, any architectural change of the interior or exterior of a building or structure which may affect its size, structural integrity, any moving or removal of a building or structure, or any addition to or diminution of a structure or building.

8. "**Automobile Body**" - Any vehicle which (1) is unable to be driven upon a street under its own power, and/or (2) which lacks all of the necessary component parts to make it operable and serviceable as a vehicle.
9. "**Automobile Repair Shop**" - A garage, building or area where repairs or alterations of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee or consideration.
10. "**Basement**" - That portion of a building that is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.
11. "**Bed and Breakfast Operations**" - A use which is subordinate to the principal use of a dwelling unit as a single family dwelling unit, or which comprises the principal use of a single family dwelling unit in which transient guests are provided a sleeping room and board in return for payment, and which does not provide separate cooking facilities for such guests.
12. "**Bedroom**" – A room originally designed and primarily intended for sleeping. It also includes closets or similar provisions for the storage of personal items.
13. "**Berm**" – An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.
14. "**Billboard**" – Any sign exceeding thirty-two (32) square feet in area, including a sign on the wall of a building, used for advertising a business, service, entertainment or other matter, which is not conducted on the land where the sign is located or products not principally sold, manufactured, processed or fabricated on such land.
15. "**Boat Dock**" – A facility for the docking of watercraft.
16. "**Buffer**" – A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
17. "**Buildable Area**" – The space remaining on a lot or lots of record after the setback and open space requirements have been complied with.
18. "**Building**" – Anything that is erected or installed, including a manufactured home, having a roof, which is used, installed or erected for the shelter, storage or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses. Attached garages and enclosed porches shall be considered as part of the building. Steps shall not be considered as part of the building.
19. "**Building Height**" – Building height is the vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.



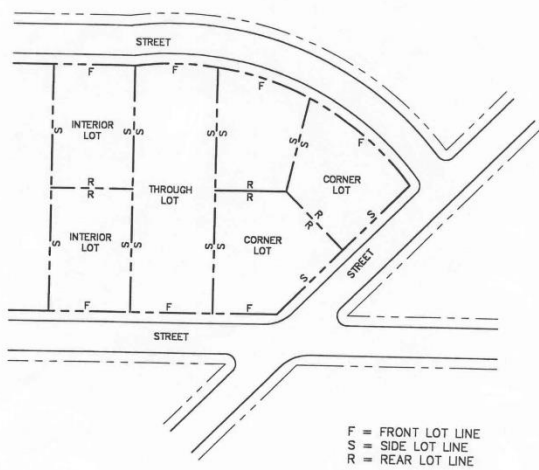
20. **"Building Inspector"** – The person or persons designated by the Township Board to enforce the building code.
21. **"Building Line"** – A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.
22. **"Business Sign"** – Any sign, including a sign on the wall of a building, on which lettered, figured or pictorial material is displayed for advertising a business, service, entertainment or other enterprise conducted on the land where the sign is located, or products primarily sold, manufactured, processed or fabricated on such land.
23. **"Cabins"** – Any building, tent or similar structure, exclusive of hotels, motels, boarding houses or tourist homes, which is maintained, offered or used for sleeping quarters for paying transients or for temporary residence.
24. **"Camp"** – Temporary or permanent buildings, tents, or other structures, together with the appurtenances pertaining thereto, established or maintained as living quarters for children or adults, or both, operated continuously for a period of five (5) days or more, for recreation, education or vacation purposes, whether operated on a profit or nonprofit basis. Buildings, tents or other structures maintained by the owner or occupant of a farm to house his farm labor shall not be considered a camp.
25. **"Certificate of Compliance"** – A signed written statement by the Zoning Administrator or Building Inspector pursuant to this Ordinance that specific construction has been inspected and found to comply with all applicable building and zoning codes.
26. **"Child Day Care Center"** - "Child care center" or "day care center" means a facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or day care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

27. **"Clinic - Dental or Medical"** – A building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for carrying out their profession. The clinic may include a medical or dental laboratory.
28. **"Club"** – A nonprofit organization of persons for special purposes or for the conducting of social, athletic, scientific, artistic, political, or other similar endeavors.
29. **"Commercial"** – A term relating to the use of property in connection with the purchase, sale, or trading of goods or personal services or maintenance of service offices or a recreation or amusement enterprise or a garage/basement/porch/yard sales lasting more than ninety (90) days during any twelve (12) month period.
30. **"Condominium Dwelling"** - The building constructed upon a lot or condominium unit that is intended for residential purposes, pursuant to legislation adopted by the State of Michigan regulating condominiums.
31. **"Condominium Structure"** - A building or structure constructed upon a lot or condominium unit that is intended for office, industrial, business, or recreational purposes, pursuant to legislation adopted by the State of Michigan regulating condominiums.
32. **"Day Care Family Home"** - "Family day care home" means a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
33. **"Day Care Group Home"** - "Group day care home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
34. **"Deck"** – A horizontal structure of single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.
35. **"Density"** – Density is the intensity of development in any given area, measured by the number of dwelling units per acre.
36. **"Development"** – The construction of a new building or other structure on a lot, the expansion of an existing building, the relocation of an existing building on another lot, or the use of open land for a new use.
37. **"Dockage"** – Dockage is a "mooring", "slip", or "space" for a single boat powered by an engine or sailboat with an auxiliary engine. The term "dockage" means a docking space for one watercraft (for a motor boat or sailboat) over twelve (12) feet in length.
38. **"Drive-In"** – A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for vehicles to serve patrons while in or on the vehicle, rather than within a building or structure.

39. **"Drive-In Restaurant"** – Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food directly to patrons in or on vehicles parked on the premises where orders for such food are placed without the patron having to leave the vehicle.
40. **"Dwelling"** – Any building or part thereof, designed, built or occupied in whole or in part as a home, residence or sleeping place for one (1) or more persons, either permanently or transiently, but not including motels, tourist homes, or cabins.
41. **"Dwelling – One Family"** – A dwelling designed for use and occupancy by one (1) family only.
42. **"Dwelling – Two Family"** – A two-family dwelling is designed for use and occupancy by two (2) families only and having separate living, cooking, eating facilities and entrance for each family.
43. **"Dwelling Unit"** – A room or a suite of rooms designed for use and occupancy by one (1) family only.
44. **"Dwelling – Multiple Family"** – A dwelling designed for use and occupancy by three (3) or more families and having separate living, cooking, eating facilities and entrance for each family.
45. **"End-Use"** – A use or uses of lands which were formerly used, in whole or in part, for Mineral removal or the non-mineral extraction use for the site after the mineral extraction ends.
46. **"Erected"** – As used in this Ordinance, "erected" signifies the construction, alteration, installation, reconstruction, or placement upon, a piece of land.
47. **"Essential Services"** – The erection, construction, alteration or maintenance by public utilities or Township departments or commissions of underground or overhead gas, electrical, transmissions or distribution systems, collections, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate service by such public utilities or Township departments or commissions or for the public health or safety or general welfare.
48. **"Family"** – One or more persons living together as a single nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, association, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.
49. **"Farm"** – Any parcel of land containing at least five (5) acres, which is used for the raising of agricultural products, livestock, poultry or dairy products for gain or personal use. A farm may include a dwelling unit, necessary accessory farm structures within the property boundaries, the storage of crops produced on the ownership and equipment used in farming operations.

50. **"Fence"** – A fence is a structure, other than a building, which is a barrier and used as a boundary or means of protection or confinement.
51. **"Flood Plain"** – Floodplains are all areas adjoining a lake, stream, river, or creek or a channel, which are subject to inundation by water as determined by the U.S. Government.
52. **"Floor Area"** – The sum of the horizontal finished areas of each story within the building measured from the exterior faces of the exterior walls. The floor area measurement shall not include the area of basements, utility rooms, breezeways, attached garages, unfinished floor space, attics, decks, and enclosed and unenclosed porches.
53. **"Gasoline Service Station"** – A building, structure and/or land for the sale of the usual operating commodities for motor vehicles such as gasoline, fuel, oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers and other minor accessories, or services such as automatic vehicle washing equipment. A Gasoline Service Station may also include a convenience store where various grocery items and other general merchandise commonly found in convenience stores are sold. General repairs, rebuilding, or reconditioning of engines or vehicles, collision service (including body repair and frame straightening), painting, upholstery, hand washing, wiping, cleaning and waxing, vehicle steam cleaning or undercoating shall be considered outside the definition of a gasoline service station.
54. **"Grade"** – For purposes of this Ordinance, the grade shall be the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.
55. **"Home Occupation"** – Any use or occupation, which is a legal enterprise, carried on in the home and conducted entirely within a structure by resident members of the family residing in the home and no more than one non-family employee. Home occupations shall be clearly incidental and secondary to the principal residential use and complying with all requirements of this ordinance for home occupations without being evident in any way from the street or from any neighboring premises except for one sign. Home occupations may include any profession, vocation, or trade, but shall not include restaurants or the repair or reconditioning of vehicles or manufactured homes and similar structures.
56. **"Hospital"** – An institution providing health services primarily for in-patients and medical or surgical care of the sick and injured, including laboratories, outpatient departments, and training facilities, central service facilities, and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.
57. **"Household Pets"** – Any animal kept for companionship, personal enjoyment, and pleasure, and treated with fondness that is customarily kept within a dwelling. Household pets are commonly purchased in a pet store and have been tamed or domesticated and are not likely to bite, attack, or cause death, maiming, or illness or act in a vicious manner toward humans without provocation. Household pets are limited to such animals as dogs, cats, fish, birds, rodents, lizards, non-venomous snakes, and spiders. and other animals generally regarded as household pets

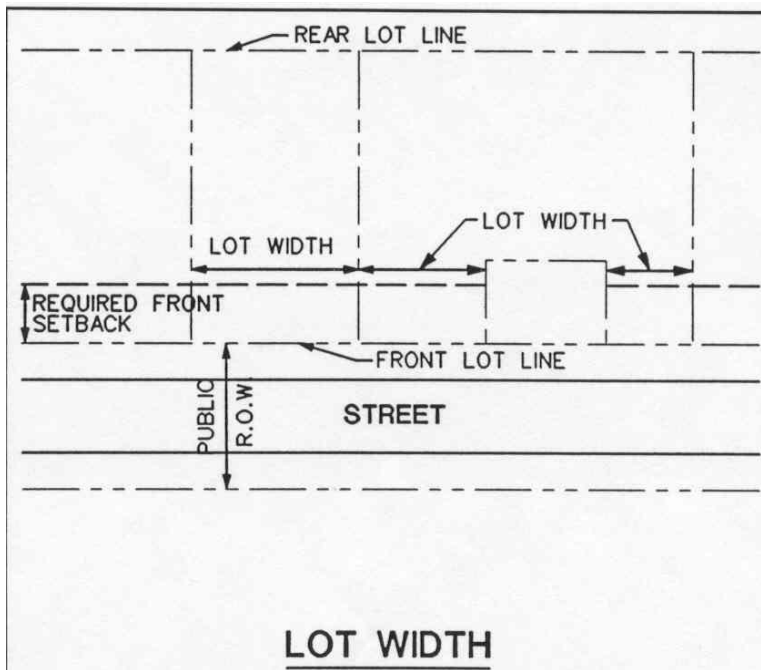
58. **"Identifying Sign"** - Any sign on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation area, club, lodge, church or institution, (2) to tell the name or address of an apartment building, garden apartment, hotel, motel or similar business enterprise, or (3) to inform the public as to the use of a parking lot.
59. **"Institutional Facilities"** – Churches, schools teaching academic subjects, hospitals, convalescent or nursing homes, Public Parks, civic centers, libraries and other public or quasi-public uses.
60. **"Junk Yard or Salvage Yard"** – An area where waste, junk or used or second hand materials are bought and sold, exchanged, stored, baled, packed, salvaged, disassembled, processed or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings not exceeding six hundred (600) feet in floor area.
61. **"Kennel"** – Any land, building or structure where three (3) or more cats and/or dogs over three (3) months of age are either permanently or temporarily boarded, kept, housed, bred or sold.
62. **"Lot"** – A parcel of land, which is separately described on a deed or other instrument recorded in the office of the Register of Deeds, whether by metes and bounds description, as part of a platted subdivision, or condominium unit intended for individual ownership and use or otherwise, and which has a distinct and separate tax parcel identification number. A lot may or may not be occupied, by one main building or principal use and its accessory buildings, structures or uses. For purposes of this ordinance, the terms lot and parcel shall have the same meaning.
63. **"Corner Lot"** – A lot located at the intersection of two (2) or more streets where the corner interior angle formed by the intersection of the streets is one hundred thirty-five degrees (135°) or less. A corner lot may also be a lot abutting upon a curved street or streets in tangents to the curve, where, at the two (2) points where the lot lines meet the curve, forms an interior angle of one hundred thirty-five degrees (135°) or less.
64. **"Interior Lot"** – A lot other than a corner lot.
65. **"Through Lot"** - An interior lot having frontage on two (2) or more streets. For site condominium subdivisions, the term lot shall mean the same as "Home-site" and "Condominium Unit."
66. **"Lot Area"** – The total horizontal area included within lot lines. Where the legally described front lot line is the centerline of a street right-of-way or lies in part or in whole in the street right-of-way, the lot area shall not include that part of the lot lying with the right-of-way. Lot area shall not include areas submerged under a lake, stream or river or within the ordinary high-Visual High Water Mark of a lake, stream or river, or regulated wetlands.
67. **"Lot Line"** – The lot line is the legally defined boundary of a lot or parcel.



FOR CORNER LOTS, FRONT LOT LINES SHALL BE DETERMINED BY THE ORDINANCE ENFORCEMENT OFFICER AND SIDE AND REAR LOT LINES SHALL BE ORIENTED FROM THE FRONT LOT LINE.

LOT LINES

- A. **"Front"** – The lot line where the lot adjoins the street. In the case of a corner lot, the front lot line shall be the line of the lot adjacent to the street that has the narrowest street frontage. In cases where the lengths of the front lot lines are equal or ambiguous, the Zoning Administrator shall establish which lot line is the front lot line. In establishing the front lot line, the Township shall consider the following standards: (1) the size of the lot; (2) the street to be used for vehicle access to the lot; (3) the orientation of buildings and structures located on adjoining lands in the surrounding neighborhood; (4) any proposed building plans for the lot; (5) the effect of the Township’s determination on adjoining lands in the surrounding neighborhood; and (6) the assigned street address.
 - B. **"Rear"** – The lot line that is opposite and most distant from the front lot line. The rear lot line in any irregular, triangular or oddly shaped lot shall be a line entirely within the lot at least ten (10) feet long and generally parallel to and most distant from the front lot line.
 - C. **"Side"** – The side lot line is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side-street lot line. A side lot line separating a lot from another lot or lots is an interior-side lot line.
68. **"Lot Width"** – The mean horizontal distance between the side lot lines, measured at right angles to the side lot lines. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.



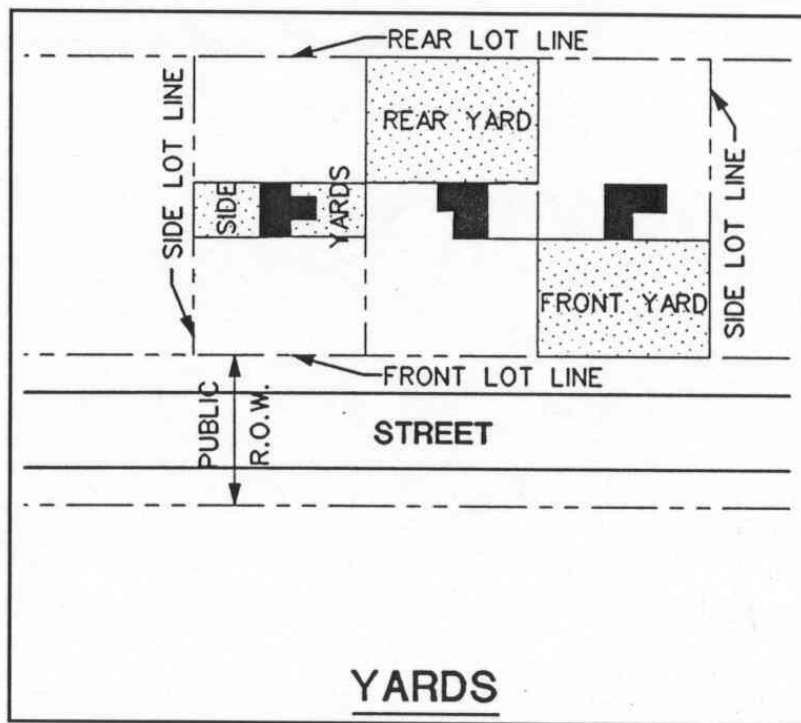
69. **"Manufactured Home"** – A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.
70. **"Manufactured Housing Community"** – A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. A person, as used in this definition, means an individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.
71. **"Mineral Material"** – Soil, dirt, earth, sand, rock, gravel, coal, gypsum, limestone, or any of them, or any combination of them, or other solid minerals, whether occurring naturally or artificially.
72. **"Mineral Removal"** – The mining, extracting, excavating for, processing, removal and transport of mineral material, and other activities conducted for the purpose of the removal of mineral material, and the restoration, reclamation and improvement of lands after the removal of mineral material, where all of these activities involve the final removal of more than two thousand (2,000) cubic yards of mineral material from any two (2) contiguous acres of qualifying lands within the Township.
73. **"Mobile Home"** – See Manufactured Home.
74. **"Mobile Home Park or Development"** – See Manufactured Housing Community.

75. **"Modular and Sectional Homes"** – A dwelling consisting of two (2) or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.
76. **"Motel"** – A building or series of buildings, attached or detached, designed, used or offered for residential occupancy on a temporary basis and designed primarily to accommodate the traveling public.
77. **"Non-Conforming Lot"** – A lot of legal record, lawfully existing at the time of adoption of this Ordinance, or any amendment thereto, which does not conform to the lot dimension requirements of the district in which it is located.
78. **"Non-Conforming Structure"** – A structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto, that does not conform to the yard, height, area, frontage, bulk or other requirements of the district in which it is located.
79. **"Non-Conforming Use"** – A use which lawfully occupied a lot, building or structure at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform to the regulations of the district in which it is located.
80. **"Off Street Parking"** – A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access to entrance and exit for the parking of more than three (3) vehicles.
81. **"Open-Air Business"** – Open-air business uses shall include the following:
- A. Retail sales of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment
 - B. Retail sales of fruits and vegetables
 - C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park or similar recreational uses
 - D. Bicycle, trailer, motor vehicle, boats or home equipment sales, service or rental
 - E. Outdoor display and sale of garages, boats or home equipment sales, service or rental
 - F. Other similar outdoor commercial activity
82. **"Ordinance"** – This Zoning Ordinance, as amended.
83. **"Parcel of Land"** – see lot.
84. **"Parking Space"** – An area of definite length and width for one (1) vehicle.
85. **"Pawnshop"** – Any building, structure, premises or part thereof used solely or partially to engage in the business of pawnbroker.
86. **"Person"** – A legal entity or individual human being; "person" shall include an association, corporation, organization, partnership or a firm.

87. **"Personal Property Sales"** – The sale of personal household items or any other item of a similar nature to the public. Also known as garage sales, yard sales, basement sales.
88. **"Pond"** – An outdoor body of standing water, accumulated in a natural or artificially constructed basin or depression in the earth, either above or below or partly above or partly below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity.
89. **"Principal Use"** – The primary activity occurring on a legally defined parcel of land and based upon on such parcel.
90. **"Public Park"** – Any public non-commercial recreation area.
91. **"Public Utility"** – Any person, firm, corporation, or governmental department, board or commission duly authorized under Township, state or federal regulations, to furnish electricity, gas, steam, communications, transportation, water, wastewater removal or similar essential services to the public. Those persons involved in the reception or transmission of radio or television signals shall not be considered a public utility unless said signals are distributed directly to subscribers or customers through a closed circuit system or coaxial cables or similar network of signal conductors.
92. **"Real Estate Sign"** – A temporary sign used to advertise the pertinent information of sale, rental or leasing of the premises upon which it is located.
93. **"Recreational Vehicle"** –Recreational vehicle” means a new or used vehicle that is towed by a motor vehicle or has its own motive power. A recreational vehicle is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use, complies with all applicable federal vehicle regulations and does not require a special highway movement permit to be operated or towed on a street or highway. The term recreational vehicle includes, but is not limited to a motor home, travel trailer, trailer coach, fifth wheel trailer (designed to be towed by a motor vehicle using a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle), camping trailer (constructed with collapsible side walls that fold for towing and unfold), park model trailer, or pickup camper.
94. **"Resort"** – A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial grocery, sporting goods or gasoline service outlet.
95. **"Restaurant"** – A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises. A restaurant shall have suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.
96. **"Roadside Stand"** – A farm building or structure used solely by the owner or tenant of the farm on which it is located for the temporary sale of agricultural products produced in the immediate locality.

97. "**Setback**" – The minimum required horizontal distance measured from the front, side, or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot. For site condominium subdivisions, the setback shall be equal to the distance between the unit boundary line and the condominium dwelling or condominium structure.
98. "**Setback Line**" – The line established from the front, side, or rear setback for purposes of determining the closest point to the lot line that a building or structure may be placed.
99. "**Sign**" – Any display, device, figure, painting, sign, drawing, message, placard, poster, or any other thing designed, intended or used to advise or inform.
100. "**Site Condominium Subdivision**" shall be a division of land based on condominium ownership that is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
101. "**Site Plan**" – Sketches and drawings of a proposed use of development showing the location and dimensions of all buildings and structures, landscaping, adjoining streets, easements, utilities, septic systems, (including drain fields), water wells, surface water drainage, parking and loading facilities. Each site plan must meet the requirements of this Ordinance and must clearly indicate the location of the site involved and include a written statement of the proposed use or uses.
102. "**Special Land Use Permit**" – A permit issued by the Planning Commission, pursuant to this Ordinance after a review and hearing, to a person or persons intending to undertake the operation of an activity upon land or within a structure and for those uses not specifically mentioned in this Ordinance which possess unique characteristics and are found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants and the district in which the use is to be located. Special Land Use permits may be granted when the specified standards for those uses, as stated in this Ordinance, have been met.
103. "**Story**" – That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above; except that the top story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.
104. "**Street**" – A publicly controlled right-of-way which affords principal means of access to abutting property including any avenue, place, way, drive, lane, boulevard, highway, road or other thoroughfare or a private road built and maintained according to Township Ordinance requirements.
105. "**Structure**" – Any constructed, erected or placed material or combination of materials in or upon the ground having a fixed location, including, but not by way of limitation, buildings, radio towers, billboards, light posts, swimming pools, docks, satellite dishes, gazebos, tennis courts, sheds, signs and storage bins. Sidewalks and paving on streets, driveways or parking areas, retention walls and decks or patios, no portion of which is located more than two (2) feet above the ground or closer than five (5) feet to the lot line, shall not be considered structures.

106. "**Unwholesome Substances**" – Any trash, garbage, tin can, automobile body, junk vehicle, trailer body, construction material, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, utensils, stoves, ashes, clinkers, cinders, night soil, oil, hazardous or harmful substances, industrial by-products or waste, flammable matter or substances, debris, filth, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public.
107. "**Use**" – The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, used, occupied, or maintained.
108. "**Vehicle**" – Every device, in, upon or by which any person or property is or may be transported or drawn upon a street, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.
109. "**Visual High Water Mark**" – The line between the upland and bottomland which persists through successive changes in water level and below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.
110. "**Wetlands**" – An area defined as "wetlands" by state law.
111. "**Wireless Communication Tower**" - Other than a utility pole, a freestanding structure, such as a monopole or tower, designed to support wireless facilities.
112. "**Yard**" – A required open space, unoccupied and unobstructed by any building or structure or portion thereof from thirty (30) inches above the general ground level of the lot or parcel of land upward. Yard measurements shall be taken from the foundation line. Compliance with minimum yard width requirements shall be determined by measurement at the required front setback line.
- A. "**Front**" – The front yard is the yard extending across the full width of the lot or parcel of land, the depth of which is the distance between the front (street) lot line and the foundation line of the building or structure. In the case of waterfront lots, the yard on the lakeside shall be the front yard.



- B. **"Rear"** – The rear yard is the yard unoccupied except for accessory buildings, extending across the full width of the lot or parcel of land, the depth of which is the distance between the rear lot line and the rear foundation line of the main building.
- C. **"Side"** – A yard between a main building and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of side lot line to the nearest part of the main building.

ARTICLE 3

GENERAL PROVISIONS

3.01 SCOPE

Zoning applies to all lots and parcels of land and to every building, structure or use. No lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, created, erected, altered, constructed, moved, occupied or used except in conformity with this Ordinance.

3.02 EXTENT OF REGULATIONS

The general provisions of this Article shall apply to all zoning districts and uses except as otherwise expressly noted in this Ordinance.

3.03 ACCESSORY STRUCTURES AND BUILDINGS

Except for farm buildings on a lawfully existing farm lot, or as otherwise may be provided for in this ordinance, no accessory or other building may be built on any lot until a lawful dwelling has been erected thereon.

1. In any zoning district, accessory structures and buildings, incidental only to a permitted use, may be erected detached from the permitted principal building. Accessory structures and buildings shall comply in all height, setback, and other requirements of this Ordinance applicable to the permitted principal building or as otherwise required in this section.
2. Except as otherwise expressly permitted by this Ordinance, no accessory building or structure shall include residential or living quarters for human beings or be used as a dwelling.
3. Enclosed porches and attached garages shall be part of the principal structure and will conform to all regulations of this Ordinance applicable to such main buildings. Accessory buildings shall be considered attached to a principal building when the distance between two buildings is not greater than twenty (20) feet and solidly covered by a breezeway, portico, or covered colonnade having at least one common wall, roofline or other architectural similarity.
4. On corner lots, accessory structures and buildings shall meet the setback requirements for the zoning district in which the accessory building is located. If there are existing structures in the same block fronting on one of the streets, the required front yard setback may be averaged on those streets where such structures presently front as permitted in this ordinance.
5. Accessory structures and buildings shall only be permitted on lots that contain a principal use or main building.

6. No accessory structure shall be used for the conduct of any business, trade or industry other than a use incidental to the main use of the principal building.
7. Detached accessory structures and buildings shall:
 - A. Be located a minimum of ten (10) feet from any building on the lot.
8. Setbacks for detached accessory structures and buildings shall be measured to the eaves of the building.
9. Accessory building sizes, heights and setbacks.
 - A. Maximum floor areas and heights (as measured from the ground to the highest point of the roof) and setbacks for buildings accessory to single and two-family dwellings:

MAXIMUM ACCESSORY BUILDING SIZE	
0.5 % of parcel size or 1,000 square feet whichever is greater	

MAXIMUM ACCESSORY BUILDING HEIGHT	
Building Size	Maximum Building Height
Less than 673 square feet	16 feet
673 to 1,104 square feet	18 feet
1,105 square feet and over	24 feet

ACCESSORY BUILDING SIDE AND REAR YARD SETBACKS	
Building Size	Minimum Building Setback
Less than 1,000 cubic feet	0 feet
Less than 673 square feet	10 feet
673 to 1,104 square feet	15 feet
1,105 square feet and over	25 feet

- B. Detached accessory buildings shall not be located closer than fifty (50) feet to the water's edge in the case of a waterfront lot (except that pump houses may be located within fifty (50) feet of the water's edge if they do not exceed three (3) feet in height) and shall not occupy more than twenty percent (20%) of any required yard area.
- C. A garage may be constructed, erected, and placed in the rear yard of any waterfront lot if it is an accessory building and if it is located not less than twenty (20) feet from the street right-of-way.

3.04 ACCESSORY DWELLINGS

Accessory dwelling units such as guesthouses or elder residences shall be permitted in conjunction with a single-family dwelling in any zoning district subject to the following provisions:

1. Only one (1) such dwelling unit shall be permitted on each premises and the use of the accessory principal dwelling unit, whichever is the lesser amount dwelling shall be

limited to family members of the owner or the lessee of the principal single family dwelling. Legal evidence or affidavit of such shall be required.

2. The premises shall be the principal address of the owner or lease holder of the property.
3. The accessory dwelling shall be erected as an integral part of the principal dwelling structure or as an integral part of an otherwise permitted accessory building such as an attached or detached garage.
4. The minimum square footage of habitable floor area provided in the accessory dwelling shall be two hundred eighty (280) square feet for one person and four hundred (400) square feet for two (2) persons. The maximum amount of floor area allowed in an accessory dwelling shall be six hundred fifty (650) square feet or fifty percent (50%) of the total floor area of the principal dwelling.
5. In such instance that the accessory dwelling unit is to be a part of an otherwise permitted accessory building, the habitable floor area shall not comprise more than fifty percent (50%) of the total floor area of an accessory structure.
6. Whether an integral part of the principal dwelling structure, attached, or detached accessory building, the accessory dwelling shall be equipped with water supply and sanitary facilities approved by the County Health Department, food preparation facilities, and means of outdoor entrance and exit.
7. Detached accessory buildings containing an accessory dwelling unit shall not be located closer than twenty-five (25) feet from the rear lot line.
8. If attached to or integrated within the principal dwelling structure, only one (1) front entrance to the structure shall be visible from the front yard and there shall be no external evidence of occupancy by more than one domestic unit (family). The floor area of the accessory dwelling shall not be calculated in maintaining the minimum required floor area for the principal dwelling unit.
9. All building additions made to an existing structure to facilitate the provision of an accessory dwelling shall be done in a manner that conforms architecturally to the existing structure.
10. Detached accessory buildings containing an accessory dwelling shall be constructed to conform architecturally with the principal dwelling or an alternate architectural style similar to that for single-family homes in the zoning district. Manufactured homes shall not be permitted as an accessory dwelling unit structure.

3.05 ACCESSORY BUILDING

A. ALLOWING AN ACCESSORY BUILDING BEFORE PRINCIPAL USE

Construction of an accessory building on a parcel before a principal use may be allowed in accordance with the following requirements:

1. The property owner must comply with all of the representations in the property owner's application to the Township for the proposed accessory building.
2. The property owner must comply with all Federal, State, County and Township laws, ordinances, rules and regulations applicable to the property.
3. The property owner shall complete the construction of the accessory building and shall fulfill all of the requirements to receive an occupancy permit from the Township for the accessory building within 90 days after approval has been granted.
4. Within one year after the property owner receives a zoning permit for the accessory building, the property owner shall obtain a zoning permit, building permit and begin construction of the principal use on the property.
5. A notarized agreement attesting to these conditions along with required fees and exhibits shall be completed and accepted by the Township.
6. To ensure compliance by the property owner with the requirements of this section, the property owner shall post a performance guarantee to consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond. The performance guarantee shall be an amount adequate to remove the existing structure as described above, and it shall be maintained until the removal of the existing dwelling has been fully completed. The performance guarantee shall be posted with the Township before construction of the proposed dwelling has begun. The performance guarantee may be used by the Township to remove the existing dwelling or to restore the grounds if the property owner has not completed these tasks within 90 days after receiving an occupancy permit for the proposed dwelling, or if the property owner fails to comply with any requirements of this section.

B. ALLOWING AN ACCESSORY BUILDING WITHOUT PRINCIPAL LAND USE

1. It shall be built and designed as an accessory building to a dwelling (e.g. garage, domestic storage building, or similar) and only one (1) such building shall be allowed on a parcel.
2. It shall be built as a permitted use within the Low Density and Medium Density districts only, subject only to review by the Zoning Administrator.
3. An approved site plan shall show the Accessory building, and where a future dwelling (and drain field, etc.) would be located on the parcel, that if built would comply in all respects with this Ordinance.
4. The Accessory building may have electricity supplied.
5. Any parcel of land that is authorized to have an Accessory building without a principal land use shall not be permitted to install a well or septic system.
6. The Accessory building shall be issued a 'final' inspection and be in a finished state (including all siding, soffit, fascia) within six (6) months of receiving zoning approval.
7. Prior to receiving zoning approval, the applicant shall provide Everett Township with a copy of a valid driveway permit from the appropriate agency.

8. The Accessory building shall have a poured concrete floor throughout.
9. There shall be no outside storage of any type allowed until such time as a lawful dwelling has been permitted in compliance with this ordinance.

3.06 APPLICATION/ESCROW AMOUNTS

The applicant shall pay all applicable fees established by the Township Board by ordinance or resolution from time to time before the filing of any application, proposed site plan or any request pursuant to this ordinance. In addition to normal application or permit fees, the Township, may require an applicant to submit to the Township an amount of money determined by the Township to be a reasonable estimate of the fees and costs which will be incurred by the Township in reviewing and acting on such application or project. The Township shall not charge or assess the applicant or developer for the time of Township employees or incidental costs, but may charge or assess the applicant or developer for other costs and expenses incurred by the Township during the review and approval process, which costs and expenses may include, but are not limited to, the following:

1. Township legal fees
2. Township engineering fees
3. Costs and fees for outside studies and reports
4. Township professional fees and expenses

Such monies shall be retained by the Township whether or not the application, development or project is approved. The Township shall refund all monies held by it that were not utilized or spent.

3.07 BASEMENT DWELLINGS

The use of any unfinished basement or finished basement without a direct outside access as a dwelling is prohibited. Any dwelling without a full floor above grade level shall be considered a basement dwelling.

3.08 BED AND BREAKFAST OPERATIONS

Bed and breakfast establishments as defined in this Ordinance may be permitted as a Special Land Use.

3.09 BUILDING CONSTRUCTION

All buildings shall be constructed, erected or installed in accordance with the Michigan Building Code.

3.10 BUFFERS

A buffer may be required and maintained in the side and/or rear yards of any commercial, business or industrial use (excluding agricultural uses) which abuts a residential district. The buffer may be part of the side or rear yard.

The owner of the land on which a buffer is required shall initially plant or cause to be planted the buffer, shall thereafter make and perform or cause to be made and performed, all necessary maintenance and replacement for the buffer. All trees in a buffer, lost or seriously damaged for any reason, shall be replaced not later than the following planting season with trees meeting the minimum buffer requirements as specified in this Ordinance.

3.11 CEMETERIES AND BURIAL GROUNDS

No land in the Township may be used for a cemetery or burial ground unless such use is first approved by the Newaygo County Health Department and by the Planning Commission as a Special Land Use.

3.12 CHANGE OF USE

In any zoning district, a change from one allowed use to another allowed use shall require a zoning permit. The zoning permit shall be required even if there is no change in building size or any change to the site. However, Site Plan Review by the Planning Commission may be required at the discretion of the Zoning Administrator.

3.13 CLEAR VISION CORNERS

In order to maintain visibility at intersections and to provide architectural interest for buildings at corner locations, buildings shall provide a twenty- (20) foot minimum corner cutoff and shall have an entrance to the building from this area. No fence, wall, hedge, planting of shrubs or structures over three (3) feet in height (except trees with all branches being six (6) feet or more above the ground), or any vehicle, shall be erected, maintained or parked within twenty (20) feet of the point of intersection of the right-of-way lines of the two (2) streets. The minimum cutoff area shall be a triangular area that is determined by measuring twenty (20) feet back from the corner along both street property lines and drawing a line between the two points.

3.14 CONDITIONAL REZONING

An owner of land may voluntarily offer in writing, and the Township may approve, certain use and development of land as a condition to a rezoning of the land or an amendment to a zoning map. In approving conditions, the Township may establish a period during which the conditions apply to the land. Except for an extension, if the conditions are not satisfied within the time specified, the land shall revert to its former zoning classification. The Township shall not add to or alter the approved conditions during the period specified. The period specified may be extended upon the application of the landowner and approval of the local unit of government. The Township shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer in writing shall not otherwise affect a landowner's rights under this act, the ordinances of the local unit of government, or any other laws of this state.

3.15 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot or parcel of land on which the use is located. All land shall be stabilized in such manner as is necessary to prevent erosion, sand blows, or other soil conditions that cause dust, sand, dirt or other materials to be blown, washed or otherwise transported to adjoining lots or parcels of land. No noise shall be generated which causes the maximum sound level to be a nuisance at the property line or at any point off-site. No steady impulsive noise (such as hammering or riveting) or steady audible tone (such as whines, screeches or hums) shall be detectible from any adjacent residential use. The provisions of this section shall not be deemed to prohibit uses that are a part of a lawful farm operation.

3.16 CORNER LOT

Any yard, which abuts a street right-of-way, shall meet the front yard requirements of the district in which it is located for both streets.

3.17 DEMOLITION OF BUILDINGS

No building or structure shall be demolished unless a permit has been issued by the Zoning Administrator. A cash bond or irrevocable letter of credit in an amount to be established by the Township Board may be required. The applicant shall complete the demolition within six (6) months. The applicant shall comply with such reasonable conditions as to health and safety as the Zoning Administrator may require. Such conditions shall include, but are not limited to, the filling of holes and the proper disconnection of utilities.

Such demolition shall be completed within such reasonable period as shall be specified by the Zoning Administrator in the demolition permit. Such demolition shall be completed in such a manner as to:

1. Not be obnoxious to occupants of surrounding properties because of dust, noise, vibration, traffic and the like.
2. Make adequate provision for the safety of person and property.
3. Remove all waste materials from the demolition site.
4. Remove all debris and rubble (including concrete and brick) from the demolition site.
5. Restore the demolition site to a level grade

All underground tanks shall be removed or filled with sand in accordance with state and federal law. The Zoning Administrator may, in his discretion, require that the demolition permit applicant file with the Township a performance bond written by an insurance company licensed to do business in the state of Michigan, accruing to the Township, or deposit with the Township Treasurer a cash deposit, certified or cashier's check payable to the Township, or an irrevocable bank letter of credit in an amount sufficient to guarantee full compliance by the applicant with all the requirements of this section and completion of the demolition within the time specified in the demolition permit as a condition precedent to the issuance of the permit. The amount of such bond or other financial guarantee shall be determined by the Zoning Administrator.

