

Lincoln Township Zoning Ordinance

Updated as of March, 2020

Table of Contents

CHAPTER 1. TITLE, PURPOSE, AND EFFECT	1-1
SECTION 1.01 SHORT TITLE	1-1
SECTION 1.02 PURPOSE.....	1-1
SECTION 1.03 THE EFFECT OF ZONING	1-1
SECTION 1.04 ADMINISTRATIVE LIABILITIES	1-2
SECTION 1.05 NONWAIVER; RULE OF NONESTOPPEL.....	1-2
CHAPTER 2. DEFINITIONS	2-1
SECTION 2.01 RULES APPLYING TO TEXT	2-1
SECTION 2.02 DEFINITIONS - A	2-2
SECTION 2.03 DEFINITIONS - B	2-4
SECTION 2.04 DEFINITIONS - C	2-5
SECTION 2.05 DEFINITIONS - D	2-6
SECTION 2.06 DEFINITIONS - E	2-8
SECTION 2.07 DEFINITIONS - F.....	2-8
SECTION 2.08 DEFINITIONS - G.....	2-9
SECTION 2.09 DEFINITIONS - H.....	2-9
SECTION 2.10 DEFINITIONS - I.....	2-10
SECTION 2.11 DEFINITIONS - J.....	2-10
SECTION 2.12 DEFINITIONS - K.....	2-11
SECTION 2.13 DEFINITIONS - L	2-11
SECTION 2.14 DEFINITIONS - M	2-13
SECTION 2.15 DEFINITIONS - N	2-14
SECTION 2.16 DEFINITIONS - O.....	2-14
SECTION 2.17 DEFINITIONS - P.....	2-16
SECTION 2.18 DEFINITIONS - R	2-17
SECTION 2.19 DEFINITIONS - S.....	2-17
SECTION 2.20 DEFINITIONS - T	2-20
SECTION 2.21 DEFINITIONS - U.....	2-20
SECTION 2.22 DEFINITIONS - V	2-21
SECTION 2.23 DEFINITIONS - W	2-21
SECTION 2.24 DEFINITIONS - Y	2-21
SECTION 2.25 DEFINITIONS - Z	2-22
CHAPTER 3. GENERAL PROVISIONS.....	3-1
SECTION 3.01 REQUIRED AREA, SPACE, AND USE CONDITIONS AND EXCEPTIONS	3-1
SECTION 3.02 HEIGHT EXCEPTIONS.....	3-1
SECTION 3.03 PRINCIPAL USE.....	3-2
SECTION 3.04 STREET ACCESS	3-2

SECTION 3.05	BASIS OF DETERMINING FRONT YARD REQUIREMENTS	3-2
SECTION 3.06	MINIMUM LOT WIDTH FOR IRREGULAR SHAPED LOTS.....	3-3
SECTION 3.07	PROJECTIONS INTO YARDS.....	3-3
SECTION 3.08	ACCESSORY BUILDINGS, STRUCTURES, AND USES	3-4
SECTION 3.09	REGULATIONS APPLICABLE TO ALL DWELLINGS	3-5
SECTION 3.10	TEMPORARY USES OR BUILDINGS REQUIRING ZONING ADMINISTRATOR AUTHORIZATION.....	3-7
SECTION 3.11	FENCES	3-8
SECTION 3.12	GREENBELTS LANDSCAPING AND SCREENING	3-9
SECTION 3.13	INSTALLATION OF LANDSCAPING.....	3-10
SECTION 3.14	CLEAR VISION	3-11
SECTION 3.15	ESSENTIAL SERVICES.....	3-11
SECTION 3.16	TEMPORARY STORAGE OF USED MATERIALS.....	3-11
SECTION 3.17	ILLEGAL DWELLINGS	3-11
SECTION 3.18	EXCAVATIONS, HOLES, OR PONDS	3-12
SECTION 3.19	OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS.....	3-12
SECTION 3.20	SATELLITE DISH ANTENNAS	3-13
SECTION 3.21	EXTERIOR LIGHTING	3-14
SECTION 3.22	HOME OCCUPATIONS	3-14
SECTION 3.23	SEASONAL USES	3-15
SECTION 3.24	NON-CONFORMING USES AND BUILDINGS	3-15
SECTION 3.25	DEMOLITION PERMITS	3-18
SECTION 3.26	PRIVATE STREETS	3-18
SECTION 3.27	MAXIMUM WIDTH TO DEPTH RATIO.....	3-19
SECTION 3.28	SITE CONDOMINIUMS.....	3-27
SECTION 3.29	KEEPING OF ANIMALS.....	3-27
SECTION 3.30	SWIMMING POOLS.....	3-28
SECTION 3.31	RIPARIAN ACCESS	3-28
SECTION 3.32	STORAGE AND REPAIR OF VEHICLES	3-29
SECTION 3.33	CLEARING OF LAND.....	3-29
CHAPTER 4. ZONING DISTRICTS		4-1
SECTION 4.01	THE ZONING MAP	4-1
SECTION 4.02	DISTRICTS	4-2
SECTION 4.03	ZONING OF VACATED AREAS	4-2
SECTION 4.04	ZONING OF FILLED LAND.....	4-2
SECTION 4.05	ZONING DISTRICT CHANGES.....	4-3

CHAPTER 5. AR AGRICULTURAL – RURAL RESIDENTIAL DISTRICT.....	5-1
SECTION 5.01 DESCRIPTION AND PURPOSE	5-1
SECTION 5.02 PERMITTED USES	5-1
SECTION 5.03 SPECIAL LAND USES	5-1
SECTION 5.04 DISTRICT REGULATIONS (Amended 5-26-04)	5-2
CHAPTER 6. LOW DENSITY RESIDENTIAL DISTRICT - LDR	6-1
SECTION 6.01 DESCRIPTION AND PURPOSE	6-1
SECTION 6.02 PERMITTED USES	6-1
SECTION 6.03 SPECIAL LAND USES	6-1
SECTION 6.04 DISTRICT REGULATIONS (Amended 5-26-04)	6-2
CHAPTER 7. WATERFRONT DISTRICT - WD.....	7-1
SECTION 7.01 DESCRIPTION AND PURPOSE	7-1
SECTION 7.02 PERMITTED USES	7-1
SECTION 7.03 SPECIAL LAND USES	7-2
SECTION 7.04 DISTRICT REGULATIONS	7-3
CHAPTER 8. NEIGHBORHOOD COMMERCIAL DISTRICT - NC.....	8-1
SECTION 8.01 DESCRIPTION AND PURPOSE	8-1
SECTION 8.02 PERMITTED USES	8-1
SECTION 8.03 SPECIAL LAND USES	8-2
SECTION 8.04 SITE DEVELOPMENT REQUIREMENTS	8-3
SECTION 8.05 DESIGN STANDARDS	8-3
CHAPTER 9. COMMERCIAL RESORT DISTRICT - CR.....	9-1
SECTION 9.01 DESCRIPTION AND PURPOSE	9-1
SECTION 9.02 PERMITTED USES	9-1
SECTION 9.03 SPECIAL LAND USES	9-2
SECTION 9.04 SITE DEVELOPMENT REQUIREMENTS	9-2
CHAPTER 10. MANUFACTURED HOME PARKS – MHP	10-1
SECTION 10.01 SCOPE.....	10-1
SECTION 10.02 INSTALLATION AND OCCUPATION OF MANUFACTURED HOMES	10-1
SECTION 10.03 APPLICATION PROCEDURES	10-1
SECTION 10.04 STANDARDS AND REGULATIONS	10-2
SECTION 10.05 UTILITY STANDARDS	10-4
SECTION 10.06 MANUFACTURED HOME STANDARDS	10-5
SECTION 10.07 INSPECTION AND PERMITS	10-5
SECTION 10.08 MANUFACTURED HOME SALES	10-6
CHAPTER 11. PLANNED UNIT DEVELOPMENT - PUD	11-1
SECTION 11.01 SCOPE.....	11-1

SECTION 11.02	OBJECTIVES.....	11-1
SECTION 11.03	APPLICATION PROCEDURE	11-1
SECTION 11.04	PERMITTED USES	11-5
SECTION 11.05	RESIDENTIAL CLUSTER DEVELOPMENT REGULATIONS	11-7
SECTION 11.06	CONDITIONS OF APPROVAL	11-9
CHAPTER 12.	LIGHT INDUSTRIAL DISTRICT - LI.....	12-1
SECTION 12.01	DESCRIPTION AND PURPOSE.....	12-1
SECTION 12.02	PERMITTED USES.....	12-1
SECTION 12.03	SPECIAL LAND USES	12-3
SECTION 12.04	SITE DEVELOPMENT REQUIREMENTS	12-3
CHAPTER 13.	SITE PLAN REVIEW	13-1
SECTION 13.01	PURPOSE.....	13-1
SECTION 13.02	SITE PLANS REVIEWED	13-1
SECTION 13.03	SITE PLAN REVIEW REQUIREMENTS.....	13-1
SECTION 13.04	APPLICATION AND REVIEW	13-4
SECTION 13.05	PLAT REQUIREMENTS	13-5
SECTION 13.06	ADMINISTRATIVE FEES.....	13-5
SECTION 13.07	CHANGES IN THE APPROVED SITE PLAN	13-6
SECTION 13.08	REVIEW STANDARDS.....	13-6
SECTION 13.09	CONDITIONS OF APPROVAL	13-8
SECTION 13.10	APPEAL	13-9
CHAPTER 14.	PARKING AND SIGN REQUIREMENTS	14-1
SECTION 14.01	SCOPE.....	14-1
SECTION 14.02	LOCATION OF PARKING.....	14-1
SECTION 14.03	PARKING LOT REQUIREMENTS.....	14-2
SECTION 14.04	DEFERRED, MAXIMUM AND SHARED PARKING	14-3
SECTION 14.05	PARKING LOT PLANS.....	14-4
SECTION 14.06	PARKING RESTRICTIONS	14-5
SECTION 14.07	OFF-STREET PARKING REQUIREMENTS	14-5
SECTION 14.08	OFF-STREET LOADING AND SOLID WASTE CONTAINERS REQUIREMENTS.....	14-7
SECTION 14.09	SIGNS - DESCRIPTION AND PURPOSE	14-8
SECTION 14.10	SIGNS - DEFINITIONS	14-8
SECTION 14.11	SIGNS PROHIBITED	14-9
SECTION 14.12	SIGNS EXEMPTED	14-10
SECTION 14.13	MEASUREMENT OF SIGNS	14-10
SECTION 14.14	SIGN APPLICATION AND PERMITS	14-11

SECTION 14.15	SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS	14-11
SECTION 14.16	NONCONFORMING SIGNS	14-12
SECTION 14.17	SIGNS IN RESIDENTIAL DISTRICTS	14-13
SECTION 14.18	SIGNS IN COMMERCIAL DISTRICTS	14-13
SECTION 14.19	SIGNS FOR OTHER LAND USES.....	14-14
CHAPTER 15. SPECIAL LAND USES		15-1
SECTION 15.01	SCOPE	15-1
SECTION 15.02	APPLICATION AND REVIEW PROCEDURES	15-1
SECTION 15.03	GENERAL STANDARDS	15-2
SECTION 15.04	SPECIAL LAND USE SPECIFIC REQUIREMENTS	15-3
CHAPTER 16. ZONING BOARD OF APPEALS		16-1
SECTION 16.01	MEMBERSHIP - TERMS OF OFFICE.....	16-1
SECTION 16.03	DUTIES AND POWERS	16-1
SECTION 16.04	MEETINGS	16-2
SECTION 16.05	APPLICATIONS AND HEARINGS.....	16-2
SECTION 16.06	DECISIONS	16-2
SECTION 16.07	APPEALS	16-3
SECTION 16.08	REVIEW STANDARDS FOR VARIANCES	16-3
CHAPTER 17. ADMINISTRATION AND ENFORCEMENT		17-1
SECTION 17.01	REPEAL OF PRIOR ORDINANCE.....	17-1
SECTION 17.02	INTERPRETATION	17-1
SECTION 17.03	REMEDIES AND ENFORCEMENT	17-1
SECTION 17.04	PUBLIC NUISANCE, PER SE.....	17-2
SECTION 17.05	PERFORMANCE GUARANTEES	17-2
SECTION 17.06	FEES.....	17-2
SECTION 17.07	ZONING COMPLIANCE PERMITS	17-3
SECTION 17.08	STOP WORK ORDERS	17-4
SECTION 17.09	PROPERTY SURVEYS	17-4
SECTION 17.10	HEARINGS	17-5
SECTION 17.11	RIGHTS AND REMEDIES	17-5
SECTION 17.12	SEVERABILITY	17-5
SECTION 17.13	GENERAL RESPONSIBILITY	17-5
SECTION 17.14	ENACTMENT	17-5

CHAPTER 1. TITLE, PURPOSE, AND EFFECT

Section 1.01 **SHORT TITLE**

This Ordinance shall be known as the “Lincoln Township Zoning Ordinance.”