3.18 DIRECTIONAL SIGN

A sign, not to exceed thirty-two (32) square feet in area, the sole purpose of which is to direct the public to a place of business located off the premises.

3.19 DRIVEWAYS

An approved driveway permit shall be obtained from the State Highway Department (for driveways on M-37 and M-20) or the County Road Commission and shall be submitted to the Zoning Administrator prior to the issuance of a zoning permit. All driveways shall be constructed and maintained at all times to permit reasonable year around access by vehicles and emergency equipment.

3.20 DWELLING UNITS

Except as otherwise may be provided in this ordinance, no cabin, manufactured housing, recreational vehicle, private garage, or other accessory building or structure, cellar, basement or other form of temporary dwelling structure, whether of a fixed or movable nature, may be erected, altered or moved upon any lot or parcel of land in the Township for dwelling purposes. All dwelling units located outside of Manufactured Housing Community shall comply with the following minimum requirements:

1. Every dwelling unit shall have, exclusive of basements, porches, garages, breezeways, terraces or attics, a finished total floor area of not less than Nine Hundred Eighty (980) square feet and no floor shall have less than six hundred (600) square feet.
2. All dwelling units are to be connected to a public water and sewer, if available, or to such private facilities as are approved by the District Health Department.
3. Every dwelling unit must comply with all pertinent building and fire codes. In case the unit is a manufactured home, all construction, plumbing, electrical apparatus and insulation within and connected to said manufactured home shall conform to the "Manufactured Housing Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development ("HUD"), being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwelling units shall meet or exceed all applicable roof snow load and requirements.

In the event a dwelling unit is a manufactured home, the manufactured home shall be installed:

1. With the wheels removed.
2. Anchored to a reinforced concrete slab, the complete length and width of the manufactured home, four (4) or more inches in thickness and a crawl space of at least twenty-four (24) inches.
3. Shall install skirting compatible with the existing materials of the manufactured home according to manufacturer's specifications within sixty (60) days of the home placed on any lot.

If the dwelling unit is a manufactured home and has been altered in any way, it must be inspected by the Building Inspector and Electrical Inspector for health and safety.

The foregoing standards shall not apply to manufactured homes in licensed Manufactured Housing Community, except to the extent required by state or federal law or otherwise specifically required in the Ordinance pertaining to such parks.

3.21 DWELLINGS ON MORE THAN ONE LOT

If a structure is to be located on two (2) or more lots under single ownership or if adjacent lots are required to maintain minimum setbacks or area requirements, the entire parcel shall be considered a "lot" for purposes of this Ordinance and the lots shall be legally combined into one (1) individual lot.

3.22 ESSENTIAL PUBLIC SERVICES

The erection, alteration, maintenance or use by public utilities of underground or overhead gas, electrical, steam or water distribution, transmission, collection, communication, supply or disposal systems including mains, dams, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police communication equipment and accessories, traffic signals, hydrants, poles, electrical substations, utility pumping and metering stations and other similar equipment and accessories (but not including buildings or dams) reasonably necessary for the furnishing of adequate services by such public utilities within public right-of-way for public health, safety or general welfare shall be permitted as authorized and regulated by law and other ordinances of the Township in any zoning district provided that any above grade construction associated with such uses shall be designed and erected so as to conform harmoniously with the general architecture and character of the neighborhood in which it is located. In accordance with the Special Land Use requirements of this Ordinance, the Planning Commission may authorize public utilities not located within public right-of-way as a Special Land Use.

3.23 EXCAVATION OF TOPSOIL

Site preparations involving the excavation, extraction or removal of earthen material shall be prohibited, unless it is for the customary and primary purpose of erecting a building, roadway or other improvement on the site as duly authorized. A zoning permit must be obtained prior to the commencement of site preparation. A building permit shall not be issued until the Zoning Administrator determines the purpose of the site preparation and until a specific grade plan is submitted and approved. The permit shall specify the terms and conditions for site preparation. Topsoil shall not be stripped, excavated or otherwise removed on any premises for sale or for use other than on the premises, except: (1) when in connection with construction and grading operations, (2) if the topsoil is in surplus amounts; or (3) as a product of authorized excavation of muck, peat, sand, gravel or other mineral deposits. All such activities shall conform to the sedimentation and erosion control regulations enforced by Newaygo County. Excavation and removal of topsoil, muck, peat, sand, gravel or other mineral deposits affecting areas greater than twenty thousand (20,000) square feet shall require review and approval as a Special Land Use in accordance with the mineral removal requirements of this Ordinance.

3.24 FENCES, WALLS, HEDGES, BERMS AND SCREENS

No fence, wall, hedge, berm or planting of shrubs shall be erected or maintained unless the following conditions are met:

1. Fences, walls, hedges, berms and screens may be permitted in any required yard or along the edge of any yard provided that no fence, wall, hedge, berm or screen shall be over six (6) feet in height if erected in the back and side yards.
2. Fences, walls, hedges, berms or screens erected in the front yard, shall not be in excess of four (4) feet, except the maximum height shall be thirty-six (36) inches between the required front yard setback line and the street right-of-way.
3. No solid or screening fence exceeding thirty-six (36) inches in height shall be erected or maintained within fifteen (15) feet of the front lot line or any other lot line that is adjacent to a street. All areas adjacent to a road within thirty (30) feet of a driveway or 50 feet of a road intersection shall be kept as a clear sight distance area.
4. No fence shall be constructed in a manner that creates a hazard, nuisance, or unsightly conditions on adjoining properties.
5. Fences with posts exposed on only one side shall be erected such that the side with the exposed posts faces the fence owner's property.
6. This Section shall not apply to fences or plantings on lands being legally utilized as a part of a farming operation.
7. For properties adjoining a lake or river, no fence or screening wall or screening shrubs over three (3) feet tall shall be built, erected or maintained on a property within 50 feet of the Visual High water Mark of a lake, river or body of water. If no dwelling exists on a property, no such fence, wall or shrubbery shall be built, erected or maintained within fifty (50) feet of the Visual High Water Mark.
8. Fences shall not contain barbed wire, electric current, and charge of electricity, dangerous materials such as, but not limited to broken glass, bottle caps, or chain link type fences with sharp wire edges upwardly exposed. However, farm animals shall be kept within an entirely enclosed structure consisting of either a building or an area surrounded by fencing. Fences enclosing domesticated animals and bona fide farm operations may use barbed wire, electric current, or other appropriate materials.
9. Fences which enclose public or privately owned parks, or recreational grounds or playgrounds, or public landscaped areas, shall not exceed nine (9) feet in height, measured as outlined above, and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.
10. All required fence heights shall be measured as the vertical distance from the average elevation of the finished grade within twenty (20) feet of the fence to the highest point of the fence, or the average height if the fence varies in height or is uneven.

3.25 FRONTAGE REQUIRED

No lot or parcel shall be created and no building shall be erected unless the lot or parcel of land upon which it is to be erected abuts upon a public or private street which complies with all applicable Township ordinance requirements for the distance or frontage required in the zoning district within which it is located. No lot or parcel shall be created unless it complies with the road frontage requirements for the zoning district in which it is located.

All lots must abut on a public street or a private road approved pursuant to Township requirements for a distance equal to the minimum lot width specified for the district in which it is located. In the case of a lot abutting a cul-de-sac, the minimum road frontage shall be forty (40) feet provided the lot width at the required front setback shall meet the lot width requirements of the district it is located in.

All lots or parcels shall have frontage on a public road or approved private road equal to the frontage required in the applicable zoning district.

3.26 HEALTH DEPARTMENT APPROVAL

No permit shall be issued for the construction or alteration of a building or structure which is to have drinking water and/or sanitary facilities located therein and which is to be located on a lot or parcel of land which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, do not comply with the rules and regulations governing waste and sewage disposal and wells of the Newaygo County Health Department. No permit shall be issued by the Township until and unless the appropriate Health Department permits have been obtained.

3.27 HEIGHT EXCEPTIONS

The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls, chimneys, cooling towers, elevator bulkheads, fire lookout towers, gas tanks, grain elevators, silos, stacks, stage towers or scenery lofts, roof structures housing necessary mechanical appurtenances, flour mills, food processing plants, elevated water tanks and water towers, monuments, cupolas, domes, spires, windmills, roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, skylights, towers, steeples, flagpoles, smokestacks, individual domestic radio and television aerials and wireless masts, or similar structures may be erected to exceed by no more than 15 feet the height limits of the district in which it is located.

3.28 HIGH VOLTAGE WIRES

No building shall be erected, placed or maintained within:

1. Fifteen (15) feet of the poles or supporting structure of a 14K aboveground electricity line.
2. Eighteen (18) feet of the poles or supporting structure of a 46K aboveground electricity line.
3. Fifty (50) feet of the poles or supporting structure of a 138K aboveground electricity line.

4. Two Hundred (200) feet of the poles or supporting structure of a 345K or more aboveground electricity line.

3.29 HOME OCCUPATIONS

Home occupations, including home occupations to give instruction in a craft or fine art within the residence, and family childcare homes, are permitted in residential zoning districts in accordance with the following:

1. A wall sign and/or sign in the yard not exceeding four square feet (4 sq. ft.) may be displayed.
2. Does not change the residential character of the dwelling in which it is conducted and does not create excessive traffic, noise, odors, and/or dust, or disturb the tranquility of the neighborhood.
3. Employs not more than one (1) non-family employee.
4. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling and shall not exceed a total floor area of more than twenty five percent (25%) of the gross floor area of the dwelling unit.
5. Employs only mechanical equipment that is similar in power and type usual and incidental for household purposes and hobbies.
6. Shall not involve the storage of any significant amount of materials for which there is high risk of fire or explosion.
7. Shall comply with all applicable building and health codes.
8. Home occupations shall not be located in accessory buildings unless approved as a Special Land Use by the Planning Commission.

3.30 INSTITUTIONAL USES

Institutional uses, as a Special Land Use, may be located in any district upon approval by the Planning Commission.

3.31 KEEPING OF ANIMALS

The keeping of household pets is expressly permitted as an accessory use to a dwelling. No more than three (3) dogs or cats or any combination thereof shall be kept or housed in or at any one (1) dwelling unit on lots of five (5) acres or less.

In the Residential zoning district, the keeping, housing, raising, use or medical care of poultry or animals other than traditional household pets shall be allowed in accordance with the following provisions:

1. For the keeping, raising or housing of poultry, the number of animals permitted shall be limited to twenty (20) per one (1) acre for the first forty (40) birds and forty (40) additional birds for each additional one (1) acre of land.
2. For the keeping, raising or housing of animals other than poultry, the number of animals permitted shall be limited to one (1) animal per two (2) acres for the first such animal and one (1) additional animal for each additional one-half (1/2) acre of land; provided, however, that commercial kennels, animal hospitals or shelters and riding stables need not provide over ten (10) acres for such use.

3.32 KENNELS

No kennel shall be erected, maintained or operated in the Township unless first authorized by the Planning Commission as a Special Land Use.

3.33 LOT COVERAGE

In any zoning district, the total surface area of a lot covered by buildings, driveways, parking areas and structures shall not exceed forty percent (40%) of the area of the lot.

3.34 LOT WIDTH

Minimum lot width for lots and parcels in all zoning districts shall be equal to or greater than the minimum lot width designated in each zoning district at the front setback line. Required minimum lot width shall be maintained for all portions of a lot including frontage along a street or road. In the case of a lot abutting a cul-de-sac, minimum road frontage shall be at least forty (40) feet provided the lot width at the building location or front setback line (whichever is closer to the street) shall meet the lot width requirements of the district in which the property is located. For lots abutting a cul-de-sac, the lot width requirement shall be met for all portions of the lot located beyond the front setback line. For all lots abutting a lake, stream or any body of water, lots must have frontage on the lake, stream or body of water equal to at least the minimum lot width at the front setback line specified for the district in which the property is located. No lot or parcel shall at any point be narrower than the required minimum lot width.

3.35 LOT WIDTH-TO-DEPTH RATIOS

No lot or parcel shall be more than four (4) times deeper in length than it is wide.

3.36 MOVING OF BUILDINGS OR STRUCTURES

The moving of a building or structure into the Township, or from one location to another within the Township, shall be considered the erection of a new building or structure. All provisions, regulations and requirements of this Ordinance concerning the erection of a new building or structure shall equally apply to any building or structure so moved. A performance bond may be required.

3.37 NONCONFORMING LOT OR PARCEL

If a lot or parcel of land which was platted or otherwise of legal record as of the date this Ordinance was adopted, does not comply with the area or width requirements of its zoning district, then such lot or parcel of land may be used for a one-family dwelling only; provided,

however, that no building shall be located within fifty (50) feet of a body of water; (4) all other applicable requirements and conditions of this Ordinance are complied with; and (5) where two (2) or more such non-complying lots or parcels of land have a common side lot line and are in common ownership, such lots or parcel of land shall be automatically combined so that the lot or lots or parcel or parcels of land created by this combination comply with the minimum requirements of this Ordinance.

3.38 NUISANCE PARKING

No motor home, trailer, boat, snowmobile, boat trailer, utility trailer and recreational vehicle shall be stored, parked or kept in the front yard of any lot or parcel with a building thereon,

No motor home, trailer, boat, snowmobile, boat trailer, utility trailer and recreational vehicle shall be stored, parked or kept on any vacant lot or parcel.

No motor home, trailer, boat, snowmobile, boat trailer, utility trailer or recreational vehicle shall be kept or stored within fifty (50) feet of the high-Visual High Water Mark of any lake, stream or river. Notwithstanding such provision, boats and water vessels may be kept or stored within fifty (50) feet of the high-Visual High Water Mark of a lake, stream or river from March 15 through November 15 of each year.

3.39 ON-SITE SEWAGE TREATMENT FACILITIES

If the proposed structure is not served by a public sewer, an approved permit for the necessary on-site facilities shall be obtained from the County Health Department and submitted to the Zoning Administrator, together with a diagram with dimensions showing the location and size of the facilities, prior to the issuance of a building permit. Manufactured Housing Communities must meet all rules for sanitary sewage treatment facilities established by the Michigan Department of Public Health and the Newaygo County Health Department.

3.40 OUTDOOR LIGHTING

All outdoor lighting shall be designed and arranged so that it will not shine directly on adjacent occupied dwellings or interfere with the vision of traffic on streets or. The source of light shall be configured with a 100% horizontal cut-off such that the source of light is not visible from off premises. All exterior lighting, including freestanding, canopy, pole, and building mounted, shall be fully shielded and directed downward to prevent off-site glare and illumination. The intensity of light within a site shall not exceed ten (10) foot-candles within any part of the site and one (1) foot-candle at any lot line, except where it abuts a residential Zoning district or residential use, a maximum of 0.5 foot-candles is permitted.

Security Lighting shall be discouraged. If security lighting is unavoidable because of safety of persons and property, the need shall be demonstrated in writing. To the extent that an area is illuminated for other purposes, independent security lighting shall not be allowed. All security fixtures shall be shielded and aimed so that illumination is directed only to designated areas. In no case shall lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include full cut-off shields that prevent the light source or lens from being visible on adjacent lots and streets. The use of general floodlighting fixtures shall not be allowed.

Buildings and grounds may be illuminated according to the following standards:

1. Lighting fixtures shall be carefully located, aimed and shielded so that light is directed only onto a building facade. Lighting fixtures shall not be directed toward adjacent streets, streets or properties, and light shall not trespass onto surrounding properties.
2. Lighting fixtures mounted at the base of a building and designed to "wash" the facade with light are permitted.
3. Luminous tube (neon), LED or fluorescent lighting shall be allowed as an architectural detail on the exterior of any structure, provided however, that exposed bulbs shall be shielded. The internally illuminated architectural bands or similar shielded accents may be allowed, providing such accents do not cause off-site glare or light pollution and such lighting is not used to the extent that it constitutes a sign.
4. The illumination of landscaping shall not generate excessive light levels, cause glare, or direct light beyond the landscaping.

3.41 OUTDOOR PONDS

No person shall erect, install, locate or construct a lake, pond, dam, or impoundment, or enlarge or reconstruct a lake, pond, dam or impoundment (hereafter, collectively called a "pond"), unless it has first been approved by the Planning Commission as a Special Land Use.

3.42 OUTDOOR WORKING AND STORAGE SURFACE FOR CERTAIN OPERATIONS

For any junkyard, scrap yard, salvage operation, automobile or vehicle repair or overhaul operation or similar business which utilizes an outdoor area exceeding one-fourth (1/4) acre, all areas (indoors or outdoors) used for junk, scrap or materials storage and/or for repair, salvage or overhauling operations shall be paved with a layer of concrete at least four (4) inches thick or asphalt at least one and one-half (1-1/2) inches thick. No chemicals or potentially hazardous substances from such operations shall be disposed of on-site, leaked, or deposited into the soil or ground. Such hard surface shall be repaired and maintained such that leakage into the soil shall not occur.

3.43 PERFORMANCE GUARANTEES

The Planning Commission, Zoning Board of Appeals, Township Board or Planning Director may require an applicant to provide a performance guarantee or surety acceptable to the Township as a condition of approval for any project. The amount shall be equivalent to the costs of the project improvements. Examples include but are not limited to cash deposit, certified check, irrevocable bank letter of credit, or surety bond. The performance guarantee or surety shall be in accordance with the Zoning Act, shall be reviewed and approved by the Township, and shall be provided by the owner or responsible person prior to issuance of a zoning and/or building permit.

3.44 PERMANENT STRUCTURES WITHIN LAKES

No permanent wharf dock, structure or building shall be built, erected, enlarged or maintained within or above a lake or the bottomlands thereof notwithstanding this Section; a retaining wall may be built if a permit is obtained from the Michigan Department of Natural Resources.

3.45 PERMIT REQUIRED

All construction or excavation required herein shall commence only after a zoning and other applicable permits have been obtained in accordance with this ordinance and the applicable building code provisions and requirements.

3.46 PRINCIPAL USE

Only one (1) principal use shall be made of a lot except as otherwise may be specifically permitted in this Ordinance. A single-family dwelling shall constitute a principal use, and only one (1) single-family dwelling shall be permitted on a lot. Only accessory uses to the one (1) principal use are permitted in addition to the principal use.

3.47 RECREATIONAL VEHICLES AND TRAILERS

No recreational vehicle, trailer or tent (unless it is located in a licensed travel trailer park or campground or permitted as a temporary use in accordance with this ordinance) shall be used or occupied for residential purposes while situated on private land for more than seven (7) days during a calendar year. Use for residential purposes shall consist of any or all of the following: use for storage of food; use for preparation of meals; use as a place for a person or persons to sleep; or connection of any sewer pipe or water pipe.

3.48 RESTORING UNSAFE BUILDINGS

Subject to the provisions pertaining to nonconforming buildings, structures and uses contained in this Ordinance, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of a building or structure that is unsafe.

3.49 REQUIRED YARD AREA

No building, structure, or portion thereof shall be located within the required yard area. Fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

3.50 ROADSIDE STANDS AND PERSONAL PROPERTY SALES

Roadside stands are permitted in all zoning districts. A zoning permit shall be first obtained from the Zoning Administrator for any sale of more than fifteen (15) days per year. All roadside stands shall be temporary and shall not be used for more than one hundred eighty (180) days during a calendar year.

Personal property sales shall be permitted within all zoning districts, providing all of the following requirements be met:

1. Outdoor yard sales shall be limited to the period from May 1 through October 31.
2. All articles of property that are offered for sale after the sale has been completed shall be removed from display so as not to be seen from the outside of any lawful structure, and further any sign or signs that may exist advertising said personal property sale, shall be removed upon completion of the sale.

3. All roadside stands shall be disassembled and properly stored outside of the front yard of the lot or parcel when not in use.
4. Signs for roadside stands shall comply with the requirements of this Ordinance.
5. Permit fees shall be determined by the Township Board.

3.51 SEPTIC SYSTEMS AND DRAIN FIELDS

A zoning permit for a dwelling shall not be issued, where public sewers are not available until a septic system permit has first been obtained from the Health Department.

3.52 SETBACKS ON BODIES OF WATER

No building or structure shall be located within fifty (50) feet of the visual high-Visual High Water Mark of any lake, stream, river or body of water. If the requirements of any zoning district require a greater setback from a body of water, the greater setback requirement shall govern uses in that zoning district

3.53 SEWAGE APPLICATION ON LAND

No sewage (raw or processed) containing any human or industrial waste shall be spread or deposited on or within any land in the Township except in accordance with State law.

3.54 SOIL EROSION AND SEDIMENTATION PERMIT

A soil erosion and sedimentation permit or letter from the County Drain Commissioner to the contrary shall be required for all earth disturbances within five hundred (500) feet of a County Drain or surface water.

3.55 STORAGE OF TRAILERS AND INOPERABLE VEHICLES

Travel trailers, motor homes, truck trailers, or vehicles that are presently unlicensed or incapable of road travel shall not be kept or stored in the front yard of any property. No more than two (2) such vehicles may be kept or stored on any property.

3.56 STREET FRONTAGE REQUIRED

All lots must abut on a public street or a private road approved pursuant to Township requirements for a distance equal to the minimum lot width specified for the district in which it is located. In the case of a lot abutting a cul-de-sac, the minimum road frontage shall be thirty-three (33) feet provided the lot width at the building location shall meet the lot width requirements of the district in which it is located.

3.57 SWIMMING POOLS

Private swimming pools are permitted in all districts, provided the swimming pool:

1. Is not emptied in any manner that will cause water to flow upon another lot or be emptied on any adjacent land or street

2. Is completely enclosed with a permanent substantial fence and gates at least four feet (4ft.) in height above the ground level
3. No opening shall be designed or maintained as to permit access to the pool except under the supervision of the possessor or by his permission
4. Is not closer than ten feet (10 ft.) to any side or rear lot line, and no part of any pool shall be constructed within the required front or side yard
5. Will not be located within a reserved septic drain field area

3.58 TELECOMMUNICATION ANTENNAS

Telecommunication antennas shall be permitted by right on all existing towers or structures in any zoning district subject to the following:

1. An antenna on any existing structure does not exceed more than 30 feet above the highest point of the structure.
2. An existing tower may be modified or rebuilt a single time to a taller height to accommodate a new antenna provided the tower shall be of the same type and is not more than 30 feet higher than the existing tower to accommodate the co-location of an additional antenna.

3.59 TELECOMMUNICATION TOWERS

Telecommunication towers for commercial radio and television, commercial telecommunications, and microwave or television are a permitted use in all zoning districts.

3.60 TEMPORARY AMUSEMENT EVENT:

In any zoning district, temporary amusement events and projects are prohibited.

3.61 TEMPORARY DWELLINGS

1. The use of recreational vehicles such as motor homes, fifth wheels, travel-trailers or tents, for temporary dwelling accommodations outside of a licensed campground or recreational vehicle park shall be permitted on vacant parcels or any lot or parcel of land having a principal dwelling. Such use shall be permitted for no more than ninety (90) days in any calendar year. Setbacks are to be the same as a principal dwelling.
1. The location and erection of each such cabin, private garage, or other accessory building or structure, cellar, basement, manufactured home, recreational vehicle or other form of temporary dwelling shall conform to all of the regulations of the zoning district in which it is situated as well as all other applicable regulations of this Ordinance.
2. The location of each such cabin, private garage, or other accessory building or structure, cellar, basement, manufactured home, recreational vehicle or other form of temporary dwelling shall not be injurious or obnoxious to adjacent lands or the surrounding neighborhood.

3. The water supply and sanitary facilities serving each such cabin, private garage, or other accessory building or structure, cellar, basement, manufactured home, recreational vehicle or other form of temporary dwelling shall conform to all applicable requirements of the Michigan Health Department, District Health Department No. 10, the State Plumbing Code and all other Township Ordinances or rules and regulations.
4. The Zoning Administrator may issue temporary permits to permanent residents of the Township whose primary residence has been rendered unfit for human habitation by virtue of an Act of God, or other natural or man-made circumstance. The temporary housing may be allowed for such period, as the Zoning Administrator deems necessary and appropriate under the circumstances. However, such temporary permit shall not extend for a period of more than 365 days after the date of its issuance. Said permits shall be given and issued only under the following circumstances:
 - A. The nature and type of temporary housing to be placed on the property shall be fully disclosed to the Zoning Administrator.
 - B. The placement and use of the temporary housing shall in no way be hazardous to or endanger the health, safety and welfare of other residents or visitors of the Township.
 - C. There shall be a safe and approved source of water and a safe and proper method of disposal of sewage and other waste.
 - D. Each permit holder shall be required to acknowledge in writing the nature and extent of the permit so issued and the limitations thereon:
 - i. Agree that the Township may have judgment against the permit holder in any court of appropriate jurisdiction requiring the permit holder to cease the use of the temporary housing for which the permit was granted.
 - ii. Immediately remove it from the premises upon expiration of permit.
 - iii. Grant the Township, at permit holder expense, power and authority to remove said temporary housing.
 - iv. Judgment against the permit holder for all costs and expenses, including attorney fees, incurred by the Township in removing the terminated temporary housing from said premises.
 - E. An application for temporary dwelling shall be submitted and shall specify:
 - i. The reason and necessity for the temporary dwelling.
 - ii. The nature of the temporary dwelling.
 - iii. The proposed location of the temporary dwelling.
 - iv. The effect of the temporary dwelling on adjoining lands and the surrounding neighborhood.

The zoning permit for the temporary dwelling shall specify the period during which such temporary dwelling may be maintained. If a temporary dwelling is to be maintained for a period beyond that term authorized, then a new application shall be made to for an extension of such period at least thirty (30) days prior to the expiration of the authorized period. If granted, the extension shall be for up to two (2) periods of not more than 90 days each. Such application shall be acted upon in the same manner and on the same standards as is herein provided for the initial authorization of a temporary dwelling.

3.62 TEMPORARILY ALLOWING TWO SINGLE FAMILY DWELLINGS ON THE SAME PARCEL

Construction of a new single family dwelling on a parcel on which a single-family dwelling is already located, may be temporarily allowed without the removal of the existing dwelling, in accordance with the following requirements:

1. The property owner must comply with all of the representations in the property owner's application to the Township for the proposed dwelling.
2. The property owner must comply with all Federal, State, County and Township laws, ordinances, rules and regulations applicable to the property.
3. The property owner shall complete the construction of the proposed dwelling and shall fulfill all of the requirements to receive an occupancy permit from the Township for the proposed dwelling within one year after approval has been granted.
4. Within 90 days after the property owner receives an occupancy permit for the proposed dwelling, the property owner shall completely remove the existing dwelling from the property. The removal of the existing dwelling shall include the complete removal of the structure and all connections to it, as well as restoration of the grounds to a clean level surface unless otherwise approved by the Township.
5. A notarized agreement along with required fees and exhibits shall be completed and accepted by the Township.

To ensure compliance by the property owner with the requirements of this section, the property owner shall post a performance guarantee to consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond. The performance guarantee shall be an amount adequate to remove the existing structure as described above, and it shall be maintained until the removal of the existing dwelling has been fully completed. The performance guarantee shall be posted with the Township before construction of the proposed dwelling has begun. The performance guarantee may be used by the Township to remove the existing dwelling or to restore the grounds if the property owner has not completed these tasks within 90 days after receiving an occupancy permit for the proposed dwelling, or if the property owner fails to comply with any requirements of this section.

3.63 TEMPORARY USES OR STRUCTURES

Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment that is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for four (4) additional

successive periods of six (6) calendar months or less at the same location if such building or yard is still located there.

Upon application, the Zoning Administrator may issue a permit for a temporary office or model home that is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months. Said permit may be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location if such office or model is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

Use of an office or model home shall be considered a commercial use and shall be prohibited in the residential zoning district except as permitted in this section.

3.64 UNWHOLESOME SUBSTANCES

1. No unwholesome substance, shall be deposited, buried, stored, dumped or accumulated by any person in any body of water or on any land, private or public, in the Township unless:
 - A. Such place has been designated as a public dumping ground by the Township.
 - B. Such substances are housed in a completely enclosed building or in a safe and sanitary manner.
 - C. The provisions of this Section shall not be deemed to prohibit the storing or spreading of manure, fertilizers or other soil conditioners as part of a farm operation.
2. No sewage, waste water or water containing foreign substances shall be deposited or drained onto any land or deposited or drained into any open ditch, creek, stream, lake, pond or other body of water unless the same has been first approved by the Michigan Department of Health and the Newaygo County Health Department.
3. No boxes, barrels, waste wood, scrap metal, automobile body, or other materials shall be accumulated by any person in a manner that might provide insect, rat or rodent harborage.
4. If materials or wastes are stored outside which might cause fumes, odors and dust or which constitute a fire hazard or which may be edible by rodents or insects, then such materials shall be stored only in closed containers and screened from public view and adjacent properties.
5. No materials or wastes shall be deposited on a lot or parcel of land in such form or manner that they may be moved off the lot or parcel of land by natural causes or forces.
6. Waste materials shall not be allowed to accumulate on a lot or parcel of land in such manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions. The provisions of this section shall not be deemed to prohibit uses that are a part of a farm operation or to permit uses that are otherwise prohibited by this Ordinance or other Township ordinances.

3.65 WATER CHANNELS

No channels, canals from, in or adjacent to any natural body of water shall be dug, altered or created. This section shall not apply to non-navigable drains authorized by state law and the Newaygo County Drain Commissioner. The surface area of any natural body of water shall not be increased by excavation. No dam or earth impoundment shall be installed, rebuilt, constructed or altered without authorization of the Michigan Department of Environmental Quality.

3.66 WATERFRONT LOTS AVERAGE SETBACK

Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on waterfront lots and if there are adjacent buildings within two hundred (200) feet of the proposed building location, the proposed building shall not be located closer to the water than the average setback of those adjacent buildings, but in no case closer than fifty (50) feet.

3.67 WETLANDS

No wetlands shall be filled, altered or disturbed, nor shall any sand or fill be placed in a body of water, until and unless a permit has been obtained from the Michigan Department of Natural Resources and such activities comply with all applicable Township ordinances (if any).

3.68 WIND ENERGY SYSTEMS FOR PERSONAL USE

Small wind energy systems for personal use must have a rated capacity of not more than 30 KW and be intended primarily to reduce on-site consumption of utility power. Small wind energy systems shall be a permitted use in all zoning classifications if they meet certain criteria. Some locations may be unsuitable for a small energy system; automatically allowing use anywhere could cause problems. The following restrictions shall be required:

1. The distance between a wind energy system and the owner's property lines shall be at least the height of the wind energy system tower including the top of the blade in its vertical position,
2. No wind energy system shall be installed until evidence has been provided, that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. These generators must comply with the Michigan Public Service Commission and utility requirements. Off-grid systems shall be exempt from this requirement.
3. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.
4. A study may be required to identify and assess any potential impacts on the natural environment, including but not limited to, wildlife, endangered species, wetlands, historical and cultural sites, antiquities and fragile ecosystems, and shall take appropriate measures to eliminate or mitigate impacts identified in the study.

Large wind energy systems with a rated capacity of more than 30 KW shall be considered a Special Land Use.

3.69 WOOD-FIRED BOILERS

Outdoor wood-fired boilers are permitted within the Township in compliance with each of the following regulations:

1. **Zoning District** - An outdoor wood-fired boiler may be installed and used only on parcels of land which are greater than two acres in area and are located in an agricultural or residential zoning district.
2. **Setback** - The outdoor wood-fired boiler shall be located not less than one hundred fifty (150) feet from the nearest building that is not on the same property as the outdoor wood-fired boiler.
3. **Chimney Height** - The outdoor wood-fired boiler shall have a chimney that extends at least fifteen (15) feet above the ground surface. The Mechanical Inspector may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
4. **Fuel** - No fuel other than natural wood without additives, wood pellets without additives, and agricultural seeds in their natural state may be burned. The following materials are specifically prohibited:
 - A. Rubbish or garbage, including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - B. Waste oil or other oily wastes.
 - C. Asphalt and products containing asphalt.
 - D. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - E. Any plastic material including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - F. Rubber, including tires and synthetic rubber-like products.
 - G. Newspapers, corrugated cardboard, containerboard or office paper.
 - H. Grass clippings.
5. **Permit** - The owner of an outdoor wood-fired boiler shall obtain a mechanical permit. The applicant for a permit shall submit the following information:
 - A. Verification that the outdoor wood-fired boiler will comply with the manufacturer's specifications for such outdoor wood-fired boiler.

- B. Verification that the outdoor wood-fired boiler will comply with all applicable state and federal statutes.
- C. A drawing providing the location and other relevant details of the proposed outdoor wood-fired boiler and of nearby residences, so as to establish compliance with all regulations contained in this ordinance.

3.70 ZONING DECISION PROHIBITING ESTABLISHMENT OF LAND USE

A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within the Township in the presence of a demonstrated need for that land use unless a location within the Township does not exist where the use may be appropriately located or the use is unlawful.

3.71 ZONING PERMITS

No structure shall hereafter be erected, enlarged, altered or reconstructed until a zoning permit has been obtained. However, there may be some building maintenance issues and repairs such as roofing, window replacement, and siding that may not require a building permit when a zoning permit is not necessary. There may be other similar situations when the issuance of a zoning permit may be at the discretion of the Zoning Administrator.

ARTICLE 4

NONCONFORMING LOTS, STRUCTURES AND USES

4.01 NONCONFORMING LOTS, STRUCTURES AND USES

Except where specifically provided herein to the contrary, any nonconforming structure, nonconforming lot or nonconforming use may be continued although such use, lot or structure does not conform to the provisions of this Ordinance.

4.02 NONCONFORMING LOTS

No use shall be first conducted or changed and no structure shall be erected or enlarged on any nonconforming lot unless such use or structure meets the dimensional requirements of the zoning district in which it is located.

4.03 NONCONFORMING STRUCTURES

Nonconforming structures may be altered, remodeled or modernized if the Zoning Administrator determines that any such alterations shall cause the nonconforming structure to become more conforming with the Ordinance. If a nonconforming structure is altered, remodeled, modernized to eliminate or remove any or all of its nonconforming characteristics, then any such characteristics shall not be reestablished.

Except as provided below, a nonconforming structure may not be enlarged.

Nonconforming structures shall not be enlarged unless such enlargement is authorized by the Zoning Board of Appeals only in accordance with the following standards of review:

1. The enlargement of the nonconforming structure will not interfere with the use of adjoining lands or other properties in the surrounding neighborhood for the uses for which they have been zoned pursuant to the provisions of this Ordinance.
2. The enlargement of the nonconforming structure shall not result in greater nonconformance with the Ordinance, and further that if the nonconforming structure is nonconforming due to positioning on the site, that the enlargement shall not occur on any portion of the site that is necessary for meeting any off-street parking, yard or other space requirements of this Ordinance.
3. An enlargement of a nonconforming structure shall not be approved if the enlargement would be contrary to the purpose or intent of this Ordinance or injurious to the neighborhood wherein situated.

In addition, if the nonconforming structure is also occupied by a non-conforming use such that an enlargement of the nonconforming structure would result in an expansion of the nonconforming use, then the expansion shall not be approved unless approval to expand the nonconforming use has first been obtained from the Board of Appeals as provided herein.

4.04 NONCONFORMING USES

Except as provided below, a nonconforming use may not be expanded or altered, nor may it be changed to another nonconforming use. If a nonconforming use is changed to a conforming use, a nonconforming use shall not be reestablished.

1. A nonconforming use shall not be expanded in any manner, including, but not limited, to, expansion through its use of additional or extended land, area, buildings, or structures, or any portion or portions thereof, except after approval of the Board of Appeals, which approval shall be granted only upon a finding of all of the following facts:
 - A. That the expansion will not substantially extend the probable duration of such nonconforming use and that all expansions or additions in area used by the nonconforming use since the use became nonconforming do not in total exceed fifty percent (50%) of the area originally used and occupied by the nonconforming use.
 - B. That the expansion will not become a precedent for other requests for variations to permit the expansion of nonconforming uses near the non-conforming use.
 - C. That the expansion will not interfere with the use of any other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.
 - D. The Board of Appeals can impose reasonable conditions on any such approval.
2. No nonconforming use shall be changed to another nonconforming use unless approved by the Zoning Board of Appeals with the additional standard of review that the proposed nonconforming use shall not result in a higher degree of nonconformance, or shall reduce the degree of nonconformance with the lawful uses in the district in which said use is located.
3. Notwithstanding the above, if a nonconforming use has been abandoned for a continuous period of ninety (90) days or more (nine months or more if said nonconforming use is of a seasonal nature), then no change shall be approved, and any use of the premises shall thereafter be required to be devoted only to a use permitted by right in the district in which the premises are located.

4.05 ELIMINATION OF NONCONFORMING LOTS, STRUCTURES AND USES

The Township may eliminate nonconforming lots, nonconforming structures and nonconforming uses it deems in the best interests of the Township to eliminate, by whatever means are provided by law in such cases.

4.06 REPAIR, IMPROVEMENT AND COMPLETION OF NONCONFORMING BUILDINGS AND STRUCTURES

Repairs and reinforcements of any nonconforming building or structure are permitted if necessary to maintain the building or structure in a sound condition; provided, however, that no such repair or reinforcement shall permit the use of such building or structure beyond its normal period of usefulness.

4.07 RESTORATION AND USE OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES

The reconstruction, repair, reinforcement or restoration and resumption of use of any nonconforming building or structure, damaged by fire, wind, collapse, explosion, act of God, or acts of a public enemy is permitted. The reconstruction, reinforcement, repair or restoration shall be begun within ninety (90) days following the date on which the damage has occurred. The Zoning Board of Appeals may authorize an additional period of up to ninety (90) days to begin such construction, repair, reinforcement or restoration. the Zoning Board of Appeals shall consider all of the following standards: (1) the reason or reasons why construction cannot be begun within such ninety (90) day period; (2) any factors beyond control which prevent beginning construction within such ninety (90) day period such as weather, lack of availability of labor or materials, or lack of availability of professional services necessary for such reconstruction, repair, reinforcement or restoration; and (3) any relationship between beginning the reconstruction, repair, reinforcement or restoration and the receipt of insurance proceeds with respect to the damage. Once begun, such reconstruction, repair, reinforcement or restoration shall be completed within one (1) year from the beginning date; provided, however, that the Zoning Administrator may authorize an extension of such completion date of up to one (1) year considering all of the following standards: (1) the reason or reasons why it is impossible to complete the reconstruction, repair, reinforcement or restoration within such one (1) year period; (2) any reasons or factors beyond control such as weather, strikes, accidents, acts of God, availability of material or labor, or availability of other professional services which prevent completion of the reconstruction, repair, reinforcement or restoration within such one (1) year time period. Resumption of the use of the building or structure shall begin within thirty (30) days after completion of reconstruction, repair, reinforcement or restoration.

4.08 Dangerous and Dilapidated Buildings and Recreational Vehicle Ordinance

An ordinance to promote the health, safety and welfare of the people of Everett Township (“Township”), Newaygo County, Michigan, by regulating the maintenance, condition, and safety of certain buildings, structures, and recreational vehicles; to define the types of buildings, structures, and recreational vehicles regulated by this Ordinance; to establish procedures for the maintenance or demolition of certain buildings and structures and for the removal of certain recreational vehicles; to establish remedies, provide for enforcement, and to fix penalties for the violation of this Ordinance.

1. Purpose. The purpose of this Ordinance is to regulate and prohibit the existence of dangerous and/or dilapidated buildings within Everett Township, as well as unsafe, abandoned, or junk recreational vehicles. Furthermore, it is the intent and purpose of this Ordinance to promote the health, safety, and welfare of the people of Everett Township by regulating the maintenance, condition, alteration, health, safety, and improvement of buildings, structures, and recreational vehicles and to establish remedies and provisions for the enforcement of this Ordinance.

2. Definitions of Terms. As used in this Ordinance, including in this section, the following words and terms shall have the meanings stated herein:

(a) “Building Code” means the building code (or other applicable code) administered and enforced within the Township pursuant to the State Construction Code Commission Act, Act No. 230 of the Public Acts of 1972, as amended, being Section 125.1501 *et seq.* of the Michigan Compiled Laws, or adopted pursuant to any other state law.

(b) “Dangerous Building” means any building or structure, residential, commercial or otherwise, that has one or more of the following defects or conditions or is in one or more of the following conditions:

(i) A door, aisle, passageway, stairway or other means of exit that originally conformed to the State Fire Code, State Building Code or other code enforced within the Township when built or installed, but which was later modified or deteriorated such that it does not currently conform to the State Fire Code, State Building Code, or other code enforced within the Township.

(ii) A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the catastrophe and does not meet the minimum requirements of the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Building Code enforced within the Township (or any other code enforced within the Township) for a new building or structure, purpose or location.

(iii) A part of the building or structure is likely to fall, become detached or dislodged, or collapse, and injure persons or damage property.

(iv) A portion of the building or structure has settled to such an extent that walls or other structural portions of the building or structure have materially less resistance to wind than is required in the case of new construction by the Housing Law of the State of Michigan, Act No. 167 of the Public Acts of 1917, as amended, being Section 125.401 *et seq.* of the Michigan Compiled Laws, or the Building Code enforced within the Township (or any other code enforced within the Township).

(v) The building or structure, or a part of the building or structure, because of dilapidation, deterioration, decay, fire damage, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for any other reason is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

(vi) The building or structure, or a part of the building or structure, is manifestly unsafe for the purpose for which it is designed, used or intended to be used.

(vii) A building or structure is damaged by fire, wind or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, or becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

(viii) A building or structure used or intended to be used for the dwelling purposes, including the adjoining grounds, which because of dilapidation, decay, damage, faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation, is in a condition that a Township official or the health officer of the Township or Newaygo County determines is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.

(ix) A building or structure is vacant, dilapidated and open at the door, wall, roof, window, or other area, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers.

(x) Any portion of a building or structure is open to the elements or vermin (or other animals), whether such opening occurs due to a broken, missing, deteriorated, or dilapidated door, wall roof, or other structural or exterior component of the building.

(xi) The exterior paint, vinyl, or aluminum siding, brick, wood, or other exterior component of a building or structure is in such disrepair, or dilapidated fashion, or such poor condition that the exterior building materials of the building or structure involved are directly exposed to the elements, insects, mold, or fungus.

(xii) A deck, porch, walkway, or similar structure or item attached to or serving a building or structure is slippery and is likely to cause a person to slip or fall due to moss, fungus, deterioration, slimy or slippery material, or similar slippery condition.

(c) “Enforcing agency” means Everett Township, through the Township Building Official, Township Ordinance Enforcement Official, Zoning Administrator, and/or such other official(s) or agency as may be designated by the Township Board to enforce the Ordinance.

(d) “Owner” means any person, tenant, lessee, corporation, partnership, or entity which owns, co-owns, or has an ownership or possessory interest in the property at issue.

(e) “Recreational Vehicle” means any camping trailer, travel trailer, motor home, motor vehicle with sleeping and cooking facilities, pop-up trailer, or similar vehicle.

(f) “Township” means Everett Township as well as its officials, officers, employees, agents and subdivisions.

3. Prohibition of Dangerous Buildings. It shall be unlawful for any owner or agent thereof to keep, possess, own, or maintain any building or part thereof which is a dangerous building as defined in this Ordinance.

4. Recreational Vehicles. No junk, abandoned, dilapidated, deteriorated, partially disassembled, or rundown recreational vehicle shall be kept, utilized, or stored outdoors. Such prohibition shall not apply to a lawful junkyard that fully complies with the Everett Township Zoning Ordinance, as amended, and any and all other applicable Everett Township ordinances.

5. Penalties for Violation of the Ordinance. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of the Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall not be less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, “subsequent offense” means a violation of any of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

A violation of this Ordinance shall also be deemed a nuisance per se.

For purposes of being found responsible for a violation of this Ordinance (and for being subject to and bound by any penalties and court orders for violation of this Ordinance), the work “owner” shall include not only the person, partnership, corporation, or other entity shown as the owner as evidenced with the relevant real estate document recorded with the Newaygo County Register of Deeds records, but in addition, shall also include any owner or co-owner of the property (whether or not shown of record with the Newaygo County Register of Deeds records), and where a land contract is involved, shall apply to both the record owner of the property as well as the person or persons purchasing the property on land contract. This Ordinance shall also apply to any tenant or lessee of the property involved. Anyone who assists another in violating this Ordinance, or who aids and abets another in violation of this Ordinance, shall also be deemed to be in violation of this Ordinance.

In addition to the other remedies mentioned above, upon a finding of responsibility for a civil infraction involving a building or structure, the Court may also issue an order requiring that the property or building involved either be brought into full compliance with this Ordinance (as well as the Building Code and any other applicable ordinances or codes) or alternately, that the owner of the property completely demolish or remove the building or structure involved (and remove all debris, concrete, etc., from the site and lawfully dispose of the same and return the ground to its natural state) within a reasonable period of time. Such a court order may also provide that if securing of the building or demolition and/or removal of a building or structure is ordered (or some other action is required to be taken by the property owner) and the property owner does not fully comply with the order, the Township shall be authorized to enter the property involved and remove (and remove all debris, concrete, etc., from the site and lawfully dispose of the same and return the ground to its natural state), secure, or fully repair the dwelling or structure involved (or bring the property into full compliance with the court order) and that the Township shall be fully reimbursed for all of its costs and expenses, with the same being secured by a lien or one lot special assessment on the property.

In addition to the other remedies mentioned above, upon a finding of responsibility for a civil infraction involving a recreational vehicle, the Court may also issue an order requiring the recreational vehicle be removed from the lot or parcel involved and be lawfully disposed of off-site. Such a court order may also provide that if such removal and disposal of a recreational vehicle does not occur, the Township shall be authorized to enter the property involved and to remove and lawfully dispose of the recreational vehicle off site and that the Township shall be fully reimbursed for all of its costs and expenses thereof, with the same being secured by a lien or one lot special assessment on the property involved.

In addition to the above-mentioned remedies, the Township is also authorized (at its option and discretion) to pursue a civil lawsuit to enforce and/or ensure compliance with this Ordinance in the Newaygo County Circuit Court (or equivalent court).

This Ordinance may be enforced by the Township Zoning Administrator, the Township Building Inspector, the Township Enforcement Officer, and such other Township official or agent as the Township Board may designate from time to time by resolution.

6. Exemption for Bona Fide Farm Buildings. This Ordinance shall not apply to any non-dwelling building which is actively and regularly used or maintained in conjunction with a bona fide ongoing farming operation.

7. Severability. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of this Ordinance which shall continue in full force and effect.

ARTICLE 5 ZONING DISTRICTS AND ZONING MAP

5.01 ZONING DISTRICTS

The Township is hereby divided into the following zoning districts:

1. "RES" Residential District
2. "LR" Lake Residential District
3. "SWO" Surface Water Overlay District
4. "MU" Mixed Use District
5. "GC" General Commercial District
6. "PD" Planned Development District
7. "MH" Manufactured Housing District

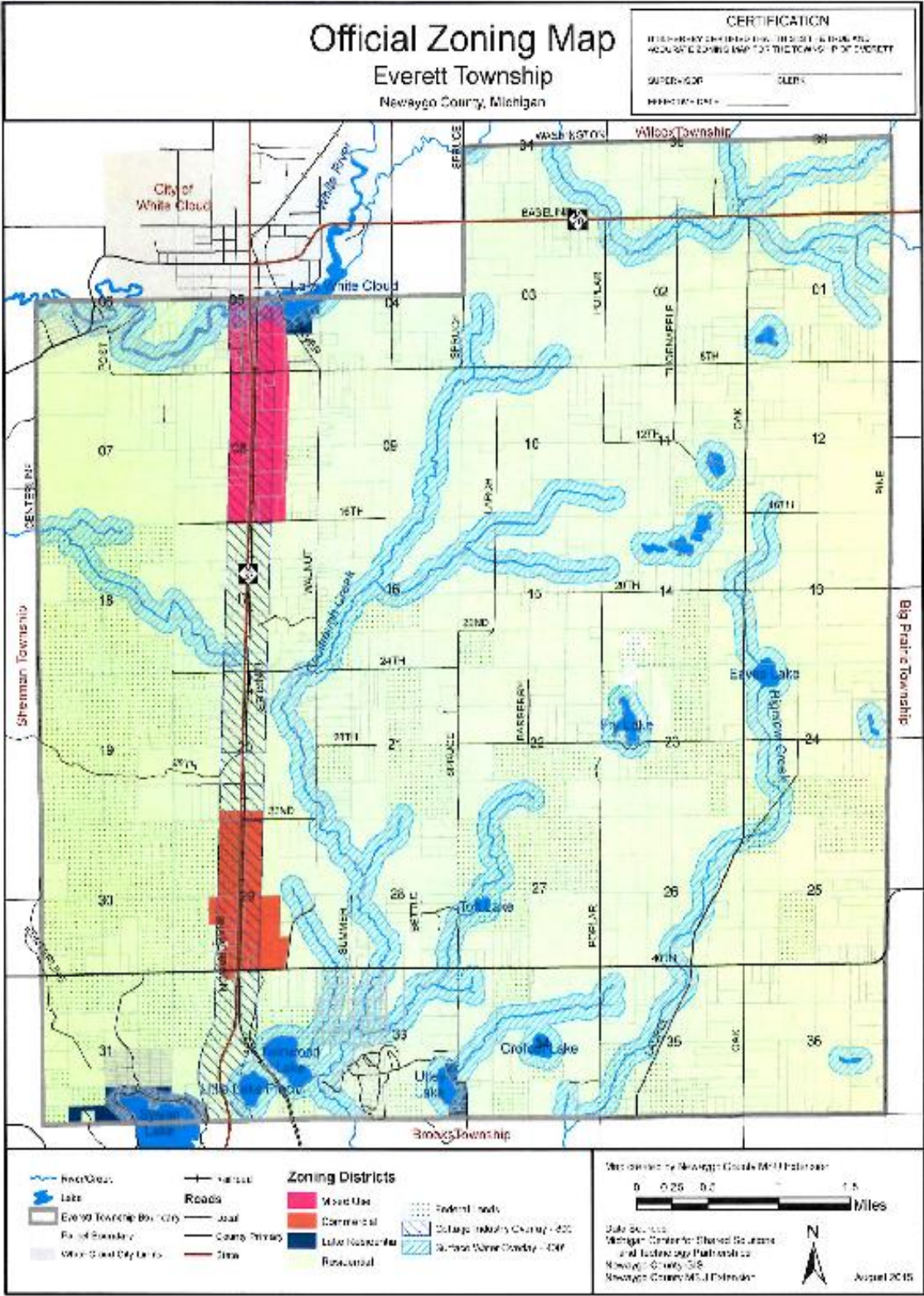
5.02 ZONING MAP

The location and boundaries of the zoning districts are hereby established as shown upon a map entitled "Official Zoning Map of Everett Township," adopted by the Township at the time this Ordinance was adopted, as amended from time to time, which map and all amendments thereto hereafter adopted are hereby made a part of this Ordinance. The zoning map shall be kept on public display at the Township Hall.

5.03 MAP INTERPRETATION

Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the Board of Appeals shall render a formal interpretation if needed. The following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as following the shore lines of lakes, rivers, creeks or lake, river or creek beds shall be construed as following such shore line, and in the event of natural change in the location of a shore line, shall be construed as moving with such shore line.
5. Boundaries indicated as approximately following property lines, section lines or other lines of the government survey shall be construed as following such property lines as of the effective date of this Ordinance or applicable amendment thereto.



5.04 AREAS NOT INCLUDED WITHIN A ZONING DISTRICT

In the case of land annexed to the Township, such land shall be included in the zoning district which most closely approximates the zoning applicable to such land prior to its annexation; provided, however, that if no zoning was in force with respect to such land prior to its annexation, such land shall be included in the Residential Zone.

5.05 SCHEDULE OF DISTRICT REGULATIONS

The following regulations regarding lot sizes, yards, setbacks, and densities apply within the zoning districts as indicated, including the regulations contained in the footnotes. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Minimum Lot Size and Width		Maximum Building Height: Footnotes 1, 2		Minimum Yard Setbacks Required: Footnotes 3,4, 5, 6			Minimum Floor Area Per Dwelling Unit
	Area	Width	Stories	Feet	Front	Side	Rear	
RES	2 acre	200 feet	2.5	35	50	20	35	600 square feet single story 600 square feet ground floor/2 story
LR	18,000 SF	100 feet	2.5	35	50	10	35	750 square feet single story 600 square feet ground floor/2 story
MH	N/A	N/A			9	9	9	
MU	10,000	70	2 stories	30 feet	0	0	0	With Public Sewer & Water
MU	40,000	140	2 stories	30 feet	0	0	0	Without Public Sewer & Water
GC	10,000	70						

5.06 FOOTNOTES TO SCHEDULE OF REGULATIONS

1. Excepting churches, schools, farm buildings and municipal buildings.
2. In all zoning districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
3. Minimum land area required for multiple family dwellings shall be:

Multiple Family Dwellings	
DWELLING UNIT SIZE	LAND AREA
Efficiency or 1-bedroom unit	4,000 square feet
2-bedroom unit	4,000 square feet
3-bedroom unit	4,900 square feet
4 or more bedroom unit	6,300 square feet

- For sites without public sewer, the maximum density for multiple family dwellings shall not exceed eight (8) units per acre. Documentation must be submitted which addresses the suitability of the site for the proposed density.
4. No building shall be located closer than one hundred (100) feet to a property line that abuts a residential district.
 5. See Mixed Use District for setbacks.
 6. All area, bulk, and placement requirements shall be in accordance with the standards set by the Michigan Manufactured housing Commission.

ARTICLE 6

“RES” RESIDENTIAL DISTRICT

6.01 DESCRIPTION AND PURPOSE

This zoning district is intended to establish and preserve quiet residential neighborhoods permitting one-family and limited multifamily dwellings only together with recreation, religious and educational facilities, which are both compatible with and convenient to the residents of the district.

6.02 PERMITTED USES

Land, buildings or structures in this zoning district may be used for the following purposes only:

1. Single-family dwellings
2. Two-family dwellings
3. Keeping of animals
4. Agriculture
5. Wireless Communication Towers
6. Tourist / Vacation Cabins
 - A. An application for a single [one] tourist / vacation cabin may be approved by the Zoning Administrator upon demonstration of compliance with these and all other provisions of the zoning ordinance. An application for more than a single [one] tourist / vacation cabin shall be subject to Site Plan Review under Article 15 by the Planning Commission.

6.03 ACCESSORY USES

1. Gardens
2. Home Occupations within the principal dwelling
3. Instruction in a craft or fine art
4. Day Care Family Home
5. Wind Energy Systems for personal use / Solar Energy Systems for Personal Use
6. Wood fired boilers

6.04 SPECIAL LAND USES

1. Bed and Breakfast
2. Cemeteries and Burial Grounds
3. Essential Public Services
4. Day Care Group Home / Child Care Center
5. Home Occupations in Accessory Buildings
6. Institutional Facilities
7. Parks, playgrounds and community centers (moved from Permitted Use)
8. Churches, public schools and private and parochial schools (moved from Permitted Use)
9. Kennels
10. Mineral Removal
11. Ponds
12. Personal Wind Energy Systems / Personal Solar Energy Systems
13. Outdoor Commercial Recreation
14. Centralized Bulk Storage
15. Veterinarian services
16. State Licensed Residential Facilities

6.05 AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area, street frontage and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement:

Minimum lot area	2 acre (87,120 square feet)
Minimum lot width	200 feet (1)
Minimum front yard setback	50 feet from road right-of-way
Minimum side yard setback	20 feet
Minimum rear yard setback	35 feet (2)
Maximum building height	Building height shall be no greater than 35 feet.
Maximum lot coverage	15% for buildings and structures; not to exceed a total of 25% for structures, drives, and parking areas

1. In cases of lots on cul-de-sacs, such lots may be used for residential purposes if they have at least forty (40) feet of street frontage and are at least seventy-five (75) feet in width at the building setback line.

In the case of corner lots, the minimum rear yard shall be not less than twenty-five (25) feet.

6.06 CONVERSION OF DWELLINGS

Conversion of one-family dwellings to two-family dwellings shall meet the above requirements.

6.07 MINIMUM FLOOR AREA

Each dwelling unit shall meet the following minimum floor area requirements:

1. One-family dwellings - one (1) story, six hundred (600) square feet
2. One-family dwellings - greater than one (1) story, seven hundred twenty (720) square feet
3. Two-family dwellings - one (1) story, seven hundred twenty (720) square feet for each dwelling unit
4. Two-family dwellings - greater than one (1) story, seven hundred twenty (720) square feet for each dwelling unit
5. Three or more family dwellings - eight (800) square feet for each dwelling unit.

ARTICLE 7

"LR" LAKE RESIDENTIAL DISTRICT

7.01 DESCRIPTION AND PURPOSE

This zoning district is intended to insure that lands abutting lakes, streams and rivers within the Township are retained for conservation, residential and recreational purposes and that open spaces are maintained in the Township.

This district is intended in part to conserve the rural open space qualities of the community and to allow low-density residential development in areas where soil conditions, topography, vegetation and/or lack of existing or programmed public utilities preclude, and will continue to preclude for an extended period, more intensive development. It is further intended for this district to conserve water resources, riparian lands, and other specialized rural uses and to promote harmony between these uses and residences and the uses permitted in adjacent districts. The low-density mixture of uses permitted in this zone is designed to minimize any negative impact such development may have on the Township's natural environment.

7.02 PERMITTED USES

Land, buildings or structures in this zoning district may be used for the following purposes only:

1. One (1) single-family dwelling per lot
2. Wireless Communication Towers

7.03 ACCESSORY USES

Accessory uses that are customary and incidental to any permitted use.

1. Boat docks and moorings
2. Wind Energy Systems for Personal Use
3. Wood fired boilers
4. Day Care Family Home

7.04 SPECIAL LAND USES

The following uses may be permitted upon authorization by the Planning Commission as a Special Land Use:

1. Bed and Breakfast
2. Institutional facilities
3. Launch ramps and related facilities
4. Day Care Group Home

In considering the authorization of Special Land Uses within this zoning district, the Planning Commission may attach reasonable conditions and shall, in addition to standards required by this ordinance, apply the following standards:

1. The impact of the proposed use on the lake, river or water resource
2. The impact of the proposed use on the area's natural resources, ecology and wildlife
3. The prevention of overcrowding in the immediate area

7.05 HEIGHT REGULATIONS

No building or structure shall be more than two and one-half (2-1/2) stories above grade or thirty-five (35) feet in height except as otherwise expressly specified in this Ordinance.

7.06 AREA REGULATIONS

No building or structure, nor any enlargement thereof, shall be hereafter erected or expanded unless the following yard, lot area, street frontage and building coverage requirements are provided and maintained in connection with such building, structure or enlargement.

Minimum lot area	18,000 square feet
Minimum lot width	100 feet
Minimum front yard setback	50 feet from road right-of-way
Minimum side yard setback	10 feet
Minimum rear yard setback	15 feet No parking shall be located within the first 15 feet of the rear yard. The 15-foot setback shall be landscaped.
Maximum building height	Peak to grade shall be no greater than 35 feet.
Maximum lot coverage	25% for buildings and structures; not to exceed a total of 35% for structures, drives, and parking area (excluding any public rights-of- way)

7.07 SETBACK FROM BODIES OF WATER

No building or structure shall be located within fifty (50) feet of a lake, river or body of water.

7.08 WATER FRONTAGE

Each lot abutting a body of water shall have at least seventy-five (75) feet of frontage on the body of water measured at the high-Visual High Water Mark.

7.09 WETLANDS

No wetlands shall be disturbed, filled or altered except as permitted by law.

7.10 MINIMUM FLOOR AREA

Each dwelling unit shall have a minimum floor area of six hundred (600) square feet; provided, however, that an additional one hundred twenty (120) square feet of floor area shall be required for each bedroom in excess of two (2) within said dwelling unit.

7.11 KEYHOLE DEVELOPMENT AND DOCK REGULATIONS

The following restrictions are intended to limit the number of users of lake, river or stream frontage to preserve the quality of the waters and to preserve the quality and safety of recreational use of all waters within the Township:

1. One (1) boat dock and the docking of not more than four boats or other watercraft shall be permitted for any waterfront lot regardless of lot width, whether such lot or parcel is owned by one or more persons, or commonly owned by several persons or combinations of persons. Where a lot or parcel contains more than one hundred (100) feet of frontage on the navigable body of water as measured at the median shoreline of the lot, there shall be no more than one (1) additional boat dock permitted for every one hundred (100) feet of additional frontage. Boat dockage on existing developed lots shall be governed by the portion of this Ordinance pertaining to nonconforming lots and nonconforming uses of land.
2. No more than one (1) boat dock shall be permitted on any existing nonconforming lot, but only as an accessory to a residential building or other principal use satisfying the remaining regulations of this Ordinance.
3. No dock shall be located, utilized or placed within ten (10) feet of the side lot lines of a lot or parcel as extended from the center of the lake or body of water. No watercraft shall be launched, stored, moored, or docked beyond the side lot lines of a lot or parcel as extended to the center of the lake or body of water.
4. Boat docks and boat cradles are permitted as accessory structures and uses to single-family and two-family dwellings on all lots and parcels lying contiguous to a navigable body of water within the Township subject to the following requirements:
 - A. One dockage may be allowed for each twenty-five (25) feet of continuous water frontage

- B. No more than two (2) dockages shall be permitted on each dock.
 - C. No boat dockage shall be sold, leased or the use thereof given in exchange for consideration to any third party, other than the purchaser or lessee of the lot and building thereon
 - D. The above restrictions shall apply to any lot or parcel regardless of whether access to the water shall be gained by easement, common-fee ownership, single-fee ownership or lease
5. Permanent docks are prohibited. All docks and rafts shall be removed from lakes and waterways from December 1 to March 31 of each year.
 6. Launch ramps or facilities may be permitted only as a Special Land Use.
 7. Any multiple-unit residential development in any zoning district which shares a common lakefront, river or stream area may not permit lake, river or stream access to more than one (1) single-family home, cottage, condominium unit or apartment unit for each one hundred (100) feet of lake, river or stream frontage in such common lakefront, river or stream area as measured along at the water's edge or Visual High Water Mark of the lake or stream.
 8. Any multiple-unit residential development shall have not more than two (2) moorings, slips or dock space for each one hundred (100) feet of lake frontage for mooring or dockage of boats in any zoning district in the Township.
 9. Any multiple-unit residential development shall have not more than one (1) dock for each one hundred (100) feet of Lake Frontage for mooring or dockage of boats in any zoning district in the Township.

7.12 FLOATING RAFTS

Floating rafts shall not have an exposed surface area exceeding seventy-five (75) square feet and shall be kept in good repair. Floating rafts shall not be anchored or located in a body of water so as to impede navigation or present a safety hazard to boats. Floating rafts shall be located at least three hundred (300) feet apart, with the first one place in the water having priority.

7.13 ROOF GUTTERS AND DOWNSPOUTS REQUIRED

Buildings greater than seven hundred fifty (750) square feet must have gutters and downspouts that discharge water directly into a sub-surface drywell.

7.14 GENERAL REQUIREMENTS

1. Whenever any waterfront lot or parcel is proposed to be rezoned for any use other than residential, the Planning Commission and Township Board may impose such additional conditions or restrictions upon the use of such frontage for recreational uses and such other purposes, as it deems reasonably consistent with the purposes and objectives of this Section.

2. Land under the ownership or possession or control of any governmental agency having access to an inland lake or stream shall be subject to the provisions of this Section.
3. Permanent docks are prohibited. All docks and rafts shall be removed from lakes and waterways from December 1 to March 31 of each year.
4. The provisions in this subsection regulating the number of boats and boat cradles shall not apply to personal watercraft.
5. The above restrictions shall apply to any lot or parcel regardless of whether access to the water shall be gained by easement, common-fee ownership, single-fee ownership or lease.

ARTICLE 8

"SWO" SURFACE WATER OVERLAY DISTRICT

8.01 DESCRIPTION AND PURPOSE

The purpose of the Surface Water Overlay zoning district is to allow the Township to establish additional land use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. This overlay district is an appropriate mechanism to implement long-term goals and to coordinate land use and design requirements unique to specific locations. This overlay district is applied only where special circumstances justify additional standards to the underlying zoning district regulations to achieve specific land use and design objectives.

The provisions of the applicable underlying zoning district shall apply to all development within the boundary of the designated area. In the case of other applicable regulations conflicting, the applicable overlay zoning district regulations shall prevail.

The Surface Water Overlay District is designed to preserve the safe and healthful conditions on all land within four hundred (400) feet of the water's edge of all lakes, ponds, rivers, and their tributary streams, and any creek or stream that empties into the above lakes or any other lake and to provide for other unique uses customarily associated with waterfront development. The purpose of the standards in this section is to slow the rate of storm water runoff, to reduce erosion and sedimentation, to protect water quality, to keep nutrients from entering lakes and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve the aesthetic and scenic values of the watershed environment. The following regulations are intended to avoid contamination or destruction of streams and lakes and to protect the riparian rights of waterfront property owners. The requirements are in addition to other ordinance provisions such as requirements for flood plains and the requirements of state law, including but not limited to, the "Michigan Natural River Act", Public Act No. 231 of 1970.

8.02 NATURAL RIVER ACT ZONING

All properties and uses subject to or covered under the authority of the Part 305 of Act 451, P.A. of 1994, formerly Act 231, P.A. of 1970, the Michigan Natural Rivers Act (or federal statutory equivalent), as amended, or regulations governing its enforcement, shall comply with that statute and all applicable laws or regulations. This Zoning Ordinance hereby incorporates the provisions of the statute and applicable regulations. However, where this Ordinance contains requirements that are stricter than the Act or its regulations, the stricter Township regulations shall apply.

The Federal Emergency Management Agency (FEMA) requires the designation of 100-year flood plains to determine eligibility for federal floodplain insurance. Most major rivers in the United States have been mapped by the U.S. Army Corps of Engineers or other agencies to determine the limits of the floodplain. In Michigan, the Department of Natural Resources has been assigned the responsibility of monitoring the implementation of these requirements.

8.03 LOCATION OF DISTRICT

The "Zoning Map" shall be used to identify the specific location of parcels that are within this defined area.

8.04 USES PERMITTED BY RIGHT

All uses permitted by right in the underlying zoning district.

8.05 ACCESSORY BUILDINGS, STRUCTURES, AND USES

Accessory buildings and uses that are incidental in the underlying zoning district are allowed when located on the same lot or parcel of land and not involving the conduct of a business.

8.06 SPECIAL LAND USES

Buildings and structures permitted in the underlying zoning district by Special Land Use permit may be permitted in this district following review by the Planning Commission as a Special Land Use after all applicable standards of this ordinance have been satisfied.

8.07 PROHIBITED USES

The following uses shall not be permitted within the Surface Water Overlay District:

1. Confined animal feeding operations (CAFOs)
2. Slaughterhouses
3. Gas stations
4. Automobile repair shops
5. Automobile washes
6. Oil-change establishments
7. Industrial uses involved in the manufacturing, compounding, processing, or treating of products
8. Livestock

8.08 HEIGHT, AREA, AND DIMENSION REGULATIONS

As permitted in the underlying zoning district and further stated in this article.

8.09 DISTRICT STANDARDS

1. **Front Setback** – The required front setback for non-waterfront lots shall be the same as the underlying zoning district. The front setback for waterfront lots shall be one hundred (100) feet, unless otherwise specifically provided in this ordinance
2. **Side Setback** – Shall be the same as the underlying zoning district

3. **Rear Setback** – Shall be the same as the underlying zoning district
4. **Lot Area** – Shall be the same as the underlying zoning district
5. **Lot Width** – Shall be the same as the underlying zoning district
6. **Floor Area** - Shall be the same as the underlying zoning district

8.10 LIMITATIONS ON CONSTRUCTION

1. No building or structure, and no septic tanks, drain fields or other similar waste handling facilities shall be permitted within 100 feet of the Visual High Water Mark.
2. A building or structure (but not septic tanks, drain fields or other similar waste handling facilities) meeting all other requirements of the underlying zoning district may be located within one hundred (100) feet of the Visual High Water Mark, but no closer than the Average Setback Line or the Historical Setback Line; provided however that no such building or structure shall be located less than fifty (50) feet from the Visual High-water Mark.
3. As used in this section "Average Setback Line" shall mean if there are existing principal buildings within two hundred (200) feet on each side of a proposed building location closer to the Visual High Water Mark than one hundred (100) feet, a proposed building or structure may be located the same distance from the Visual High Water Mark as the average distance of the principal buildings located within two hundred (200) feet. If there is an existing principal building within two hundred (200) feet on only one (1) side, the proposed building may be located the same distance from the Visual High Water Mark as the average of the distance of the principal building within two hundred (200) feet and one hundred (100) feet from the Visual High Water Mark.
4. As used in this section "Historical Setback Line" shall mean a proposed building or structure may be located the same distance from a Visual High Water Mark as an existing principal building that has suffered either loss or removal due to casualty or demolition within one (1) year before the submission of an application for a building permit as long as such principal building is or was a lawful nonconforming building. For a demolition, the one (1) year period begins running when the demolition permit was issued. For a casualty, the one (1) year period shall run from the date of the casualty.

8.11 GENERAL REQUIREMENTS

In order to minimize the blockage of the waterfront view of existing dwellings on a waterfront lot, the waterfront yard setback from the shoreline upon which a dwelling is to be built shall, as determined by the Zoning Administrator, be the most applicable of the following:

1. Equal to the average of the waterfront yard setbacks of the dwellings already built on both sides of the lot or parcel upon which a dwelling is to be built.
2. Equal to the average of the waterfront yard setback of the existing dwelling with respect to the other adjoining vacant lot built on one side of the lot or parcel upon which a dwelling is to be built, and the required minimum waterfront yard setback of this zoning district.

3. Shall at least meet the required minimum waterfront yard setback of this zoning district, if lots and parcels adjacent on both sides of the lot or parcel upon which a dwelling is to be built upon are vacant.

8.12 MINIMUM REQUIREMENTS

1. All new development, including additions or extensions to existing buildings, shall meet the design requirements of this Section:
 - A. Buildings of not more than one hundred fifty (150) square feet and not greater than ten (10) feet in height may be located in the front yard but in no case shall such buildings be closer than fifty (50) feet of the Visual High Water Mark, a maximum of four hundred (400) square feet of land may be covered by impervious surfaces, including all structures and paving.
 - B. No unsightly, offensive, or potentially polluting vegetative material, including, but not limited to, lawn clippings, or leaves, may be dumped or stored within this zoning district.
 - C. Pump houses that exceed three feet in height or nine feet in total square feet in size are prohibited.
 - D. Existing mature trees shall be retained and incorporated into the site design where feasible. Trees in excess of six (6)-inch caliper must be replaced by an equivalent amount, type, and quality of tree. Removal of mature trees of twelve (12)-inch caliper or greater will be discouraged.
 - E. Boat docks shall not be located closer than ten (10) feet from a side lot line or a side lot line extended into the water. Boat docks may not extend more than sixty (60) feet into the water.
2. **Natural Vegetative Buffer** - A natural vegetative buffer shall provide a planted green belt strip of land or area twenty-five (25)-foot-wide maintained in its natural state. Natural state shall mean native plants, shrubbery, tall grasses, and trees. The natural vegetation strip or area shall be maintained at the shoreline as follows:
 - A. Removal of vegetation in the natural vegetative buffer shall be limited to no more than twenty-five percent (25%) of the length of this buffer, provided that cutting of this twenty-five percent (25%) shall not create a clear-cut opening greater than twenty-five (25) feet wide for every one hundred (100) feet of shoreline.
 - B. Natural shrubbery, trees, or other vegetation shall be preserved as far as practical and, where removed, shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.
 - C. If the removal of vegetation is required, reestablishment of compatible native plants, shrubbery, trees and other plant material shall be required when new vegetation is planted.

- D. Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer.
- E. These provisions shall not apply to the removal of dead, diseased, or dying trees, at the discretion of the landowner.

3. **Drainage of Surface Water** - Proper site surface drainage shall be provided so that:

- A. The removal of surface waters will not adversely affect neighboring properties.
- B. Excess storm water shall be removed from all roof areas, canopies, and paved areas and retained on site.
- C. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development.
- D. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.
- E. Natural drainage courses shall be protected from grading activity.
- F. Where known, groundwater flow patterns shall not be interrupted.
- G. Slopes created by the grading of the site should generally not exceed a slope ratio of one (1) foot of vertical slope to three (3) feet of horizontal distance.

8.13 FLOOD PLAIN REQUIREMENTS

No use of property shall be permitted without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the Michigan Department of Environmental Quality (MDEQ) that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the Site Plan Review procedures provided for in this ordinance, and that the floodplain does not encroach upon the limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDEQ when it is apparent from the "Zoning Map" that their property is within or directly adjacent to the designated area. No zoning or building permit will be issued until compliance with this Section has been documented.

8.14 SITE PLAN REVIEW REQUIREMENTS

To the extent not otherwise provided pursuant to the site plan requirements, the Zoning Administrator may require, as applicable, submission of the following materials:

1. Plans drawn to a scale of one (1) inch = one hundred (100) feet; the nature, location, dimensions, and elevation of the lot; existing or proposed structures; fill; storage of

materials; and the relationship of the above to the location of the channel flood way and regulatory flood protection level.

2. A plan (surface view) showing elevations or contours of the ground at 5-foot intervals; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing buildings on the site; location and elevations of streets; photographs or maps showing existing land uses and vegetation; upstream and downstream soil types; and other pertinent information.

8.15 WHITE RIVER

The following minimum standards shall be applicable to all properties located within four hundred (400) feet of the White River:

1. Every parcel or lot on the White River or with permanent access thereto shall have a minimum area of fifty thousand (50,000) square feet or more and an average lot width of at least two hundred (200) feet throughout the length of the lot or parcel;
2. A fifty (50) foot wide minimum restrictive cutting belt shall be maintained along the White River as follows:
 - A. Trees and shrubs may be pruned for a filtered view of the river, but clear cutting in the natural vegetation strip is prohibited.
 - B. Dead, diseased, unsafe, or fallen trees and noxious plants and shrubs, including poison ivy and poison sumac, may be removed.
 - C. The selected removal or trimming of trees for timber harvest, access or woodlot improvements, landscaping, or public utility lines to service private single-family dwellings and other permitted uses is permitted upon approval of the Zoning Administrator.
 - D. Camping is not permitted in the natural vegetation strip.
 - E. Building and structure setback for lots, including all appurtenances and accessory buildings, shall be a minimum of one hundred fifty (150) feet from the Visual High Water Mark on the White River. The setback may be decreased one (1) foot for every one (1) foot rise in bank height to a minimum of one hundred (100) feet from the Visual High Water Mark. Buildings and appurtenances shall be set back not less than twenty-five (25) feet from the break of the bluff. These are minimum standards and if other stricter requirements contained in this Ordinance are applicable, the stricter requirement shall govern.

8.16 SITE DEVELOPMENT STANDARDS

1. **Streams and Creeks** - Any dwelling permitted along a stream or creek shall have its lowest floor, including the basement, constructed at least four (4) feet above the Visual High Water Mark of the stream or creek.