Section 1.02 **PURPOSE**

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people. The provisions are intended to, among other things:

- A. encourage the use of lands, waters and other natural resources in the Township in accordance with their character and most suitable use;
- B. limit the improper use of land, structures, and resources;
- C. provide reasonable terms under which the lawful use of nonconforming buildings, structures, and land may be continued;
- D. reduce hazards to life and property;
- E. provide for orderly development within the Township;
- F. avoid overcrowding of the population;
- G. provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered;
- H. lessen congestion on the public roads and streets;
- I. protect and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses;
- J. facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; and
- K. conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, structures, resources, and properties.

Section 1.03 **THE EFFECT OF ZONING**

- A. For the purpose of this Ordinance, except as hereafter specifically otherwise provided, no lot, land or premises shall be created, used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in full conformity and compliance with the regulations of this Zoning Ordinance and the Zoning District in

which it is located; these limitations being the minimum regulations and requirements necessary to promote and protect the general safety and welfare of the community.

- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into full conformance with the law and this Ordinance. If lawful substantial construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building or structure shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.
- C. Any land use, building, or structure not specifically permitted by right or special use permit by this Ordinance is prohibited.

SECTION 1.04 ADMINISTRATIVE LIABILITES

No officer, agent, employee, or member of the Planning Commission, Township, Township Board 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.

SECTION 1.04 NONWAIVER; RULE OF NON-ESTOPPEL

If any provision of this Ordinance is not enforced against a particular lot, parcel, or property or throughout the Township in general, that shall not be deemed to be a waiver (or constitute laches) regarding the ability of the Township to enforce that provision (or any other provision) of this Ordinance against the particular lot, parcel, or property involved or throughout the Township in general. Furthermore, should any Township official, body, or commission render any zoning approval or opinion, or undertake (or not undertake) any other action pursuant to this Ordinance, and it is later determined that any such opinion, interpretation, approval, action, or inaction was done in error, in an *ultra vires* or via any other mistaken fashion, that shall not preclude the Township from reversing, revoking, or revising any such zoning approval, interpretation, opinion, action, or inaction which was done in error and to thereafter enforce the provision or provisions of this Ordinance involved. The Michigan common law “rule of municipal nonestoppel” shall benefit the Township, as well as its officials, officers, bodies, and commissions.

CHAPTER 2. DEFINITIONS

Section 2.01 **RULES APPLYING TO TEXT**

- A. If any portion of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the remaining portions of this Ordinance or applications of the portion which can be given effect without the invalid portion or application, providing such remaining portions are not determined by the court to be inoperable, and to this end all portions of this Ordinance are hereby declared to be severable.
- B. If the meaning of this Ordinance is unclear in a particular circumstance, then the body charged with interpreting or applying the Ordinance shall construe the provision to carry out the intent of the Ordinance, if such intent can be discerned from other provisions of the Ordinance or law.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases (and such words and phrases as may have acquired a peculiar and appropriate meaning in the law) shall be construed and understood according to such peculiar and appropriate meaning.
- E. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- F. A “building” or “structure” includes any part thereof.
- G. The word “person” includes an individual, a corporation, a limited liability corporation, a trust, a partnership, an incorporated association, or any other similar entity. A masculine term shall include the feminine version of the term and vice versa.
- H. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. “Either-or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

- I. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 2.02 DEFINITIONS - A

ACCESSORY BUILDING

A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the land or building and occurring on the same lot as the main use or building.

ADULT USES

The term shall include adult bookstores, adult cabarets, adult motion picture theaters, massage establishments, and nude artist and photography studios. These terms shall have the following indicated meanings:

- A. **Adult Book Store.** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals, videotapes, movies, or adult-related novelties which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- B. **Adult Cabaret.** An establishment including, but not limited to, a cafe, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- C. **Adult Motion Picture Theater.** 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.
- D. **Massage Establishment.** Any establishment having a fixed place of business where massages are administered by pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp,

the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A Massage is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

- E. **Nude Artist and Photography Studio.** Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display “specified anatomical areas” as defined herein for artists and photographers for a fee or charge.
- F. **Specified Anatomical Areas.** Specified anatomical areas are defined as less than completely and opaquely covered:
1. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- G. **Specified Sexual Activities.** Specified sexual activities are defined as:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse or sodomy;
 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

AGRICULTURE

The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a significant source of income.

ALLEY

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

ALTERATIONS

Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

ARCHITECTURAL FEATURES

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

AVERAGE GRADE

The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

Section 2.03 DEFINITIONS - B

BASEMENT OR CELLAR

A portion of a building having more than one-half (1/2) of its height below grade.

BED AND BREAKFAST ESTABLISHMENT

A use within a detached single dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

BOARD, TOWNSHIP

The phrase "Township Board" shall mean the Lincoln Township Board.

BOARD OF APPEALS or BOARD

As used in this Ordinance, this phrase means the Lincoln Township Zoning Board of Appeals.

BUFFER ZONE

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

BUILDABLE AREA

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met. It does not include slopes greater than 18 percent; beaches contiguous to a lake, river or stream; wetlands; areas which are not accepted by the Newaygo District Health Department for one-site sewage disposal unless an alternate system of sewage disposal is approved by the District 10 Health Department; that part of a flood plain where flood waters are expected to have a destructive current; existing public utility easements; existing public rights-of-way; waterfront setback areas.

BUILDING

An independent structure, either temporary or permanent, having a roof (or similar part) supported by columns, poles, supports, beams, walls, or any other support used for the enclosure of persons, animals, vehicles, or chattels, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING HEIGHT

The building height is the vertical distance measured from the average grade at the ground to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

BUILDING, MAIN

A building in which is conducted the main or principal use of the lot on which it is situated.

BUILDING PERMITS

A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alteration or use of a building or structure in conformity with the provisions of this Ordinance and the Township's Building Code.

BUILDING SETBACK LINES

Lines marking the setback distance from the lot lines which establish the minimum permitted front, side, or rear yards.

- A. Front Building Setback Line. The line marking the setback distance from the front lot line which establishes the minimum front yard setback area.
- B. Rear Building Setback Line. The line marking the setback distance from the rear lot line which establishes the minimum rear yard setback area.
- C. Side Building Setback Lines. Lines marking the setback distance from the side lot lines which establish the minimum side yard setback area.

Section 2.04 **DEFINITIONS - C****CLEARING OF LAND**

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

CLINIC

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

COMMERCIAL

This term relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than twelve (12) days during any one (1) twelve (12) month period. Often also referred to as a business use.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES

Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

COMMISSION, PLANNING

This phrase shall mean the Lincoln Township Planning Commission.

CONSERVATION EASEMENT

A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality. Usually, it is a permanent deed restriction or restrictive covenant.

CONVALESCENT OR NURSING HOME

A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders, wherein persons are provided care for compensation. Said home shall conform to, and qualify for, license under applicable State law.

Section 2.05 **DEFINITIONS - D****DAY CARE**

A facility, other than a private residence, receiving minor children or adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered a Day Care Center.

A. Day Care Home, Family

A single family residence, occupied as such, in which care is provided for more than one (1) but less than seven (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

B. Day Care Home, Group

A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

DENSITY

As applied in this Ordinance, the number of dwelling units situated on or to be developed on a gross acre of land.

DRIVE-IN ESTABLISHMENT

A commercial establishment whose character is significantly dependent on providing a driveway approach and service window or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

DWELLING OR DWELLING UNIT

A dwelling unit is any building or portion thereof having some cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a lawful dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

DWELLING, MULTIPLE FAMILY

A building or portion thereof, used or designed for use as a residence for three (3) or more families living independently of each other and each doing their own cooking in said building. This definition includes three (3) family buildings, four (4) family buildings, and apartment houses.

DWELLING, TWO-FAMILY

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

DWELLING, SINGLE FAMILY (DETACHED)

A detached building used or designed for use exclusively by one (1) family. It may also be termed a one (1) family unit.

Section 2.06 DEFINITIONS - E**ERECTED**

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

ESSENTIAL SERVICES

The phrase “essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including wind generating systems, solar panel systems over 10,000 square feet of area or cellular telephone or communications towers or buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

EXCAVATING

Excavating shall be the removal of soil or ground below the average grade of the surrounding land and/or road grade, whichever shall be highest, except common household gardening.

Section 2.07 DEFINITIONS - F**FAMILY**

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, boarding house, Air bnb, bed and breakfast, half-way house, lodge, coterie, foster care arrangement, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, is for profit, or is otherwise not intended to be of a permanent nature.

FARM

The use of land for cultivation or for raising of livestock for commercial purposes and as a significant source of income, including greenhouses, nurseries and orchards, but not including intensive livestock operations, stone quarries, or gravel, dirt, or sand removal operations.

FENCE

Any permanent fence, partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

FLOOR AREA, GROSS (GFA)

The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one half (1/2) of the basement height is above finish lot grade. (See Basement.) Gross floor area shall not include attic space having headroom of seven and one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), unfinished areas, breezeways, porches, or attached garages are not included.

FLOOR AREA, USABLE (UFA)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers; or area used in a dwelling unit for living purposes. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRONTAGE (Also see Lot Width)

The portion of a lot fronting on or abutting a road or body of water.

Section 2.08 **DEFINITIONS - G****GARAGE**

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one (1) lot, for the occupants thereof, of commercial vehicles not exceeding a rated capacity of one (1) ton.

Section 2.09 DEFINITIONS - H**HOME OCCUPATION**

An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single-family residence used by an occupant of that residence such as to give instruction in a craft or fine art within the residence shall be considered a home occupation.

HOSPITAL

An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

HOTEL

A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals.

Section 2.10 DEFINITIONS - I**INOPERATIVE VEHICLES**

Any motor vehicle which is currently not capable of being started and safely and properly operated on the highway. Also, any motor vehicle which is not currently and properly titled or licensed.

INTENSIVE LIVESTOCK OPERATIONS

- A. A total of seven hundred and fifty (750) dairy cattle (all classes); seven hundred and fifty (750) slaughter or feeder cattle, one thousand eight hundred (1,800) swine (all classes), one hundred thousand (100,000) poultry (all classes); five thousand (5,000) sheep or goats (all classes); or two hundred (200) horses (all classes); or
- B. A population per acre of at least four (4) dairy cattle, four (4) slaughter or feeder cattle, twenty (20) swine, seven hundred (700) poultry, ten (10) sheep or goats, or four (4) horses.

Section 2.11 DEFINITIONS - J**JUNK**

For the purpose of this Ordinance, this term shall mean any motor vehicles, machinery, appliances, products, or merchandise with parts missing or that are disassembled; or scrap metals or materials that are damaged or deteriorated; or trash, used tires or garbage; or vehicles or machines in a condition which precludes their use of the purpose for which they were manufactured.

JUNK YARD

The term “junk yard” includes automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, sale, processing, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include lawful uses established entirely within enclosed buildings.

Section 2.12 DEFINITIONS - K**KENNEL**

Any lot or premises on which four (4) or more animals, six (6) months of age or older are kept temporarily or permanently for the purpose of breeding, boarding or for sale.

Section 2.13 DEFINITIONS - L**LANDMARK TREE(S)**

A tree(s) commonly recognized as an established and familiar feature of the Township or as a significant part of the Township’s heritage. Landmark trees tend to be larger in girth than other trees of the same species in the area. The trees are a prominent part of the landscape.

LAWN

Ground cover consisting of grass or sod kept closely mowed, commonly used as a primary ground cover.

LIVESTOCK

Those species of animals used for human food and fiber or those species of animals used in service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, alpacas, bison, captive cervidae, ruminants, swine, equine, poultry, fish, aquaculture, and rabbits. Livestock does not include dogs or cats.

LOADING SPACE

An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

LOT

A parcel of land occupied (or intended for occupancy) by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word “lot” shall include plot

or parcel. A lot need not be a “lot of record.” A lot may also mean a site condominium unit as well as a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

LOT AREA

The total horizontal area within the lot lines or property boundaries, excluding street or road easements or rights-of-way and also excluding property located under a lake or river.

LOT, CORNER

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) cords of which form an angle of one hundred thirty-five (135) degrees or less.

LOT COVERAGE

The part or percent of the lot occupied by impermeable surfaces and by buildings or structures, including accessory buildings or structures.

LOT, DEPTH

The mean horizontal distance from the front lot line to the rear lot line, or the two (2) front lines of a through lot.

LOT, DOUBLE FRONTAGE (THROUGH)

A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat in the request for zoning compliance permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

LOT, INTERIOR

A lot other than a corner lot with only one (1) lot line fronting on a street.

LOT LINES

The property lines bounding the lot.