2. **Inland Lakes** - Any dwelling permitted along an inland lake shall have its lowest floor, including the basement, constructed at least four (4) feet above the Visual High Water Mark of the inland lake.
3. **Surface Water or County Drains** – All earth disturbances (other than farming) that are within five hundred (500) feet of a County Drain or permanent surface water shall obtain a Soil Erosion and Sedimentation Permit from the appropriate issuing authority, or an official acknowledgment that a permit is not required, before obtaining a zoning permit.

ARTICLE 9

"MU" MIXED USE DISTRICT

9.01 DESCRIPTION AND PURPOSE

The Mixed Use Zoning District is applied to areas appropriate for a mix of commercial, industrial, and residential activities and provides for a full range of goods and services to the community located along portions of industrial/commercial thoroughfares, in conformance with the Comprehensive Plan. This district allows for a mix of commercial and residential or just commercial, industrial, or residential (stand-alone) land uses.

9.02 PERMITTED USES

No building, structure or land shall be used and no building, structure or use in the mixed use zoning districts shall be erected, structurally altered, enlarged or established except the following permitted uses, buildings and structures:

1. Institutional

- A. Hospitals
- B. Schools, Public and Private
- C. Places of worship

2. Recreation

- A. Public parks

3. Manufacturing and Processing

- A. Light manufacturing
- B. Research and development

4. Residential Uses

- A. Live/work units
- B. Multiple residential dwelling units
- C. Mixed -use developments in a single building provided that all uses are permitted in the MU zoning district
- D. Residential Congregate Care Facilities
- E. Retirement and rest homes

- F. Senior housing
- G. Single-family Dwellings
- H. Two-family Dwellings

5. Retail Trade Uses

- A. Automobile supply stores
- B. Bakery
- C. Building materials, supplies, sales and service
- D. Convenience stores
- E. Delicatessen store
- F. Drug store and/or pharmacy
- G. Gasoline service station
- H. Grocery store and/or meat market
- I. Hardware store
- J. Household appliance store
- K. Jewelry stores
- L. Liquor stores
- M. Music store
- N. Paint and wallpaper stores
- O. Photographer
- P. Pharmacy
- Q. Restaurant, counter service with limited seating
- R. Restaurants, fast food
- S. Restaurants, full service
- T. Retail stores, general merchandise
- U. Spas and swimming pools, sales and service
- V. Sporting goods stores

W. Supermarkets

X. Taverns

Y. Theaters

6. Service Uses

A. Ambulance services

B. Banks and financial institutions including drive-up windows, loan or finance offices

C. Banquet halls

D. Body shops and painting booths

E. Business support services

F. Car washes (full or self-service)

G. Child day care centers

H. Dry cleaning and/or laundry pick-up station with or without drive-up facilities

I. Equipment rental yards

J. Florist with greenhouse but without nursery

K. Gyms and health clubs

L. Heating and air conditioning sales and service (HVAC)

M. Hotels and motels

N. Indoor recreation centers

O. Kennel, animal boarding and daycare

P. Medical and dental laboratories

Q. Mortuaries and funeral homes

R. Moving and storage services

S. Nursery schools

T. New and used vehicle sales

U. Outdoor commercial recreation

V. Pawnshops

- W. Personal services such as barber and/or beauty shop
- X. Pet grooming
- Y. Private clubs and lodges
- Z. Repair and maintenance, consumer products
- AA. Self-service laundry, Laundromat
- BB. Self-storage facility (including outdoor storage)
- CC. Tire stores
- DD. Vehicle repair garages (including trucks)
- EE. Wireless Communication Towers

7. Office Uses

- A. Medical and dental offices including medical outpatient clinics
- B. Offices, business
- C. Office, consumer services such as real estate or professional
- D. Parking lot/structure facilities
- E. Transportation and communications uses
- F. Wireless telecommunication facilities

9.03 ACCESSORY BUILDINGS, STRUCTURES, AND USES

- 1. Home occupations
- 2. Signs
- 3. Solar energy equipment (personal) / Wind energy equipment (personal)
- 4. Towers and poles for reception antennas
- 5. Day Care Family Home

9.04 SPECIAL LAND USES AND STRUCTURES

The following uses and structures may be permitted subject to approval of a Special Land Use permit. The development standards of this zone shall apply except as otherwise provided herein.

- 1. Buildings greater than ten thousand (10,000) square feet

2. Heavy manufacturing
3. Hotel and motels
4. Mortuaries and funeral homes
5. Mixed and multiple uses in combination whether in separate buildings may be permitted singly or in combination on a single parcel of land. Multiple uses may be permitted in separate buildings. Standards for signs drives, parking, etc. will be determined by the Planning Commission
6. Utility and transmission facilities / Solar / Wind Energy
7. Veterinary offices, including hospitalization services
8. Day Care Group Home
9. Junkyards or any operation involved in processing of junk, waste, discarded or salvaged materials, machinery or equipment.

9.05 GENERAL DEVELOPMENT STANDARDS

Provisions in other sections of this Zoning Ordinance may apply as well.

Development Feature	Requirement by Zoning District	
Minimum Lot Size	Minimum lot area and width required for new parcels	
Minimum Lot Area	10,000 square feet (1)	
Minimum Lot Width	100 feet	
Maximum Residential Density	without sanitary sewer and water	6 dwelling units per acre
	with sanitary sewer and water	12 dwelling units per acre
<u>Minimum Setbacks Required</u>	None (2)	
<u>Street Front and Street Side</u>	10 feet	
<u>Interior</u>	None	
Abutting a residential zone	15 feet for the first 2 stories when abutting Residential zoning districts and 25 feet for the third story. Setbacks are measured from the residential property line. (4)	
Distance Between Dwellings	N/A	

Maximum Height Limits Primary Buildings and Structures	50 feet (6)	36 feet or 3 stories, when abutting Residential zoning districts; 75 feet or 6 stories when not abutting residential zoning districts (5) (6)
Accessory Structures	N/A	

1. The minimum lot size shall be fifteen thousand (15,000) square feet for new multifamily housing development.
2. Minimum setbacks. Setbacks in these areas shall only be used for landscaping and active pedestrian areas (e.g., plazas, outdoor dining). Surface parking lots and vehicle access ways such as drive-through lanes shall not be located in the area between a street property line and a building. All street adjacent parking shall be set back a minimum of five (5) feet and the setback area shall be fully landscaped.
3. Enclosed or screened rooftop equipment not exceeding five (5) feet in height above the roof of a building shall not be computed as part of the height of the building. Elevator shafts and roof top stairwells not exceeding fifteen (15) feet in height above the roof of a building shall not be computed as part of the height of the building.

9.06 LIMITATIONS AND EXCEPTIONS TO PERMITTED USES AND STRUCTURES

Notwithstanding any other provisions of this chapter, the following limitations shall apply to the conduct of any use:

1. All uses except outdoor eating areas, parking, car washes, incidental or temporary uses, service stations, vehicle storage or display, and playgrounds, shall be conducted entirely within a completely enclosed building which is attached to a permanent foundation. There shall be no outside storage of tools, equipment, supplies or materials.
2. The display of new and used merchandise shall be allowed outside a building on not more than four (4) occasions during any calendar year for conducting a sale of said merchandise.

9.07 PERFORMANCE STANDARDS

In accordance with the goals and precepts of the Township Comprehensive Plan, environmental performance standards are hereby established to protect the community from hazards, nuisances and other negative factors; to ensure that land uses are not operated in such a manner as to cause a detrimental effect on adjacent land uses or the community environment; and to preserve and enhance the lifestyle of Township residents through the protection of the public health, safety and general welfare. The following guidelines shall be evaluated on the basis of whether or not the activity is obnoxious to a person of normal sensitivity.

1. **General Provisions** - No land, building or structure shall be used or occupied in any manner so as to create or maintain any dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards; noise or vibration; smoke, dust or other form of air pollution; liquid or solid refuse or wastes; or any other

substance, condition or element used in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.

2. **Air Quality** - Any activity, operation, or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the MDEQ and with the following:
 - A. **Visible Emissions** - No visible emissions of air contaminants or particulate matter shall be discharged into the atmosphere. No combustible refuse incineration shall be permitted.
 - B. **Dust** - Windborne dusts and debris across lot lines shall be prevented by planting, wetting, compacting, paving or other suitable treatment of land surface; storing, treating or enclosing materials; controlling sources of dust and debris by cleaning; or, such other measures as may be required.
 - C. **Odors** - No odorous material shall be permitted to be obnoxious to persons of normal sensitivity as readily detectible at the property line or at any point off-site where the odor is greater.
3. **Waste and Contaminants** - No wastewater, radioactive material or other potential groundwater contaminant shall be discharged into or under the ground surface except by approval of the Newaygo County Health Department. Any discharge into a public sewer, private sewer, private sewerage disposal system or into the ground of any materials that may contaminate any water supply, interfere with bacterial processes in sewerage treatment, or otherwise cause the emission of dangerous or offensive elements is prohibited. All industrial uses shall comply with the provisions of this ordinance pertaining to refuse, weeds, sewer construction and sewer use. Liquid wastes shall be disposed of only by authorized discharge to a public sewer system or by transport to an acceptable disposal facility. Burning, dumping, or littering of solid wastes is prohibited. Solid wastes shall be disposed of only by transport to an acceptable disposal facility, except that inert solid materials may be utilized in landfills and construction when specifically authorized by a grading permit or building permit, and organic materials may be utilized in connection with normal and customary landscaping and agricultural activities providing that such activities meet all the requirements of the Newaygo County Health Department and these environmental performance standards; and do not endanger groundwater quality.
4. **Vibration** - No activities shall be permitted which cause objectionable vibration to adjoining property except for construction activities in connection with an effective building permit.
5. **Projections and Setbacks**
 - A. **Driveways and Walks** – may be located within the setback area provided that a driveway shall be limited to that area reasonably necessary to provide safe and efficient ingress to and egress from off-street parking spaces located behind a set-back area
 - B. **Overhangs** - Eaves may project into a required setback area for a distance not to exceed thirty (30) inches.

- C. **Lighting** - Landscape accent lighting not to exceed eighteen (18) inches in height.
- D. **Railings** - Necessary railings shall be installed adjacent to stairways.
- E. **Planters** - Retaining walls, planters or curbs which are not more than eighteen (18) inches in height above the ground surface existing at the time of construction.
- F. **Steps and Landings** - Uncovered steps or landings not over four (4) feet high as measured parallel to the natural or finish ground level at the location of the construction may project into the required setback area for a length of fourteen (14) feet measured parallel to the building. Such steps and landings may project into the required setback area to the property line.

9.08 MULTIPLE FAMILY DWELLING UNITS

1. Size

The gross floor area of any dwelling unit shall be not less than provided herein. For the purpose of this section, dens, studies or other similar rooms, which may be used as bedrooms, shall be considered as bedrooms. Living rooms, dining rooms, kitchens or bathrooms shall not be considered as bedrooms, except that separate dining rooms in efficiency units or rooms that could be converted into additional bedrooms shall be considered as bedrooms.

Unit Type	Minimum size requirement
Efficiency and one (1) bedroom units	600 square feet; average of 650 square feet for the residential development
Two (2) bedrooms units	800 square feet; average of 900 square feet for the residential development
Three (3) or more bedroom units	1,000 square feet; average of 1,100 square feet for the residential development
Senior/Affordable Units	540 square feet

2. Access to Dwelling Unit

An elevator shall be provided to serve all upper-level stories in a building in accordance with the American Disabilities Act.

3. Laundry Facilities

Laundry facilities shall be provided to serve all residential dwelling units on a lot. Such laundry facilities, constituting washer and dryer appliances connected to utilities, shall be provided in the individual dwelling units where there are three (3) or less dwelling units on a lot. Where there are more than three (3) dwelling units on a lot, laundry facilities shall be provided either in the individual dwelling units or in common laundry room. A common laundry room shall be in an accessible location and shall have at least one (1) washer and one (1) dryer for each ten (10) dwelling units, maintained in operable condition and accessible to all tenants daily between the hours of 7:00 A.M. and 10:00 P.M.

9.09 SITE PLAN REVIEW

No use or building shall be commenced, altered, enlarged or modified until site plan approval has been granted.

Copies of all permits and licenses, or a statement that such permits or licenses will be issued for the proposed operation following local action, from all state and federal agencies concerned in the regulation of the substance involved.

Access to and from any facility shall be directly by an all-weather county street and shall not be routed through any existing residential areas or areas designated for future residential purposes on the Township Comprehensive Plan.

Any environmental effect of the proposed use such as noise, smoke, dust, vibration, radiation or other similar effects shall not be unlike that found in other uses permitted in this zone.

The physical appearance of the proposed use and its compatibility with adjoining Land uses shall not be unlike that found in other uses permitted in this zone.

All other requirements of this zoning district and Ordinance pertaining to the approved use shall apply.

9.10 PROHIBITED USES

The following uses are prohibited in the Mixed-use Zoning District:

1. Slaughterhouses
2. Tire vulcanizing and recapping shops
3. Sawmill
4. Manufacturing plants for metalworking with drop hammers or presses of over twenty (20) tons
5. Warehousing, bulk storage, processing, transport or manufacture of chemicals, chemical products, or chemical wastes controlled by state or federal regulations as toxic or hazardous substances
6. Storage of explosive, highly volatile or toxic chemicals

9.11 OUTDOOR INDUSTRIAL ACTIVITIES

All uses permitted in this zoning district, with the exception of vehicle parking areas, shall be either conducted wholly within a completely enclosed building or within an area enclosed on all sides by a fence or wall at least six (6), but no more than eight (8) feet in height. No goods, materials or objects shall be stacked higher than the fence or wall which is to be constructed and maintained in accordance with the requirements of this Section.

Outdoor storage of any materials shall not exceed thirty-three percent (33%) of the lot. Screening shall be erected in such a manner that materials cannot be viewed by an average person standing at existing ground level anywhere within six hundred sixty (660) feet of the proposed use. Materials stored outdoors shall not be placed or piled against the required screening and shall be organized and stacked in such a manner that passersby will be reasonably safe from falling materials, rodents, electrical shock, or other potential hazards. All storage of materials shall be above ground in safe containment areas as provided by state and federal standards for such containment. No such storage shall include substances that are proven carcinogens.

9.12 HEIGHT REGULATIONS

No building or structure shall exceed seventy-five (75) feet in height.

9.13 LANDSCAPING REQUIREMENTS

Those yards which front on any street, in the area between the edge of the street pavement and the property line, with the exception of paved driveways and parking areas, shall be used exclusively for the planting and growing of trees, shrubs, lawns and other landscaping design, planted and maintained in an aesthetically pleasing manner. All other unpaved areas of the lot shall be either landscaped or maintained in its natural state. Those side yards or rear yards of any lot in this zoning district, which abut any other zoning district, shall have and maintain a buffer between the industrial use and the other zoning district.

A landscaped buffer is required within setback areas adjacent to any residentially zoned property or intervening alley regardless of the actual building setback that is provided. A minimum five (5)-foot wide landscaped buffer shall be provided. A landscaped buffer is not required adjacent to an alley in areas where direct vehicular access is provided to the subject property.

9.14 AUTO STORAGE, SALVAGE, AND JUNK YARDS

The following regulations shall apply to Auto Storage, Salvage and Junk Yards:

- A. Setbacks – A minimum setback of fifty (50) feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least fifty (50) from any road or highway right-of-way line. There shall be no use permitted within the setback area with the exception of signage relevant to the business.
- B. Screening – The entire use area visible from any adjoining residence of the auto storage yard, salvage yard or junk yard shall be screened with a seven (7) foot tall obscuring masonry wall, an seven (7) foot tall solid wood fence, a seven (7) foot tall chain-link fence with obscuring lattice, landscape of minimum seven (7) foot height or any combination of the foregoing to achieve maximum visual protection from outside the perimeter of the subject property. The wall or fence shall be uniformly painted and maintained in neat appearance. Landscaping shall provide immediate obscurity upon planting and shall be of native Michigan species.
- C. Surfacing – All roads, driveways, parking lots and loading and unloading areas shall be paved or treated in a manner approved by the Planning Commission so as to confine and windborne dust within the boundaries of the site.
- D. Environment - Open burning shall not be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner according to EPA guidelines prior to the vehicles being stored, salvaged, or junked on the site.
- E. Permits – All required Township, County and State permits shall be obtained prior to making application to establish an auto storage, salvage or junk yard.
- F. Stacking – Junk, automobiles or other debris shall not be stacked in a manner such that the material could be visible outside the site.
- G. Location - Auto Storage, Salvage or Junk Yards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.
- H. Lighting – All on-site lighting shall be downward shielded and the light thereof shall not encroach onto adjoining property.

ARTICLE 10

"GC" GENERAL COMMERCIAL DISTRICT

10.01 DESCRIPTION AND PURPOSE

This zoning district is intended as a general commercial district containing uses that include the sale of commodities or performance of services for the entire community.

10.02 PERMITTED USES

Land, buildings or structures in this zoning district may be used for the following purposes only:

1. Antique store
2. Automobile parts store
3. Automobile Repair
4. Automobile storage garage
5. Bakery
6. Barber shops & Beauty Salons
7. Bicycle sales and service
8. Car wash
9. Catering establishment
10. Churches
11. Commercial swimming pool sales
12. Contractor
13. Equipment rental
14. Essential services
15. Feed & Seed store
16. Gas Station/Convenience store
17. Home decorating stores
18. Health spa, fitness clubs
19. Laboratory, medical, optical or dental

20. Lodge hall, private clubs or veterans' clubs
21. Motel, open air business, garden supply, farm produce
22. Movie theaters
23. Outdoor amusement enterprises
24. Pet shop
25. Private clubs and lodges
26. Propane sales
27. Restaurant, cafe or bar
28. Retail stores
29. Lumber yards
30. Schools, public, private, parochial and colleges / Child Care Center
31. Stone monument works
32. Tack shop
33. Tanning salons
34. Upholstering, reupholstering and finishing furniture
35. Vehicle sales and service, including new and used automobiles, motorcycles, light trucks, Snowmobile sales, recreational vehicles and boats
36. Veterinarian services
37. Wireless Communication Towers

10.03 SPECIAL LAND USES

It is recognized that there are some uses, which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, or when one or more of them are located in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Regulation of these uses as a Special Land Use within the GC General Commercial District is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized herein. These controls are for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities that are prohibited by other provisions of this Zoning Ordinance or other applicable laws.

The following uses may be permitted within the GC General Commercial District as a Special Land Use only:

1. Adult entertainment activities
2. Outdoor commercial recreation
3. Camps, campgrounds and RV parks

10.04 MULTIPLE USES IN COMBINATION

All of the permitted uses in this Zoning District may be permitted singly or in combination on a single parcel of land. Multiple uses may be permitted in a single building or in separate buildings. Standards for signs, drives, parking, etc. will be determined by the Planning Commission.

10.05 STANDARDS

In considering the authorization of Special Land Uses within this zoning district, the Planning Commission shall apply the Site Plan Review standards of this Ordinance.

10.06 SITE PLAN REVIEW

No use or building shall be commenced, altered, enlarged or modified until site plan approval has been granted in accordance with this ordinance.

10.07 DISTRICT STANDARDS

Minimum lot size	20,000 square feet
Minimum lot width and frontage	100 feet
Minimum front yard setback	50 feet from road right-of way – No parking shall be located within the first 15 feet of the front yard. The 15-foot setback shall be landscaped.
Minimum corner lot side yard setback	50 feet – No parking shall be located within the first 15 feet of the front yard. The 15-foot setback shall be landscaped.
Minimum side yard setback	10 feet
Minimum rear yard setback	20 feet
Maximum building height	35 feet
Maximum lot coverage	35% for buildings and structures; not to exceed a total of 60% for structures, drives, and parking area (excluding any public rights-of- way)

ARTICLE 11

"PD" PLANNED DEVELOPMENT DISTRICT

11.01 DESCRIPTION AND PURPOSE

The Planned Unit Development (PD) Zoning District is intended to permit and control the development of preplanned areas as Planned Unit Developments (PD's) for various compatible uses through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. In so doing, a degree of flexibility is allowed in the use, area, height, bulk, and placement regulations for PD developments. However, it is also the intent of a PD district to afford each type of use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection is afforded to uses adjacent to the PD zoning district. Planned Unit Development is synonymous with such terms as cluster zoning, planned development, community unit plan, planned residential development and other terminology.

A PD is intended to permit flexibility in land development, encourage innovation in land use and variety in design, layout, and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities, encourage useful open space, and provide better housing, employment, and shopping opportunities particularly suited to the needs of Township residents. The review and approval of Planned Unit Developments shall be by the Planning Commission. However, the subsequently required rezoning shall be by the Township Board after recommendation by the Planning Commission.

Within a land development project designated as a Planned Unit Development, regulations relating to the use of land, including, but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, and land use density, shall be determined in accordance with the following standards. The Planned Unit Development regulations need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions are followed in making regulatory decisions. A Planned Unit Development may not be approved with open space that is not contiguous with the rest of the Planned Unit Development.

All Planned Developments shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on surrounding property values, light and air, overcrowding of persons, sanitation, surface and ground water quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations having an effect on the achievement of the purposes of this Ordinance.

A development may be of such large size or unusual nature as to justify permitting certain incidental uses not normally permitted in the zoning district. As an example, a multiple-family development might include a coffee shop, food store or barber shop primarily for the residents of the development. Permitting these uses within the development can, in certain cases,

increase convenience, be compatible with the overall character of the development and not be injurious to adjoining properties. Likewise, consolidation of several homes or buildings on smaller lots leaving the remainder of the parcel open space may be a more efficient form of development.

11.02 USES PERMITTED BY RIGHT

Planned Unit Developments are permitted in any zoning district. Land uses permitted shall be those within the zoning district in which the PD is located. In the Residential Zoning Districts, land in a PD zoning district may be used for the specifically permitted uses and other uses not specifically allowed, including the following uses: (1) airports; (2) camps and campgrounds; (3) cemeteries; (4) children's homes; (5) colleges; (6) community swimming pools and other recreation facilities and parks; (7) golf courses and country clubs; (8) hospitals and clinics; (9) housing for senior citizens; (10) nursing homes; (11) offices and office parks; (12) philanthropic institutions; (13) private clubs; (14) public and private schools and colleges; (15) resorts, including motels, restaurants and similar associated uses; (16) malls or shopping centers; (17) drive-in theaters; and (18) recreational or entertainment facilities. Other similar uses may be considered at the discretion of the Planning Commission.

11.03 PROCEDURES

Any land in the Township may be zoned or rezoned as PD zoning district in accordance with the procedures and requirements hereinafter specified.

11.04 SKETCH PLAN SUBMISSIONS AND CONTENT

Submittal of a Sketch Plan is mandatory. Applicants for PD zoning district shall prepare and submit to the Zoning Administrator a Sketch Plan for the PD. The Zoning Administrator shall promptly transmit copies of the Sketch Plan to the Planning Commission and Township Board. The Sketch Plan shall be prepared consistent with the Site Plan requirements of this ordinance.

11.05 TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall transmit its recommendations pertaining to the Sketch Plan along with any recommended changes or modifications thereof to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In the course of its consideration of the Sketch Plan, the Planning Commission may call an advisory public hearing and give such notice thereof as it shall deem appropriate.

11.06 FINAL PLAN SUBMISSION

After receiving the recommendations of the Planning Commission on the Sketch Plan, the applicant for PD district zoning shall submit a Final Site Development Plan prepared consistent with the Site Plan requirements of this ordinance to the Zoning Administrator. The Zoning Administrator shall promptly transmit copies to the Planning Commission and Township Board.

Simultaneously with the submission of a final development plan, the applicant shall submit to the Zoning Administrator an application for rezoning requesting that the land included in the final plan for the PD be zoned in the PD zoning district. Consideration of the requested zoning amendment shall then proceed in accordance with State Law and the ordinance amendment Article hereof.

11.07 PUBLIC HEARING

The Planning Commission shall hold a public hearing pursuant to the provisions of Public Act 110 of 2006, as amended, and the provisions of this Ordinance for the purpose of receiving comments relative to the final development plan and the proposed rezoning.

11.08 FINAL PLANNING COMMISSION RECOMMENDATION

The Planning Commission shall transmit its recommendations concerning the final development plan and the proposed zone change along with any recommended changes, conditions or modifications to the Township Board.

11.09 FINAL APPROVAL BY TOWNSHIP BOARD

Final approval (together with conditions of approval) or disapproval of the zone change shall be by the Township Board. A copy of said final zone change, if finally approved, shall be forwarded to the Township Clerk for filing with the Township Zoning Ordinance and shall be an official amendment to that Ordinance by the procedures required therein. If all conditions and requirements of this Article are fulfilled, the Township Board may approve the planned development. The denial of a Planned Unit Development request or ANY condition attached to the granting of a Planned Unit Development request may not be appealed to the Zoning Board of Appeals.

11.10 GENERAL STANDARDS

1. **Minimum Size** - In order to be zoned as PD zoning district, the proposed area of land shall be no less than two (2) acres.
2. **Time Limitations on Development** - Each development shall be under construction within one (1) year after the date of approval by the Township Board. If this requirement is not met, the Township Board may grant an extension provided the developers present reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year after final approval by the Township Board, any building permit issued for said development shall be invalid and void, and the Township Board may initiate proceedings to hold a public hearing to rescind the "PD" zoning.
3. **Performance Bonds** - The Township Board, in connection with reviewing any application for a final development plan, may require reasonable undertakings by the applicant to guarantee and assure by agreement, including a performance bond or irrevocable letter of credit, such bond or security to be posted by applicant in order to insure that the development will be executed in accordance with the approved plan.
4. **Required Improvements Prior to Issuance of Occupancy Permit** - The Township Board is hereby empowered to stipulate that all required improvements be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point where occupancy would not impair the health, safety and general welfare of the residents, but are not fully completed, the Zoning Administrator may, upon the recommendation of the Township Board, grant an occupancy permit so long as the developer deposits a performance bond with the

Township Clerk in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one (1) year of the date of the occupancy permit.

5. **Additional Provisions** - All provisions of this Ordinance and other ordinances of the Township shall apply to the PD district except where inconsistent therewith, in which case the provisions of this Article shall control.

11.11 OPEN SPACE PRESERVATION OPTION

The Township allows and encourages alternative subdivision designs, which preserve Everett Township's character, and environmentally sensitive elements, while providing housing communities that are desired by the community and the public.

1. Site Criteria

- A. **Location of Open Space Communities** - An open space community may be located in all residential districts. The required open space shall be contiguous with the rest of the open space development and must be within Everett Township.
- B. **Access** - The open space community shall have direct access to an approved public roadway.
- C. **Open Space Criteria** - In all open space communities, at least two (2) of the following items must be present:
 - i. **Preservation of Natural Amenities** - Sites preserving a significant quantity of any of the following:
 - a. **Organic Amenities** - Significant views and vistas, mature woodlands, wetlands or lowland areas, prairie, bodies of open water (such as ponds, streams, natural drainage ways), wildlife habitat or corridors, and significant size trees (six to eight inches or more, measured five feet above the grade);
 - b. **Non-organic Amenities** - Farmhouses (viable for restoration and/or preservation), fence lines (stone or wood), buildings or foundations of historical value.
 - ii. **Provisions for Recreational Facilities** - The submittal should include both passive and/or active recreation areas for residents within the open space community. Passive recreation areas shall include areas such as pathway systems, common green areas of a substantial size, and open/preserves natural amenity areas, or other areas or uses consistent in nature. Active recreation areas shall include areas such as children play sets, sports fields (i.e., football, soccer, baseball), and other fitness areas that are consistent in nature.
 - iii. **Creation of Natural Amenities** - These areas are to be constructed in a manner that replicates a natural setting. A percentage of these areas should remain "un-manicured," allowing natural growth and processes to

occur. These areas can take a number of forms, such as woodlands (interior street tree plantings shall not count for this requirement), wildflower or grass meadows, constructed wetlands (preferably extension to an existing), or other areas consistent in nature.

- iv. **Preservation of Agriculture** - Land uses, such as orchards, horse stables, active farms, or other similar agriculture uses, shall be preserved, where feasible or viable. In no way shall an intensive animal raising, slaughterhouse, or similar use be permitted within an open space community. A buffer shall be maintained between the agricultural use and the residential units.

All of the above-mentioned areas shall be accessible or open to all residents within the open space community, with the exception of farmland.

Under the open space community provision, the net density shall be no greater than that normally permitted within that zoning district. The maximum "density" shall be the maximum number of lots permitted by the approved Parallel Plan. Density does not guarantee any specific number of lots from any individual parcel or group of parcels. Rather, density refers to the number of lots permitted on the subject parcel.

11.12 SUBMISSION REQUIREMENTS

1. **Parallel Yield Plan** - A "parallel yield plan" shall be prepared by the developer showing a feasible development under the requirements of the specific zoning district in which it is located and the requirements of all State, County and Township Subdivision regulations. All lots, roads and other improvements shall be designed so that they do not adversely impact wetlands, floodplains or drainage ways, as regulated by Federal, State, County or local agencies.

It must be determined by the Planning Commission that this plan or conventional subdivision is able to be physically constructed and meet all current subdivision regulations, should the Open Space Community be denied or not constructed. If there is a question regarding water, septic, wetlands or floodplains, the Planning Commission may request validation from the proper regulatory authority. If it is determined, through these responses, that the number of lots proposed is unfeasible, the parallel yield plan shall be revised and resubmitted, minus that number of lots. Detailed Engineering is not required at this stage.

2. **Open Space Plan** - An Open Space Plan, with the proposed housing layout shall not exceed the maximum number of housing units determined by the parallel yield plan. The roads shall also be shown to provide interior access to all homes.

The Planning Commission may also waive the submission of a parallel yield plan if it is determined that the number of housing units proposed for open space development is, without question, well below what would be feasible for the site. Such waivers must be detailed in writing and recorded as part of the motion in the minutes of the Planning Commission. Waivers may only be granted if it is determined by the Planning Commission that the proposed open space design will be a major benefit to the Township and achieve all the goals and objectives set forth in the:

1. Everett Township Master Plan; and
2. Michigan Zoning Enabling Act

11.13 SITE ANALYSIS

A Site Analysis Plan shall be submitted, showing the following site features:

1. Wetlands, as determined by the Michigan Department of Environmental Quality
2. Water areas, such as streams and ponds
3. Woodlands and farmlands
4. Soils and topography
5. Drainage patterns and County drains
6. Historic and cultural features
7. Existing easements of record
8. Existing and proposed rights-of-way
9. Existing infrastructure
10. Adjacent development within two hundred (200) feet

11.14 AUTO STORAGE, SALVAGE, AND JUNK YARDS

The following regulations shall apply to Auto Storage, Salvage and Junk Yards:

- 1. Setbacks** – A minimum setback of fifty (50) feet from the center of the road shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing and junk materials shall be set back at least fifty (50) from any road or highway right-of-way line. There shall be no use permitted within the setback area with the exception of signage relevant to the business.
- 2. Screening** – The entire use area visible from any adjoining residence of the auto storage yard, salvage yard or junk yard shall be screened with a six (6) foot tall obscuring masonry wall, a six (6) foot tall solid wood fence, a six (6) foot tall chain-link fence with obscuring lattice, landscape of minimum six (6) foot height or any combination of the foregoing to achieve maximum visual protection from outside the perimeter of the subject property. The wall or fence shall be uniformly painted and maintained in neat appearance. Landscaping shall provide immediate obscurity upon planting and shall be of native Michigan species.
- 3. Surfacing** – All roads, driveways, parking lots and loading and unloading areas shall be paved or treated in a manner approved by the Planning Commission so as to confine and windborne dust within the boundaries of the site.

4. **Environment** - Open burning shall be prohibited. If fluids are found to be leaking, such fluids shall be drained from vehicles and disposed of in a proper manner according to EPA guidelines prior to the vehicles being stored, salvaged, or junked on the site.
5. **Permits** – All required Township, County and State permits shall be obtained prior to making application to establish an auto storage, salvage or junk yard.
6. **Stacking** – Junk, automobiles or other debris shall not be stacked in a manner such that the material could be visible outside the site.
7. **Location** - Auto Storage, Salvage or Junk Yards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.
8. **Lighting** – All on-site lighting shall be downward shielded and the light thereof shall not encroach onto adjoining property.

11.15 CONSERVATION AREAS PLAN

The combination of the site analysis elements noted above shall be used to outline the primary and secondary conservation areas. The primary conservation areas include areas where no development is to occur. The secondary conservation areas are areas where development can occur, but special care must be taken to minimize adverse impacts.

1. **Primary Conservation Areas** - floodplains, regulated wetlands, drainage ways, easements, road buffer, or other exceptional elements
2. **Secondary Conservation Areas** - farmlands, woodlands, suspected or marginal wetlands, tree lines, soils sensitive to development, soils prone to flooding, aesthetic views, etc.
3. **Buildable Areas** - areas that are not dedicated to primary conservation areas may be treated as buildable areas. Housing sites should be located to complement the conservation areas.

11.16 THE REVIEW PROCESS

The Planning Commission shall determine that the parallel yield plan submitted meets all applicable regulations of the State Subdivision Control Act and this ordinance. The Planning Commission shall confirm the accuracy and feasibility of the open space plan.

Upon approval, the proprietor may undertake the process for Subdivision or Site Condominium approval, or Parcel Division per State Law and Township Ordinance.

Upon denial, the proprietor may either submit the yield plan or parallel plan for approval under the Subdivision or Site Condominium review process, or submit a new application for an open space community.

11.17 SITE DESIGN REQUIREMENT

Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply:

1. **Minimum Yard Setbacks** - Standard Township setbacks are required unless waived by site plan review of the planning commission.
2. **Minimum Exterior Road Buffer** - The developer shall preserve a minimum of a 75-foot from the proposed right-of-way along any County Road or State Highway servicing the open space development. The road buffer shall be reserved by dedicated easement or similar conveyance.
3. **Minimum Open Space** - A minimum of fifty (50%) percent of the gross land area shall be set aside for common open space uses. Open Space shall be defined as follows: All area within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve environmental features for the common use and enjoyment of the residents of the entire development for any of the following uses: recreation, forestry and/or open space conservation, community gardens, or agricultural uses. The open space requirements shall not be met by land uses such as golf courses or other exclusionary commercial recreational uses, lot area within setbacks for each specific lot, or land area dedicated as limited commons.
4. **Maximum Amount of Unbuildable Land Used as Open Space** - A maximum of fifty (50%) percent of the total open space allotment may be unbuildable land. Unbuildable land is considered land that is regulated by Michigan Department of Environmental Quality, or the Environmental Protection Agency, Army Corps of Engineers, or any other regulatory body, which has jurisdiction over land, which cannot be used for the construction of housing.
5. **Access to Open Space** - Access points or paths shall be provided to afford access to open space and common areas. These access points shall link the open space to the roadway, sidewalks, or the remainder of the development.
6. **General Lot Character** - Flag lots or panhandle lots shall not be permitted within an open space community.
7. **Natural Area** - An undisturbed greenbelt shall be required around any natural features or farmland preserved within the common open space areas.
8. **Pedestrian Circulation** - Adequate pedestrian circulation shall be provided by the applicant for on-site circulation. Adequate access shall be provided to all open space/recreational spaces from the residential areas. "Natural paths or bike paths" are encouraged within the development. Paths provided within the development shall be constructed of gravel, woodchip, or other similar material as approved by the Planning Commission.
9. **Architectural Character** - A diversity of single-family housing styles, colors, and configurations are encouraged throughout the development.

10. **Roadways Widths** - Roadways surface and base standards shall conform to Newaygo County Road Commission standards.

11.18 DEDICATION OF OPEN SPACE

The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

1. A Conservation Easement, as established by the State of Michigan Conservation and Historic Preservation act, Public act 197 of 1980, as amended.
2. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
3. Distributed, gift or sale of the development rights to all property owners within the Open Space Community.
4. The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payment and collection.

11.19 PLATTED SUBDIVISIONS, SITE CONDOMINIUMS OR MULTIPLE LAND DIVISIONS

After, or in conjunction with, the open space or Planned Unit Development approval noted in the previous sections, the petitioner must follow the regulations and procedures set forth in the Everett Township Subdivision Regulations, Site condominiums Ordinance or Land Division Ordinance, and all applicable engineering standards of the Everett Township Land Development and Engineering Standards manual.

1. Site Condominium Subdivision Approval

Pursuant to authority conferred by Section 141 of the Condominium Act, Public Act 59 of 1978, as amended, all site condominium subdivisions must be approved by the Everett Township Board, upon recommendation from the Planning Commission as a Planned Development District (PD). All of the procedures for reviewing and approving or denying a site condominium project shall be the same as for a PD, except as expressly otherwise provided herein.

In determining whether to approve a site condominium subdivision, the Township Board shall consult with the Planning Commission, Township Attorney, Township Engineer, Fire Marshal and Planning Department (if any) regarding the adequacy of the site condominium plans, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium act.

2. Zoning Compliance - Rezoning Required

All site condominium subdivisions and structures therein shall comply with all of the use, size, sign, height, frontage and area (setback) regulations of the underlying zoning

district in which the subdivision is located prior to PD rezoning as required by this Article. The developer shall rezone his property to PD. The permitted use(s) and density (if applicable) shall be consistent with the Everett Township Comprehensive Plan. Because of the unique nature of a site condominium subdivision, the review procedures shall be governed by this ordinance and must be consistent with the Michigan Zoning Enabling Zoning Act, as amended, public notices shall be sent to adjacent properties notifying them of the proposed rezoning. A public hearing shall be conducted.

3. Site Condominium Subdivision Review Procedures

At least twenty-eight (28) days before the first meeting of the Planning Commission at which the proposal is to be considered, the developer shall submit to the Township all the materials required herein (hereinafter referred to as "site condominium plans") together with a fee in accordance with the schedule adopted by the Township Board.

The Planning Commission, together with the Township Planning Department (if any), shall review the site condominium plans not more than seventy-five (75) days after submission of all of the site condominium plans. This seventy-five (75) day period may be extended by a written agreement between the developer and the Zoning Administrator. Any such written agreement shall contain a specific delineation of the time in which the Planning Commission must act to either approve or disapprove the site condominium plan. A copy of any agreement reached by the Zoning Administrator and the developer with respect to an extension of time shall be transmitted to the Planning Commission. If no action is taken within seventy-five (75) days, or within any agreed extension thereof, the Planning Commission shall be deemed to have recommended approval of the site condominium plans.

Approval by the Planning Commission shall guarantee that the general terms and conditions under which approval was granted will not be changed by the Township and, further, shall confer approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of Site Condominium Plan approval. Such plan approval may be extended if applied for by the developer and granted by the Township in writing.

4. Site Condominium Plans - Required Content

All site condominium plans shall describe the nature and intent of the proposed development and include the required content of condominium subdivision plans as described in the Condominium Act. In addition, the following is required:

- A. A street construction, paving, and maintenance plan for all private streets within the proposed site condominium subdivision;
- B. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities;
- C. Soil erosion and sedimentation control Plan. A description of the common elements of the project as will be contained in the Master Deed;
- D. The use and occupancy restrictions as will be contained in the Master Deed;

- E. "Consent to Submission of Real Property to Condominium Project," stating all parties which have ownership interest in the proposed site condominium subdivision; or evidence of authority or right that the developer has a legal option to purchase the subject property from the owner(s) of record.

5. Utilities

The site condominiums plans shall include all necessary easements (i.e., sewer/water, sidewalks, bike paths, etc.) granted to Everett Township and Newaygo County for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

The Planning Commission may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of sewer and water lines within all easements and/or rights of way within the site condominium subdivision. This requirement in as much as it deals with the establishment of a special assessment district under Act 188 of 1954, as amended, is not a waiver of any developer's or his grantees rights to contest the confirmation of any special assessment roll as provided in the Act.

6. Private Streets

If a site condominium subdivision is proposed to have private streets, the Planning Commission may require that the private streets be developed to the minimum design, construction, and inspection, approval, and maintenance requirements of the Township.

7. Subdivision of Condominium Units

All subdivisions of individual condominium units shall conform to the requirements of this Ordinance and their particular PD Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by Planning Commission, and these requirements shall be made part of the bylaws and recorded as part of the Master Deed.

8. Manufactured Housing Community Condominium Project

Manufactured Housing Community condominium projects shall conform to all requirements of this Ordinance.

9. Site Condominium Subdivision Layout - Design and Approval

The Planning Commission may require site condominium plans to conform to the plan preparation requirements; review and approval procedures; and its design, layout and improvement standards. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Township of Everett to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Planning Commission. Nothing in this

Section shall be construed as requiring a site condominium subdivision to obtain plat approval under the Subdivision Control Act.

10. Master Deed – Contents

All provisions of the site condominium plans, which are approved by the Planning Commission, must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township pursuant to the procedure set forth herein for the approval of site condominium plans. A copy of the Master Deed as filed with the Newaygo County Register of Deeds for recording must be provided to the Township within ten (10) days after such filing with the County.

11.20 MODIFICATION OF PD PLANS

Minor changes to a PD site plan may be approved in accordance with the Site Plan Review requirements of this ordinance.

ARTICLE 12

"MH" MANUFACTURED HOUSING COMMUNITY DISTRICT

12.01 DESCRIPTION AND PURPOSE

This zoning district is intended to establish neighborhood areas which because of site conditions, land use compatibility and the availability of necessary public services and facilities, are best suited to permit high-density single-family residential development where mobile homes and similar manufactured dwellings may be permitted as principal dwellings.

This zoning district is intended for those areas suited for Manufactured Housing Community development and which are capable of being served by public sewers. This district is primarily intended to provide for well-located and properly developed Manufactured Housing Communities. These districts should be located in areas that can accommodate higher density residential uses, should have full municipal utilities (where available), and adequately sized roadways. Residential dwellings may be singlewide, double wide or modular manufactured homes. No structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided. This zoning district is consistent with the mobile home parks land designation, as described in the Township Plan.

12.02 USES PERMITTED BY RIGHT

The following uses are permitted by right:

1. Essential services
2. Manufactured Housing Communities
3. Modular home parks

12.03 ACCESSORY STRUCTURES AND USES

The following uses are allowed when in conjunction with a single-family dwelling in which the operator is a permanent resident:

1. Clubhouses
2. Home occupations in the primary dwelling
3. Laundry
4. Manager's office
5. Parking facilities
6. Parks, playgrounds, and recreational open spaces
7. Personal pet facilities, including dog runs

8. State licensed residential facilities for six (6) persons or less are considered accessory uses, provided they meet the requirements of this section and Act 287 of 1972, as amended. State licensed residential facilities include foster family homes; foster family group homes, adult foster care family homes, and adult foster care small-group homes
9. Storage sheds
10. Swimming pools
11. Garages

12.04 SPECIAL LAND USES

The following uses may be permitted by obtaining a Special Land Use:

1. Home occupations in accessory buildings
2. Public and institutional facilities
3. Public utility facility
4. State licensed residential facilities for seven persons or more

12.05 HEIGHT, AREA, AND DIMENSION REGULATIONS

The use of land and buildings for Manufactured Housing Communities in this zoning district shall meet all regulations as in the Mobile Home Commission Rules Handbook as amended.

No building or structure shall be more than two and one-half (2-1/2) stories above grade or thirty-five (35) feet in height.

12.06 BASIS FOR APPROVAL

The Planning Commission will consider the following in review and approval of an application:

1. Land Use and Zoning
2. Municipal water supply, sewage service, and drainage
3. Compliance with local fire ordinances

12.07 REVIEW AND APPROVAL

A completed Sketch Plan shall be submitted to the Township together with a Zoning application. Upon submission of a complete set of documents, the Planning Commission will review the plans in accordance with the conditions specified in this Ordinance including location, layout and general design.

Prior to the establishment of a new manufactured housing community, expansion of a manufactured housing community, or construction of any building within the community not previously approved, a formal Site Plan shall be presented to the Planning Commission for its review and approval.

The Planning Commission will review the Site Plan for compliance with the design standards for manufactured housing communities contained in this Ordinance, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it will be approved.

12.08 GENERAL REQUIREMENTS

1. Average Site Size

The manufactured housing community shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured housing unit. This five thousand five hundred (5,500) square feet average may be reduced by twenty percent (20%) provided that each individual site will be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the average site below five thousand five hundred (5,500) square feet, at least an equal amount of land will be dedicated as open space. This open space will be in addition to that otherwise required.

2. Individual Site Improvements

Each dwelling shall be installed in accordance with the adopted Township Building Code, or in the case of manufactured homes, shall be provided with a continuous pad of four (4) inches thick concrete with four (4) inches of compacted sand running the full length and width of the manufactured home.

All dwellings shall provide a crawl space below the entire floor of the dwelling no less than twenty four (24) inches in depth, with a vapor barrier consisting of two inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains and dry wells to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.

In addition, each mobile home shall be installed pursuant to the manufacturer's setup instructions and pursuant to Rule 602 and 602(a) promulgated by the Michigan Manufactured Housing Commission. Each manufactured home shall be secured to the premises by an anchoring system or device compatible with Rules 605 through 608 of the Michigan Manufactured Housing Commission. Skirting shall be installed along the base of each manufactured home sufficient to hide the undercarriage and supports from view and conforming to the standards set forth in the rules of the Michigan Manufactured Housing Commission promulgated under 1976 Act 419, as amended.

3. Miscellaneous Outside Storage

The storage of any household personal items outside of any dwelling is strictly prohibited except within an individual storage cabinet located upon the site or within a central storage area designated for such use. If storage cabinets or enclosed storage spaces are to be provided, not less than three hundred (300) cubic feet per dwelling shall be devoted to such use. Individual accessory buildings or storage cabinets shall not cover more than two and one-half percent (2-1/2%) of the site area. This section shall not prohibit the enclosed storage of household or personal items beneath a manufactured home.

The storage of campers, trailers, motor homes, boats, snow mobiles, and other recreational vehicles shall be permitted only in a recreational vehicle storage area designated for such use. Recreational vehicle storage areas shall be screened by a solid-type screening device at least five (5) feet in height around its perimeter.

4. Manufactured Housing Sales

As distinguished from street sales centers, on-site model homes for sale are important and appropriate marketing mechanisms for manufactured housing community development. The selling of new and/or used dwellings as a commercial operation in connection with the operation of a Manufactured Housing Community is prohibited. On-site models located on licensed sites only within the Manufactured Housing Community not on vacant lots or land may be sold by the owner of the dwelling or operator of the park.

5. Layout

The layout of a Manufactured Housing Community, including other facilities intended for resident use, will be in accordance with acceptable planning and engineering practices and will provide for the convenience, health, safety, and welfare of the residents.

6. Signs

There shall be a maximum of one sign that will bear only the name of the establishment having a maximum area of thirty-two (32) square feet. The sign may be lighted provided the source of light is not visible and not the flashing or intermittent type. The sign must be located from the street a distance equal to the required setback. As an alternative, there may be two signs, each of which is a maximum of 16 square feet.

7. Circulation

A circulation plan including all pedestrian ways, paths, streets, and parking facilities must be included in the preliminary plan. Access to any playgrounds, recreation or athletic areas in the park shall be from internal roads and have no less than two access points. A boulevard entrance extending to the first internal street intersection or a secondary access shall be a requirement.

8. Parking Requirements

Parking shall be provided in off-street parking bays with at least two (2) parking spaces for each site within the Manufactured Housing Community. Each parking space shall be not less than two hundred (200) square feet in area. Each parking bay shall be conveniently located in relation to the site for which it is provided. In addition to the two (2) required off-street parking spaces, one (1) additional parking space is permitted on each site provided it is hard surfaced and contains at least two hundred (200) square feet of area.

A. Resident Vehicle Parking

- i. All home sites shall be provided with two (2) parking spaces.

- ii. If a vehicle parking is provided on the home site, it shall comply with the following provisions:
 - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable sub grade in compliance with the standards of AASHTO.
 - b. The parking spaces may be in either tandem or side-by-side. If spaces are in tandems, then the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two parking spaces shall not be less than nineteen (19) feet and the length shall be not less than twenty (20) feet.
 - c. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within thirty (30) feet of the home site and each parking space shall have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
 - d. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.

B. Visitor Parking Facilities

- i. A minimum of one parking space for every three home sites shall be provided for visitor parking.
- ii. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
- iii. If parking bays are provided for visitor parking, they shall contain individual spaces having a clear parking width of ten (10) feet and a clear length of twenty (20) feet.

9. Street Requirements

Each Manufactured Housing Community shall be designed and located so that at least two (2) access streets provide a continuous route of travel throughout the park and provide exclusive access to a primary arterial as designated on the Everett Township general development plan, as amended. Except for restricted designated emergency exits, no ingress and egress shall be provided via neighborhood collectors, cul-de-sacs, or other local streets. No Manufactured Housing Community access street shall be located closer than one hundred twenty-five (125) feet to the intersection of any two (2) public streets; provided, however, that for a double street or boulevard type access points the minimum distance to the intersection of any two (2) public streets shall be two hundred (200) feet.

If two-way traffic is to be accommodated, the street pavement width shall be no less than twenty-four (24) feet. If only one way traffic is to be accommodated, the street pavement width shall be no less than twenty (20) feet.

All streets and parking areas in a Manufactured Housing Community shall be paved with a hard surface that complies with the requirements of the Michigan Manufactured Housing Commission R.125.1922, et seq., of the Michigan Administrative Code.

10. Sidewalks

Paved sidewalks shall be provided on both sides of all two-way streets functioning as the main collector street within the Manufactured Housing Community. Sidewalks shall be directly next to and parallel to the street and may be used as curbs for the street. All sidewalks shall be at least four (4) feet in width.

If the Manufactured Housing Community density is greater than seven (7) units per gross acre sidewalks on both sides of each street are required. For Manufactured Housing Communities with a density between five (5) and seven (7) units per gross acre, sidewalks on one side of each street are required. For Communities with density less than five (5) units per gross acre, sidewalks are not required. Sidewalks shall be designed, constructed, and maintained for the safe and convenient movement from all home sites to principal destinations within the Manufactured Housing Community and connected to public sidewalks outside the Manufactured Housing Community.

If sidewalks are required, they shall be installed along all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. In all cases, sidewalks shall be required along that portion of a community fronting public thoroughfares.

Sidewalks shall be constructed in compliance with all of the following requirements:

- A. A sidewalk system shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act that regulates sidewalks for handicappers; and
- B. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.

11. Utilities

Hookups to public sanitary sewer systems are required in Manufactured Housing Communities if available within two hundred (200) feet at the time of preliminary plan approval. If a public system is unavailable, the Manufactured Housing Community shall connect to a state approved sewage system.

- A. All electrical, telephone, cable television, natural gas, and all other public and private utilities services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.

- B. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
- C. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code, There shall be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the community.
- D. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the Michigan Department of Environmental Quality manufactured housing community standards.
- E. All storm sewers shall be constructed according to the Michigan Department of Environmental Quality manufactured housing community standards. Additional requirements for a community may be established by the Kent County Drain Commissioner pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

12. Vehicular and Sidewalk Illumination

Vehicular and sidewalk systems within a Manufactured Housing Community shall be illuminated as follows:

- A. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of an adjacent illuminated thoroughfare
- B. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall be not less than .15 foot-candles
- C. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot-candles
- D. If a Manufactured Housing Community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot-candles on any entry on the directory

13. Setbacks and Buffers

No manufactured home or permanent building shall be located closer than thirty-five (35) feet to a public right-of-way nor closer than ten (10) feet to: (1) another Manufactured Housing Community; or (2) a boundary line which is adjacent to or part of a buffer as defined by this Ordinance. In all other cases, no manufactured home or permanent building shall be located closer than twenty (20) feet to the Manufactured Housing Community boundary line.

Home sites shall be arranged to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

- A. For a home not sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes
- B. For a home sited parallel to an internal road, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road
- C. Ten (10) feet from either of the following:
 - i. A parking space on an adjacent home site
 - ii. An attached or detached structure or accessory of an adjacent home that is not used for living purposes
- D. Fifty (50) feet from permanent Manufactured Housing Community-owned structures, such as either of the following:
 - i. Clubhouses
 - ii. Maintenance and storage facilities
- E. One hundred (100) feet from a baseball or softball field
- F. Twenty-five (25) feet from the fence of a swimming pool

Attached or detached structures or accessories that are not used for living space shall be a minimum distance of ten (10) feet from an adjacent home or its adjacent attached or detached structure.

Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, carports or garages, or similar structures, shall be set back the following minimum distances:

- A. Ten (10) feet from the edge of an internal road
- B. Seven (7) feet from a parking bay off a home site
- C. Seven (7) feet from a common sidewalk
- D. Twenty-five (25) feet from a natural or man-made lake or waterway

A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two long sides and the entrance side:

- A. Support pillars that are installed adjacent to the edge of an internal road shall be set back four (4) feet or more from the edge of the internal road or two (2) feet or more from the edge of a sidewalk.
- B. Roof overhangs shall be set back two (2) feet or more from the edge of the internal road.

The length of a home site may vary; however, the minimum standards pertaining to the distance between homes shall be complied with.

14. Skirting

All homes must be anchored in accordance with the most current HUD setup and installation standards. Home skirting shall be vented in accordance with the manufacturer's installation instructions. In the absence of instructions, louvered or similar vents shall have a minimum of six hundred (600) square inches of open space per one thousand (1,000) square feet of living space. A minimum of one vent shall be placed at the front and rear of the home and two at each exposed side. Access panels of sufficient size to allow full access to utility hookups located beneath the home shall be installed. Skirting, if any, shall be an exterior building material. Skirting shall be installed in a manner to resist damage under normal weather conditions, including damage caused by freezing and frost, wind, snow, and rain. Skirting must be installed within ninety (90) days of occupancy in accordance with Rule 125.1604 of the Manufactured Housing Commission Rules.

15. Setbacks From Property Boundary Lines

Homes, permanent buildings and facilities, and other structures shall not be located closer than twenty (20) feet from the property boundary line.

Homes, permanent buildings and facilities, and other structures abutting a public right-of-way shall not be located closer than fifty (50) feet from the boundary line. If the boundary line runs through the center of the public road, then the fifty (50) feet shall be measured from the road right-of-way line.

16. Corner Sites

No fence, structure or planting over thirty (30) inches in height shall be located on any corner manufactured home site within a triangle shaped area bounded on two sides by the edges of the adjacent internal roads and on the third side by a line drawn connecting the first two sides not less than forty (40) feet from the intersection of said interior street edges.

17. Interior Landscaping

All unpaved ground surfaces shall be covered with grass, trees, shrubs, flowerbeds, wood chips, stones, or other suitable ground cover capable of preventing soil erosion.

All exposed ground surfaces in the Manufactured Housing Community must be sodded, seeded, covered with ornamental stone, wood chips or other attractive ground cover.

One (1) shade tree at least ten (10) feet in height when planted shall be provided for each two (2) sites.

18. Screening and Buffering

Where a Manufactured Housing Community parcel is adjacent to a vacant parcel of land, there shall be no required greenbelt-planting strip. Where the Manufactured Housing Community parcel is adjacent to a non-vacant parcel or public right-of-way, there shall be a green belt planting strip with a width of not less than twenty (20) feet along the property lines. The Manufactured Housing Community must be screened from view as follows:

Trees and shrubs shall not be less than three (3) feet in height at the time of installation and shall form an obscuring screen at maturity.

19. Speed Limits and Traffic Signs

All internal roads shall be clearly marked with appropriate traffic signs. Manufactured Housing Community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.

- A. Speed limits on Manufactured Housing Community internal roads shall not exceed fifteen (15) miles per hour, shall be posted, and shall be enforced.
- B. Internal roads shall be named and identified by signs located at all internal road intersections.
- C. Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.

20. Designated Open Space Requirements

A Manufactured Housing Community that contains fifty (50) or more home sites, which are constructed according to a permit to construct issued under the act, shall have not less than two percent (2%) of the Manufactured Housing Community's gross acreage dedicated to designated open space, but not less than twenty-five thousand (25,000) square feet. The Township and the developer shall mutually agree on the location of the open space areas.

Optional improvements such as swimming pools, tennis and basketball courts, etc., may be considered as fulfilling part or the entire total designated open space requirement.

Each Manufactured Housing Community shall contain an open space area dedicated to common park use which is equal to no less than the area of land gained through the site reduction specified herein or an amount equal to no less than that required by the Michigan Manufactured Housing Commission, R.125.1946, et seq., of the Michigan Administrative Code, whichever is greater.

12.09 Other Requirements

All requirements, as regulated by the Manufactured housing Commission Act 96 of 1987, as amended, shall be met. No material change or alterations in an approved preliminary plan may be made without the approval of the Township.

A copy of the final construction plans shall be submitted to the Township in digital format upon approval by the State of Michigan.

ARTICLE 13

“CIO” COTTAGE INDUSTRY OVERLAY

13.01 DESCRIPTION AND PURPOSE

This section of M-37 is a high traffic, rural area ideal for locating cottage industry operations that are conducted as an accessory use to a residential home. A Cottage Industry is a more intensive use than a home occupation, with some activity occurring outside of the home in an accessory building with the potential for other limited outdoor activity. Cottage Industry is allowed as a use-by-right in this overlay, subject to development standards and a site plan review by the Zoning Administrator

13.02 COTTAGE INDUSTRY OVERLAY DEVELOPMENT GUIDELINES

These guidelines establish criteria for evaluating the appropriateness of Cottage Industry projects approved within the overlay area. Provisions for Cottage Industry are intended to provide uses not otherwise available in the zoning ordinance. To be considered for the use, a proposal must prove the following:

- 9.** The use is a secondary use located on the same parcel as the primary use and is limited to one accessory building in addition to the dwelling
- 10.** Any accessory building used for a Cottage Industry is designed to be in keeping with the rural character of the surrounding area.
- 11.** Any accessory building used for a Cottage Industry shall have a total floor area not to exceed three thousand (3000) square feet.
- 12.** The Cottage Industry shall not create a nuisance and shall have established hours of operation between 6:00 Am and 9:00 PM. The outside storage of materials, equipment and waste shall be screened from view as not to be visible from public right-of-ways or adjacent properties
- 13.** Customer traffic shall be limited to four (4) automobile(s) parked at the Cottage Industry at a time and the number of employees shall not exceed two (2) persons at any given time in addition to those who live at the dwelling
- 14.** The Cottage Industry shall not generate any hazardous waste.

All Site Plans for a Cottage Industry use shall be reviewed by the Zoning Administrator.

ARTICLE 14

SITE PLAN REVIEW

14.01 DESCRIPTION AND PURPOSE

This article establishes standards and requirements for the review and approval, by the Planning Commission, of Site Plans. It is the purpose of this article to require Site Plan approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, land uses, adjacent parcels, and on the character of immediate development area. Therefore, it is the purpose of this article to achieve, through Site Plan Review, safe and convenient traffic movement, both within a site and in relation to access streets; harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites; and to conserve natural features and resources. It is further the intent of this article to delegate certain aspects of Site Plan Review authority to the Planning Commission, within the standards and requirements set forth in this article.

14.02 SITE PLAN AUTHORITY

As used in this article, "Site Plan" includes the documents and drawings that are necessary as a part of the development review process to ensure that a proposed land use or activity complies with applicable local ordinances and state statutes. Site Plan review insures that the proposed land use or activity is compatible with the character of the surrounding area, adjacent uses of land, the natural environment, the capacities of public services and facilities, and the public health, safety, and welfare.

The standards and requirements provided by this article shall be in addition to those required elsewhere in this Ordinance that may be applicable to the use or activity under consideration.

The intent of this article is to provide for dialogue and discussion between the applicant and the Planning Commission in order that:

1. The applicant may accomplish their objectives in the utilization of their land within the regulations of this Ordinance, and that
2. The project will result in minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and environment in the immediate area and vicinity.

14.03 SITE PLAN APPROVAL

A site plan shall be approved if it contains the information required by the zoning ordinance and complies with the zoning ordinance and the conditions imposed pursuant to the ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the individual or body, which initially approved the site plan.

14.04 USES REQUIRING SITE PLAN APPROVAL

The following buildings, structures, and uses require Site Plan approval by the Planning Commission:

1. All buildings, structures, and uses except agriculture uses, public schools, oil wells, County administrative buildings, and single-family residential uses including customary and incidental accessory buildings
2. All Special Land Uses
3. Earthmoving greater than 20,000 square feet
4. Parking facilities containing ten (10) or more parking spaces
5. Churches
6. Public parks and recreational facilities such as golf courses and parks
7. Essential services, excluding buildings, substations, and regulator stations
8. Cemeteries

14.05 EXCEPTIONS TO SITE PLAN REVIEW

Formal site plan approval is not required for a change of one (1) permitted use to another, providing there are no exterior modifications or physical changes to the site. However, site plan approval shall be required if the Zoning Administrator determines that the change of use is significant enough to warrant review.

14.06 SKETCH PLAN

Sketch Plan review is mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to formal Site Plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Township to inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs that might be necessary for formal Site Plan approval.

14.07 SKETCH PLAN SUBMISSIONS AND CONTENT

Applicants shall prepare and submit to the Zoning Administrator three (3) copies of a sketch plan. The Zoning Administrator shall promptly transmit two (2) copies of this plan to the Planning Commission. This plan shall set forth, in general terms, the proposed uses to be developed and the following specific information:

Sketch Plans shall include the following:

1. Basic layout of existing and proposed project elements
2. The location of natural features such as woodlots and surface water
3. The legal description and the common or popular description of the site, together with the legal description of all easements benefiting or encumbering the site
4. A small-scale locational map of the Township showing the approximate location of the site including adjacent properties, streets, and use of land within one-half (1/2) mile of the area
5. The size of the site in acres and square feet
6. The location and dimensions of all existing and proposed drives, curb openings, signs and curbing
7. Additional information as may be requested by the Planning Commission that is reasonably necessary to evaluate the proposed development of the site
8. A generalized map to scale showing any existing or proposed arrangement of:
 - A. Streets
 - B. Lots
 - C. Access points
 - D. Buffer strips screening
 - E. Natural characteristics, including but not limited to, open space, stands of trees, brooks, ponds, floodplains, hills, dune classifications, dune crests, and similar natural assets
 - F. Signs; location and lighting
 - G. Buildings
9. A narrative containing, at a minimum, a statement as to the type of proposed use as well as all expected accessory uses, representations as to design standards for the development, and the expected needs of the development, both in terms of time and capacity, for public and private utilities and transport. The narrative describing the overall objectives of the proposed development shall include the following:
 - A. The overall objectives of the proposed development
 - B. Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space
 - C. Square footage of dwellings or buildings by type

- D. Proposed method of providing sewer and water service, as well as other public and private utilities
- E. Proposed method of providing storm drainage
- F. Number of acres allocated to the proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space
- G. Proposed method of re-vegetating open or exposed ground areas, both preexisting and newly created, to a stable condition
- H. Method of financing and commitments or other proof of ability to obtain financing
- I. The period of time within which the project will be completed
- J. Proposed staging of the project, if any.

In addition to the above said applicant shall submit the Sketch Plan Review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

14.08 REVIEW OF SKETCH PLAN

The Sketch Plan shall be reviewed by the Planning Commission. The Planning Commission may request comments from Township officials or others such as the Fire Chief, Attorney, Township Engineer, Planning Consultant, if appropriate and base their recommendations on those review comments, as well as the purposes, objectives, and requirements in this Ordinance. The Planning Commission shall review the sketch plan and make recommendations to the applicant based on (1) the requirements of this Ordinance and (2) the following specific considerations where applicable:

The following considerations shall be applicable:

1. A scaled drawing accurately depicting all elements of the site
2. The general shape, size and location of all existing structures on the site and on all adjoining properties
3. Required setbacks
4. General compatibility with adjacent properties
5. Refuse and service areas
6. Proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with adjoining properties and properties in the area
7. Yards and other open spaces
8. Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency

9. Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development
10. Sanitary sewer and water, (well and septic), and storm drainage and all public utilities with reference to locations, availability, and compatibility
11. Screening and buffering with reference to type, dimensions, and character
12. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties
13. The general purposes and spirit of this Ordinance and the general guidelines of the Township's Master Plan., as well as compatibility with other ordinances and statutes that regulate land development

The Planning Commission shall review the preliminary plan based on the following considerations:

1. **Eligibility Requirements** - Whether the site meets the eligibility requirements of this Article.
2. **Access** - Whether there will be adequate and safe access onto and from the site.
3. **Storm Water Retention and Drainage** - Whether the site will have adequate and safe storm water retention capability, and whether the site will change drainage patterns or the amount of drainage off the site.
4. **Environmental Harm** - Whether the proposed mineral removal from the site will threaten any endangered or threatened species of plants or animals, wetlands, body of water, or otherwise create an unusually adverse or detrimental effect upon the environment.
5. **Open Space** - Whether the proposed use will maintain yards and open space as required in this Ordinance.
6. **Access to the Property**- Whether the proposed use will have adequate and safe access from and onto the public streets of the Township, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, traffic volume, and emergency access in case of fire or other catastrophe.
7. **Access to Utilities** - Whether the proposed use will have adequate access to all public and private utilities necessary or desirable for its or their development in accordance with the preliminary plan, with reference to locations, availability and compatibility.
8. **Storm Water Retention and Drainage** - Whether the proposed end-use will have adequate access to public drainage systems or will be able to provide for adequate storm water retention on site so that drainage from the site after development of the end-use proposed for the site will not increase or decrease the drainage burden upon adjoining properties.

14.09 FORMAL SITE PLAN REVIEW

Formal Site Plan Review is mandatory. An application for Formal Site Plan Review along with the Formal Site Plan shall be submitted to The Township. Following sufficient review of the application and plans for completeness, the application and plans will be transmitted to the Planning Commission. Incomplete applications will not be forwarded for consideration. The application must contain the name and address of the individual or firm responsible for the preparation of the Site Plan as well as the name, address and phone number of the titleholder, land use developer, and any person holding an option or otherwise having an equitable or legal interest in the site involved in the request. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land such as an option or purchase contract shall be required.

1. Formal Site Plans shall be based on an accurate certified land survey and contain:

- A. The Date, North Arrow, and appropriate scale sized to fit on a 24- by 36-inch-sized sheet, or 11 X 17 inch-sized sheet if approved by the Zoning Administrator. The scale shall render enough detail to accurately interpret the plan, but for sites with an area equal to or less than five (5) acres, the scale shall not provide less detail than one (1) inch equals ten (10) feet or 1:120
- B. All lot or site lines shall be clearly drawn on the map and shall include, at a minimum, all bearings and dimensions mentioned in the legal description of the site
- C. The seal of any professional person involved in the preparation of the final plan together with the date of preparation of the final plan
- D. Any revisions of the final plan shall contain the revision date and number

2. **Existing Characteristics:**

- A. Location of lot lines and lot line dimensions the total acreage of the property
- B. Location, height, size and type of buildings or structures to be retained or removed
- C. Signs and exterior lighting
- D. Streets, easements, rights-of-way, drives, sidewalks, curb openings, curbing, parking facilities, unloading areas, and parking lots; and the pavement width and right-of-way width of all abutting roads, streets, alleys, or easements
- E. Water and sewer lines
- F. Storm drainage
- G. Soil information, groundwater, water table, and the impact of the proposed activities on each
- H. Topographical features including contour intervals no greater than two (2) feet of elevation

- I. Surface water such as streams rivers, lakes, ditches and water courses shoreline, ponds and wetlands (as determined by the Michigan Department of Environmental Quality)and delineation of the one hundred (100) year flood plain, if applicable
- J. Ditches and drainage courses, drainage patterns and County drains
- K. Ground cover, vegetation, and Woodlands trees
- L. Respective zoning districts abutting the subject property
- M. Required setbacks are to be shown and dimensioned
- N. Historic and cultural features
- O. Existing infrastructure
- P. Adjacent development within two hundred (200) feet, and other uses, on and within one hundred (100) feet of the subject property's boundary
- Q. Location, height, and types of fences and walls

3. Proposed Characteristics:

- A. Location and dimensions of all existing buildings or structures to be left on the site, all existing buildings or structures proposed to be removed or demolished, and any proposed buildings or structures to be built or placed upon the site, including a description of the purpose or intended use of each building, structure, or part of the building or structure.
- B. Proposed streets, easements, rights-of-way, drives and parking lots
- C. Proposed landscaping
- D. Loading and unloading facilities
- E. Exterior lighting and signs
- F. Sidewalks, driveways and curb openings
- G. Signs
- H. Exterior lighting, curbing, parking facilities (show dimensions of a typical parking space), unloading areas, and recreation areas
- I. Common use areas and areas to be conveyed for public use and purpose on and within one hundred (100) feet of the subject property's boundary
- J. Size and location of proposed public utilities and any private on-site utilities such as provisions for lighting, sanitary sewage disposal, storm drainage and water supply

- K. The location and dimensions of all proposed man-made features on the site such as high tension towers, pipe lines, excavations, bridges, culverts, drains, docks, paths, parking areas, surface water drainage facilities and other improvements and the impact of the proposed activities on soils, surface water drainage, groundwater, and water table
- L. Proposed contour intervals shall be shown (two (2)-foot intervals for average slopes of ten percent (10%) and under, five (5)-foot intervals for slopes over ten percent (10%)
- M. Summary schedules and views should be affixed as applicable in residential developments, which give the following data:
 - i. The number of dwellings proposed (by type) including typical floor plans for each type of dwelling
 - ii. The number and location (by code if necessary) of 1-bedroom units, 2-bedroom units, etc.
 - iii. The residential area of the site in acres and in square feet, including breakdowns of both measures for any sub areas or staging areas (excluding all existing rights-of-way), and also indicates total square footage of rights-of-way for each sub area or staging area
 - iv. Typical elevation views of the front and side of each type of building
 - v. Preliminary architectural sketches and/or a general statement as to the type of construction and materials to be used in the proposed buildings or structures. Height and area of buildings and structures shall be described

4. **Additional Information Deemed Necessary**

The Planning Commission may request additional information that is reasonably necessary to evaluate the development site plan and its effect on the surrounding neighborhood and the Township in general. Such additional information may include but is not limited to the following:

- A. A description of all aspects of the use of the land that might have positive or adverse effects on public health, safety and welfare
- B. Information as the Planning Commission may deem necessary in order to determine the impact of the proposed use on the public health, safety, and the general welfare, such as reviews of other local, county, state, and federal agencies
- C. An environmental impact statement or report, or such other data or information as required or if requested by the Planning Commission

The Planning Commission may waive any one or more of the site plan informational requirements set forth herein upon a determination that it is not reasonably necessary to

evaluate the development of the land to be developed and its effect on the surrounding neighborhood and the Township in general.

The applicant shall ensure and be able to demonstrate, to the satisfaction of the Township, that all necessary and associated regulations are satisfactorily met, complied with, and completed. As a part of its review, the applicant shall be responsible for distributing copies of the plan to other governmental departments or officials for review and comment as appropriate.

14.10 REVIEW PROCEDURE

The Site Plan shall be submitted in ten (10) copies. Upon approval of a Site Plan, at least two (2) copies of the Site Plan as finally approved shall be signed and dated by the chairperson of the Planning Commission. One copy of the signed Site Plan shall be filed in the Township's records and the other returned to the applicant. If available, the applicant should include a single diskette copy of the Site Plan in generic digital format.

14.11 STANDARDS FOR FORMAL SITE PLAN REVIEW

1. The Planning Commission shall review the Site Plan based on the purposes, objectives, and requirements of this Ordinance and on the standards provided by this article. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties.
2. In reviewing a Site Plan, the Planning Commission shall determine whether the applicant has established that the Site Plan is consistent with this Ordinance and in accord with the adopted plan of the Township and more specifically, in reviewing the Site Plan, the Planning Commission shall specifically consider the following standards, as applicable:
 - A. Vehicular access and parking: The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles
 - B. External effects (general): Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not materially adversely affect adjacent and neighboring properties or uses. The Site Plan is harmonious with existing and future uses in the immediate area. The Site Plan shall be adequate to provide for the health, safety, and general welfare of the persons and property on the site and in the neighboring community
 - C. Public services and utilities: All utilities will be installed underground. The location, availability, and compatibility of necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads, and parking facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site

- D. Dimensional requirements: The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this Ordinance, or appropriate variances obtained
- E. Building arrangement: The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity
- F. Drainage of surface water: Proper management of surface water shall be provided so that the drainage of surface waters will not adversely affect neighboring properties or the public storm drainage system.

Green roof concepts, rain gardens, and on-site retention of storm water are the preferred management techniques. If retention is not practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an approved drainage system. The peak rate of storm water runoff from the site shall not increase because of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.

- G. Exterior lighting: All lighting shall be installed and maintained in such a manner as to confine the illumination source or divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.
 - i. Luminaries with exposed open bulbs are prohibited
 - ii. Up-light limiting shields to minimize up-light components are required
 - iii. Full-cut-off luminaries are required. Semi-cut-off luminaries may be used if full-cut-off luminaries are impractical
 - iv. The lighting of building facades is prohibited
- H. Signs: The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to minimize distraction or clutter;

- I. Special Features: Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition;
- J. Landscaping: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking facilities.

14.12 REGULATIONS

The following regulations shall apply to all land uses requiring Site Plan approval:

1. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development that requires a Site Plan approval until an approved Site Plan has been signed by the chairperson of the Planning Commission
2. A zoning permit for any use requiring Site Plan approval will not be issued until the chairperson of the Planning Commission has signed an approved Site Plan
3. The building inspector shall not issue a building permit for any use requiring Site Plan approval until the zoning administrator has issued a zoning permit
4. An occupancy permit for any use requiring a Site Plan approval will not be issued unless the use as constructed conforms to the approved Site Plan

14.13 CONDITIONS OF APPROVAL

Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

The Planning Commission may impose reasonable conditions upon the approval of a Site Plan. The conditions may include, but are not limited to Conditions necessary to:

1. Ensure 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
2. Ensure that the natural environment, natural resources and energy are protected and conserved
3. Ensure compatibility with adjacent uses of land

4. Promote the use of land in a socially and economically desirable manner

Conditions imposed shall meet all of the following requirements:

15. Be designed to protect natural resources; the health, safety, welfare, and 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; or the community as a whole
16. Be related to the valid exercise of the police power
17. Be necessary to meet the intent and purpose of the zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards
18. Adequate off-street parking and loading spaces in accordance with this Ordinance shall be provided within 300 feet of the proposed use or structure

14.14 DEDICATION OF OPEN SPACE

Any dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:

1. A Conservation Easement, as established by the State of Michigan Conservation and Historic Preservation act, Public act 197 of 1980, as amended (M.C.L.399.251).
2. Master Deed, as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
3. Distributed, gift or sale of the development rights to all property owners within the Open Space Community.

The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space or farmland community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurances for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payment and collection.