- A. Front Lot Line –Ordinarily, that lot line abutting a public road or private street. In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street easement or right-of way. In the case of a waterfront lot, the front lot line shall be the waterfront lot line.
- B. Rear Lot Line - Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the real lot line for the purpose

of determining depth of rear yard. In the case of a waterfront lot, the rear lot line shall be the street lot line. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Double Frontage Lot).

- C. Side Lot Line - Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- D. Street Lot Line - A lot line separating the lot from the easement or right-of-way of a street or an alley.

LOT OF RECORD

A lot which lawfully exists in a subdivision plat as shown on the records of the County Register of Deeds as of the adoption of this Ordinance, or a lawful lot or parcel described by metes and bounds, the description of which had been so recorded as of the adoption of this Ordinance as required by law.

LOT, WATERFRONT

A lot having frontage directly upon a lake, river or other naturally formed impoundment of water.

LOT WIDTH

The horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines at all points.

Section 2.14 DEFINITIONS - M

MANUFACTURED HOME

A residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long-term occupancy as a dwelling unit or portion of a dwelling unit, and is wholly or substantially constructed at an off-site location, transported to a site and erected.

MANUFACTURED HOME PARK

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, nonrecreational 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.

MANUFACTURED HOME SPACE

A plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.

MASTER PLAN

The Master Plan, or Land Use Plan currently adopted by Lincoln Township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan and any amendment to such plan.

MOTEL

A series of attached, semi-attached, or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

MOTOR HOME

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

Section 2.15 **DEFINITIONS - N****NONCONFORMING BUILDING OR STRUCTURE**

A building or structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance or the regulations of the Zoning District in which it is located.

NONCONFORMING LOTS OF RECORD

A platted lot or condominium unit that conformed with all Township zoning requirements at the time of recording of said plat or condominium project, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or lot dimension requirements; or a lot located outside a recorded plat or condominium project that conformed with all Township zoning requirements at one time (and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance) which no longer conforms with the zoning requirements for lot area, lot width, or other lot dimension requirements.

NONCONFORMING USE

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

NONRESIDENTIAL DISTRICT

The Neighborhood Commercial, Commercial Resort or Light Industrial zoning districts or a non-residential PUD.

Section 2.16 DEFINITIONS - O**OPEN AIR BUSINESS**

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

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

OPEN SPACE DEVELOPMENT

A development in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space on-site.

OPEN SPACE

Undeveloped land not part of any required yard which is set aside in a permanent natural state or for an agricultural use.

OPEN SPACE, COMMON

Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

OPEN SPACE, DEDICATED

Common open space dedicated as a permanent recorded easement or with a permanent recorded restriction approved by the Township.

OPEN SPACE, USABLE

That portion of the common open space which due to its slope, drainage characteristics and soil conditions can be used for active recreation or agriculture.

ORDINANCE, THIS

This Zoning Ordinance, as amended.

ORDINARY HIGH WATER MARK

The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

Section 2.17 DEFINITIONS - P**PARKING LOT**

A facility providing vehicular parking spaces, along with adequate drives, aisles, and maneuvering space to allow unrestricted ingress and egress to at least two (2) vehicles.

PARKING SPACE

An off street space of at least one hundred eighty (180) square feet exclusive of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

PERSON

Any human being, corporation, trust, limited liability company, partnership, firm, governmental unit, or other entity.

PERSONAL SERVICE ESTABLISHMENTS

Any nonindustrial commercial business conducting services that are performed on human beings primarily on the premises.

PLANNED UNIT DEVELOPMENT

A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PORCH, ENCLOSED

A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

PORCH, OPEN

A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the main building or structure to which it is attached.

PUBLIC UTILITY

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, or water services.

Section 2.18 **DEFINITIONS - R****RECREATION VEHICLE OR EQUIPMENT**

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, ATVs, motorcycles, dune buggies, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

RESIDENTIAL DISTRICT

Residential District shall refer to any residential PUD and the Agricultural Residential, Low Density Residential, Waterfront, and Manufactured Home Park zoning districts, as described in this Ordinance.

RIVER, COUNTRY SCENIC

A portion of the White River and its tributaries, as designated by the Michigan Department of Natural Resources, as follows: from Lutes Bridge (Baldwin Avenue) downstream to the west Township line, Section 30, on all designated tributaries (Mena Creek from Minnie Creek Dam downstream to the White River) and lands that are within four-hundred (400) feet of the ordinary high water mark of such rivers and tributaries.

RIVER, WILD SCENIC

A portion of the White River and its tributaries, as designated by the Michigan Department of Natural Resources, as follows: from the southwest quarter of Section 34 (Lincoln Township), downstream to Lutes Bridge (Baldwin Avenue) and lands that are within four-hundred (400) feet of the ordinary high water mark of such rivers and tributaries.

ROADSIDE STAND

A farm building or separate structure used for the display or sale of agricultural products grown for human consumption.

Section 2.19 DEFINITIONS - S**SALVAGE YARD**

An open space where waste, surplus, discarded, or salvaged materials are brought, sold, handled, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

SATELLITE DISH ANTENNA, OR DISH ANTENNA

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SECONDARY STREET

The secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.

SETBACK

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel. No building or structure shall be located within a required setback area or yard.

SHORELINE

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

SIGNIFICANT NATURAL FEATURE

Any natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources, or other appropriate governmental agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, lake, river, stream, floodplain, water features, or other unique natural features.

SPECIAL LAND USE

Also known as a special land use or special use.

STATE LICENSED RESIDENTIAL FACILITY

A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty-four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by

the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

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

STORY

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

STORY, HALF

That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet and which contains a clear height of at least seven and one-half (7-1/2) feet, at its highest point.

STREET, PRIVATE

A private street shall mean any drive, road, access or roadway which is not a dedicated and improved public right-of-way, and which provides or has the potential for providing access to two (2) or more parcels or lots and/or main buildings or dwelling units, whether created by a private right-of-way, agreement, license, joint ownership, easement or prescription. Any and all extensions, additions, or branches of or to a private street shall be considered part of the primary private street which abuts the public street. A private street shall also include an access serving only one (1) lot or parcel if that lot or parcel does not have the required amount of frontage on an improved public road as required by this Ordinance. Also referred to as a private road.

STREET, PUBLIC

An improved public thoroughfare located within a public road right-of way or easement which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley. Also referred to as a public road.

STRUCTURE

Any constructed or erected item, the use of which requires location on the ground or attachment to something on the ground. A structure may be permanent or temporary.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, alteration or improvement of a structure or building, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure or building. The term does not, however, include either any project for improvement of a structure or building to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure or building listed on the National Register of Historic Places or the Michigan Register of Historic Places.

Section 2.20 DEFINITIONS - T

TEMPORARY BUILDING OR USE

A structure, building, or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, which period may not exceed six (6) months.

TEMPORARY EVENT

An event or activity such as a block party, sidewalk sale, parade of home-type event, fishing tournament, major outdoor gathering, or similar event.

TOWNSHIP

The term “Township” shall refer to Lincoln Township.

TOWNSHIP BUILDING INSPECTOR

The Township Building Inspector shall refer to the person or agency appointed by the Township Board as the Building Inspector for Lincoln Township.

TOWNSHIP ENGINEER

The Township Engineer shall refer to the person or firm appointed by the Township Board as the Engineer for Lincoln Township.

TRAVEL TRAILER

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck-mounted campers.

TWO STORY DWELLING

A two (2) story dwelling shall be a dwelling having two (2) full stories above the grade.

Section 2.21 DEFINITIONS - U

USE, PRINCIPAL

The primary purpose for which land or premises, or a building thereon, is used, designed, arranged, or intended, or for which it is occupied, used, maintained, let, or leased.

Section 2.22 DEFINITIONS - V

VEHICLE REPAIR

Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

VEHICLE SERVICE STATION

A building designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and may include the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

VEHICLE WASH ESTABLISHMENT

A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Section 2.23 DEFINITIONS - W

WATERCOURSE

Any waterway, river, stream, county drain, inland lake or pond or other body of water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The term "watercourse" does not include wetlands (that are not part of a lake, river or creek) or lakes or ponds constructed by excavating or diking dry land and maintained for the sole purpose of cooling or storing water, and does not include lagoons used for treating polluted water.

Section 2.24 DEFINITIONS - Y

YARD

A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. A yard is also referred to as a setback area and cannot contain buildings or structures.

- A. A front yard is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- B. A rear yard is an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- C. A side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

YARD, FRONT, REAR, SIDE

A general term describing the space on a lot or parcel not containing a main building or structure, lying between a building and the respective front, rear and side property lines.

Section 2.25 **DEFINITIONS - Z**

ZONING ACT

The Michigan Zoning Enabling Act, Act 110 of 2006 of the Public Acts of Michigan, as amended.

ZONING ADMINISTRATOR

The person designated by the Township Board to administer the provisions of this Ordinance.

ZONING BOARD OF APPEALS, OR BOARD

The Zoning Board of Appeals of Lincoln Township. Also known as the Board of Appeals.

ZONING COMPLIANCE PERMIT

A permit signifying compliance with the provisions of this Ordinance as to design, use, activity, height, setbacks, density, site planning, special use status, and/or planned unit development status.

ZONING DISTRICT OR DISTRICT

Any of the zoning districts listed in Chapter 4 of this Zoning Ordinance.

CHAPTER 3. GENERAL PROVISIONS

Section 3.01 **REQUIRED AREA, SPACE, AND USE CONDITIONS AND EXCEPTIONS**

- A. No lot or lots in common ownership and no yard, setback area, parking area or other space shall be so created, divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said lot, area, or dimension shall not be further divided or reduced. If a lot of record is listed as ten (10) acres but upon survey is greater than 9.75 acres it may be split with one new lot a five (5) acre parcel of record. The second lot must be as close to five (5) acres as possible.
- B. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, are:
1. in common ownership;
 2. one or more of the lots are vacant (without a dwelling);
 3. adjacent to each other or have continuous frontage, and
 4. individually do not meet the lot width, lot area, or other dimensional requirements of this Ordinance,

then the lots or lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. Such lots or parcels are deemed automatically combined into such lot or lots meeting (or are closer to meeting) the lot width, lot size, and other dimensional requirements of this Ordinance. No portion of such combined parcel shall be used or divided in a manner which diminishes compliance with lot width, area, and other dimensional requirements of this Ordinance.

- C. The buildable area of a lot shall be the space remaining after the minimum setback and open space requirements of the Ordinance have been met and as otherwise defined in this Ordinance. It shall not include slopes greater than eighteen (18) percent; waterways, wetlands; floodplains, rights-of-way; utility or access easements.
- D. No lot, dimension, or other area shall be further reduced if already less than the minimum requirement. Property and bottomlands located under a lake, river, or stream shall be excluded from lot area or dimension calculations for purposes of determining minimum lot area and dimension requirements pursuant to this Ordinance. Property under a street or road easement or right-of-way is also excluded.

Section 3.02 HEIGHT EXCEPTIONS

- A. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generator and television and radio reception and transmission antennas and towers which do not exceed one hundred (100) feet in height.
- B. Additions to existing buildings and structures which now exceed the height limitations of their District may be constructed to the height of the existing building or structure to which the addition is attached if the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

Section 3.03 PRINCIPAL USE

- A. No lot or parcel of land shall contain more than one (1) main building or one (1) principal use. Such restriction shall not apply to commercial or industrial uses where multiple buildings are expressly authorized by this Ordinance.
- B. Land and buildings may be considered a principal use collectively if the following conditions are met:
 - 1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
 - 2. All uses, if not the same, shall be similar in function and/or operation.

Section 3.04 STREET ACCESS

Any lot created after the effective date of this Ordinance shall front upon a public street or approved private street (see Section 3.26C.1, for clarification) meeting the requirements of Section 3.26 and also the minimum lot width required by this Ordinance.

Section 3.05 BASIS OF DETERMINING FRONT YARD REQUIREMENTS

- A. The front yard setback line shall be measured from the public or private street or road right-of-way or easement line to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district, and maintained across the entire length of the lot, excepted as noted in Section 3.05B.
- B. Where an average setback line which is less than that required by this Ordinance has been established by existing buildings located within two hundred (200) feet of the proposed building, such average setback shall apply.
- C. On corner and through lots, the front yard requirements shall apply on both streets.

- D. On waterfront lots, the front yard requirements shall apply on the waterfront side of the lot. The street side, or lot line opposite the front lot line shall be considered the rear lot line. Waterfront lots are also subject to the requirements of Chapter 7.