14.15 SURETY

To ensure compliance with the Zoning Ordinance and any conditions imposed hereunder, the Township may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount it determines is reasonably necessary to cover the estimated cost of improvements associated with the project for which a site plan approval is sought. Such surety acceptable to the Township covering the estimated cost of certain improvements shall be deposited with the Clerk of the Township to ensure faithful completion of the improvements or conditions. Cash deposits may be rebated as work progresses in reasonable proportion to the ratio of work completed on the required improvements. The bond, monetary security or letter of credit must be reasonably necessary to ensure the following:

1. The construction of "Required improvements", meaning those features and actions associated with the project that are considered necessary by the planning commission, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage.
2. Completion of the project to the standards and requirements of this Ordinance and other applicable Township ordinances.
3. Remediation or cleanup of hazardous or harmful chemicals or substances associated with the use.

Improvements requiring a surety do not necessarily include the entire project that is the subject of zoning approval. The nature and duration of the guarantees are structured to achieve this goal without adding unnecessary costs to the applicant.

Construction or installation of improvements shall not begin until the final Site Plan is approved. However, no further action may be taken by the property owner until all improvements are completed, inspected, and approved to ensure that streets are properly constructed, drainage facilities properly provided, and all other utilities and improvements properly installed. Only when all improvements are completed, inspected, and approved will occupancy permits or buildings permits be issued or property sold.

However, where the applicant has satisfied the surety requirements herein, to ensure that the required improvements will be completed, the above restrictions may be modified.

In large projects, the surety may be released in stages. The applicant may be allowed to assign a portion of the total to each development stage as part of a complete phasing plan of the overall improvement. Surety for each subsequent phase depends on completion of the required improvements for the preceding phase. Where partial approval is granted, the surety may be released except that portion of improvements not yet approved, but continued adequate financial surety is required before approval of the final phase.

Similarly, the surety may be refunded based on completion of improvements. The planning commission may reduce the amount of the performance guarantee when portions of the required improvements have been installed. When the Township has received the required surety, it may be released upon request by the property owner. The Zoning administrator will inspect the project to determine the percent completion of improvements. The Township will release up to eighty percent (80%) of a pro rata portion of the surety based on the percent complete as verified by the Zoning administrator.

14.16 PROCEDURES FOR INSPECTING, APPROVING, AND ACCEPTING IMPROVEMENTS

Upon completion or substantial completion of all required improvements, the applicant must notify the Township in writing by certified mail, and shall send a copy to the zoning administrator. The zoning administrator will inspect all improvements of which such notice has been given and will file a detailed written report concerning such improvements with a statement of reasons for any rejection. Inspection fees will be charged for each site visit to prevent the engineer's time from being wasted. The cost of any rejected improvements will be set forth.

The zoning administrator's report should be the basis for whether the improvement is approved, partially approved, or rejected. The Township will notify the applicant in writing, by certified mail, of the contents of the report and the Township's action, within one hundred twenty (120) days after receipt of the applicant's notice that improvements are complete.

14.17 RELEASE OR EXERCISE OF SURETY

In case of default of performance, the Township, upon ten (10) days' notice, may undertake the completion of the required improvements, assigning the cost against the amount of the guarantee to be paid by the surety. Notice to the property owner shall be directed to the address given by the owner upon the initial application of the subdivision.

Whatever the type of surety used, the guarantee will not be released until the Zoning administrator has certified that the required improvements have been completed according to specifications. A default will be declared upon expiration of the time allowed for completion of all improvements. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Township beyond the completion deadline for good cause and upon extension of the financial surety. In case of exercise of the surety, the proceeds from the guarantee will reflect:

1. The cost of inflation of the labor and materials needed to complete the improvements
2. The special administrative costs associated with declaring a default, bidding or programming the project, and completing the project
3. The unforeseen costs of remedying the damage, deterioration, or faulty workmanship associated with the work already undertaken

14.18 EXCEPTIONS

When other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, will be required by the Township for such utilities or improvements.

14.19 CHANGES TO SITE PLAN

Except for minor revisions, an approved site plan may not be changed, and development in accordance with a changed site plan may not take place, unless the revisions in the site plan have been reviewed and approved by the Planning Commission. Subsequent actions altering, amending, or changing the approved use or activity in any way will require approval in accordance with the procedures described above.

1. The property owner or other holder of an approved site plan shall submit to the Zoning Administrator a request for approval of any proposed change in the approved site plan. The request shall be accompanied by a site plan, showing the change or changes for which approval is being requested. Any required application fee shall be paid at the time the application and proposed revised site plan are submitted.
2. Minor revisions in an approved site plan may be approved by the Zoning Administrator, upon a determination that the proposed minor revision will not alter the basic design of

the development or any of the specific terms and conditions imposed as a part of the original approval of the site plan. Minor revisions eligible for consideration and approval by the Zoning Administrator consist only of the following:

- A. Replacement of plant material specified in the landscape plan, with comparable material
 - B. Changes in building materials to a comparable or higher quality
 - C. Internal rearrangement of a parking area which does not affect the number of parking spaces or traffic circulation on the site nor alter access locations or overall design of the site or parking area(s)
 - D. Changes required or requested by the Township for safety reasons
 - E. Changes that will preserve the existing natural features of the site without changing the basic site layout
 - F. Relocation of a building, structure or other surface or subsurface improvement by not more than five (5) feet
 - G. An increase or decrease of building size or other surface or subsurface improvement of not more than five percent (5%)
 - H. Signs of not more than three (3) in number or thirty-two (32) square feet individually
 - I. Other similar changes of a minor nature which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site, and which the Zoning Administrator determines would not have a significant adverse effect upon the subject lands, or upon adjacent or nearby lands or the public interest
3. Any requested minor revision that is submitted to the Zoning Administrator for approval may be referred by the Administrator to the Planning Commission for decision, regardless of whether the proposed change qualifies or does not qualify as a minor revision. In the case of such referral to the Planning Commission, the Commission shall make the decision on the requested change, even if the revision qualifies under subsection (c) as a minor change.
 4. If the revision requested in an approved site plan is not a minor revision under the terms of subsection (c), then such change shall be deemed a major change. In that event, the site plan, showing the major revision, shall be submitted to the Planning Commission, for its review and consideration, and the procedures with respect thereto shall be the same as those required for original consideration of a site plan.
 5. In the approval of any revision in an approved site plan, whether by the Zoning Administrator or the Planning Commission, terms and conditions may be imposed.
 6. Upon the Zoning Administrator's approval of minor revision in an approved site plan, the Zoning Administrator shall notify the Planning Commission of the revision approved.

7. Upon approval of changes in an approved site plan, the applicant shall promptly submit to the Zoning Administrator four copies of the site plan, or such additional copies as may be required by the Zoning Administrator, accurately showing the revision in the plan so approved. The Zoning Administrator shall then mark the original of the site plan as approved, by means of affixing a signature or other authentication and setting forth the date of the authentication.

14.20 ENFORCEMENT

A Site Plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of the Ordinance. Subsequent actions relating to the use or activity authorized shall be consistent with the Site Plan as approved. Any violation of an approved Site Plan shall be grounds for the Township to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the Township. In addition, a violation of any approved Site Plan or failure to comply with any requirements of this article, including conditions of approval, shall be considered a violation of this Ordinance.

14.21 TIME LIMITATIONS ON DEVELOPMENT

Each phase shall be under construction within one (1) year after the approval of the final development plan. If this requirement is not met, the Township may grant an extension provided the developer presents reasonable evidence to the effect that said development has encountered unforeseen difficulties, but is now ready to proceed. Should the aforementioned requirements not be fulfilled within a period of one (1) year after final approval by the Township, the approval for the final development plan by the Township shall expire, and any building permit issued for said development shall be invalid and void. The developer may proceed with development of the phase only by resubmitting the final development plan or submitting a new final development plan for the phase in accordance with the provisions of this Article.

ARTICLE 15

PRIVATE STREETS

15.01 SCOPE See Also: APPENDIX "PRIVATE STREET DESIGN AND CONSTRUCTION STANDARDS" -

The Township has determined that as large tracts of land are divided, sold, transferred and developed, private streets may be created to provide access to the newly divided properties. The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, extension, relocation and use of private streets to assure that:

1. Private streets are designed with width, surface, and grade to assure safe passage and maneuverability of private and commercial vehicles, police, fire, ambulance and other safety vehicles
2. Said streets are constructed of suitable materials to ensure minimal maintenance and safe passage
3. Provision is made for maintenance in a fair and equitable manner for all affected property owners
4. Private streets will be constructed to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and other significant natural features of the Township

15.02 DESIGN REQUIREMENTS – See Also: APPENDIX "PRIVATE STREET DESIGN AND CONSTRUCTION STANDARDS"

All private streets shall be constructed according to the "Everett Township Design and Construction Standards" and the following requirements:

1. Any lot not having the required minimum lot width on a public road shall have such required lot width on a private street
2. All private streets shall have direct access to a public road
3. Public street access:
 - A. The layout of the private street and the intersections of the private street with either a public road or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured
 - B. Any private street shall be designed so that no lots abutting and having access to such private street shall have direct access to a public road

4. When paving is required, private streets shall be paved by the property owner, or the property owners association, upon the occurrence of one of the following events, whichever occurs first:
 - A. Upon request of the third (3rd) zoning permit issued for principal buildings served by the private street.
 - B. When a private street provides access to five or more lots.

However, that prior to issuance of the building permit a financial guarantee of performance to assure paving of the private street shall be provided by the applicant, in accordance with this Ordinance. For new lots, this date shall be the date of the final approval of any application to create additional lots.

5. The specifications of surface and base materials, shoulders, curbs, culverts, signs, cul-de-sacs and methods of construction of private streets shall conform to the Everett Township Design and Construction Standards for local roads.
6. The Planning Commission may require the installation of street trees or other landscaping to compensate for the removal or alteration of natural features or amenities.
7. At a minimum, street lighting shall be provide at all street intersections and at cul-de-sac turnarounds. Additional street lighting may be required by the Planning Commission. If required, street lighting shall be installed in accordance with the standards of the Everett Township Design and Construction Standards or other appropriate agency or utility. Street lighting shall be installed at no cost to the Township and the Township may require an appropriate agreement indemnifying and holding it harmless with regard to the street lighting.
8. Private Streets shall be inspected for compliance by an agency qualified to do so and designated by the Township. All inspection costs shall be paid by the applicant before final approval of the private street.
9. All private streets shall be named and identified by the use of appropriately located road signs. Street names shall not duplicate any existing street in Newaygo County, except where it is a continuation of an existing street. All lots fronting on the private street shall have an address on the private street.

15.03 APPLICATION

1. No individual, association, corporation or entity, either public or private, shall construct a private street without first having obtained a private street construction permit.
2. An application for a private street construction permit shall contain the following:
 - A. A completed private street construction permit application provided by the Township
 - B. A detailed written description of the development to be served by the private street, including a description of the proposed association or other entity which shall be responsible for operation and maintenance of the private street

- C. Seven (7) copies of a site plan, prepared in accordance with this ordinance, , showing the precise location, grade, route, elevation, dimensions and design of the private street and any proposed extensions thereto, existing and proposed curb cuts and the location and distance to any public roads which the private street is to intersect
 - D. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street
 - E. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof; copies of the instruments describing and granting such easements shall be submitted with the application
 - F. The location of any lakes, streams, wetlands and drains within the proposed right-of-way or within one hundred (100) feet thereof
 - G. The location of any other buildings and structures within one hundred (100) feet of the private street right-of-way
 - H. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township which shall provide for and assure that the private street shall be regularly maintained, repaired and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.
3. Prior to approving a private street application, the Planning Commission shall determine the following:
- A. The proposed private street will not be detrimental to the public health, safety or general welfare.
 - B. The proposed private street will not adversely affect the use of land.
 - C. That the private street is constructed to assure a safe and unimpeded route of travel for motor vehicles, pedestrians and emergency vehicles in all weather conditions.
 - D. That the private street is constructed to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands and the natural environment.
 - E. The construction of the private street conforms to the requirements of this Article and verification of the conformance is provided by the applicant's civil engineer by submission of a set of as-built drawings and a statement certifying that the private street has been constructed in accordance with the requirements of the permit.

4. The Planning Commission shall require that the applicant comply with reasonable conditions relative to the design and construction of the private street.
5. The Planning Commission shall, as a condition of the private street construction permit, require that the applicant provide a financial guarantee of performance, in accordance with this ordinance.
6. Upon application, the Planning Commission may modify any of the private street requirements of this Article after finding that no other reasonable alternatives are available to comply with the requirements of this Article after taking into account the following facts:
 - A. Topography, soils and /or significant natural features physically preclude or prevent compliance with the requirements of this Article without substantial alteration of such natural features; such natural features shall be clearly identified and described in the application for any modification;
 - B. The justification of any modification is not due solely to financial considerations which, upon approval of the requested modification, would provide a benefit to the applicant;
 - C. Comments from the Fire Chief, Township Planner, or any other person or official to the Planning Commission.
7. Construction of the private street is to be commenced within 180 days of issuance of the permit and the applicant is to proceed diligently to completion of the road. If construction is not commenced within such period and pursued to completion within one year, the permit shall expire and the applicant shall reapply as provided in this Section, if the applicant later decides to proceed. The period within which construction must be commenced is subject to the extension by the Planning Commission for good cause shown and, as a condition of extension, the Planning Commission may increase the amount of performance guarantee required.
8. The Building Inspector shall not issue occupancy permits for any building on lots served by a private street until construction of the private street as approved by the Planning Commission has been completed and the street has been inspected to ensure compliance with the approved plans. The owner shall submit to the Zoning Administrator a Completion Certificate signed by a registered engineer indicating that the street has been completed in accordance with the approved plan and the requirements of this Article.

15.04 EXISTING PRIVATE STREETS

Private streets in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article, however, no extension of a private street or addition of lots served by a private street shall be allowed without first making the entire private street subject to the standards of this ordinance and the Everett Township Private Street Design and Construction Standards.

15.05 MISCELLANEOUS

1. Fees for the permits required herein shall be set by the Township Board from time to time, by resolution.
2. By making application for or securing a permit to construct a private street, the applicant/owner agrees to indemnify and hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or for failure to properly construct, maintain, use, repair and replace the private street.

ARTICLE 16

PARKING AND LOADING SPACES

16.01 GENERAL REQUIREMENTS BY USE

In all zoning districts, there shall be provided, before any building or structure is occupied, or is enlarged or increased in capacity, off-street parking spaces or parking area for motor vehicles.

16.02 NUMBER OF OFF-STREET PARKING SPACES REQUIRED

The number of off-street parking spaces required for each use shall be as follows (where a use is not listed, the Zoning Administrator shall determine the number of spaces required based upon similar listed uses):

Land Uses	Parking Spaces Required
Single-family residences	2 spaces per unit
Duplex residences	2 spaces per unit
Multiple-family residences	1 space per unit
Retirement/elderly apartments	1 space per 3 units
Hotels, motels, boarding houses, clubs, and lodges with overnight accommodations	1 space per unit/room, plus parking as required for restaurant, retail, and conference convention facilities
Dormitories	1 space per planned resident
Group homes	1 space per staff person, plus 1 space per 5 residents, plus 1 space per vehicle operated by the facility
Family day care homes	None required other than for single-family residences
Day care centers/adult day care facilities	1 space per staff person, plus 1 pick-up and drop-off space, plus 1 space per 10 children or adults
Nursing homes and convalescent centers	1) space per 4 beds or 1,000 gross sq. ft.
Hospitals	1 space per 4 beds
Junior high schools and elementary schools	2 spaces per teaching station
High schools	6 spaces per teaching station
Colleges, universities, business and trade schools	1 space per 4 seats in classroom, plus space per classroom
Specialized schools/studios (e.g., dance, gymnastics, martial arts, etc.)	1 space per 200 gross sq. ft.
Home industry/profession	None required other than for single-family residences
Professional offices	1 space per 400 gross sq. ft., minimum of 5 spaces

Medical and Dental offices	1 space per 200 gross sq. ft.
veterinary clinics	1 space 200 gross sq. ft.
Banks and other services	1 space per 400 gross sq. ft., minimum of 5 spaces
Barber or beauty shops/schools	1 space per 75 gross sq. ft.
Launderettes or self-service laundries	1 space per 4 machines
Libraries, art galleries, museums	1 space per 250 gross sq. ft.
Auditoriums, theaters, stadiums, churches, funeral homes, bingo parlors (fixed seating)	1 space for every 4 seats or 1 space for every 8 ft. of bench or pew
Clubs, lodges, dance halls, bingo parlors and other assemblies (without fixed seating)	1 space per 80 gross sq. ft.
Tennis, racquetball, handball, and similar courts and clubs	2 spaces per court, plus 1 space per 40 gross sq. ft. of assembly area
Bowling alleys	5 spaces per lane
Skating rinks	1 space 150 gross sq. ft.
Drive-in and take-out restaurants (no seating)	1 space 50 gross sq. ft., minimum of 6 spaces
Full-service restaurants, taverns, and lounges	1 space per 50 gross sq. ft., including customer service area, minimum of 6 spaces
Car washes and other short turn-around auto services (e.g., tire mounting)	1 space for each employee, plus 3 spaces for each service bay
Auto repair garage	space per 400 gross sq. ft., minimum of 3 spaces
Motor vehicle or large machinery retail	1 space 1,000 gross sq. ft. building space, plus 1 space per 1,500 gross sq. ft. outside display/sales lot or 2 spaces for each 3 employees
Manufactured (mobile) home and recreation vehicle retail	1 space per 3,000 gross sq. ft. of lot area
Furniture or large appliance retail	1 space per 1,000 gross sq. ft.
Other retail, commercial	1 space per 400 gross sq. ft., minimum of 3 spaces
Self-service storage facilities	1 space for each employee, plus 1 space for every 30 storage units
Wholesale commercial and warehouse	1 space per 2,000 gross sq. ft.
Industrial	1 space per 1,000 gross sq. ft. or 2 spaces for each 3 employees
Auto wrecking yards	15 spaces for sites up to 10 acres, 25 spaces for sites over 10 acres

The Zoning Administrator or Planning Commission may provide further determination of required parking spaces (i.e., based upon spaces/employees rather than spaces/square footage) dependent upon the activity

16.03 LOCATION OF FACILITIES

In residential zoning districts, required parking shall be provided on the same lot or premises with the building, structure or use it is required to serve. For commercial, industrial, and all other non-residential zoning districts, required parking shall be provided on the same lot or within three hundred (300) feet, whichever is closer. This distance shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the building, structure, or use that such facility is required to serve.

16.04 SIZE OF PARKING SPACE

Each off-street parking space shall have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and shall be a minimum of ten (10) feet in width.

16.05 REQUIREMENTS FOR PARKING AREAS

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple family dwellings, businesses, industry, public assembly and institutions, shall be developed and maintained in accordance with the following requirements:

1. The parking lot and its driveways shall be effectively screened on each side that adjoins or faces premises situated in any residential zoning district by a fence of acceptable design, wall or compact evergreen hedge. A buffer shall also be provided on each side and rear yard which adjoins any residential zoning district.
2. The parking lot and its driveway shall be: (1) designed to provide adequate drainage and (2) maintained in good condition, free of, trash and debris.
3. The parking lot and its driveways shall not be used for repair, dismantling or servicing of any vehicles other than for a period of 48 hours.
4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
5. The parking lot shall be provided with wheel or bumper guards or other appropriate means, so located that no part of a parked vehicle will extend beyond the parking area.
6. Lighting facilities shall be so arranged as to reflect the light away from any street or adjoining premises.
7. No part of any public or private parking area regardless of the number of spaces provided shall be closer than ten (10) feet to the street right-of-way line.
8. All private driveway entrances shall conform to the minimum standards as adopted by the Newaygo County Road Commission or MDOT and shall be marked with a reflector device making them visible from both directions.

16.06 OFF-STREET LOADING SPACES

For every building or addition to an existing building hereafter erected, to be occupied by industrial, manufacturing, storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot or parcel of land with such building or addition (1) an area or means adequate for ingress and egress and for maneuvering delivery vehicles, and (2) off-street loading spaces in relation to floor areas as follows: (a) up to twenty thousand (20,000) square feet one (1) space; (b) twenty thousand (20,000) to fifty thousand (50,000) square feet two (2) spaces; and (c) one (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

In addition, the following shall apply with regard to off-street loading and unloading spaces:

1. Each loading space shall be at least ten (10) feet in width, thirty-five (35) feet in length and a clearance height of sixteen (16) feet.
2. No such space shall be closer than fifty (50) feet to any lot in any residential zoning district unless wholly within a completely enclosed building or enclosed on all sides by a wall or uniformly painted fence not less than six (6) feet in height.

ARTICLE 17

SIGNS

17.01 PERMIT REQUIRED

Except as specifically excused hereinafter, no sign shall be constructed, erected, attached to a building, installed, structurally altered, or relocated prior to the issuance of a permit by the Zoning Administrator. The application for the sign permit shall include the name of the applicant, the size of the sign, plans and specifications for the sign, the proposed method of construction, erection, structural alteration, or relocation.

17.02 PUBLIC NUISANCE

The owner shall repair, replace or remove any sign which is a public nuisance or is being neglected, in poor repair, hazardous to the public, or which may cause a nuisance or harassment to residents nearby, immediately after notification by the Township.

17.03 GENERAL CONDITIONS

1. No freestanding sign shall exceed twenty-five (25) feet in height measured from ground level to the highest point of the sign. Roof signs, or signs, which are an integral part of a building, may not extend more than six (6) feet above the roofline of the building.
2. Temporary pennants, banners, and portable signs not exceeding twelve (12) square feet are permitted for a period of not more than thirty (30) days, provided they are kept in good repair and do not cause hazards or nuisances. This provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.
3. Temporary signs must contain the applicant's address and dates of activity.
4. Blow-up figures, flags, and air-filled attention getters must be setback 20 feet from the right-of-way and may not contain wording or logos.

17.04 THE HIGHWAY ADVERTISING ACT

The provisions of this Article are not intended to conflict with provisions controlling signs as regulated under the authority of Act 106 of 1972, the Highway Advertising Act, as amended.

17.05 PERMITTED SIGN LOCATIONS

1. Signs may be located as hereinafter specified, subject to the regulations hereinafter contained, in one (1) freestanding business sign for each farm not in excess of thirty-two (32) square feet in area.
2. On farms, signs advertising the sale of agricultural products sold at a roadside stand on the farm where the sign is located.

3. Directional signs not exceeding three (3) square feet in surface area.
4. One (1) temporary real estate sign not in excess of thirty-two (32) square feet in area if the real estate sign is not illuminated and is placed entirely within the boundaries of the parcel of land or lot to which the sign refers.
5. One (1) business sign not in excess of four (4) square feet in area advertising a home occupation if the business sign is not illuminated and is placed entirely within the boundaries of the parcel of land or lot on which the home occupation is located.
6. Residential subdivision signs provided there shall be only two (2) such signs per residential subdivision, and that no such sign shall exceed thirty-two (32) square feet in area.
7. Business signs if the signs (a) are placed flat against the building on which they are located or designed as part of an architectural feature thereof, (b) are limited to one (1) sign on the side or sides of the building which front on the principal street or streets providing access to the building, (c) are not in excess of one hundred (100) square feet in area, and (d) have no dimensions greater than twenty (20) feet.
8. A freestanding business sign in the front yard setback provided the sign does not exceed thirty-two (32) square feet in area or two percent (2%) of the area of the front wall of the building, whichever is greater, and is not greater than four (4) feet in height nor closer than twenty (20) feet to the right-of-way.
9. Temporary signs may be allowed for up to 12 months with renewal for another 12 months at no cost.

17.06 PD ZONING DISTRICT

Such signs as are approved by the Planning Commission in authorizing a Planned Unit Development.

17.07 EXEMPTED SIGNS

No permit shall be required for any of the following;

1. Normal maintenance and repair
2. Change of lettering or display panels
3. Temporary real estate signs not exceeding five (5) square feet in area on one (1) side
4. Highway signs erected by the United States of America, State of Michigan, County of Newaygo or the Township
5. Governmental use signs erected by governmental agencies to designate hours of activity or conditions for use for parks, parking lots, recreational areas, other public areas, or for governmental buildings

6. Directional signs erected in conjunction with private, off-street parking areas, provided the signs do not exceed two (2) square feet in area and are limited to traffic control functions only
7. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks
8. Plaques posted to control or prohibit hunting within the Township
9. Essential public service signs denoting utility lines, railroad lines, hazards and precautions
10. Memorial signs or tablets which are either cut into the face of a masonry surface or constructed of bronze or other incombustible material when located flat on the face of a building
11. One (1) temporary construction sign per project, denoting architects, engineers, or contractors connected with the work under construction, other than one- and two-family dwellings, if such signs do not exceed one (1) per project or thirty-two (32) square feet in area
12. Accessory professional or nameplate signs less than four (4) square feet in area
13. Signs placed in windows not exceeding fifty percent (50%) of the total window area
14. Political signs

17.08 PROHIBITED SIGNS

1. No sign shall be constructed, erected, or reconstructed or located in such a manner as to cause a hazard to vehicle or pedestrian traffic. If any such sign is determined to be a hazard by the county or state Traffic Engineers or the Township Board, notice thereof shall be given to the Zoning Administrator who shall thereupon notify the owner to remove it in the interest of public safety. In determining whether a sign may be causing a traffic hazard, the Planning Commission shall consider, but is not limited to, the following:
 - A. Height, area, supporting structure and distance from ground level of the sign
 - B. Lighting of the sign
 - C. Location of the sign in relation to roads, drives, points of ingress and egress, parking areas, sidewalks, and other vehicular or pedestrian access ways
 - D. Location of the sign in relation to nearby buildings and structures
2. No sign shall be located in the public right-of-way or over any sidewalk, street, or attached to any utility pole, street sign, traffic control device or other similar object
3. No sign shall be installed, attached or affixed to any public building or structure without the permission of the public building or structure owner.

4. Semi-trailers use as signs
5. Flashing, blinking, strobing signs
6. Off-premises signs
7. Signs smaller than two (2) square feet

ARTICLE 18

SPECIAL LAND USES

18.01 DESCRIPTION AND PURPOSE

Various land uses and activities possess unique characteristics which under certain physical conditions existing within specified zoning districts require special limitations and controls to insure compatibility with adjacent land uses, the natural environment, and the capacities of public services and facilities affected by such use or activity and therefore have been designated as "Special Land Uses". The intent of this Article is to allow land within the zoning district(s) involved to be used for designated Special Land Uses only after a Special Land Use permit is obtained from the Planning Commission in accordance with the following procedures.

This Article establishes the regulations and standards upon which the consideration and approval of Special Land Uses are made. The standards are consistent with, promote the intent and purpose of the zoning ordinance, and insure that the authorized land use or activity is compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The standards insure that the land use or activity is consistent with the public health, safety, and welfare of the township. Reasonable conditions are required for the approval of the request including 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, to 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.

18.02 APPLICATION PROCEDURE

The following procedures shall be followed in making application for a Special Land Use permit:

1. A written application for a Special Land Use permit is submitted to the Township indicating the section of this Ordinance under which the Special Land Use is sought and stating the grounds on which it is requested;
2. Required fees shall be paid at the time of application in accordance with the fee schedule established by the Township Board; and

18.03 PUBLIC HEARING

The Planning Commission shall hold a public hearing on all applications for Special Land Use permits. Notice of the public hearing shall be as follows:

The Township shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the hearing.

Notice shall be given to:

1. The owners of property that is the subject of the request.

2. All persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request and to.
3. The occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

A notice under this section shall do all of the following:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

18.04 SITE PLAN REVIEW REQUIRED

A site plan as defined in this Ordinance for the total property involved in the Special Land Use request shall be submitted with each application. A Sketch Plan is mandatory for Special Land Use applications. Formal Site Plan Review may be required as may be determined by the Planning Commission.

18.05 GENERAL STANDARDS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed Special Land Use and in addition to the standards for consideration stated for each Special Land Use type within this Ordinance, shall be guided in rendering a decision by the following general standards:

1. The proposed use should be harmonious and consistent with the intent of this Ordinance.
2. The Special Land Use should not create or substantially add to traffic hazards in the area.
3. Public services and facilities should be efficiently extended to the proposed Special Land Use such that load capacities are not exceeded.

The proposed Special Land Use must be sufficiently designed to protect natural resources and the health, safety, and social and economic well-being of those who will use the Special Land Use, residents and landowners adjacent to the Special Land Use, and the community as a whole.

18.06 ISSUANCE OF A SPECIAL LAND USE PERMIT

The Planning Commission shall grant a request for a Special Land Use permit upon the finding that all of the stated standards, conditions and requirements of this Ordinance pertaining to the Special Land Use, other applicable ordinances, and state and federal statutes are fulfilled. The Planning Commission may require additional conditions and guarantees that all conditions will be met when such additional conditions and guarantees may be deemed necessary. In rendering a decision on whether to deny, approve, or approve with conditions a Special Land Use permit, the Planning Commission shall incorporate its decision in a statement containing the conclusions relative to the Special Land Use that specifies the basis for the decision and any additional conditions imposed for full compliance with this Ordinance. Such a statement shall be recorded in a record of the approval action together with the Special Land Use application and site plan. All conditions of the Special Land Use approval shall remain unchanged except in accordance with the procedures specifies in this Ordinance. The Planning Commission shall maintain a record of all conditions that are changed. The breach of any conditions shall automatically invalidate the Special Land Use permit.

18.07 REAPPLICATIONS AND DENIALS

No application for a Special Land Use permit, which has been denied wholly or in part, shall be resubmitted until the expiration of one (1) calendar year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions, found by the Planning Commission to be sufficient to justify reconsideration. The denial of a Special Land Use permit or ANY condition attached to the granting of a Special Land Use may not be appealed to the Zoning Board of Appeals.

18.08 EXPIRATION

Any Special Land Use permit authorized pursuant to the terms of this Article shall expire one (1) year from the date of such authorization unless the authorized use or activity has commenced prior to such expiration.

18.09 LIST OF SPECIAL LAND USES

1. Adult entertainment activities
2. Bed and breakfast
3. Centralized bulk storage
4. Camps, campgrounds and RV parks
5. Cemeteries and burial grounds
6. Essential public services
7. Group Child Care Homes

8. Home occupations in accessory buildings
9. Institutional facilities
10. Kennels
11. Mineral removal
12. Multiple family dwellings
13. Outdoor commercial recreational
14. Ponds
15. State licensed residential facilities for seven persons or more
16. Wind energy systems
17. Tourist / Vacation Cabins

18.10 ADULT ENTERTAINMENT ACTIVITIES

It is recognized that there are some uses, which because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The controls of this subsection are for preventing a concentration of these uses within a single area and to prevent the deterioration or blight of a neighborhood. These controls do not legitimize activities that may be prohibited in other sections of this Zoning Ordinance or by other Township Ordinances.

1. Adult entertainment activities shall be subject to the following procedures and conditions:
 - A. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving approval as provided herein;
 - B. An application to establish an adult entertainment activity shall not be approved if the proposed location is within:
 - i. A three hundred (300)-foot radius of a residential zoning district
 - ii. A five hundred (500)-foot radius of a licensed day care facilities, adult foster care home, senior citizens' center, park, or church
 - iii. A one thousand (1,000)-foot radius of another adult entertainment activity, or
 - iv. A two thousand six hundred fifty (2,650)-foot radius of any K-12, alternative educational, or charter school. All measurements under this section shall be made in a straight line, without regard to intervening

structures or objects, from the property line of the use to the property line containing a church, school, day care center, or park.

- C. Persons operating an adult entertainment activity shall not permit any person under the age of eighteen (18) to be on the premises of said adult entertainment activity either as an employee or as a customer; and
- D. Hours of operation of the adult entertainment activity shall be limited to 8 a.m. to 10 p.m.
- E. Adult products, services, any picture, or other representation thereof, shall not be displayed that is visible from the street or neighboring property
- F. Off-street parking shall be provided the same as other businesses of the same nature (e.g., movie theaters, retail sales, and eating and drinking establishments); except that all areas of the parking lot shall be illuminating from dusk until one hour after business closes
- G. Once established, an adult entertainment activity shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission
- H. If an adult entertainment activity is discontinued, the use may not be reestablished without applying for and receiving the approval of the Planning Commission; and
- I. All applicable state laws and local ordinances will be observed

18.11 BED AND BREAKFAST

Bed and breakfast establishments may be permitted as a Special Land Use in all agricultural and residential districts if the Planning Commission finds that all of the following conditions are met:

1. Not more than seventy-five percent (75%) of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms (based on a submitted floor plan and site plan of the proposed operation);
2. The dwelling unit in which the operation takes place shall be the principal residence of the operator, and said operator shall live on the premises while the operation is active;
3. There shall be no separate cooking facilities used for the bed and breakfast patron or guest;
4. Sufficient off-street parking shall be provided in addition to that required for residential purposes at the rate of one (1) space per bed and breakfast sleeping room; and
5. All bed and breakfast operations shall also meet the provisions required by this Ordinance for home occupations.

18.12 CENTRALIZED BULK STORAGE

Centralized Bulk Storage Facilities may be permitted, provided the Planning Commission finds that the following conditions are met:

1. The site must be a minimum of five (5) acres in size;
2. Structures shall be permanent and for the storage of bulk grain only. Furthermore, all equipment associated with this use shall be stored within enclosed structures when not in use;
3. Access drives shall be sufficiently engineered to accommodate heavy truck loading and unloading during peak operation periods. This shall include the grading application of base material and graveling or blacktopping. Access drives shall be of sufficient length and width to prevent any trucks from backing up or turning around within the public road right-of-way;
4. All lighting used to illuminate the property and operation shall be directed away from all surrounding property;
5. A Site Plan showing the following:
 - A. The area to be actively used for the preprocessing, mixing, shredding, grinding, of the bulk material;
 - B. The area for any loading, unloading, and mechanical processing facilities;
 - C. An area for bulk storage and stockpiles;
 - D. An area for overburdened storage;
 - E. Areas for and the types of permanent buildings and/or other improvements;
 - F. A description of the operation, including a list of all of the temporary, permanent, stationary, and mobile equipment to be utilized shall be submitted and shall state the following:
 - i. The proposed vehicular access to the operation, circulation, access routes within the site that include provisions for emergency vehicles to all portions of the site;
 - ii. The amount and source of water to be utilized in processing and the means, location, treatment, and disposal of such water;
 - iii. Fire fighting capability and efforts to prevent and control fires; and
 - iv. A detailed description showing the volumes, timing, and methods of processing the material.

1. The total land area available for the proposed cemetery
2. The financial resources and financial solvency of the cemetery owner
3. The need in the Township for additional cemetery
 - A. The arrangements proposed by the owner of the proposed cemetery for development of the cemetery and insurance of its continuity and continued upkeep and maintenance;
 - B. Any traffic congestion which would be caused by the proposed cemetery;
 - C. The effect of the proposed cemetery on adjoining lands and the surrounding neighborhood; and
 - D. Approval by the Newaygo County Health Department.

18.15 CHILD DAY CARE CENTER

Day Care Centers shall be permitted subject to the following procedures and conditions:

1. An off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. All access points and vehicular and pedestrian circulation must be designed to accommodate elderly and disabled persons. All structures, facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission;
2. Based on the established capacity of the care facility, a minimum of one hundred fifty (150) square feet of open space area per person, with not less than five thousand (5,000) square feet of open space area per facility, shall be provided and maintained. For purposes of this section, "open space area" means an area available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking facilities in the side or rear yard of the facility. The open space area shall be free from sharp gravel, glass, or cinder and shall be well drained. The open space area shall be designed in a park-like setting completely screened from any abutting use by vegetation;
3. All structures must be set back seventy-five (75) feet from all property lines; and
4. The day care center shall be registered and licensed as required by State Law.

18.16 ESSENTIAL PUBLIC SERVICES

The erection, alteration, maintenance or use by public utilities of above-ground or overhead gas, electrical, steam or water distribution, transmission, collection, communication, supply or disposal systems including mains, dams, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police communication equipment and accessories, traffic signals, hydrants, poles, electrical substations, utility pumping and metering stations and other similar equipment and accessories reasonably necessary for the furnishing of adequate services by such public utilities not located within public right-of-way for public health, safety or general welfare shall be permitted in any zoning district provided that any above-grade construction associated with such uses shall be designed and erected so as to conform harmoniously with the general architecture and character of the neighborhood in which it is located. In accordance with the Site Plan

Review requirements of this Ordinance, the Planning Commission may authorize the following as a Special Land Use:

- The Planning Commission hereby is granted the power to permit as a Special Land Use any public service corporation, contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building, or a structure for the aforesaid public utility purposes in any permitted district to a greater height or of a greater area than the district requirements herein established; and to permit the location in any use district of a public utility building or structure providing such Planning Commission shall find such use, height, area, building or structure necessary for public convenience and service, provided that such public building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality and a different suitable location is not readily available. A building permit shall be required before commencing any installation hereunder:
- The erection, alteration, maintenance or use of radio, television or microwave transmitting facilities that are not considered public utilities and high-tension electrical towers.
- Buildings or the alterations of buildings used by public utilities or radio, television or microwave transmitters as provided in this Section. The Planning Commission may authorize said buildings with a greater height, smaller floor area or smaller yards than otherwise would be authorized by the zoning district in which the building is located provided:
 1. There is an absolute necessity to do so
 2. The air circulation, view, or light penetration of neighboring properties is not seriously affected.
 3. The size, proposed location, type and kind of construction and general architectural character of the building conform harmoniously with the neighborhood in which it is located

18.17 GROUP CHILD CARE HOME

A group child-care home (twelve (12) or less persons) within the bona fide private residence of the operator of the group home shall be issued a Special Land Use permit, if the group child care home meets all of the following standards:

1. Is located not closer than one thousand five hundred (1,500) feet to any of the following:
 - A. Another licensed group child care home
 - B. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737
 - C. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523
 - D. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections

2. Has appropriate fencing for the safety of the children in the group childcare home as determined by the local unit of government;
3. Maintains the property consistent with the visible characteristics of the neighborhood;
4. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period. The local unit of government may limit but not prohibit the operation of a group childcare home between the hours of 10 p.m. and 6 a.m.;
5. Meets sign regulations, required of similar businesses in the Township to identify it; and
6. Meets off-street parking regulations for his or her employees required of similar businesses in the Township.

18.18 HOME OCCUPATIONS IN ACCESSORY BUILDINGS

No home occupation shall take place in an accessory building unless authorized by the Planning Commission as a Special Land Use. In granting such authorization, the Planning Commission shall consider the following standards:

1. The hours of operation, types of equipment being used, and potential for objectionable odors, noise, smoke, etc.
2. Whether the proposed home occupation will negatively affect adjoining lands
3. Whether the proposed home occupation will adversely affect the view from any adjoining lands
4. The reason for the request to construct a proposed home occupation on an accessory building that cannot be located in the home or in an industrial, commercial or other appropriate zoning district
5. The size, type and kind of operation, proposed location, and general character of the home occupation
6. A home occupation shall not constitute a traffic hazard because of obstruction of visibility or any other reason shall be allowed.

18.19 INSTITUTIONAL FACILITIES

Institutional uses, as a Special Land Use, may be located in any district upon approval by the Planning Commission in accordance with the following:

1. Lot area shall be sufficient to accommodate current size and probable growth
2. All buildings and structures shall be at least one hundred (100) feet setback from any Residential property line
3. The site shall front upon a public paved street
4. All ingress/egress shall be from a public paved street
5. Parking areas shall have a side and rear setback of fifteen (15) feet

6. Parking area in the required front yard shall be limited to required minimum handicap parking spaces, not to exceed one row

18.20 KENNELS

In considering such authorization, the Planning Commission shall consider the following standards:

1. The size, nature and character of the kennel
2. The proximity of the kennel to adjoining lands
3. The possibility of noise or other disturbance for adjoining lands and the surrounding neighborhood because of the operation of the kennel
4. Potential traffic congestion on account of the kennel
5. The nature and character of the buildings and structures to be utilized for the kennel operation
6. The minimum lot size shall be twenty (20) acres
7. Buildings where animals are kept, dog runs, and/or exercise areas shall not be located nearer than two hundred fifty (250) feet from the lot line of any adjacent residential use
8. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible
9. Outdoor activities shall be conducted only between the hours of 7 a.m. – 11 p.m.

18.21 MINERAL REMOVAL

Mineral Removal is a Special Land Use established for authorizing the removal of mineral material exceeding two thousand (2,000) cubic yards from any parcel of land within the Township. The Township recognizes that (1) mineral material is needed to develop and maintain the health, safety and general welfare of the Township, (2) mineral material is a limited resource, and (3) mineral material must be removed from where it is found. The Township also recognizes that mineral removal may result in the loss of other Township resources, is generally incompatible with residential uses, and requires the reclamation of the land throughout the mineral removal process. Therefore, after completion of the removal of the mineral material, the land will be an asset to the community, rather than land that is hazardous, unsightly, or unusable for purposes permitted under this Ordinance.

Removal of mineral material from any land in the Township in quantities of up to two thousand (2,000) cubic yards is allowed without permit providing all other ordinance requirements are met. This amount shall be cumulative, and shall not relate to any period of time over which the removal of the mineral material may occur.

This Special Land Use permits the use of qualifying land for mineral removal operations but only after this proposed use of the land has been reviewed and approved in the manner set forth below.

1. **Eligibility for Special Land Use** - In order to be considered for Special Land Use, land proposed for mineral removal must satisfy the following minimum requirements:
 - A. **Site Access** - The land must have direct access to a primary arterial street of the Township. This access must either be by having sixty-six (66) feet of frontage on the primary arterial street or this access must have a thirty-three (33) foot wide easement and right-of-way that benefits, is appurtenant to and runs with the land, and which permits general access to the land from the primary arterial street. No land will be deemed having access to a primary arterial street of the Township unless such land is included in the request
 - B. **Preliminary Plan – Submission and Content** - Applicants shall prepare and submit a site plan in accordance with this ordinance. In addition, the following information is required:
 - i. A current aerial photograph, at a scale the detail of which is not less than the smallest scale available for the site from aerial photographs of the Newaygo County mapping and description department, displaying the area and all lands within nine hundred ninety (990) feet of the site. The aerial map shall show the location of the various uses of the lands required to be included in the aerial map, and the location of the various types and extent of existing natural features such as soils, vegetation, and water bodies. Appropriate overlays at the scale of the aerial photograph may be used to depict topography, slope hazards, soils, vegetation, wildlife habitat, or any other information reasonably required by the Township to assess the environmental impact of the proposed mineral removal and rehabilitation to an end-use
 - ii. A description of the various types and extent of major ground vegetation, particularly tree species, and endangered species, found within the area proposed for mineral removal
 - iii. A detailed description of any known, anticipated or likely adverse or detrimental effect upon any aspect of the community or element of the natural and built environment, with respect to both the site of the mineral removal and the surrounding area
 - iv. A description of the type, quality, amount and value of the mineral material at this site and on the current and potential market for the mineral material to be removed, taking into consideration other sources for this type of material in this market area
 - v. The preliminary plan must provide a narrative for both the mineral removal and the proposed end-use. If the proposed end-use is a planned development and the planned development district for the proposed end-use contains additional preliminary plan content requirements, the preliminary plan for the proposed end-use shall include this content
 - C. **Mineral Removal Operation Plan** - An applicant for final mineral removal plan approval shall contain an operational plan. This operational plan shall contain the following information and shall satisfy the conditions stated below:

- i. The date the mineral removal is expected to begin, and the date the mineral removal is expected to be completed. The date the mineral removal is expected to begin must be within one (1) year of final mineral removal plan approval and the date the mineral removal is expected to be completed must be no later than ten (10) years after the date the mineral removal is expected to begin
- ii. Mineral removal shall not be conducted as a twenty-four (24) hour per day operation. The Planning Commission may establish reasonable hours and days of operation taking into consideration, the needs and desires of neighbors and persons who live or work on the routes used by the vehicles engaged in the mineral removal
- iii. Mineral removal may not occur within one hundred (100) feet of lot lines except that any transit routes for the vehicles used for the mineral removal may be conducted within fifty (50) feet of lot lines
- iv. The removal and processing methods, including a description of the number and type of all equipment expected to be used in the operation, and the noise rating of each type. Other than beepers which are required by law, equipment used in the operation which emit noise shall not be a nuisance measured at the nearest property line. If the applicant's plan proposes to place a berm (which must be seeded, mulched and maintained to inhibit erosion), between the mineral removal operation and any occupied building which is within one hundred (100) feet of the mineral removal operation then the Planning Commission may approve an operational plan which provides that equipment meeting these noise limitations can be located up to the base of the berm. The berm shall be located above the source of the noise and its peak shall be at least up to the line of sight between the mineral removal operation and any occupied building or buildings located on adjoining property. The berm shall be no closer than 50 feet to the adjoining property line. If the planned duration of the mineral removal operation as set forth in the final mineral removal plan is longer than a one (1) year period, then the Planning Commission may require that evergreen shrub plantings be placed on this berm, the height of which shall be not less than five (5) feet above the crest of the berm and so spaced as to effectively screen the mineral removal operation from any occupied building located within one hundred (100) feet of property line
- v. No mineral material or other excavated material shall be left in such condition or manner as to constitute a danger to persons who may enter the mineral removal area at any time or on any day on which mineral removal is not occurring. At a minimum, this means that all banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance after the cessation of daily operation. A less restrictive grading requirement may be approved by the Planning Commission if a substantially constructed welded wire fence, or a fence of equally substantial material, of at least four (4) feet in height, is located on the site and is so maintained and located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot

inadvertently be approached by any persons who may enter the mineral removal area. The driveway to the mineral removal area shall have a gate of the same quality material at the same height as the fence described above. This fence shall be locked whenever mineral removal is not occurring

- vi. A description of the proposed measures to limit the dust generated by the mineral removal, including dust generated by the movement of vehicles on and off the site, and a description of the routes to be used by vehicles carrying the minerals off the site. There shall be at least one (1) driveway which enters onto a public street from the mineral removal area, and this public street must be a primary arterial street of the Township
- vii. No final mineral removal operation being developed in more than one phase shall be approved if the final mineral removal plan approval does not comply with the operational plan requirements of an approved final mineral removal plan.

D. Final Mineral Removal Plan – Site Rehabilitation Content - The applicant for a final mineral removal plan shall provide a site rehabilitation plan that includes the following information:

- i. A narrative description of the planned site rehabilitation, including a description of the methods that will be used to accomplish the rehabilitation, the timing of the rehabilitation, and the estimated costs of the rehabilitation, including a detailed breakdown of these estimated costs.
- ii. A supplemental final mineral removal plan, which may be an overlay to the final mineral removal plan required by this Article. This supplemental final mineral removal plan shall show:
 - a. Final grades for the land after rehabilitation at a contour interval not exceeding two (2) feet together with a description of the soil type if the final grade of any portion of the land is greater than one (1) foot of elevation to each three (3) feet of horizontal distance. Water courses, ponds or lakes; Landscaping and vegetative plantings
 - b. A narrative description explaining how the end-use will be accomplished and how the end-use will comply with the Township's general development plan and other applicable requirements of this Ordinance
- iii. The site rehabilitation plan shall satisfy the following minimum requirements:
 - a. The type and amount of topsoil, which will be replaced upon the site, shall be appropriate in type and quality to the end-use or end-uses, and shall not be less than two (2) inches in depth, unless otherwise approved by the Planning Commission as part of the site rehabilitation plan

- b. The final grade of the site shall have a ratio of elevation to horizontal distance that will be stable given the type of soil on the slope
- c. The topsoil shall be stabilized with plantings or structures to prevent erosion; plantings of grasses, shrubs, trees and other vegetation shall be located on the site so as to maximize erosion protection, screen less attractive areas, and enhance the natural beauty of the site
- d. No storage or dumping of stumps, boulders or other debris shall be permitted on the rehabilitated site
- e. Final surface water drainage courses and areas of surface water retention shall be laid out and constructed at such locations and in such manner as to enhance the end-use, and so that the original drainage patterns and amount of drainage off the site is not changed
- f. No final mineral removal plan for a PDMR district being developed in more than one phase shall be approved if the applicant for final mineral removal plan approval is not in compliance with the site rehabilitation requirements of an approved final mineral removal plan for another portion of the same PDMR district
- g. Any other circumstances, matters, factors or reasons which the applicant wishes to offer or explain with respect to the final mineral removal plan

E. Termination of Special Land Use Permit Upon Failure to Submit, Receive or Retain Approval for a Final Mineral Removal Plan_- If a final mineral removal plan, which satisfies the requirements of this ordinance, has not been submitted by the end of the one (1) year period after approval, the Special Land Use Permit shall automatically be revoked. If a site is to be developed in stages, and the applicant fails to submit a final mineral removal plan for the second stage, or for any subsequent stage, prior to development of that stage and within one year after completion of mineral removal operations for the previous stage (if there is only one prior stage) or all previous stages (if there are more than one prior stages), the Special Land Use Permit shall automatically be revoked.

F. Change of Final Mineral Removal Plan – The final mineral removal plan, including all conditions imposed upon any final mineral removal plan approval, shall remain unchanged except upon the consent of the Planning Commission. Upon a request for a change in the final mineral removal plan, the Planning Commission shall decide whether the proposed change warrants a complete or partial final mineral removal plan review. In the case of a minor deviation, which neither affects the intent of the approved final plan nor violates any ordinance or statute, field changes may be approved by the Zoning Administrator, who shall then advise the Planning Commission of all such changes in writing. The Planning Commission shall maintain a record of all changes to the final mineral removal plan and this record shall be filed by the Secretary of the Planning Commission with the permanent record of the final plan.

- G. **Termination of Final Mineral Removal Plan Approval**- A final mineral removal plan shall be valid for one (1) year from the date of approval. If mineral removal pursuant to the final mineral removal plan has not commenced by the end of this one (1) year period, the final mineral removal plan approval shall automatically terminate. If mineral removal pursuant to the final mineral removal plan has commenced during the one (1) year period after approval, but it is not proceeding meaningfully, the Planning Commission, after holding a hearing at which the applicant shall have the opportunity to be heard, may revoke the final mineral removal plan approval if the Planning Commission determines after the hearing that the applicant has not diligently proceeded to develop the applicant's site according to the approved final mineral removal plan within the one (1) year period. If the Planning Commission has approved a final mineral removal plan subject to any condition and the applicant has not satisfied the condition within the time limit, if any, included in the condition, but in any event within one (1) year from the date of approval of the final mineral removal plan, the Planning Commission, after holding a hearing with the applicant, may revoke the final mineral removal plan approval upon finding that the condition has not been satisfied. The Secretary of the Planning Commission shall notify the applicant in writing of the time, date and place of any hearing of the Planning Commission.

Nothing provided in this Section shall be construed to prevent an applicant from reapplying for final mineral removal plan approval after the termination or revocation of a final mineral removal plan.

- H. **Twenty-Acre Maximum** – If the mineral removal site is less than twenty (20) acres in size, the applicant may develop the site in one or more stages. If the site is twenty (20) acres in size or larger, the site shall be developed in stages of no larger than twenty (20) acres in each stage. If the site is to be developed in stages, each stage shall be separately subject to the final mineral removal plan procedures, requirements, and standards set forth in this Article, even though an applicant may apply for and receive final mineral removal plan approval for more than one stage at a time. Mineral removal may occur in any portion of the site that has received final mineral removal plan approval, but in no event shall more than twenty (20) acres of any site be actively involved in a mineral removal operation at any one time. Land that is involved in the transport of mineral material from the mineral removal operation and land that contains berming, which has been placed onto the site in accordance with a final mineral removal plan and this Article, shall not be included in this twenty (20) acre maximum.
- I. **Performance Guarantee** – In addition to the provisions of this Article, an applicant for a final mineral removal plan shall agree in writing with the Township to submit a performance guarantee acceptable that shall name the Township as the insured party. The performance guarantee shall be in such amount as is reasonably required by the Planning Commission, and shall be conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the final mineral removal plan. In establishing the amount of the performance guarantee, the size, scope and timing of the proposed mineral removal, the probable cost of site rehabilitation in the event of default or other non-compliance with the final mineral removal plan, the estimated cost to the Township of compelling compliance with the final mineral removal plan and enforcing this performance guarantee by judicial proceedings or otherwise, and

such other facts and conditions as are relevant in determining an appropriate amount of the performance guarantee, shall be considered.

A separate performance guarantee may be required for each final mineral removal plan in the case of mineral removal on a site larger than twenty (20) acres. The performance guarantee shall be acquired by the applicant and delivered to the Township prior to commencement of mineral removal and shall be kept in force and shall be renewed by the applicant each year thereafter during the continuance of mineral removal until the site rehabilitation has been accomplished in accordance with the site rehabilitation plan. The performance guarantee shall be reviewed each year, and may be adjusted in amount each year by the Planning Commission, based upon the expected cost of site rehabilitation according to the site rehabilitation plan at that time. Failure to maintain and timely renew this performance guarantee shall be a breach of a condition of the final mineral removal plan.

- J. **Change to Approved End-Use** – After mineral removal has been completed, the site or any portion of the site shall be inspected by the Zoning Administrator to determine whether the site or portion of the site has been rehabilitated according to the approved site rehabilitation plan. Upon receipt of a zoning compliance certificate from the Zoning Administrator, the rehabilitated site or portion of the site may be developed according to the preliminary plan for the end-use. In order to proceed with development of the site, the owner must comply with all other requirements of this Ordinance upon the development of the proposed end-use, including final plan approval if the end-use is a planned development. Notwithstanding any other provision of this Ordinance, the proposed end-use shall be subject to site plan review and approval according to the procedure set forth in this Ordinance for same, whether or not the proposed end-use would otherwise be required to receive site plan approval.

- K. **Mineral Material Located in a Recorded Plat** - Mineral material which is located in a plat which is recorded after the effective date of this Ordinance, may be moved in excess of quantities of two thousand (2,000) cubic yards per two (2) contiguous acres, but not in excess of an average of fifteen thousand (15,000) cubic yards for every three (3) acres of land included in the plat, subject to the requirement that all of this mineral material must be removed during the twelve (12) month period after the date of recording of the plat.

18.22 MULTIPLE FAMILY DWELLINGS

Multiple family dwellings may be permitted provided the Planning Commission finds that all of the following conditions are met:

1. Every principal entry shall be visible from a public street. No entrance shall be located further than one hundred fifty (150) feet of an off-street parking facility;
2. Where more than one building is located on a lot, the following requirements apply:
 - A. No building shall be located in front of the main entrance wall of another building unless separated by a common yard of at least fifty (50) feet;
 - B. A front yard of thirty-five (35) feet shall be required.

- C. No building shall be located behind another unless separated by common yard of at least one hundred (100) feet.
- D. Each building shall have a greenbelt of at least thirty (30) feet unobstructed by any accessory structure.
- E. No building shall be located closer than a distance equal to its total height to any other building.
- F. If not connected to a public sanitary sewer system, each building shall contain complete and separate septic system facilities as required by the County Health Department.

18.23 OUTDOOR COMMERCIAL RECREATION

Outdoor commercial recreation shall not be authorized unless all of the following conditions are met and maintained:

- 1. The lot or parcel of land upon which the use is proposed shall be not less than one (1) acre, shall not be located in a platted area and shall not be located closer than three hundred (300) feet to a residence.
- 2. On-site parking shall be provided such that there is at least one (1) parking space for each four (4) projected users and customers; provided, however, that the Planning Commission may authorize parking on other lots or parcels of land within three hundred (300) feet upon the written consent of the person owning the lot or parcel of land upon which the parking has been proposed.
- 3. The use shall be conducted only between the hours of 9 AM – 11 PM.

18.24 PONDS

Ponds may be located in any district upon approval by the Planning Commission in accordance with the following:

- 1. Before such approval is granted, a plot plan, drawn to a readable scale, shall be submitted which indicates the following:
 - A. The land area where the pond will be located
 - B. A sketch of the pond including the depth, slope, water capacity and the general configuration of the pond
 - C. The location of the pond in relation to nearby buildings
 - D. Any structural precautionary measures that will be taken to protect those making use of the pond or those who might be endangered thereby

If, in the course of approving a pond, the Planning Commission determines that the

protection of the general public requires that the pond or body of water be enclosed, such enclosure shall be made by a wall or a fence not less than four (4) feet above grade level and constructed in such a manner as to make the body of water inaccessible to small children.

2. No pond shall be used or maintained unless adequate public health measures are periodically taken to insure that the existence and/or use thereof will not cause the spread of disease, stagnation or otherwise provide conditions dangerous or injurious to the public health.
3. The slopes of the banks or sides of the pond, dam or artificial lake shall be constructed so that for each one (1) foot of rise there shall be a minimum of four (4) feet of run. This minimum slope angle must be maintained and extended into the water to a depth of at least three (3) feet.
4. No pond, dam or artificial lake shall be constructed, enlarged, altered, installed or maintained which either causes or contributes to the erosion of any adjacent abutting, or nearby lands, waterways or bodies of water.
5. Written approval must be obtained from the Michigan Department of Environmental Quality and the County Drain Commissioner.

18.25 VETERINARIAN SERVICES

Structures must be set back one hundred fifty (150) feet from all side and rear property lines and six hundred (600) feet from the nearest dwelling or Residential zoning district. All activities shall be conducted within enclosed structures

18.26 TOURIST / VACATION CABINS

The following standards shall be used by the Zoning Administrator when reviewing an application for 1 (one) Tourist / Vacation Cabin as a 'permitted use'.
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1. The 'lot' must be a minimum of five (5) acres in size.
2. There shall be a maximum of ten (10) Tourist / Vacation Cabins permitted per 'lot'.
3. A Tourist / Vacation Cabin shall not exceed a footprint of three hundred (300) square feet.
4. A Tourist / Vacation Cabin shall be permitted to have an unenclosed five (5) foot porch adjacent to any one side. A roof over the porch is permitted.
5. A Tourist / Vacation Cabin shall be secured and installed in accordance with the requirements of the Michigan Construction Code.

6. If potable water is being provided on the lot, then it shall be done in accordance with the Newaygo County Health Department regulations.
 - a. Running water shall not be permitted in the interior of any Tourist / Vacation Cabin.
 - b. A community Bath House is permitted as long as it is installed in accordance with Newaygo County Health Department standards.
7. Only one (1) permanent dwelling and accessory buildings associated with a permanent dwelling shall be permitted on the 'lot' in accordance with the provisions of the Everett Township Zoning Ordinance.
8. Vaulted outhouses are permitted in accordance with Newaygo County Health Department standards if a bath house is not being utilized
9. Permanent occupancy shall not be permitted in any Tourist / Vacation Cabin.
10. Drives and access shall be provided that permits emergency vehicles to have adequate ingress and egress to all Tourist / Vacation Cabins as well as any permanent dwelling on the 'lot'.
11. All Tourist / Vacation Cabin units shall be subject to an annual interior and exterior inspection to guarantee continued compliance with these specific and other standards of the zoning ordinance. The owner, agent or manager of the property shall coordinate this inspection for compliance each calendar year between May 15th and July 15th with the Zoning Administrator. This inspection shall be subject to a fee as established from time to time by resolution of the Township Board.

18.27 WIND ENERGY SYSTEMS

Large wind energy systems with a rated capacity of more than thirty (30) kW and Wind Turbine Generators for commercial power generation usage may be permitted as Special Land Uses. Commercial Wind Turbine Generators to produce electrical energy require treatment as a Special Land Use because:

1. WTG's are large structures, projecting up to four hundred (400) feet in height, dominating the skyline in local situations, and multiple units may be constructed in a concentrated area (e.g. wind energy farm)
2. WTG's are a relatively new technology and are intended to provide electrical energy from wind forces as opposed to fossil fuel combustion (oil, gas, coal)
3. WTG's require special sites with favorable wind and land surface conditions not necessarily limited to a zoning district
4. Wind generators influence the landscape and, therefore, require special consideration to fit into areas where permanent or seasonal housing exists

Wind Turbine Generators are large structures, projecting up to four hundred (400) feet in height, dominating the skyline in local situations, and multiple units may be constructed in a concentrated area (e.g. wind energy farm). Wind Turbine Generators require special sites

with favorable wind and land surface conditions not necessarily limited to a zoning district. Wind generators influence the landscape and, therefore, require special consideration to fit into areas where permanent or seasonal housing exists and will meet the following conditions.

1. The distance between any structure of a wind energy system and the owner's property lines shall be two (2) times the height of the wind tower including the blade in its vertical position
2. Noise from large wind energy systems shall not be a nuisance at the property line. The applicant/owners shall provide certification before and after construction, that the wind energy systems will not exceed normal levels
3. The lowest point of the arc created by rotating blades shall be at least twenty (20) feet above ground level at the tower location
4. No wind energy system shall be installed until evidence has been given to the local government that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. These generators must comply with the Michigan Public Service Commission and utility requirements
5. Signage shall be used to warn visitors about the potential danger of falling ice. All large wind energy systems within three hundred thirty (330) feet of a public road shall be shut down for the duration of any ice storm
6. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. Wind energy system projects shall use tubular towers and finished in a single, non-reflective matte color or a camouflage scheme. There shall be a uniform appearance where there is more than one tower. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades
7. A study shall be conducted to identify and assess any potential impacts on the natural environment, including but not limited to, wildlife, endangered species, wetlands, historical and cultural sites, antiquities and fragile ecosystems, and shall take appropriate measures to eliminate or mitigate impacts identified in the study
8. A process shall be created to resolve complaints from nearby residents. The process shall use an independent mediator or arbitrator and include a time limit for acting on a complaint
9. Towers shall be secured or protected to prohibit access by unauthorized persons and a security fence may be required if determined to be in the best interest of the community
10. The minimum eligible site area shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each tower proposed within an eligible property
11. Signage shall be used to warn visitors about the potential danger of falling ice. All large wind energy systems within three hundred thirty (330) feet of a public road shall be shut down for the duration of any ice storm.
12. Measures shall be used to reduce the visual impact of wind turbines to the extent possible. Large wind energy system projects shall use tubular towers and finished in a single, non-reflective matte color or a camouflage scheme. Wind farms shall use a

uniform appearance where there is more than one tower. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades.

13. Site Standards.

- A. **Permitted Districts** - WTG's are permitted in all zoning districts.
- B. **Site Plan Review** - All commercial WTG construction must satisfy all of the same Site Plan standards as outlined in this ordinance.
- C. **Setbacks** - Setbacks must equal half (1/2) the height of the tower including the height of the blade in its vertical position.
- D. **Maximum Noise Level.** The maximum level of noise generated by any WTG shall not be a nuisance measure at the property line. The applicant/owners shall provide certification before and after construction, that the WTG's will not exceed normal levels.
- E. **Lighting of Towers.** Lighting the WTGs shall require the applicant to make application to the Federal Aviation Administration (FAA) to apply for lighting standards that:
 - i. Are of the lowest intensity allowable;
 - ii. Avoids strobe lighting or other intermittent white lighting fixtures;
 - iii. May be a red top light that does not pulsate or blink; and
 - iv. Are in compliance with legal minimums per FAA requirements.
- F. **Clearance** - The lowest point of the arc created by rotating blades shall be at least twenty (20) feet above ground level at the tower location.
- G. **Security** - Towers shall be secured or protected to prohibit access by unauthorized persons and a security fence may be required if determined to be in the best interest of the community.
- H. **Minimum Site Area** - The minimum eligible site area shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each WTG tower proposed within an eligible property.

ARTICLE 19

ZONING BOARD OF APPEALS

19.01 CREATION

Pursuant to the authority granted to the Township in the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended, MCL 125.3101 et seq., the Township has established the Township Zoning Board of Appeals, referred to throughout this Ordinance as the "ZBA."

19.02 AUTHORITY

The ZBA shall hear and may grant or deny, wholly or in part, all requests for variances from the regulations and restrictions of this Ordinance. The ZBA shall also hear and decide all requests from the Zoning Administrator for interpretation of the Ordinance, appeals from the decision of the Zoning Administrator with respect to the interpretation of the Ordinance, and all other appeals that are expressly referred to it by this Ordinance or by state law.

19.03 MEMBERSHIP

The ZBA shall have at least three (3) regular members and may have up to two (2) alternate members. Alternate members shall be appointed for the same term as regular members to the ZBA. All members of the ZBA shall be residents and qualified voters within Everett Township. One (1) member of the Planning Commission shall concurrently be a regular member of the ZBA. One (1) member of the Township Board may concurrently be a regular member of the ZBA, but shall not serve as chair of the ZBA. The members selected shall be representative of the population distribution and of the various interests present in the Township. No member shall be an employee of Everett Township.

19.04 ALTERNATE MEMBERS

An alternate member of the ZBA may be called to sit by the chair of the ZBA as a regular member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also sit as a member of the ZBA in place of a regular member to reach a decision on a matter in which a regular member has abstained for reasons of a conflict of interest. Once the alternate member sits as a member of the ZBA for any case, the alternate member shall continue to serve in that case in place of the regular member until a final decision has been made by the ZBA with respect to that matter. When sitting in place of a regular member, an alternate member shall have the same voting rights as a regular member of the ZBA.

19.05 COMPENSATION

Each member, whether regular or alternate, shall receive a reasonable sum as compensation for services rendered to the Township as a member of the ZBA. This amount shall be determined annually in advance by the Township Board.

19.06 TERM OF OFFICE

Members of the ZBA shall be appointed by the Township Board. The term of each of the three (3) at-large members shall be for three (3) years. These terms shall be staggered so that not more than one (1) of these terms shall expire in any year. The term of members serving because of their membership on the Township Board or Planning Commission shall be limited to the time they are members of the Planning Commission or Township Board, respectively, or the period stated in the resolution appointing them, whichever is shorter. If the Township Board does not appoint a regular member to the ZBA from the Township Board itself, the at-large member shall be appointed for a three (3) year term. The term of each of the alternate members of the ZBA shall be for three (3) years. These terms shall be staggered with each other.

19.07 VACANCIES

If a vacancy occurs in the membership of the ZBA, the Township Board shall appoint another person to the ZBA for the balance of the unexpired term. Upon expiration of the term of a member of the ZBA, a successor shall be appointed not more than one (1) month after the term of the preceding member has expired.

19.08 REMOVAL

Members of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing at which the member of the ZBA will have an opportunity to address the Township Board with respect to the charges.

19.09 NONPERFORMANCE OF DUTY

A member of the ZBA shall vote on all matters presented to the ZBA unless the member has a conflict of interest. A member of the ZBA shall attend all meetings of the ZBA unless:

1. The member for good reason is unable to attend, and
2. Except in an emergency or extraordinary circumstance, notifies another member of the Board of Appeals at least three (3) business days prior to the meeting of this inability and the reason for this inability, and is excused for the absence by the ZBA.

Failure of a member to vote on all matters presented to the ZBA other than those for which the member has a conflict of interest or two (2) or more unexcused absences of the member of the ZBA during any twelve (12) month period shall constitute nonperformance of duty.

The ZBA, upon the vote of a majority of the members of the ZBA (other than the member who is charged with nonperformance of duty), may make a recommendation to the Township Board that the member be removed from the ZBA for misconduct in office. If the ZBA makes such a recommendation to the Township Board, the Township Board may hold a public hearing to consider the recommendation according to the provisions of this Article.

19.10 CONFLICT OF INTEREST

A member of the ZBA shall not vote with respect to a matter in which the member has a conflict of interest. Failure of a member to refrain from voting in a matter in which the member has a conflict of interest shall constitute misconduct in office. A conflict of interest exists whenever a member of the ZBA owns land within the Township that is significantly affected by a matter presented to the ZBA, or a member has a direct financial interest in the matter presented to the ZBA. A conflict of interest may exist in other circumstances as well.

The ZBA should strive to avoid even the appearance of impropriety. Whenever a member of the ZBA has a conflict of interest or appears to have a conflict of interest with respect to a matter presented to the ZBA, the member shall make a full disclosure and shall state on the record the nature of the conflict of interest, or the circumstances which exist which could be perceived to be a conflict of interest. If the member has a conflict of interest, the member shall not participate in the ZBA's consideration of the matter. If circumstances exist which could be perceived to be a conflict of interest, the member, after disclosure of these circumstances, may continue to participate in the ZBA consideration of the matter, subject to the vote of the other members of the ZBA, as described below.

Nondisclosure of a conflict of interest shall constitute misconduct in office, and nondisclosure of circumstances, which exist, that could be perceived to be a conflict of interest may be misconduct in office.

If a member of the ZBA fails to disclose any circumstances which could be perceived to be a conflict of interest and the ZBA later becomes aware of such circumstances, or if a member of the ZBA participates in the consideration of a matter in which the member has a conflict of interest, the ZBA may, upon the vote of a majority of the regular members of the ZBA (other than the member who has failed to make the disclosure or who participated in the consideration of a matter in which the member had a conflict of interest) make a recommendation to the Township Board that the member be removed from the ZBA for misconduct in office. If the ZBA makes such a recommendation to the Township Board, the Township Board may hold a public hearing to consider the recommendation according to the provisions of this Article.

When an application is pending with the ZBA or a member of the ZBA has good reason to believe an application will be forthcoming, no member shall speak to, meet with or have any contact with the applicant, the applicant's agent or attorney, adjoining neighbors or anyone with an interest in the application outside of the public hearing regarding the application until after the ZBA has made a final decision regarding the application. Ex parte communications are improper.

19.11 CONDUCT OF MEETINGS

The ZBA may prescribe the rules and regulations for the conduct of its meetings. Meetings of the ZBA shall be held as required by law, and within sixty (60) days following the presentation of matters to the Secretary of the ZBA for the consideration of the ZBA. The regular place and time of meeting of the ZBA shall be established by the ZBA in its rules and regulations. Except as otherwise specified in the rules and regulations of the ZBA, procedure in meetings of the ZBA shall be governed by Robert's Rules of Order. The members may select from among themselves a chair, vice-chair and secretary on an annual basis.

19.12 QUORUM

The ZBA shall not conduct business unless a majority of the members of the Board of Appeals is present. For this purpose, the number of members of the ZBA shall be the number of regular members of the ZBA, and a majority of the members of the ZBA present at a meeting shall include both regular and alternate members of the ZBA.

19.13 RECORDS

The ZBA shall keep minutes of all of its proceedings. These minutes shall list the names of the members present and absent and shall show the action taken by the ZBA and the vote of each member upon each matter presented to the ZBA. Each motion of the ZBA shall include an explanation or basis for the ZBA' decision.

19.14 VOTING

Unless otherwise provided herein, official action with respect to all matters before the ZBA shall be taken by a concurring vote of majority of the ZBA. All members of the ZBA present at a meeting are required to vote on all matters presented to the ZBA unless a member has a conflict of interest.

19.15 ADJOURNMENT

The ZBA shall have the power to adjourn a hearing before the date of the hearing by providing like notice as was given to set the hearing, either upon its own motion, or upon the request of any interested party. The ZBA shall also have the authority to adjourn hearings as of the time scheduled for the hearing. Notwithstanding the above, in the case of a scheduled public hearing, the ZBA shall not adjourn the public hearing at the time scheduled for the public hearing until it has afforded the public in attendance an opportunity to be heard. In the absence of a quorum of the membership, no action may be taken by the ZBA, except that any member may adjourn the meeting to a new date, time and place.

19.16 APPLICATIONS

1. **Variances** - An application for a variance shall be filed with the Zoning Administrator on forms approved by the ZBA. Upon receipt of a request for a variance, the Zoning Administrator (or such other person as is designated by the ZBA) shall present the variance request to the ZBA, shall schedule the time and place for the ZBA to conduct a public hearing with respect to the variance request, and shall give notice of the time and place of the public hearing to the persons and in the manner provided in this Article. A site plan and written pertinent information may be required from the applicant.
2. **Appeals** - An appeal from the decision of the Zoning Administrator with respect to the interpretation of the Ordinance or an appeal from any other decision, which is referred to the ZBA by this Ordinance, shall be filed with the Zoning Administrator on a form approved by the ZBA. Upon receipt of an appeal, the Zoning Administrator shall present the appeal to the ZBA. The ZBA shall schedule the time and place for it to conduct a hearing with respect to the appeal, and shall give notice of the time and place of the hearing to the person making the appeal.

3. **Interpretations** - The applicant may request the ZBA to interpret this Ordinance for the Zoning Administrator whenever the Zoning Administrator is requested to make an interpretation of this Ordinance as it applies to a particular fact circumstance, and the Zoning Administrator is uncertain or unclear as to the intent of this Ordinance as applied to that particular fact circumstance.

19.17 NOTICE OF PUBLIC HEARING

The ZBA shall hold a public hearing on all applications. Notice of the public hearing shall be as follows:

1. The ZBA shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the hearing.

Notice shall be given to:

- A. The owners of property that is the subject of the request;
- B. All persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request; and to
- C. The occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

A notice under this section shall do all of the following:

- A. Describe the nature of the request
- B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used

C. State when and where the request will be considered

D. Indicate when and where written comments will be received concerning the request

19.18 VARIANCE - STANDARDS OF REVIEW

In deciding whether to approve a variance from the terms and conditions of this Ordinance, the ZBA shall consider the following.

1. **Use Variance** - If the variance request is one related to the use to which a property may be put, the ZBA shall consider whether exceptional or extraordinary conditions or circumstances exist which are inherent in the land, use, structure, or building involved that do not generally apply to other nearby properties in the same zoning district or in other similarly zoned properties in the Township, and which cause unnecessary hardships resulting in the property not being reasonably usable for any use permitted by the Ordinance. No use variance shall be granted unless all members vote in favor of it.
2. **Area Variance** - If the variance request is one related to the area or dimension standards or requirements of this Ordinance, the ZBA shall consider whether exceptional or extraordinary conditions or circumstances exist which are inherent in the land, structure, or building involved that do not generally apply to other nearby properties in the same zoning district or in other similarly zoned properties in the Township, and which result in there being practical difficulties in meeting these standards or requirements.
3. **All Variances** - For each variance request, the ZBA shall consider:
 - A. Whether the variance request, if granted, is the minimum variance that will make possible the reasonable use of the land, structure, or building;
 - B. Whether granting the variance will be injurious to the property's neighbors or its neighborhood, or will otherwise be detrimental to the public welfare, impair the intent or purpose of the Ordinance, or change the essential character of the neighborhood;
 - C. Whether any exceptional or extraordinary condition or circumstance affecting the land, structure, or building is the result of action or inaction on the part of the applicant for the variance; and
 - D. Whether the condition or situation of the specific property, or the intended use of the property for which the variance is sought, is of such a general or recurrent nature that it is more reasonable or practical for the Township to amend the Ordinance than to grant variances for the condition or situation.

19.19 VARIANCE - FINDING

1. **Findings Necessary to Approve a Variance** - Before granting any variance, the ZBA shall find that all of the following exist:
 - A. If the variance request is one related to the use to which a property may be put, the Board of Appeals shall determine that exceptional or extraordinary conditions

or circumstances exist which are inherent in the land, structure or building involved that do not generally apply to other nearby properties in the same zoning district or in other similarly zoned properties in the Township, and which cause unnecessary hardships resulting in the property not being reasonably usable for any use permitted by the Ordinance;

- B. If the variance request is one related to the area or dimension standards or requirements of this Ordinance, the ZBA shall determine that exceptional or extraordinary conditions or circumstances exist which are inherent in the land, structure or building involved that do not generally apply to other nearby properties in the same zoning district or in other similarly zoned properties in the Township, and which result in there being practical difficulties in meeting these standards or requirements;
 - C. That granting the variance will not be injurious to the property's neighbors or its neighborhood, or will not otherwise be detrimental to the public welfare, impair the intent or purpose of the Ordinance, or change the essential character of the neighborhood;
 - D. That any exceptional or extraordinary condition or circumstance affecting the land, structure, or building is not the result of action or inaction on the part of the applicant for the variance;
 - E. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure or building; and
 - F. That the condition or situation of the property, or the intended use of the property for which the variance is sought is not of such a recurrent nature that it is more reasonable or practical to amend the Ordinance than to grant the variance.
2. **Findings Necessary to Deny a Variance** - The ZBA shall deny a variance request if it finds that any one of the requirements listed under subsection A, above, has not been met.