Section 3.06 **MINIMUM LOT WIDTH; FRONTAGE; MINIMUM LOT WIDTH FOR IRREGULAR SHAPED LOTS**

- A. The minimum lot width required in each District shall be maintained across the entire length/depth of the lot or parcel, except as otherwise provided for cul-de-sacs in subsection B, below.
- B. All lots shall have frontage on an improved public street or on a lawful private street for a distance equal to or greater than the minimum lot width specified for the District in which the lot or parcel of land is located. Lots abutting a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than forty (40) feet of such frontage), provided, however, that a special land use is obtained and further provided that the lot width at the front setback line (or the rear setback line in the case of waterfront lots), and beyond shall satisfy the minimum lot width requirement of the District in which the lot or parcel of land is located.
- C. For all lots or parcels abutting or having frontage on a lake, river, or stream, each lot or parcel shall have frontage on the lake, river, or stream, as measured at the ordinary high water mark, equal to or greater than the minimum lot width requirement of the District within which the property is located.
- D. For the purposes of this Section, the measurement of lot width and frontage shall exclude all street or road rights-of-way or easements.

Section 3.07 **PROJECTIONS INTO YARDS**

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
1. may project a maximum of four (4) feet into a front or rear yard setback area; and
 2. shall not project into the side yard setback.
- B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed and uncovered:
1. On non-waterfront lots such structures:
 - a. May project a maximum of ten (10) feet into a front yard setback area;
 - b. May project a maximum of fifteen (15) feet into a rear yard setback area;
 - c. Shall not project into a side yard setback area; and

- d. Shall not be placed closer than ten (10) feet to any front or rear lot line.
2. On waterfront lots such structures:
 - a. Shall meet the average front and rear yard setbacks established by existing similar structures on waterfront lots adjacent to the subject property;
 - b. Shall not project into a side yard setback area; and
 - c. Shall not be placed closer than ten (10) feet to any front or rear lot line
 - d. Where there is no average front or rear yard setback, such structures may project a maximum of ten (10) feet into a required front or rear yard.
 - e. In no case shall such structures be placed closer than thirty (30) feet to the ordinary high watermark, or shoreline, as measured at the midpoint of the lot.
 - f. Waterfront lots are also subject to the requirements of Chapter 7.
 3. If such structures are permanently enclosed on any side or covered in any manner they shall be considered part of the main building.

Section 3.08 **ACCESSORY BUILDINGS, STRUCTURES, AND USES**

- A. Accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of such main buildings and must conform to all regulations of this Ordinance applicable to such main buildings. No manufactured home, tank, junk object, or salvage materials, trailer, vehicle, or similar item shall be considered or utilized as an accessory building or storage structure.
- B. Canopy roofs, such as those for gas pump islands accessory to vehicle service stations, restaurants with drive-through facilities, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of ten (10) feet is maintained from any property line. The height of the canopy roof shall not exceed fourteen (14) feet and be open on all sides. The colors and design of the canopy shall be compatible with the main building. Signs shall comply with the wall sign provisions of Chapter 13 of this Ordinance.
- C. On corner lots, where the side lot line is a continuation of the front lot line of the lot to its rear, accessory buildings or uses shall be located no nearer than the front yard setback line of the lot behind the corner lots.
- D. An accessory building or use shall only be permitted on lot which contains a principal use or main building, except that one (1) such building, no greater than one hundred and fifty (150) square feet in area shall be permitted on a lot on which no main building exists. Buildings related to an active farming operation are exempt from this requirement.

- E. No part of an accessory building shall be used as a dwelling or for residential purposes.
- F. Detached accessory buildings shall be located:
 - 1. A minimum of ten (10) feet from any main building.
 - 2. At the same front yard setback as required for the main building, except that such buildings may be permitted in the front yard where the main building is set back a minimum of two hundred (200) feet from the front lot line.
 - 3. Side and rear setbacks:
 - a. For buildings of less than nine hundred and sixty (960) square feet GFA: a minimum of ten (10) feet to any side or rear lot line.
 - b. For buildings equal to or greater than nine hundred and sixty (960) square feet GFA: a minimum of thirty (30) feet to any side or rear lot line.
 - c. Side yard setbacks shall be measured to the eaves of the building.
- G. Detached accessory buildings - Maximum floor areas:
 - 1. On lots with single and two family dwellings, including a garage:
 - a. On lots of less than two (2) acres: nine hundred sixty (960) square feet;
 - b. On lots of two (2) to five (5) acres: one thousand five hundred (1,500) square feet; and
 - c. On lots of more than five (5) acres: four thousand (4,000) square feet.
 - 2. Other uses:
 - a. Buildings accessory to agricultural operations: no size limitation.
 - b. Manufactured home parks: as required by Chapter 10.
 - c. Uses in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the floor area of the main building(s).
- H. No detached accessory building in a Residential District shall exceed eighteen (18) feet in height, or have a door opening greater than fourteen (14) feet in height, except those buildings used exclusively for bona fide agricultural operations.

Section 3.09 REGULATIONS APPLICABLE TO ALL DWELLINGS

All single-family dwellings, other than those located in mobile home parks as regulated by the Michigan Mobile Home Commission, shall comply with all of the following standards:

- A. All single-family detached dwellings shall possess a minimum gross floor area of one thousand one hundred square feet (1,100 sq. ft.).
- B. Two-story detached dwellings shall possess a minimum, first floor, gross floor area of six hundred (600) square feet and a total minimum gross floor area of one thousand one hundred square feet (1,100 sq. ft.)
- C. A two-story dwelling shall be one having two (2) full stories above the grade.
- D. Accessory apartments and duplexes shall have the following minimum floor areas per dwelling unit:

	Minimum Floor Area
Efficiency	600 Sq. ft.
One Bedroom	700 Sq. ft.
Two Bedrooms	800 Sq. ft.
Three Bedrooms	900 Sq. ft.

- E. All dwellings before any additions or modification must be at least twenty-four (24) feet in width across at least sixty percent (60%) of all horizontal dimensions of the dwelling unit and comply in all respects with the “Michigan State Construction Code as promulgated by the “Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended,” including minimum height for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the aforesaid construction code, then and in the event such federal or state standard or regulation shall apply.
- F. All dwellings must be firmly attached to a permanent foundation constructed on the site in accordance with the “Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended,” and shall have a solid foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
- G. All dwellings must be installed with a connection to a public sewer and water supply or to such private facilities as are approved by the local health department.
- H. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall meet the following requirements, in addition to the other standards of the Section:
 - 1. Be installed pursuant to the manufacturer’s setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Community.
 - 2. Be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

- I. All dwellings shall contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachments to the principal structure and construction of a foundation as required herein.
- J. All dwellings shall comply with all pertinent building and fire codes. For mobile homes, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and qualify conforming to the “Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280,” and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of the “Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended.”
- L. The foregoing shall not be construed to prohibit innovative design concepts involving such matter as solar energy, views, unique land contour, or relief from the common or standard-design home.

Section 3.10 **TEMPORARY USES OR BUILDINGS REQUIRING ZONING
ADMINISTRATOR AUTHORIZATION**

- A. Upon application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) calendar months or less at the same location and for the same purpose.
 - 1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
 - 2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, such temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
- B. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any Residential District.
 - 1. Prior to issuing such permit the Zoning Administrator shall make the following determinations:
 - a. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.

- b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
 - c. The manufactured home dwelling meets the requirements of the Newaygo County Health Department and all applicable Township ordinances.
 2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.
- C. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:
 1. The use or structure will not have an unreasonable detrimental effect upon adjacent properties;
 2. The use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 3. The use or structure does not adversely impact the character of the surrounding neighborhood; and
 4. Access to the use area or structure is located at a safe location.
- D. The Zoning Administrator may attach reasonable conditions to any permit for a temporary use.

Section 3.11 FENCES

- A. Fences shall not be constructed in any public or private road or street right-of-way or easement.
- B. Unless specifically provided for elsewhere in this Ordinance, a fence may not exceed a height of four (4) feet within any front yard setback area, or a height of seven (7) feet in any other area, except as noted in Section 3.11C, D and E.
- C. No fence shall contain any barbed wire or electrification unless necessary for agricultural purposes or for security in a Nonresidential District, or for the protection of public utility buildings or improvements. The barbed portion of the fence shall be at least seven (7) feet from the ground, in which case the height of a fence may extend to a maximum of eight (8) feet.
- D. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard up to a height of seven (7) feet. Such fences shall be of an open type so as to not obstruct vision.

- E. An open style fence, less than twenty five percent (25%) opaque may be constructed up to seven (7) feet in height in any yard.

Section 3.12 GREENBELTS LANDSCAPING AND SCREENING

- A. In order to provide protective screening for Residential Districts or uses adjacent or near Nonresidential Districts or uses, a landscaped greenbelt may be required by the Township Board to be installed on the Nonresidential District or use property.
- B. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, planted no less than twenty (20) feet apart, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings and trees and plants required as part of the greenbelt shall be kept in a healthy growing condition, neat and orderly in appearance. Dead or diseased plant materials shall be promptly replaced.
- C. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
- D. For uses which require site plan review, all existing live trees in excess of twelve (12) inches in diameter and at four and one half (4 ½) feet above the ground shall be preserved as much as practical on site.
- E. All residential development along major streets shall maintain a natural buffer strip of no less than one hundred (100 feet) from the road right-of-way to maintain the rural character of the Township. The buffer area shall not be mown or cleared although selective trimming of dead or diseased trees is permitted. Where natural vegetation is lacking, the Planning Commission may require plantings to establish a natural area during the site plan review process.
- F. In the event that healthy plant materials which are intended to meet the requirements of this Chapter are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree or an approved substitute on a caliper per caliper basis. For example, if a twelve (12) inch tree is removed, six, two- inch in diameter trees could replace it.
- G. All required front setbacks shall be landscaped with a minimum of one (1) canopy or shade tree and four (4) shrubs, for each thirty (30) lineal feet (or major portion thereof) of frontage abutting the right-of-way. Access ways from public rights-of-way shall not be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required.
- H. All required side and rear setbacks shall be landscaped with a minimum of one (1) canopy, under story, or evergreen tree and three (3) shrubs, for each forty (40) lineal feet (or major portion thereof) along property lines.

- I. Parking lots exceeding ten (10) parking spaces shall provide the equivalent of one (1) landscape island or perimeter bump-out for every fifteen (15) spaces of parking. Landscape islands or bump-outs shall be at least 180 square feet in size, with a minimum width of three (3) feet. Landscape islands shall be landscaped with one (1) canopy or ornamental tree and two (2) shrubs for every sixty (60) square feet of landscaping island. Receded landscape islands are encouraged to manage storm water on site. The Planning Commission, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing. Such alternative landscaping plantings must meet the intent and minimum standards of the required landscaping to be replaced.
- J. Bumper stops or curbing, sufficient to keep vehicles from encroaching on property lines, landscaping areas or sidewalks shall be provided.
- K. To the extent possible, retention or detention pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a natural formed 'free form' depression and shall be part of the natural landscape and open space system of the site. The use of smaller features like rain gardens is preferred for stormwater management.
- L. The owner shall be perpetually responsible for maintenance of all landscaping. Plant materials (including grass) shall be kept in a healthy growing condition and free from refuse and debris.
- M. Mechanical equipment, whether ground level or rooftop, shall be shielded and screened from public view and designed to be perceived as an integral part of the building.
- N. Any trash receptacle or trash storage area shall be contained within an enclosure which is at least six (6) feet in height, or the minimum height of the trash collection or storage receptacle. The location of the trash receptacle or storage area shall be approved by the Zoning Administrator, unless part of a site plan approval, which will be approved by the Planning Commission.

Section 3.13 **INSTALLATION OF LANDSCAPING**

Any site on which a use permitted by this Ordinance is established shall install a lawn or other type of living ground cover for land areas disturbed as a result of construction and not covered by impervious surfaces within six (6) months after a certificate of occupancy is issued. A performance guarantee may be required by the Township to ensure that landscaping is installed within the six (6) month period. No landscape materials other than lawn and street trees approved by the Newaygo County Road Commission shall be planted within any public road right-of-way.

Section 3.14 **CLEAR VISION**

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner

shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.

- B. No vegetation shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from of vehicles entering or leaving the site from driveways or adjacent roadways.

Section 3.15 **ESSENTIAL SERVICES**

The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any District. The intent of this is to exempt such actions regarding essential services from the application of this Ordinance.

Section 3.16 **TEMPORARY STORAGE OF USED MATERIALS**

The storage, collection, or placing of used or discarded material, such as lumber, scrap iron, ashes, slag or other by-products or waste is prohibited without a Temporary Permit obtained from the Zoning Administrator, which shall be accompanied by a performance guarantee. The Zoning Administrator may attach reasonable conditions to the granting of a permit hereunder. In reviewing such request, the Zoning Administrator shall consider the length of time requested, the visibility of such storage area from surrounding properties, potential safety concerns, and the ability to provide adequate security fencing and aesthetic screening, and other factors relevant to the specific location. Temporary permits may only be issued for the period between and including May 1 through December 1 of the current calendar year.

- A. Vehicles granted a permit must be removed at the end of the permit period.
- B. No more than one (1) such vehicle may be permitted on any lot.
- C. Such vehicles must be provided with proper and approved safety and sanitary facilities.

Section 3.17 **ILLEGAL DWELLINGS**

The use of any basement for dwelling purposes is forbidden in any Zoning District unless said basement meets the appropriate building codes for the Township. Buildings designed, used or erected as garages or accessory buildings shall not bemused or occupied for dwelling purposes.

Section 3.18 **EXCAVATIONS, HOLES, OR PONDS**

- A. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued by the Zoning Administrator where such excavations are properly protected and warning signs posted in such manner as approved by the Zoning

Administrator; and provided further, that this Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.

- B. This Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- C. Ponds created by excavations shall be setback a minimum of fifteen (15) feet to any property line. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical run.

Section 3.19 **OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS**

The outdoor storage or parking of recreational vehicles shall be prohibited in all Residential Districts, unless the following minimum conditions are met:

- A. All such vehicles, if parked outside, shall not be located in any front or side yard setback area.
- B. Storage or parking shall be limited to a lot or parcel of land upon which is located a principal use. The commercial lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a Residential District.
- C. Travel trailers, tents, camper trailers, and other similar vehicles or equipment intended or adaptable for sleeping purposes shall require a temporary use permit, issued by the Zoning Administrator, to be placed on a lot within any Residential District, except that federal and state properties shall be exempt from the provisions of this subparagraph. Prior to issuing such permit, the Zoning Administrator shall ensure that the following conditions are met:
 - 1. Temporary permits may only be issued for the period between and including May 1 through December 1 of the current calendar year.
 - 2. Vehicles granted a permit must be removed at the end of the permit period.
 - 3. No more than one (1) such vehicle may be permitted on any lot
 - 4. Such vehicles must be provided with proper and approved safety and sanitary facilities.

Section 3.20 **SATELLITE DISH ANTENNAS**

- A. In any Nonresidential District, the following restrictions shall apply:
 - 1. The dish antenna shall be permitted in the side and rear yard or mounted on top of a building, and securely anchored.

2. The nearest part of the antenna shall be at least five (5) feet from any property line.
 3. The height shall not exceed the height restrictions in the district in which the proposed device is to be located.
 4. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
 5. A site plan shall be prepared and submitted to the Building Inspector for approval prior to issuance of a building permit. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
- B. In any Residential District, the following restrictions shall apply:
1. The dish antenna shall be permitted in the rear yard only.
 2. The nearest part of the antenna shall be at least five (5) feet from any property line.
 3. The unit shall be securely anchored as determined by the Building Inspector.
 4. The maximum height measured from the ground to the top edge of the dish shall be fourteen (14) feet.
 5. The antenna shall be an unobtrusive color, as approved by the Building Inspector. Nor shall any portion of the dish antenna contain any name, message, symbol, or other graphic representation intended for the purpose of advertising.
 6. A site plan shall be submitted to the Building Inspector for approval prior to the issuance of a building permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.
- C. Satellite Dish Antenna Permitted Dimensions Residential Districts.
1. These regulations shall not apply to dish antennas that are one (1) meter (39.37 inches) or less in diameter in Residential Districts or two (2) meters or less in diameter in Nonresidential Districts.
 2. The Zoning Administrator shall permit waiver or modification of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing buildings, vegetation, topography, or other factors cause interference with reception.

Section 3.21 EXTERIOR LIGHTING

- A. All lighting of a high intensity nature, intended to illuminate broad areas, shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent properties or roadways.
- B. Light fixtures shall be provided with light cut-off fixtures that direct light downward. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
- C. Light poles for parking lots shall be limited to fifteen (15) feet in height.
- D. Lighting on or within a canopy or awning shall be recessed

Section 3.22 HOME OCCUPATIONS

- A. No person other than the resident occupants and no more than one (1) employee (who need not be a resident) shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling or attached garage, but shall not, in any case, exceed a total floor area equal to not more than twenty percent (20%) of the floor area of the dwelling unit.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign, not exceeding six (6) square feet in area.
- D. Any traffic generated by such home occupation shall not be so great as to cause serious adverse effects within or upon the surrounding neighborhood. Parking areas for such home occupation shall be located off the street and other than in a front yard setback area.
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

Section 3.23 SEASONAL USES

- A. The Zoning Administrator may issue a permit for the temporary sale of merchandise in any district, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.

- B. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
1. that the use does not have an unreasonable detrimental effect upon adjacent properties;
 2. that the use does not impact the nature of the surrounding neighborhood;
 3. that access to the area will not constitute a traffic hazard due to ingress or egress; and
 4. that adequate off-street parking is available to accommodate the use.
- C. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the Zoning Administrator for up to one (1) additional successive month, provided the season or event to which the use relates is continued. The Zoning Administrator may attach reasonable conditions to any such permit.

Section 3.24 NONCONFORMING USES AND BUILDINGS

- A. General Conditions.
1. Except where specifically provided to the contrary in this Ordinance, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or any amendment thereto.
 2. Except where specifically provided to the contrary in this Ordinance and subject to the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.
- B. Nonconforming buildings or structures shall not be extended, enlarged, altered, remodeled or modernized unless the Zoning Board of Appeals determines that the following conditions are met:
1. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.
 2. Such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure.

3. The enlargement or extension is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of the existing Lincoln Township Zoning Ordinance.
 4. The enlargement or extension will not interfere with the use of other properties in the vicinity.
 5. The enlargement or extension shall not exceed fifty percent (50%) of the GFA of the original building or structure when it became nonconforming.
- C. Any building or structure which is nonconforming by reason of parking or loading provisions and which thereafter provides additional parking and/or loading spaces shall not thereafter be permitted to use such additional spaces to meet requirements for any extension, enlargement, or change of use which requires additional parking and/or loading spaces.
- D. Restoration and Repair.
1. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure which is unsafe.
 2. All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life except for repairs necessary to maintain public safety.
 3. Nonconforming buildings or structures damaged by fire, wind, Act of God or public enemy:
 - a. Such buildings or structures may be rebuilt or restored if the cost thereof does not exceed sixty percent (60%) of the true cash value of the nonconforming building or structure prior to its damage or destruction.
 - b. If the cost of restoration or repair would exceed sixty percent (60%) of the true cash value of the nonconforming building or structure prior to its damage or destruction, a substantial improvement or rebuilding shall only be permitted if first authorized by the Zoning Board of Appeals. In considering such authorization, the Board of Appeals shall consider the following standards:
 - i. Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.
 - ii. Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable District.

- c. Reconstruction of such buildings shall begin within one (1) year of the date on which the structure was damaged. If such construction is not commenced and proceeding diligently at the end of one (1) year, the dwelling may be rebuilt or restored provided that all yard and other requirements of this Ordinance and the District in which it is located are met, or the necessary variances are obtained from the Zoning Board of Appeals.
- E. Nonconforming Uses: Change or Discontinuance
1. Except as noted in Subsection F, below, the nonconforming use of a building, structure, land or premises shall not be:
 - a. Re-established after it has been unlawfully expanded or changed to a conforming use.
 - b. Re-established after abandoned or discontinued for a continuous period of twelve (12) months. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - i. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - ii. The property, buildings, and grounds, have fallen into disrepair;
 - iii. Signs or other indications of the existence of the nonconforming use have been removed;
 - iv. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use; or
 - v. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
- F. A building, structure, land or premises used for a nonconforming use may be converted to a more conforming use which is less intensive or objectionable use, determined by the Zoning Administrator as follows:
1. The building or premises may be changed to a use permitted by right in the same district in which the existing nonconforming use would be permitted, if the new use is required by the Zoning Ordinance to have the same, or less, parking and if the new use will be totally enclosed within a building.
 2. The use of the building or premises may be changed to another nonresidential use which would be permitted by right in a more restricted zoning district.

- G. Any building or structure shall be considered existing and lawful and for purposes of Section 3.24A, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
- H. Any structures or uses which fail to conform to the previous Lincoln Township Zoning Ordinance, were not permissible, nonconforming uses or structures there under, and which violate the Zoning Ordinance shall not be considered permissible nonconforming uses under this Ordinance but shall be considered impermissible nonconforming uses and subject to the enforcement provisions of this Ordinance.

Section 3.25 DEMOLITION PERMITS

No buildings shall be razed until a permit has been obtained from the Zoning Administrator, who shall be authorized to require a performance bond in such amount according to a schedule as determined by the Township Board. Such bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with such requirements and conditions as to health and safety as the Zoning Administrator may impose, including, but not limited to, filling excavations and proper termination of utility connections.

Section 3.26 PRIVATE STREETS

A. Purpose.

The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. These provisions have been enacted to assure that private streets:

1. will not be detrimental to the public health, safety, or general welfare;
2. will not adversely affect the long term development policies of Lincoln Township;
3. will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles; and
4. will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

B. Definitions.

1. "Frontage" means the continuous linear distance of that portion of a lot or parcel abutting upon a public private street right-of-way. Frontage is to be measured at the minimum required front yard setback of the District in which the lot or parcel is located.

2. “Parcel” means a lot or tract of land which can be legally described with certainty and is capable of being located by survey.
3. “Private street”. See the definition of “private street” in Chapter 2 of this Ordinance.
4. “Road Commission” means the Newaygo County Road Commission.
5. “Safe and unimpeded route of travel” shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township.

C. Frontage and Access

1. All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.
2. All private streets shall have direct access to a public street.

D. Permits

1. No individual, association, corporation, or entity, either public or private, shall construct or extend a private street without first having obtained a private street permit from the Planning Commission.
2. The Building Inspector shall not issue building permits for construction of any building or structure on lots served by a private street until construction of a private street meeting the requirements of this Section has been completed.
3. A driveway permit for access to any public street shall be obtained from the Road Commission.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Newaygo County Drain Commissioner, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. All other required State of Michigan permits shall be obtained.
6. The Planning Commission may elect to have all design and construction plans reviewed by the Township’s attorney, engineer, or planner prior to consideration of the application for the private street.

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

1. A completed private street permit application, provided by the Township.

2. A detailed written description of the development to be served by the private street.
3. Seven (7) copies of a site plan, drawn to scale, prepared by a registered engineer, or other individual determined by the Planning Commission to be qualified, 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 streets which the private street is to intersect. Proposed street names shall also be provided, including a letter from the Newaygo County Road Commission approving such name(s).
4. A survey of the right-of-way or easement by a registered land surveyor, together with lot dimensions and required setback lines for each parcel to be served by the private street.
5. The location of all public utility easements, 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.
6. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.
7. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.

F. Design Requirements

1. Construction specifications and materials for newly established or reconstructed private streets.
 - a. The specifications for surface and base materials, longitudinal grade, method of construction, and signs shall conform to the Newaygo County Road Commission standards for local paved or gravel roads, as applicable.
 - b. Private streets shall have a minimum width of twenty (20) feet of traveled surface.
 - c. Private streets serving ten (10) or fewer parcels may be constructed as a gravel road.
 - d. Private streets serving more than ten (10) parcels shall be constructed as a paved road.
2. Length of private streets.

- a. No private street shall extend for a distance of more than four thousand (4,000) feet in length from the nearest public street right-of-way from which access is gained, as measured along the centerline of the private street to the furthest point of any private street, except as otherwise noted, without a private street access complying with this Section being provided to another public street.
 - b. The maximum length of a proposed private street may be exceeded if the Planning Commission, after recommendation of the, finds that at least one (1) of the following conditions exists:
 - i. That topography or other significant natural features preclude access to any other public street or adjoining property on which a public street may be constructed. Such significant natural features shall be clearly identified and marked on the proposed private street plans.
 - ii. That not allowing a longer private street would result in inefficient use of land. Alternate development plans demonstrating that no other development is feasible shall be submitted by the applicant and reviewed by the Planning Commission prior to confirming this finding.
 - iii. That other methods of access are available such that emergency vehicles are assured a safe and unimpeded route of travel to the properties served by the private street. Such access shall be reviewed by the Fire Chief and the recommendation forwarded to the Planning Commission.
 - c. The Planning Commission, upon a finding that at least one (1) of the above conditions exists, shall establish the maximum length of the proposed private street.
3. Right-of-way/easement width.
- a. All private streets constructed after the effective date of this amendment shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
 - b. Private streets in existence as of the effective date of this amendment whose right-of-way or easement width is less than sixty-six (66) feet need not provide additional right-of-way or easement width, but such width shall not be subsequently reduced so as to increase its noncompliance with these requirements. All setbacks required by this Ordinance shall be measured from the easement right-of-way. Minimum lot area and lot width requirements shall include any private street easements.