19.20 VARIANCE

After hearing and consideration of the variance request with respect to the review standards mentioned above, the ZBA shall deny, approve or approve with conditions the variance request. Any condition imposed upon approval of a variance request must be reasonably related to the variance granted and to the protection of the health, safety, comfort, convenience and welfare of the public, or to minimize any detriment to those who will use the property or the nearby or adjacent properties.

19.21 SECURITY

To ensure compliance with any conditions imposed hereunder, the ZBA may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township covering the estimated cost of improvements associated with the project for which a variance is sought. Such deposit, bond, certified check or letter of credit shall be deposited with the Clerk of the Township to ensure faithful completion of the improvements or conditions. Cash

deposits shall be rebated as work progresses in reasonable proportion to the ratio of work completed on the required improvements.

19.22 BONDS, SECURITY OR LETTERS OF CREDIT

The Township may require that an applicant or developer post a bond, monetary security or letter of credit for a new use or expansion of an existing use which the Zoning Administrator, Planning Commission, ZBA, or Township Board determines is reasonably necessary to ensure any of the following:

1. Completion of the project to the standards and requirements of this Ordinance and other applicable Township ordinances;
2. Remediation or cleanup of hazardous or harmful chemicals or substances associated with the use.
3. The Township may require such a bond, monetary security or letter of credit in an amount it determines is reasonably necessary to accomplish the above.

19.23 FINALITY OF DECISION

The decision of the ZBA with regard to any matter presented to it according to the provisions of this Ordinance shall be final. The decision of the ZBA is deemed final either: 1) when the ZBA issues its decision in writing, or 2) if the ZBA does not issue a written decision, then when the ZBA approves the minutes of its decision (at the next meeting).

19.24 EXPIRATION OF VARIANCE

A variance granted under the provisions of this Ordinance shall become invalid unless the construction, occupancy or other action authorized by the variance has begun within one (1) year of the granting of the variance and has been diligently pursued to completion. For the purpose of this Section, construction shall be deemed to have begun at the time a structural foundation is installed.

19.25 REAPPLICATION

No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted to the ZBA, except on grounds of new evidence which could not have been reasonably presented at the original public hearing, or upon proof of a substantial change of conditions or circumstances which are relevant to the variance request. Application for a use or project that was substantially similar to an earlier application shall be considered a reapplication.

19.26 NO APPEALS

PD or Special Land Use denials (or the conditions attached to a PD - Planned Development or Special Land Use approval) shall not be appealable to the ZBA.

ARTICLE 20

ADMINISTRATION, ENFORCEMENT AND PENALTIES

20.01 ZONING ADMINISTRATOR

This Ordinance shall be administered by the Zoning Administrator or his or her designated agents, who shall be appointed by the Township Board of the Township of Everett for such term and at such rate of compensation and subject to such conditions as the Township Board shall determine.

20.02 POLICE POWERS

The said Zoning Administrator shall have the police powers in enforcing this Ordinance.

20.03 ELIGIBILITY

The Zoning Administrator shall make the required inspections and shall certify to the Township Clerk the conformance of the applicant to the requirements of this Ordinance. In the event that such Zoning Administrator shall be interested in any manner in the application, then the Township Board may appoint a substitute administrator to discharge the duties of such case. The Zoning Administrator shall be physically fit, competent for the position, and shall not either directly or indirectly be interested in the sale of any material, plan, process or device used in connection with the building construction.

20.04 PERMITS

No building or structure, subject to the provisions of this Ordinance, shall be erected, raised, torn down, altered, enlarged, or moved upon any land, in whole or in part, nor shall any lands or topsoil be sold or otherwise disposed of for this purpose covered by the terms hereof until a zoning permit ("permit") shall have been obtained therefore.

1. **Application for Permit** - All applications for a zoning permit shall be made to the Township Zoning Administrator. Such applications shall be executed in triplicate upon forms prescribed by the Township Board. Such application shall contain full information showing the lot area, location of contemplated buildings and structure, sewage disposal facilities, street widths, and such other information as the Township Board may require by resolution. Scale drawings shall be filed in duplicate with such application.
2. **Reference to Administrator** - The Township Zoning Administrator shall properly make such investigation and inspection, as he shall determine necessary. If the same has been approved, the Zoning Administrator shall forthwith issue the permit. If reasons are set forth for rejection, the applicant shall be notified thereof.

3. **Reference to Zoning Board of Appeals** - If the subject matter of the application is such that the application must be referred to the Zoning Board of Appeals, then the Zoning Administrator, after making preliminary inspection, shall refer the application to the ZBA. The Zoning Administrator shall prepare and cause to be published notice of such meeting as the ZBA shall prescribe. The secretary of the ZBA shall return such application duly endorsed as approved or disapproved, stating reasons therefore, to the Zoning Administrator, who shall notify the applicant of the ZBA action.
4. **Reference to Building Inspector** – The building inspector is the person who is appointed and employed by the Township charged with the administration and enforcement of the State building code or other codes as they may apply to the construction of buildings and structures.
5. **Expiration of Permit** - Any permit issued hereunder, under which no work has been done above the foundation walls within one (1) year, shall expire. However, such permit may be renewed for an additional period of one (1) year upon payment of one-half (1/2) of the original license fee and subject to provisions of this Ordinance in force at the date of the renewal.
6. **Cancellation of Permit** - The Administrator is empowered to cancel such permit for violation of the provisions of this Ordinance or for fraud or misrepresentation in the procurement thereof, by notification in writing, by registered mail, to the address of the owner or his attorney or agent, as shown on the application for such permit.
7. **Permit Identification** - The Zoning Administrator shall issue to the applicant a zoning permit, indicating the person to whom issued, the date of issue, and the building or use for which issued.
8. **Existing Violations** – The Zoning Administrator may refuse to issue a zoning compliance permit regarding a property where there are unresolved or outstanding violations to this Zoning Ordinance or the Township Code of Ordinances, and including unpaid taxes or other local, state or federal violations. Upon resolution of prior unresolved or outstanding violations, the Zoning Administrator shall issue the permit so long as all other ordinance and legal requirements are met.

20.05 EXEMPTIONS FROM PERMIT REQUIREMENTS

Incidental repairs and reconditioning of established structures, which do not involve additions thereto, shall be exempt from the requirements of this Ordinance, providing the same do not violate any of the regulations of this Ordinance.

20.06 FEES FOR BUILDING PERMIT AND CERTIFICATE OF COMPLIANCE

For each permit issued, fees shall be paid to the Township. All fees shall be paid in accordance with the fee schedule established by the Township Board by resolution from time to time. Failure to obtain a zoning permit shall cause the zoning permit fees to be doubled.

20.07 SECURITY

To ensure compliance with any conditions imposed hereunder, the Township may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township covering the estimated cost of improvements associated with the project for which a variance is sought. Such deposit, bond, certified check or letter of credit shall be deposited with the Clerk of the Township to ensure faithful completion of the improvements or conditions. Cash deposits shall be rebated as work progresses in reasonable proportion to the ratio of work completed on the required improvements.

20.08 BONDS, SECURITY OR LETTERS OF CREDIT

The Township may require that an applicant or developer post a bond, monetary security or letter of credit for a new use or expansion of an existing use which the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board determines is reasonably necessary to ensure any of the following:

1. Completion of the project to the standards and requirements of this Ordinance and other applicable Township ordinances;
2. Remediation or cleanup of hazardous or harmful chemicals or substances associated with the use; and
3. The Township may require such a bond, monetary security or letter of credit in an amount it determines is reasonably necessary to accomplish the above.

20.09 ESCROW FEES

Fees in escrow for professional reviews - Any application for rezoning, site plan approval, a Special Land Use permit, Planned Unit Development, variance, or other use activity requiring a permit under this Ordinance, may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee is required for any project that (1) requires a traffic impact study, (2) has more than twenty (20) dwelling units, (3) has more than twenty thousand (20,000) square feet of enclosed space, (4) requires more than twenty (20) parking spaces, or (5) proposes any use requiring site plan review on M-37. Further, an escrow fee may be required to obtain a professional review of any other project which may, in the discretion of the Planning Commission or the ZBA, create an identifiable and potentially negative impact on the public roads, other infrastructure or services, or on adjacent properties and for which professional input is desired before a decision to approve, deny, or approve with conditions is made.

The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise Everett Township engages to review the proposed application and/or site plan of an applicant. Professional review will result in a report to Everett Township indicating the extent of conformance or nonconformance with this Ordinance, and to identify any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified impacts. The applicant will receive a copy of any professional review hired by Everett Township and a copy of any non-privileged documents generated from the professional review hired by Everett Township and a copy of the statement of expenses for the professional services rendered if requested by the applicant and provided to the Township by the entity providing the professional service.

No application for which escrow fee is required will be processed until the escrow fee is deposited with the Everett Township Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by Everett Township in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.

The provisions of this subsection shall not be construed to prohibit the Township from prosecuting any failure to obtain a permit as required by this Article.

20.10 CERTIFICATE OF COMPLIANCE

No dwelling, building, or structure, subject to the provisions of this Ordinance, shall be occupied or used until the Township shall issue a certificate of compliance. Such certificate is applied for coincidentally with, and as a part of, the original application, and shall be issued by the Township promptly after the final inspection shows compliance therewith. The date of issuance of such certificate shall be noted by the Zoning Administrator or Building Inspector upon the copies of the application.

The Building Inspector may issue a temporary certificate of occupancy for a part of the building, or the whole thereof, prior to the completion thereof, for a period of three (3) months and may issue a renewal thereof for one (1) additional like period, upon showing of substantial compliance, and circumstance showing a need for such certificate.

20.11 STOP WORK ORDERS

1. Notice to Owner - Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance or in an unsafe and dangerous manner, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions (if any) under which work or use will be permitted to resume.
2. Unlawful Continuance - Any person, who shall continue to work in or about the structure, building, or use it after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be in violation of this Ordinance.

20.12 PENALTIES

1. **Fines** - A violation of this Ordinance is a municipal civil infraction, as provided in the Township Violations Bureau Ordinance, for which the fine shall be established from time to time as may be necessary by resolution of the Township Board but not less than the following:
 - A. One Hundred Fifty and no/100 Dollars (\$150.00) for the first violation;
 - B. Three Hundred and no/100 Dollars (\$300.00) for a second violation within a three (3)-year period; and
 - C. Five Hundred and no/100 (\$500.00) for a third and subsequent violation within a three (3)-year period.
 - D. If a violator is issued a municipal ordinance violation notice, costs of Twenty-five and no/100 Dollars (\$25, 00) shall be assessed by the Bureau if the fine is paid within ten (10) days of the date of service of the violation notice. If the fine is paid beyond ten (10) days, costs of Fifty and no/00 Dollars (\$50.00) shall be assessed by the Bureau. These costs are in addition to the above-stated fines.
 - E. In addition to paying the above-stated fines, if a violator is issued a municipal civil infraction citation, the violator shall be responsible for all costs, damages; expenses, attorney fees incurred by the Township, and shall be subject to all other remedies provided to the Township by law.
 - F. The issuance of a municipal civil infraction citation and/or violation notice and the imposition of penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law. In a proceeding for injunctive relief, the violator shall be responsible for all costs, damages; expenses, attorney fees incurred by the Township, and shall be subject to all other remedies provided to the Township by law.
2. **Violations Are Nuisances Per Se** - Any land use commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, used, or changed in violation of any provision of this Ordinance, or in violation any permit or approval granted there under, is hereby declared to be a nuisance per se.
3. **Separate Offense** - Each day during which a violation of this Ordinance shall exist shall be deemed a separate offense.

20.13 PROCEEDINGS

The Township Board, by its duly constituted officers, may cause complaint to be made of the provisions thereof. The Township Ordinance Enforcement Officer is authorized to issue violation notices and citations for any violation of this Ordinance, which is designated to be a municipal civil infraction, if the Supervisor or Zoning Administrator has reasonable cause to believe an infraction has occurred, based upon either personal observation or the report of a person who has allegedly witnessed the infraction.

All money received from penalties assessed shall be paid to the Township General Fund.

An action seeking injunctive relief to abate a violation of this Ordinance may be commenced in the circuit court by the Township attorney upon authorization by the Township Board.

The remedies and penalties provided herein are cumulative and in addition to other remedies provided by law.

ARTICLE 21

AMENDMENTS

21.01 GENERAL

Amendments or supplements shall be made hereto in the same manner as provided by law for the enactment of this Ordinance.

21.02 INITIATION OF AMENDMENTS

Amendments to this Ordinance may be initiated by the Planning Commission or the Township Board by resolution or by any interested person or persons by petition to the Township Board.

21.03 AMENDMENT PETITION PROCEDURE

All petitions for amendment to this Ordinance shall be in writing, and shall be signed and filed in triplicate with the Township Clerk for presentation to the Planning Commission and the Township Board. Such petitions shall include the following: (1) the petitioner's name, address and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned; (2) the nature and effect of the proposed amendment; (3) if the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-ways and easements bounding and intersecting the land to be rezoned; (4) the alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same; (5) the changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare; and (6) all other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.

21.04 AMENDMENT PROCEDURE

Amendments to this Ordinance shall be considered as provided by state law.

ARTICLE 22

MISCELLANEOUS PROVISIONS

22.01 ADMINISTRATIVE LIABILITY

No officer, agent, employee or member of the Township Board, Planning Commission, or Zoning Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

22.02 SEVERABILITY

This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof, are hereby declared severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Ordinance in prior effect was adopted by the Everett Township Board, on October 16, 1991.

22.03 REPEAL

This Ordinance supersedes and replaces the existing Everett Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof, which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

22.04 EFFECTIVE DATE

The foregoing Ordinance was adopted by the Everett Township Board, on _____, and shall take effect seven (7) days after publication.

Adopted: _____

Published: _____

Effective: _____

APPENDIX

EVERETT TOWNSHIP

PRIVATE STREET

DESIGN AND CONSTRUCTION STANDARDS

November 2009

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FIGURE 1: TYPICAL PRIVATE STREET

FIGURE 1: TYPICAL PRIVATE STREET

FIGURE 2: TYPICAL DITCH SECTION

FIGURE 3: TYPICAL ASPHALT VALLEY GUTTER SECTION

INTRODUCTION

TO ALL DEVELOPERS, CONSULTING ENGINEERS AND CONTRACTORS:

The Everett Township Design and Construction Standards are intended to ensure the use of uniform, adequate, and acceptable construction methods and materials. The Township strives at all times to stay up to date regarding construction engineering developments.

This 2009 Edition is considered the standard requirements that are to apply to work and materials bid or contracted on or after January 1, 2010.

Everett Township also has ordinances to administer, regulate, and provide additional requirements and regulations related to public and private improvements. Owners, consulting engineers, contractors, and plumbers are encouraged to review the document ordinances for requirements pertaining to private water services, fire lines, sanitary sewers, and ponds.

Everett Township Board

EVERETT TOWNSHIP

PRIVATE STREET

DESIGN AND CONSTRUCTION STANDARDS

INTENT AND PURPOSE

It is the purpose of this section to establish and define the specific details of construction improvements required for project approval. The standards set forth in this document shall be the minimum standards for all private street improvements occurring in Everett Township. Private Easements established in order to obtain frontage are called private streets. Private Easements established for ingress and egress are called private streets. All private streets shall be built to Everett Township Design and Construction Standards and Specifications.

The minimum design and construction standards for private streets are as follows:

1. Construction Plan Requirements

- A.** All Street Plans submitted for approval shall be prepared under the supervision of and be signed and sealed by the Township Civil Engineer, Registered in the State of Michigan.
 - B.** The name and address of the firm responsible for the preparation of the plans is to be clearly indicated on the plans.
 - C.** The name, address and telephone number of the property owner and applicant (if different from the owner) is to be clearly indicated on the plans.
 - D.** Drawings must be to a scale of 1"=50' scale or larger. (i.e. A drawing with a scale of 1"=40' will be accepted but a drawing with a scale of 1"=60' is not acceptable).
-

- E.** Show north arrow on all drawings along with an overall site location map indicating adjacent roads etc. The location map is to show the surrounding roads with the project area highlighted.
- F.** Show a minimum of one benchmark per plan sheet.
- G.** Construction Plans are to indicate the latest revision date.
- H.** Property lines, dimensions, and access points of parcels are to be indicated for the lots being serviced by the private street.
- I.** Clearly label and dimension the proposed property lines, utility easements, ingress and egress easements, and street right-of-way.
- J.** Provide notes on the construction plans, as needed, to ensure the proposed project will meet the required Township Standards.
- K.** The location of the existing and proposed pavement and the right-of-way of all streets impacted by the construction of the private street shall be clearly indicated on the construction drawings. Dimension of the right-of-way, pavement widths, deceleration/acceleration lanes, and radii are to be clearly labeled.
- L.** Electronic plans from the developer are required in a geographically referenced format compatible with Newaygo County GIS data.

2. General Requirements

- A.** The standards set forth in this section shall be the minimum standards for streets, intersections and associated utilities.
 - B.** All private streets shall have direct access to a public street.
-

C. All private streets shall have a recorded permanent right-of-way or easement. The right-of-way or easement shall expressly permit public or private utilities to be installed within the right-of-way.

D. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is reasonably assured.

E. All private streets shall be named and identified as required by Newaygo County.

F. The street layout shall fit the pattern established by adjacent streets. All existing private streets that terminate at parcel boundaries must be connected with the street system of a proposed adjacent development and/or provide an easement for future extensions of the private street and public and private utilities.

G. The bottom of the aggregate base course is to be set no closer than two (2) feet above the historical high water elevation. Soil borings shall be provided indicating historical high water elevations.

H. Streets will intersect at 90 degrees or closely thereto, and never at less than 80 degrees.

I. Entrance to public roadway will require permit from the Newaygo County Road Commission.

J. In cases where the private street is adjacent to a property line, the vegetation is to be maintained to the maximum extent possible.

K. Three hundred sixty feet (360') distance between intersections of public and/or private streets. This offset may be reduced to 250 feet within the development as approved by the Township.

L. The standards set forth in this document are minimum design standards. It is acceptable to use a higher standard than the minimum specified within each classification.

M. Streets must respect local topography and the alignment of the land.

N. Private Street Rights-of-Way shall not be located within fifty-feet (50') of any existing building.

O. Show proposed cross section on the plan indicating details such as widths, depths, slopes, etc.

P. No private street shall extend for a distance of more than two-thousand (2,000) feet in length from the nearest public street right-of-way as measured along the centerline of the private street, unless direct access is provided thereto from another public street, or if any of the following exist:

1)

i. That there are extraordinary circumstances or unusual hardship pertaining to the use and development of the land, such that a greater length of Private Street is reasonably necessary.

ii. That another direct access to and from another public street cannot reasonably be provided.

iii. That unless a greater length of private street is permitted, there will be land that cannot be used or developed and that there is no reasonable likelihood of such use or development unless the greater length of Private Street is approved.

3. Drainage

Private streets shall be constructed to sufficiently control storm water, protect against, or minimize soil erosion, and to prevent damage to the lakes, streams, wetlands, and other significant natural features of the Township. The developer shall submit a Storm Water

Drainage Plan including hydrologic and hydraulic calculations along with a topographic map. A lot grading plan with proposed lot elevations shall also be submitted.

- A.** Show all drainage improvements including but not limited to county drains, ditches, drainage structures, culverts, storm sewer piping, retention basins, detention basins and applicable overflow structures.

 - B.** Culverts will be placed at all natural drainage courses or other waterways.

 - C.** The Storm Water Drainage Plan shall meet the requirements of the Newaygo County Drain Commissioner and the Township Civil Engineer. The Drain Commissioner's office shall review and approve the proposed Storm Water Drainage Plan. Storm run-off calculations for the completed development shall govern drainage designs.

 - D.** The developer shall provide a storm water system to carry a 25-year frequency storm through the subdivision from the tributary area.

 - E.** Ditch slopes at one vertical to four horizontal (1V:4H) fore slope and one vertical to three horizontal 1V:3H back slope. A steeper back slope may be approved as specific site conditions warrant.

 - F.** Storm water management techniques used by the developer shall comply with Best Management Practices (BMP).

 - G.** Enclosed storm sewer systems are to be designed to convey the 10-year 24-hour storm event. The minimum pipe size for the closed storm sewer system is twelve (12) inches. No surcharging shall be present for the 10-year 24-hour rain event.
-

H. Storm sewer material is to be reinforced concrete pipe C-76 Class IV or smooth lined corrugated plastic (AASHTO M-294 Type S Polyethylene). All materials must be new.

I. Maximum catch basin spacing within the street: 350 feet

J. Minimum cover over storm sewer: 2.5 feet from top of pipe

K. Enclosed storm sewer shall be located on the centerline of the private street.

L. Outlets of storm sewers, ditches, and areas where concentrations of runoff occur shall be protected against erosion by placement of sod, placing riprap, or other means approved by the Township Civil Engineer.

M. Drainage easements shall be a minimum of twenty (20) feet in width.

4. Driveway Culverts

A. Plans are to show the approximate location of proposed drive culverts.

B. Driveway culverts are always required.

C. The minimum size of a drive culvert is to be twelve (12) inches.

D. Reinforced concrete pipe C-76 Class IV or smooth line corrugated plastic (AASHTO M-294 Type S Polyethylene and Corrugated Metal Pipe (CMP). All material installed must be new.

E. Each building site is to be serviced with a driveway with a minimum width of twelve (12) feet.

5. Restoration

A. All disturbed areas outside of the gravel or Hot Mix Asphalt Pavement limits will be restored with a minimum of four inches (4") of topsoil, seed, mulch, and fertilizer nutrient to produce a close stand of weed free grass.

B. Areas with slopes steeper than one vertical to three horizontal (1V:3H) shall use mulch blanket in lieu of regular mulch.

6. Construction Materials

Private streets shall be constructed of suitable materials to ensure minimal maintenance and safe passage of vehicles.

A. **Granular Sub-base Material** - MDOT Class II shall be the preferred sub-base material. However, if existing on-site material meets MDOT Class II or Class IIA requirements, no sand sub-base is required. Where existing sub-grade material is not granular meeting MDOT Class II, a minimum of twelve inches (12") Class II material will be placed.

B. **Sub-grade Drainage** - Sub-grade drainage is to be addressed with the use of sub-grade under-drain or edge drain and proper outlet. The under-drain shall be six inches (6") diameter with parallel systems or eight inches (8") minimum diameter with a single line. The under-drain shall be directed to the storm sewer or other positive outlet.

C. **Aggregate Gravel Base** - MDOT 22A, 22A Modified or 21AA Modified is the preferred aggregate base material. However, crushed concrete, slag or other commonly found non-native aggregates may be substituted for the natural aggregate. The crush requirement is 95% minimum.

D. Aggregate Gravel Surface - MDOT 23A Modified is the preferred aggregate surface material. However, crushed concrete, slag or other commonly found non-native aggregates may be substituted for the natural aggregate. The crush requirement is 95% min.

E. Hot Mix Asphalt Pavement (Asphalt) - MDOT Mixture No. 13A, PG 58-28

F. Crown Point - Crown Point of the road to be at the centerline with a 2.0% cross slope.

G. Soil Borings - Soil Borings are to be submitted with the street plan during the review and approval process. The locations of the soil borings are to be clearly indicated on the drawing submitted. Maximum spacing of the soil borings is every 1,000 feet or closer as field and design conditions dictate. Sub-base correction in addition to that shown on the typical cross sections shall be provided where directed by the Township Civil Engineer.

7. Minimum Design Requirements

A. If a multi-phased development adds lots and falls within the next design category, all pre-existing work within that development must then subsequently meet the required design conditions. Multi-phase projects should always be constructed to the details according to the ultimate project size.

B. All intersection(s) shall have no more than four (4) separate legs.

C. All conduits being used for future utility crossings are to be installed prior to the base course of Asphalt. The developer is to coordinate the locations of the conduits with the appropriate utility companies.

D. Corner lots on both the private street and a public road shall not access the public road. All lots on the private street shall have an address on the private

street. However, where corner lots are not a part of the private street development, the lot may access either the new private street or the public road. If access is to the private street, the owner of such lot is subject to participate in the maintenance of the private street.

E. All utilities including but not limited to gas, telephone, electric and cable are to be run underground within the given utility easement.

F. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course, by a private street, shall satisfy the requirements of the Township Engineer and/or any governmental agency having jurisdiction.

8. Private Street Serving 1 to 4 Lots (See Figure 1)

A. The minimum cul-de-sac radius is 40 feet

B. Right-of-Way

i. Sixty-Six Foot (66') right-of-way width with provisions for all utilities within right-of-way

ii. R-o-w width may be reduced to forty (40) feet for private streets serving two (2) lots or less

iii. Cul-de-sac right-of-way equals 60 feet radius

C. Minimum Cross Sectional Requirements

i. Width

a. Aggregate Surface: 20 feet

b. Sand Sub-base: 20 feet

ii. Slope

- a. Aggregate surface and sand sub-base 2% cross slope

iii. Depth

- a. Aggregate Surface: 6 inches
- b. Sand Sub-base: 12 inches

D. Maximum longitudinal grade is 6%.

E. There shall be a maximum grade of 1.0% for a distance of fifty feet (50') back from edge of public road. There shall be a maximum of 6.0% slope for a minimum distance of thirty feet (30') back from an intersection of a private street.

F. Existing contours are to be shown on submittal drawing with two (2) foot maximum contour intervals.

G. Thirty-foot (30') cleared minimum maintained area with fourteen foot (14') trimmed height over roadbed. Center of cleared area is to be generally centered on road and right-of-way centerline. Clearing limits may be modified on a case-by-case basis to ensure an overall pleasing appearance to the final development, while maintaining a safe and functional street.

H. Minimum intersection radius: 25 feet

9. Private Streets Serving 5 to 30 Lots (See Figure 2)

A. The minimum cul-de-sac radius is 50 feet

B. Sixty-six foot (66') right-of-way width with provisions for all utilities within right-of-way

C. Minimum Cross Sectional Requirements

i. Width

- a. Asphalt Surface: 24 feet
- b. Aggregate Gravel Base: 26 feet

- c. Sand Sub-base: 26 feet

ii. Slope

- a. Asphalt, aggregate base, and sand sub-base 2% cross slope

iii. Depth

- a. Asphalt: Three inches (3")
- b. Aggregate Base: Six inches (6")
- c. Sand Sub-base: Twelve inches (12")

D. Vertical alignment shall have a design speed of 35 mph or greater

E. Forty-foot (40') minimum cleared area and maintained width to ground level. Center of cleared area is to be generally centered on road and right-of-way centerline. Fourteen foot (14') clear trimmed height over roadbed. Clearing limits may be modified on a case-by-case basis to ensure an overall pleasing appearance to the final development, while maintaining a safe and functional street.

F. Minimum street grade shall be 0.6% and maximum street grade shall be 6.0%, except that the Township may allow up to 8.0% maximum street grade, if the applicant submits adequate justification that such grade will not adversely affect public safety. Township may allow grades less than 0.6% if adequate justification that such grade will not cause adverse drainage impacts on adjacent properties and street.

G. There shall be a maximum grade of 1.0% for a distance of fifty feet (50') back from edge of a public road.

H. There shall be a maximum of 6.0% slope for a minimum distance of fifty feet (50') back from an intersection of a private street.

I. Existing contours shall be shown on the Construction Plans with minimum contour intervals of one (1) foot. Significant natural features and other natural characteristic, including but not limited to open space, stands of trees, water bodies, floodplains, rock outcrops, utilities and other topographic features shall be indicated on the private street construction plan sheet.

J. Show street centerline profile indicating proposed and existing centerline elevations.

K. Minimum intersection radius with any street is twenty-five (25) feet

L. Curb and Gutter

i. Asphalt valley gutters are required on streets with longitudinal slopes of 2.0% and greater.

ii. Concrete curb and gutter is to be used on all radii and cul-de-sacs when adjacent section consists of an Asphalt Valley Gutter.

iii. 5½-sack air entrained concrete is to be used on all curbs.

iv. White membrane curing compound is to be placed on all concrete curbing once the free moisture has left the surface. Upon stripping the forms, the remainder of the surface shall be sprayed with the curing compound.

10. Private Streets serving more than 30 lots

A private street or private streets in combination, shall not serve more than 30 separate lots or parcels.

11. Construction Standards

A. Tolerances and Testing Requirements:

i. Compaction (Based on the Michigan One Point Cone Test). Test results shall be submitted to Everett Township.

- a. Aggregate Base: 98%
- b. Aggregate Surface: 98%
- c. Gravel Shoulder: 95%
- d. Sand sub-base: 95%
- e. Asphalt Pavement: 92%-96% of the Theoretical Maximum Density

ii. Tolerances

- a. Grade on Subgrade: Approximately three-quarters of an inch (+/- 3/4")
- b. Grade on Aggregate Base and Sub-base: Approximately one-half inch (+/- 1/2")
- c. Aggregate depth: Approximately one-half inch (+/- 1/2")
- d. Pavement thickness:

1) In no instance shall the finished Asphalt thickness be more than one-half inch (1/2") thinner than plan thickness.

2) The average pavement thickness is to be no more than one-quarter inch ($\frac{1}{4}$ ") thinner than plan thickness.

3) In no case shall any area in a single course of Asphalt be less than 75% of plan thickness. Areas thinner than this will be removed and replaced at no expense to the Township.

B. Provide load tickets showing date of delivery, quantity of product, type of material, location of source and drivers name for all aggregates, granular material, and Asphalt product brought to the site. Material shall be provided by a state certified pit or owner may pay an independent laboratory to sample onsite material and provide independent testing proving that the requirements are meant.

C. All castings located within the Asphalt surface shall be raised to grade between the leveling and the top course of Asphalt and shall be adjusted to $\frac{1}{4}$ " below the finished paved surface.

D. Bond coat is to be applied between successive courses of Asphalt and to all surfaces that the pavement will be in contact including existing pavement edges, edges of concrete curb, etc.

E. A minimum of two rollers are to be used for compacting and finishing Asphalt surface. There shall be no visible roller marks on the finished surface of all courses of Asphalt.

F. Pavement cores may be taken for density determination if it appears that there is not enough compactive effort being made during paving operations. Cost for testing and repair will be the responsibility of the owner if the tests indicate the pavement surface falls below the specifications listed in this section.

G. Total yield will be calculated based from the area of pavement and the Asphalt delivery tickets. If the yield calculations warrant, pavement will be cored to determine thickness. Owner is responsible to correct any work that is outside

the specified tolerances. A proposed repair/replacement plan or any other alternative is to be submitted to the Township for review within two weeks of notification that the work is not within the required tolerances. No repair work shall proceed prior to authorization by the Township.

H. Contractor is to submit Asphalt mix design prior to paving.

I. Asphalt Temperature: Minimum – 250 degrees Fahrenheit.

J. Subgrade is to be proof rolled prior to placing subbase material. Any areas indicating signs of yielding are to be undercut and filled and compacted with material meeting MDOT Class II requirements.

12. Utilities

A. All utilities available at the public street intersection with the private street shall also be provided to the private street.

B. All utilities shall be provided underground.

C. All utility locations shall be installed per the Newaygo County Road Commission Typical Utility location within sixty-six foot (66') road right of way included in their standards and specifications for subdivisions.

13. Signage

A. STREET NAME SIGNS

All streets will be named, identified, and marked by a sign that contains the approved name of the street, in accordance with the Everett Township Addressing and Street Naming Ordinance. Street name signage must be provided at the entry point of the private street to the public street and at all intersections within the development. All signage will be installed at the owner's

expense and will be in accordance with the current Michigan Manual of Uniform Traffic Control Devices and the following standards:

- i. Signs for private streets leading from a public road shall contain the name or number of the public road and the name or number of the private street.
- ii. Private Street name signs shall be green with white lettering.
- iii. Private street name signs shall be installed to the same height and location requirements as stop signs except on the opposing side of the street, or attached at the top of the stop sign.

B. STOP SIGNS

- i. When traffic is required to stop a STOP sign shall be used.
 - ii. The STOP sign shall be a standard size MDOT approved sign for local streets.
 - iii. The STOP sign shall be installed on the right side of the approach to which it applies.
 - iv. The STOP sign shall be located as close as practical to the intersection it regulates, while optimizing its visibility to the road user it is intended to regulate.
 - v. The minimum lateral offset should be nine feet (9 ft) from the edge of the traveled way and no less than two feet (2 ft) from the edge of the shoulder, if one exists.
 - vi. Stop signs shall be installed to a height of sixty-six inches (66") measured from the bottom of the sign to the ground at the near edge of the pavement.
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- vii. Where pedestrian movements are likely, the clearance to the bottom of the sign may be increased to not more than seven feet (7 ft).
- viii. The mounting height may be adjusted when supports are located near the edge of the right-of-way on a steep back slope.
- ix. Stop signs should be vertically mounted at right angles to the direction of, and facing, the traffic that they are intended to serve.
- x. Signposts, foundations, and mountings shall be so constructed as to hold signs in a proper and permanent position, and to resist swaying in the wind or displacement by vandalism.
- xi. Stop sign supports shall be breakaway or yielding.

14. Private Street Maintenance Agreement

A private street maintenance agreement meeting the requirements of the attached private street maintenance agreement shall be completed and properly recorded with the Newaygo County Register of Deeds. (See Appendix)

Everett Township

Private Street Maintenance Agreement

Sample Required Content

Title - "Private Street Maintenance Agreement for _____ Street".

Preamble- The Whereas...

"This agreement made this _____ day of _____, by the undersigned, all owners of land within the following described":

INSERT LEGAL DESCRIPTION HERE

1. All undersigned are owners of land which have access to _____ Street, described on attached Exhibit A.
2. Only access to said parcels shall be by said private street.
3. Everett Township, Newaygo County Road Commission and Michigan Department of Transportation are not responsible for, obligated or permitted to maintain.
4. Private street and drainage ways subject to this agreement are described and shown on a survey recorded in liber _____, page _____, Newaygo County Records, and as described on Exhibit A attached.
5. The Private Street will be constructed in accordance with the Everett Township Private Street Design and Construction Standards and engineering plans dated _____ prepared by _____.
6. It is the interest of the health, safety, and welfare of the residents of Everett Township and future parcel owners that the Private Street be constructed and maintained in a safe and effective manner.

Now Therefore, It Is Mutually Agreed as Follows:

1. Private Street Association - Creation of Private Street association, Membership, Voting rights, Election of officers.
 2. Annual Meeting - Annual meeting required. Purpose - Elect officers, approve maintenance program and budget for next year.
 3. Assessment - Annual assessment required, proportional to share of budget, based on number of parcels owned.
 4. Assessment Collection - How assessment will be collected, treasurer responsible, due dates, where funds will be deposited.
 5. Failure to Pay Assessment - Recourse(s) available to Association if landowner fails to pay, liens, suits, collection costs.
 6. Street and Utility Easement – Specify that easement is for street and utilities and that access is assured to owners, public, utilities and the Township.
 7. Utility Costs – Specify how payments for the electrical bill will be made for streetlights if installed.
 8. Estimate Of Expenses - Estimates required yearly for maintenance of street, Association responsible for securing estimates for grading, drainage, snow removal and base/surface repair.
 9. Extraordinary Repairs - Unanticipated repairs, method of assessment collection, Association empowered to take immediate steps to repair.
 10. Notice to Township - Association required to notify Township yearly with Association contact, agenda and minutes for annual meeting, proposed and approved maintenance budgets.
 11. Maintenance and Repair Work - Association Chair responsible to schedule maintenance, bills paid by treasurer, all work to be in conformance with Township - Approved plans dated _____ and **The Everett Township Private Street Design and Construction Standards** specify that the Township and Newaygo County Road Commission ARE NOT responsible for maintenance of private streets.
 12. Remedies - Vested right of Association to take legal actions deemed necessary for violations.
 13. Drainage Maintenance - Drainage to be maintained, drainage patterns not to be altered unless prior approval by appropriate governmental authority and Township, owners not to block or alter.
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14. Dust Control - (If Applicable) for gravel streets, the frequency and method of dust control.
 15. Snow removal – Specify the frequency and method of snow removal and stockpiling.
 16. Subsequent Owners - Agreement runs with the land, binding on all current and future owners, owner required to disclosed this agreement.
 17. Public Street Dedication - Process for future dedication, sole responsibility of Association to comply with Road Commission requirements at that time.
 18. Owners Not To Restrict Street Access - Owners prohibited from blocking or hindering use of street.
 19. Recording Required - Maintenance Agreement, survey and legal description to be recorded.
 20. Copy of Agreement To Be Provided At Closing - Seller is required to provide a copy of the maintenance agreement to each property owner at time of closing.
 21. Amendments - Amendments to Maintenance Agreement require Township approval and cannot have the effect of reducing or eliminating Association's responsibility for street maintenance.
 22. Hold Harmless – Owners shall indemnify and hold Township harmless from any liability, loss, damage, injury or casualty to persons or property arising out of owner's construction, maintenance or use of the Private Street.
 23. Signatures of al property owners
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Exhibit A: Legal Description of Private Street and Easements