4. 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 assured, as determined by the Township engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than one-hundred and fifty (150) feet, as measured along the right-of-way line thereof.
5. Existing private streets: A private street lawfully existing on the effective date of this Section may continue in existence and be maintained and used, though it may not comply with the provisions of this Section. Such private streets shall be continuously maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
6. Addition of lots or parcels of land to existing private streets.
 - a. Any private street lawfully existing on the effective date of this Section equal to or exceeding two thousand (2,000) feet in length to which one (1) or more additional lots or parcels are created or otherwise permitted access, the entire length of the existing private street shall be upgraded to comply with the applicable requirements of subsection F.
 - b. Any private street lawfully existing on the effective date of this Section which is less than two thousand (2,000) feet in length and to which one (1) or more additional lots or parcels are created or otherwise permitted access to the private street, then the entire length of the existing private street shall be constructed and maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, emergency vehicles in all weather conditions.
7. Existing portion of extended private streets.
 - a. If a private street lawfully existing on the effective date of this Section is extended by the construction and use of an additional length of private street equaling or exceeding five-hundred (500) feet, the entire private street, including the existing portion and the additional portion, shall comply with the applicable requirements of subsection F.
 - b. Private streets in lawful existence at the time of the adoption of this amendment that are subsequently extended for a distance of less than five hundred (500) feet shall be constructed in the same manner as the existing portion of the private street, provided that the entire private street shall be maintained so as to provide a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

- G. Review standards; modification of certain requirements.
1. Prior to approving a private street permit 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 vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
 - d. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
 - e. The construction of the private street will conform to the requirements of this Section.
 2. The Planning Commission may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.
 3. Upon application, the Planning Commission may modify any of the private street requirements of this Section after finding that all of the following conditions exist:
 - a. Topography, soils, and/or other significant natural features physically preclude or prevent compliance with the requirements of this Section without substantial alteration of such natural features. Such natural features shall be clearly identified and described in the application of any such modification.
 - b. The justification of any modification is not due solely to financial considerations which, upon approval of the requested modification would provide a financial benefit.
 - c. That no other reasonable private street design alternatives are available that would comply with the requirements of this Section.
 - d. That the request for modification was reviewed by the Fire Chief or Township Planner, or any other person or official designated by the Township Board.
- H. Maintenance and Repairs.
1. Private streets shall be maintained in a manner that complies with the provisions of this Section.

2. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All driveways and private streets shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.
3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.
4. Private street maintenance or restrictive covenant agreements.
 - a. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township with a recordable private street maintenance or restrictive covenant agreement 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 and the Township Attorney which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.
 - b. The applicant(s) agree by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded before any lots are sold or the street is installed and shall run with the land. A copy of said agreement shall be furnished to the Township prior to the issuance of the permit
- I. Performance Guarantee. The Township may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee.
- J. Inspections/Certificate of Compliance.
 1. Upon completion of construction of the private street, the Township Engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
 2. The applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit and the Road Commission.
 3. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the

deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in Section 17.04. Also, building permits for new dwellings may be denied by the Township.

Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.

The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street that they shall indemnify and will 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 of the failure to properly construct, maintain, use, repair, and replace the private street.

Section 3.27 **MAXIMUM WIDTH TO DEPTH RATIO**

- A. In all Residential Districts, no lot shall be created whose lot depth exceeds three (3) times its width, except for residentially zoned lots or parcels that have more than one half (1/2) of their street frontage on a cul-de-sac. In such cases, the lot's depth cannot exceed five (5) times its width. For purposes of this Section, the beginning points of a cul-de-sac shall be deemed to be the intersections of the radius of the cul-de-sac with the right-of-way lines of the street connected to the cul-de-sac.
- B. In the case of an unimproved corner lot or corner parcel, the depth of a lot or parcel shall be measured midway between the side lot lines and from the front lot line to the rear lot line along the dimension of the lot comprising the greatest distance.
- C. For all other zoning districts, no lot shall have a depth more than four (4) times its width at the street or road.
- D. The Planning Commission may permit the creation of a lot or parcel to be used for the construction of a building which does not comply with this Section. In determining whether to grant such approval, the Planning Commission shall first find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands, or floodplain, and that creation or use of such lot will not conflict with other Township ordinances and regulations, unless an appropriate variance is received from such other Ordinances or regulations.

Section 3.28 **SITE CONDOMINIUMS**

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Control Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have such buildings constructed thereon and such uses conducted thereon as allowed in such

zoning district provided such unit meets the District Regulations for the zoning district in which it is locate.

- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with Chapter 13.

Section 3.29 **KEEPING OF ANIMALS**

- A. The keeping of domestic or farm animals shall be considered customary to, and commonly associated with, the operation of the Permitted Uses or Special Land Uses, subject to the requirements of this Section. The keeping of animals shall comply with the best agricultural management practices accepted by the Michigan Department of Agriculture.
- B. No more than three (3) adult, (six (6) months of age or older), cats, dogs or other similar household pets shall be kept or housed for each dwelling unit.
- C. Any other provision of this Ordinance notwithstanding, the keeping, housing, raising, or use of medical care for fowl or animals other than house pets of an occupant of the premises, is subject to the following provisions:
 - 1. Any pen or building or structure housing these animals shall be a minimum of fifty (50) feet from any property line.
 - 2. On lots of one-half (1/2) acre or less: raising and keeping fowl and/or rabbits and/or other small animals for pets, not to exceed three (3) per family.
 - 3. On lots of greater than one-half (1/2) acre, but less than two (2) acres: raising and keeping fowl and/or rabbits and/or other small animals commonly not exceeding a total of twelve (12) such animals in any combination;
 - 4. On lots of greater than two (2) acres, but less than five (5) acres, the uses permitted by paragraph 2, above; and one (1) horse, or one (1) cow, or one (1) pig for each acre, or part thereof, up to a maximum of five (5) such animals, in any combination .
 - 5. For lots greater than five (5) acres, no limit, except as may be required as an intensive livestock operation provided that General Accepted Agricultural and Management Practices (GAAMPS) adopted by the Michigan Department of Agriculture are met for the parcel housing animals. Compliance with GAAMPS must be demonstrated by the property owner housing animals.
 - 6. A minimum of five (5) acres shall be required for any commercial kennel or riding stable, and further provided that animal hospitals or veterinary clinics need not provide more area than required in the District in which it is permitted.

- D. Where animals other than house pets of the owner or occupant of the premises are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.

Section 3.30 SWIMMING POOLS

- A. Pools used for swimming or bathing shall be in conformity with the requirements of this Section; provided, however, these regulations shall not be applicable to any such pool less than twenty-four (24) inches deep or having a surface area less than two hundred and fifty (250) square feet, except where such pools are permanently equipped with a water recirculating system or involve structural materials.
- B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.
- C. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- D. Each pool shall be enclosed by a fence or wall with a height of at least five (5) feet, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.
- E. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.

Section 3.31 RIPARIAN ACCESS

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

- A. In all Districts there shall be at least fifty (50) feet of lake frontage, and at least two hundred (200) feet of river or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family dwelling, two-family dwelling unit accessing the lake, river, or stream frontage. For example, a development with four (4) dwelling units would require two hundred (200) feet of lake frontage to gain access to the lake for all of the units.
- B. The above restrictions shall apply to all lots and parcels on or abutting any lake, river, or stream in all zoning districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, lease, or other arrangement.
- C. In all zoning districts, no lake access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or nonresidential or nonagricultural uses or

purposes unless such use is allowed in the zoning district where the property is located and is also authorized pursuant to a special use approval or a planned unit development (PUD) approval.

- D. The lake, river, and stream access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special land use projects or developments.
- E. Refer to other applicable Township ordinances for other keyhole development regulations.
- F. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river, or stream shall be used to permit access to the lake, river, or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special land use (and meets the requirements of the zoning district involved) or as a planned unit development (PUD).
- G. The minimum water frontage requirements of this Section shall be doubled if more than fifty percent (50%) of the water frontage of the property involved is comprised of or adjoins a wetland as defined by Michigan or federal law.
- H. If a property is located within a zoning district where the minimum lot width requirement is greater than fifty (50) feet, then the minimum lake frontage requirements of subsection A hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.

Section 3.32 **STORAGE AND REPAIR OF VEHICLES**

The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:

- A. Procedures or projects which require the vehicle to be immobile or inoperable in excess of sixty (60) days within any twelve (12) month period shall be carried out within an enclosed building.
- B. Inoperable vehicles, and vehicle parts must be stored inside a building.

Section 3.33 **CLEARING OF LAND**

Unless associated with a bona fide forestry, agricultural practice or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of the state, federal government, county, or the Township), it shall be unlawful for any person to engage in land clearing of over one (1) acre, including the stripping and removal of topsoil or existing vegetation, from any site, parcel, or lot within the Township without first receiving appropriate zoning approval.

Section 3.34 WIND ENERGY SYSTEM (WES)

The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to promote the safe, effective, and efficient use of wind energy.

C. Definitions.

1. Wind Energy System (WES) shall mean any combination of the following:
 - a. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
 - b. A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
 - c. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
 - d. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
 - e. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
 - f. A windmill traditionally used to pump water shall not be considered a Wind Energy System.
2. On Site Use Wind Energy System. A WES the purpose of which is to provide energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.
3. Single WES for Commercial Purposes. A single WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
4. Wind Farm. Clusters of two or more WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.
5. Utility Grid Wind Energy Systems. A WES designed and constructed to provide electricity to the electric utility grid.

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

4. A permit shall be required to be obtained from the Township to construct and operate an On Site Use WES 65 feet or less in total height. A permit shall be issued after an inspection of the WES by the Township or an authorized agent of the Township, and where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers' installation instructions.

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

5. An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.
- E. Wind energy systems which require a special land use permit. Any WES including a structure mounted WES which is greater than 65 feet in height, Wind Farms, Single WES for Commercial Purposes, and Utility Grid Wind Energy Systems may be allowed as a special land use only within the AR, NC, and CR zoning districts subject to the following regulations and requirements of this section and also the general special land use review procedures and standards of this Zoning Ordinance:
1. Site Plan Requirements. For those WES for which a special land use is required the following items shall be included with or on the site plan:
 - a. All requirements for a site plan contained in this Ordinance.
 - b. A location map of the proposed WES sufficient to show the character of the area surrounding the proposed WES.
 - c. Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
 - d. Specific distances from the WES structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES is proposed to be located.
 - e. Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES or is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
 - f. Locations and height of all buildings and structures within 300 feet of the exterior boundaries of the lot or parcel where the WES is proposed to be located.

- g. Contour elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel(s) upon which the WES is proposed to be located.
- h. Land uses within 300 feet of the parcel.
- i. Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
- j. All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
- k. Security measures proposed to prevent unauthorized trespass and access.
- l. Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
- m. Additional information as required by the special land uses Chapter of this Ordinance, or as may be required by the Planning Commission.
- n. Height. The height of a WES for which a special land use is required shall be determined by compliance with the requirements of this section.
- o. Setbacks. No part of a WES including guy wire anchors shall be located within or above any required front, side, or rear yard setback. The setback for a WES shall be at least equal to the height of the WES. A reasonable set back shall be maintained from overhead electrical transmission lines.
- p. Rotor or Blade Clearance. Blade arcs created by a WES shall have a minimum of 30 feet of clearance over and from any structure, adjoining property or tree.
- q. Lighting. A WES shall provide lighting as may be required by the FAA.
- r. Maintenance Program Required. The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.
- s. Decommissioning Plan Required. The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES become obsolete or abandoned.

- t. Siting Standards and Visual Impact.
 - i. A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
 - ii. A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project.
 - u. Inspection. The Township shall have the right upon approving any WES to inspect the premises on which the WES is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's cost.
 - v. Insurance. The WES operator shall maintain a current insurance policy which will cover installation and operation of the WES. The amount of the policy shall be a condition of approval.
 - w. Performance Guarantee. If a special land use is approved pursuant to this section, The Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.
- F. Standards for all wind energy systems. All WES shall comply with the following:
- 1. Sound Pressure Level.
 - a. On Site wind energy systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
 - b. Utility Grid Systems and Wind Farms shall be subject to the requirements above but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid System. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.
 - 2. Shadow Flicker. The Planning Commission may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

3. Construction Codes and Interconnection Standards.
 - a. All applicable state construction and electrical codes and local building permit requirements;
 - b. Federal Aviation Administration requirements.
 - c. The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended;
 - d. The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
 - e. Private landing strips in or adjacent to the Township
 - f. The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.

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

5. Signs.
 - a. Each WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:

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

Section 3.35 TEMPORARY EVENTS

No temporary event shall occur in any District unless and until a temporary event permit has been issued by the Township. The following requirements shall apply:

- A. All applications for a temporary event permit shall be filed with the Township at least sixty (60) days prior to the commencement date of the proposed temporary use. This sixty (60) day period can, however, be shortened in the discretion of the Zoning Administrator or the Planning Commission, for good cause shown by the applicant.
- B. The Zoning Administrator may issue a temporary event permit if all of the requirements of subsection C are satisfied. If the Zoning Administrator determines that a proposed temporary event would have a major impact on the Neighborhood or area involved, or if the Zoning Administrator determines that a hearing should be held before a temporary event permit is issued, because of the scope or likely impact of the scope or likely impact of the proposed temporary event, then the Zoning Administrator shall refer the temporary event permit application to the Planning Commission. If a temporary use permit application is referred to the Planning Commission, it shall hold a hearing on the application, complying with all hearing requirements.
- C. A temporary event permit shall not be granted by the Zoning Administrator or by the Planning Commission unless all of the following requirements are satisfied:

1. Nuisance, hazardous features. The temporary event shall not result in any hazard or nuisance to adjacent lands or the uses thereof, nor otherwise be contrary to the public health, safety or welfare of the Township.
 2. Traffic and circulation. The temporary event shall not create hazardous vehicle or pedestrian traffic conditions on or adjacent of the streets serving the property. A temporary event permit shall not be issued if the Zoning Administrator or Planning Commission determines that the proposed use will:
 - a. Unreasonably interfere with the use of a street for vehicular travel;
 - b. Unreasonably interfere with the view of access to or use of property adjacent to the street serving the proposed temporary use;
 - c. Cause a violation of any state laws or local ordinances; or
 - d. Reduce the effectiveness of or access to any utility pole, street lighting, sign or other traffic control device.
 3. Public facilities and services. Adequate utilities, drainage, refuse management, sanitary facilities. Emergency services and access and other necessary facilities and services shall be available for the proposed temporary event.
 4. Natural environment. The proposed temporary event shall not have a substantially adverse impact on the natural environment.
 5. Suitability of the site. The site of the proposed temporary event shall be suitable for such temporary event, giving consideration to possible flood hazards, storm water.
 6. Building, electrical and other codes. The temporary event and all associated temporary improvements, including, but not limited to tents, stands, temporary electrical system , temporary heating systems, and temporary lightning systems shall comply with all applicable provisions of the Township Building Code, Electric Code, and other applicable codes as adopted or amended from time to time.
- D. A temporary event shall be permitted only for such period of time as is practical, given all of the circumstances. In no case shall a temporary event permit be issued for a period in excess of eighteen (18) days during any twelve (12) month period, nor shall any property be used for a temporary event in excess of eighteen (18) days during any twelve (12) month period.
- E. In connection with the approval of any temporary event, the Township may impose additional reasonable terms and conditions.
- F. The Township may revoke or suspend a temporary event permit at any time upon the failure of the owner or any operator of the event to comply with the requirements of this

Ordinance, the conditions imposed upon the issuance of any such temporary event permit, or any applicable provisions of state law or local Ordinance.

Section 3.36 PROHIBITION ON MEDICAL MARIJUANA DISPENSARIES, COMPASSION CLUBS AND PROVISIONING CENTERS.

No medical marihuana dispensary, compassion club or provisioning center shall be commenced, conducted, maintained, operated or utilized anywhere within the Township or on or from any property, land, building or structure within the Township. Furthermore, no person shall frequent, patronize or obtain or purchase any marihuana from or through any medical marihuana dispensary, compassion club or provisioning center within the Township. Such prohibition shall also apply to any grower operation, secure transporter, safety compliance center or processing center as defined by state law.

Section 3.37 NO APPROVAL FOR ILLEGAL USES.

No zoning approval, permit, variance, rezoning, site plan approval or zoning compliance permit shall be issued or granted by the Township for any use, activity, structure or building that is illegal under Michigan law or Township ordinance.

Section 3.38 NO ZONING APPLICATIONS, APPROVALS OR PERMITS FOR A PROPERTY THAT IS IN VIOLATION OF THIS ORDINANCE OR A COURT ORDER OR JUDGMENT.

Should a parcel or lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot or parcel in violation (or anyone else with an interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected and the parcel or lot complies fully with this Ordinance (and any applicable court order or judgment). The prohibition contained in this Section shall also apply to any zoning request, application or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot or parcel involved. The prohibition contained in this Section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order or judgment) and shall be in addition to any other penalties, sanctions or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or judgment).

Section 3.39 SOLAR PANELS, PHOTOVOLTAIC PANELS AND SIMILAR ITEMS.

In all zoning districts, solar panels, photovoltaic panels and similar electric or heat generating items (collectively, "solar panels") are allowed outdoors and on the exterior of buildings or structures so long as such solar panels, photovoltaic panels or similar items do not comprise

more than 10,000 square feet of surface area. All other solar panels, photovoltaic panels and similar items are allowed (i.e. where not mounted on a building) if the Planning Commission approves a special land use for such solar panels, photovoltaic panels or other similar items. Reasonable conditions may be attached by the Planning Commission to any special land use approval for such solar panels, photovoltaic panels or other similar items. No solar panel, photovoltaic panels or similar item approved via a special land use approval shall be located within 600 feet of any house or residential dwelling located on a lot or parcel other than where the solar panels, photovoltaic panels or similar items are located. No solar panels, photovoltaic panels or similar items shall cover more than 20% of the lot or parcel where such items are located. Every solar panel, photovoltaic panel and similar item which is not mounted on a building shall be at least 15 feet away from any side lot line, 25 feet from the rear lot line and not be located within the front yard setback area.

Section 3.40 PROHIBITION AGAINST CERTAIN RECREATIONAL MARIJUANA (MARIHUANA) ESTABLISHMENTS AND FACILITIES.

The following applies to certain marijuana (marihuana) establishments and facilities:

- A. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
1. *IHRA* means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 *et seq.*
 2. *Marihuana establishment* means that term as defined in the MRTMA.
 3. *Marihuana facility* means that term as defined in the MMFLA.
 4. *MMFLA* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
 5. *MMMA* means the Michigan Medical Marihuana Act, 2008 IL 1, as amended.
 6. *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.
- B. MARIHUANA ESTABLISHMENTS AND FACILITIES PROHIBITED
1. Pursuant to Section 6 of the MRTMA, marihuana establishments are prohibited within the boundaries of the Township.
 2. Marihuana facilities are also prohibited within the boundaries of the Township.

C. RIGHTS UNAFFECTED BY THIS ORDINANCE

1. This Section shall not affect the rights or privileges of any individual or other person under Section 5 of the MRTMA.
2. This Section does not affect the rights or privileges of a marihuana facility outside of the Township to engage in activities within the Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
3. This Section does not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.
4. This Section does not affect the rights or privileges of any individual or other person under the IHRA.
5. This Section does not affect the rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

CHAPTER 4. ZONING DISTRICTS

ZONING DISTRICTS

In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Lincoln Township Master Plan, the Township is divided into various Zoning Districts of such number, boundaries, shape, and area that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. For the purposes of this Ordinance, Lincoln Township is hereby divided into the following Zoning Districts:

AR	Agricultural Residential District
LDR	Low Density Residential District
WD	Waterfront Residential District (not a mapped district)
NC	Neighborhood Commercial District
CR	Commercial Resort District
MHP	Manufactured Home Parks
PUD	Planned Unit Development

Section 4.01 THE ZONING MAP

- A. The locations and boundaries of these descriptions are hereby established on a map entitled Lincoln Township Zoning Map” which is hereby adopted and declared to be a part of this Ordinance.
- B. Regardless of the existence of copies of the zoning map which may be made or published, the official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status in the Township. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map.
- C. The Official Zoning Map shall be identified by the signature of the Zoning Administrator, attested to by the Township Clerk.
- D. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Lincoln Township which are subject to the provisions of this Ordinance.

Section 4.02 DISTRICTS

Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply:

- A. Where the boundaries are indicated as approximately following the street, alleys, or highways, the centerlines of said streets, alleys, or highways, or such lines extended shall be construed to be such boundaries.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township boundary lines shall be construed as following such township lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- E. Boundaries indicated as approximately parallel to the centerlines of streets or highways shall be construed as being parallel thereto and at such distances there from as indicated on the official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the official Zoning Map.
- F. Boundaries following the shoreline of stream, lake, or other body of water shall be construed to follow such shoreline, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Zoning Administrator.

Section 4.03 **ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the Township is vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands shall automatically be subjected to the same zoning regulations as are applicable to lands to the adjoining lands.

Section 4.04 **ZONING OF FILLED LAND**

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

Section 4.05 **ZONING DISTRICT CHANGES**

When District boundaries hereafter become changed, any lawful use made nonconforming by such change may be continued, subject to the provisions of this Ordinance.

CHAPTER 5.***AR AGRICULTURAL – RURAL RESIDENTIAL DISTRICT*****Section 5.01 DESCRIPTION AND PURPOSE**

This District is intended for residential and farm uses, including other uses generally associated with agriculture, and related non-residential uses. The purpose of this District is to preserve the agricultural and rural residential character of the lands within this District, minimizing public service costs, limiting urban influence, and preserving a maximum of open space. Careful consideration is given to environmental concerns related to groundwater quality and other related issues pertaining to development in rural areas with limited public services. All uses permitted within this District shall be conducted with due consideration for the potential effects which may result from authorized agricultural uses, in accordance with Public Act 94 of 1995, the Michigan Right to Farm Act, as amended.

Section 5.02 PERMITTED USES

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

- A. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area.
- B. Single family dwellings.
- C. State licensed residential family care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- D. Family day care homes.
- E. Home occupations in accordance with the requirements of Section 3.22.
- F. Public parks, playgrounds, and cemeteries.
- G. Single family site condominium projects, subject to Site Plan Review in accordance with the requirements of Chapter 13.
- H. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses.

Section 5.03 SPECIAL LAND USES

Land and/or buildings in the AR District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 15:

- A. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- B. State licensed residential group care facilities.
- C. Group and commercial day care homes and facilities.
- D. Roadside stands with two-hundred (200) square feet or more of sales area.
- E. Bed and breakfast establishments.
- F. Schools, churches, libraries, and community center buildings.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Radio and television transmitting buildings and related towers exceeding one hundred (100) feet in height or towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.
- I. Intensive Livestock Operations.
- J. Campgrounds, sportsman or gun clubs, golf courses and outdoor recreational uses.

Section 5.04 DISTRICT REGULATIONS

- A. No lot, building, or structure, nor the enlargement of any building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure, or enlargement.
- B. All dwellings must meet the standards of Section 3.09.
- C. Buildable areas which comply with Section 3.01 shall be reflected on any plot or site plan.
- D. Buildable areas which comply with Section 3.01 shall be reflected on any plot or site plan.

Front Yard	100 feet
Side Yard	50 feet
Rear Yard	100 feet
Building Height	35 feet or 2-1/2 stories
Lot Coverage	15%*
Minimum Lot Area	Residential Uses - 5 acres
	Nonresidential Uses - 2 acres
Minimum Lot Width	200 feet

[*see definition in Chapter 2.]

- E. If any property lies within a Waterfront District as defined by this Ordinance, additional requirements must apply as outlined in Chapter 7. The riparian access standards of Section 3.31 may also apply.

CHAPTER 6.

LOW DENSITY RESIDENTIAL DISTRICT - LDR

Section 6.01 DESCRIPTION AND PURPOSE

This District is intended for residential uses, and related non-residential uses. The overall purpose of this District is to provide additional housing opportunities by providing a variety of housing options, including single and two family dwellings.

Section 6.02 PERMITTED USES

Land and/or buildings in the LDR District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 13:

- A. Single family dwellings that comply with Section 3.09.
- B. State licensed residential family care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- C. Family day care homes.
- D. Home occupations in accordance with the requirements of Section 3.22.
- E. Public parks, playgrounds, and cemeteries.
- F. Single family site condominium projects, subject to Site Plan Review in accordance with the requirements of Chapter 13.
- G. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses.

Section 6.03 SPECIAL LAND USES

Land and/or buildings in the LDR District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 15:

- A. Two-family dwellings.
- B. Roadside stands with two-hundred (200) square feet or more of sales area.
- C. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- D. Public or private campgrounds.
- E. Schools, churches, libraries, and community center buildings.

- F. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

Section 6.04 DISTRICT REGULATIONS

- A. No lot, building, or structure, nor the enlargement of any building or structure, shall be hereafter erected unless all of the following requirements are met and maintained in connection with such use of the lot, building, structure, or enlargement.
- B. Buildable areas which comply with Section 3.01 shall be reflected on any plot or site plan.
- C. All dwellings must meet the standards of Section 3.09.

Schedule of Regulations:

Front Yard	Single Family Dwellings	30 feet
	Two Family Dwellings	60 feet
Side Yard	Single, Two Family Dwellings	30 feet
	Nonresidential Buildings	30 feet
Rear Yard		30 feet
Building Height		35 feet or 2 stories
Lot Coverage		15% of buildable area*
Minimum Lot Area	Single Family Dwellings	1.5 acres
	Two Family Dwellings	2.5 acres
	Nonresidential Uses	2.0 acres
Minimum Lot Width	Single Family Dwellings	200 feet
	Two Family Dwellings	250 feet

[*see definition in Chapter 2.]

- D. If any property lies within a Waterfront District as defined by this ordinance additional requirements must apply as outlined in Chapter 7. The riparian access standards of Section 3.31 may also apply.

CHAPTER 7. WATERFRONT DISTRICT - WD

Section 7.01 DESCRIPTION AND PURPOSE

- A. The Waterfront District is a supplementary District which applies to designated lands, as described in this Chapter, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the “underlying” Zoning District. Lands included in the Waterfront District are all such lands located along the waterfront and shoreline areas of the Township and are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of Lincoln Township.
- B. It is the intent of the Waterfront District to provide regulations in addition to those contained in the underlying Zoning District pertaining to lands located along the waterfront and shoreline areas of the township. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties and to ensure that the structures and uses in this District are compatible with and protect these unique attributes. Where specific requirements of the Waterfront District vary or conflict with the regulations contained in the underlying zoning district, the stricter requirement shall govern.

Section 7.02 PERMITTED USES

Land and/or buildings in the WD District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 13:

- A. Notwithstanding the uses permitted in the underlying District in which the property is located, in areas designated as Wild Scenic and Country Scenic Rivers as defined in Chapter 2, the following are Permitted Uses:
 1. Single family dwellings
 2. Farms.
 3. Home occupations in accordance with the requirements of Section 3.22.
- B. Private boat docks, accessory to residential uses, subject to the following provisions:
 1. One (1) private boat dock per dwelling shall be permitted for each single family and two-family dwelling unit. Docks may not extend further than forty (40) feet from and perpendicular to the shoreline of any lake; and shall not extend for more than four (4) feet from the bank or shoreline of a Wild Scenic or Country Scenic River. No dock shall extend for more than twelve (12) feet in width along any shoreline.

2. No more than one (1) boat slip per dwelling unit shall be permitted per dwelling unit.
 3. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to the requirements of Section 7.03.
 4. Docks shall be designed, constructed, and maintained to blend with natural surroundings. The use of natural, native materials is encouraged. Docks shall have the house number posted visible from the water. Numbers must be four (4) inches tall.
- C. Private boat docks, accessory to nonresidential uses, subject to the following provisions:
1. One (1) boat dock shall be permitted for each lot or parcel. Docks may not extend further than forty (40) feet from and perpendicular to the shoreline, and shall not extend for more than four (4) feet from the bank or shoreline of a Wild Scenic or Country Scenic River. No dock shall extend for more than twelve (12) feet in width along any shoreline.
 2. Boat docks and boat slips shall be used only by patrons of the premises or their guests, and shall not be leased, rented, or otherwise made available for compensation, unless approved as a marina, subject to the requirements of Section 7.03.
 3. Docks shall be designed, constructed, and maintained to blend with natural surroundings. The use of natural, native materials is encouraged.

Section 7.03 SPECIAL LAND USES

Land and/or buildings in the WD Waterfront District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15:

- A. Notwithstanding the Special Land Uses permitted in the underlying District in which the lot(s) or parcel(s) is located, in areas designated as Wild Scenic and Country Scenic Rivers as defined in Chapter 2, the following shall be permitted Special Land Uses:
1. Public or private campgrounds
- B. Other waterfront lots:
1. Public or private boat launches or ramps.
 2. Marinas.

Section 7.04 DISTRICT REGULATIONS

- A. The regulations of this Chapter apply to all waterfront lots as defined in Chapter 2. The riparian access standards of Section 3.31 also apply.
- B. All dwellings must meet the standards of Section 3.09.
- C. A nonconforming lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used provided the lot conforms to the requirements of the Newaygo County Health Department. The main building on such lot shall be located so that it meets at least twenty percent (20%) of the yard requirements of the District in which it is located. For Nonresidential Districts, the main building on such lot shall be located so that it meets at least eighty percent (80%) of the yard requirements of the District in which it is located. This rule does not apply to building additions. All building additions must meet current setbacks. Section 3.01 also applies.
- D. Buildable areas which comply with Section 3.01(C) shall be reflected on any plot or site plan.
- E. Additional setbacks and lot widths for structures adjacent to Wild Scenic and Country Scenic Rivers, as designated by the Michigan Department of Natural Resources.
1. A minimum lot width of two-hundred (200) feet shall be required.
 2. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of one-hundred fifty (150) feet (as measured from the shoreline or ordinary high water mark) from a Wild Scenic River or of any tributary thereof, except that for every one (1) foot of bank height above a minimum of seven (7) feet above the ordinary high water mark new structures may be placed five (5) feet closer to the River, except that no structure shall be located closer than one hundred (100) feet to the shoreline or ordinary high water mark.
 3. Notwithstanding any other provision of this Ordinance, no dwelling, accessory building, or septic system shall be hereafter constructed, erected, installed, or enlarged within a minimum of one-hundred (100) feet (as measured from the shoreline or ordinary high water mark) from a Country Scenic River or of any tributary thereof, except that for every one (1) foot of bank height above a minimum of seven (7) feet above the ordinary high water mark new structures may be placed five (5) feet closer to the River, except that no structure shall be located closer than seventy five (75) feet to the shoreline or ordinary high water mark.
 4. New structures must be set back at least fifty (50) feet from the top of the bluff on the cutting edges of the River or its designated tributaries.

5. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and high ground water cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high ground water only under the following conditions:
 - a. The native protective strip is maintained.
 - b. No material is allowed to enter the water either by erosion or mechanical means.
 - c. Fill material is of a pervious material such as gravel or sand.
 - d. Any and all permits have been acquired as required by the laws of the State of Michigan and the rules and regulations of the Department of Natural Resources of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any river or creek in the Township by soil removal or fill.
 - e. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.
- F. Vegetative Strip.
1. A strip fifty (50) feet bordering each bank of the White River or of any tributary thereof, as measured from the shoreline or ordinary high water mark, shall be maintained in its natural vegetative state, except for the permitted clearing of dead or noxious plants.
 2. Within this strip a space of no greater than fifty (50) feet in width may be selectively trimmed and pruned to allow for the placement of private boat docks (subject to the requirements of Section 7.02) and/or for a view of the waterway, with the approval of the Zoning Administrator. Ten (10) feet of the allowed fifty (50) foot strip may be cleared to permit access to the water's edge.
 3. The Zoning Administrator may allow limited clearing of the vegetative strip, only when required for construction of a permitted building or structure outside the vegetative strip, provided that the land cleared is returned to a vegetative state which is approximately the same quality and extent as that which existed prior to the clearing.
 4. It shall be unlawful to engage in the removal of topsoil or existing vegetation, removal or trimming of trees for commercial timber harvest, landscaping or public utility facilities without first receiving approval from the zoning administrator.
 5. Grazing on farms will be permitted within the restricted cutting belts unless the Department of Environmental Quality determines that grazing contributes to

stream degradation. In those cases, live stock will be fenced out to protect the river banks, except that cattle crossings and watering areas will be permitted if constructed so as not to cause damage to the stream.

6. Plowing will be prohibited within five hundred (500) feet of the riverbank unless the land is currently in cultivation.
 7. New development, exploration or production of gas, oil, salt brine, sand and gravel or other materials, except ground water are not permitted within 300 feet of the designated river or tributaries on private land. Natural Resources Commission policy prohibits drilling for gas or oil within 1/4 mile of streams on state land.
 8. No livestock trails are permitted in the natural vegetation strip.
- G. No building or structure, nor the enlargement of any building or structure shall be thereafter erected unless the requirements of the underlying Districts are met and maintained in connection with such building, structure, or enlargement, except as noted below:
1. Except as otherwise required by this Chapter, no main building shall be placed closer than fifty (50) feet from the break of the bank, or from the shoreline if no break of the bank exists.
 2. Accessory buildings may be permitted, subject to the requirements of Section 3.08 and the underlying District.
 3. Developments within the Waterfront District shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways.

CHAPTER 8.

NEIGHBORHOOD COMMERCIAL DISTRICT - NC

Section 8.01 DESCRIPTION AND PURPOSE

This District is intended to permit local retail business and service uses which are desirable to serve the residential areas of the Township. It is further the intent of this district to retain the rural nature of our Neighborhood Commercial Districts by requiring certain physical, access drive, curb cut, pedestrian, parking, loading/unloading area, landscaping, and sign regulations and standards. The purposes of the regulations imposed are to mitigate the negative impacts of lineal development along neighborhood streets, avoid land locking parcels behind road-front commercial enterprises, avoid lineal commercial development patterns, to encourage clustering of small scale commercial development with one access servicing several businesses (as opposed to many driveways, one or more for each business). All of these elements are essential for quality use of land and for economic development efforts and to be consistent with the provisions of the Lincoln Township Land Use Plan.

Section 8.02 PERMITTED USES

Land and/or buildings in the NC District may be used for the following purposes as Permitted Uses, subject to approval of a site plan, in accordance with the requirement of Chapter 13:

- A. Office building for any of the following occupations:
 - 1. Executive, administrative, professional, accounting, drafting and other similar professional activities, as determined by the Zoning Administrator.
 - 2. Medical and dental offices including clinics, health care services, and social assistance.
 - 3. Office for the sale, rental and leasing of properties or management of companies and enterprises.
- B. Banks, credit unions, savings and loan associations, insurance agencies and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies and other similar uses, as determined by the Zoning Administrator.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug Stores and pharmacies.
- F. Restaurants, excluding drive-through facilities.

- G. Private clubs, fraternal organizations and lodge halls.
- H. Commercial childcare centers.
- I. Building firms, developing firms, general contracting and special trade contracting firms.
- J. Home occupation in accordance with the requirements of Section 3.22.
- K. Educational services.
- L. Bed and Breakfast Establishment
- M. Public Administration.
- N. Utility and public service buildings, without storage yards, but not including
- O. Essential public services such as poles, wires and underground utility systems.
- P. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses.

Section 8.03 SPECIAL LAND USES

Land and/or buildings in the NC District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 14:

- A. Funeral homes and mortuary establishments.
- B. Veterinary hospitals, animal clinics and kennels.
- C. Commercial storage warehouses.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Accessory apartments as part of a business provided they comply with Section 3.09 and have adequate parking facilities for the residential use.
- F. Planned Unit Developments.
- G. Accessory buildings as necessary for special uses.

SECTION 8.04 SITE DEVELOPMENT REQUIREMENTS

- A. No lot, building or structure, nor the enlargement of any building or structure, shall be hereafter erected, created, or used unless all of the following requirements are met and

maintained in connection with such creation or use of the lot, building, structure or enlargement.

Front Yard	25 Feet minimum, seventy-five (75) feet maximum
Side Yard	Side abutting Residential Districts or uses - 50 feet Side abutting other Districts - 10 feet Street side of a corner lot - 50 feet
Rear Yard	35 feet
Lot Coverage	40% of buildable area* (including building and parking areas)
Building Height	35 feet or 2-1/2 stories, whichever is lower
Minimum Lot Area	1 acre
Minimum Lot Width	100 feet

[*see definition in Chapter 2.]

- B. If any property lies within a Waterfront District as defined by this ordinance, additional requirements must apply as outlined in Chapter 7. The riparian access standards of Section 3.31 also apply.

Section 8.04 DESIGN STANDARDS

- A. The outdoor storage of goods or materials shall be prohibited in required front and side yard setback areas. Goods or materials stored in a side or rear yard shall be screened from the view from the street or from abutting properties. The required front yard area, except for necessary entrance drives, shall be landscaped and screened in accordance with Section 3.12.
- B. Buildable areas which comply with this Ordinance shall be reflected on any plot or site plan.
- C. Parking areas shall be located along side of or behind the establishment and shall not be located in any required side yard setback or within ten (10) feet of the rear lot line. Parking areas shall meet the applicable standards of Chapter 13.
- D. All utilities (electric, gas, water, sewer, cable television and other similar services) shall be located underground. This requirement applies to service to individual commercial establishment and to any utilities necessary to travel between the rear wall of the principal commercial establishment building and the centerline of the road. All utility pad fixtures, meters shall be shown on the site plan and integrated with the architectural elements of the site plan.
- E. All buildings must be at least one thousand, one hundred (1,100) sq. ft. in total size and twenty-four (24) feet in width across at least sixty percent (60%) of all horizontal dimensions. Buildings shall not exceed ten thousand (10,000) square feet in area.

F. All commercial uses shall comply with the following architectural guidelines:

1. The applicant shall use architectural offsets and similar design techniques to ensure that buildings protect the investment of adjacent landowners, blend harmoniously into the environment, and maintain the rural image of Lincoln Township.
2. Building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
3. The first floor walls of commercial buildings that face a road shall be comprised of at least fifty percent (50%) clear glass.
4. The remainder of the walls of a commercial building that face a road shall be covered with or constructed of the following materials:
 - a. Brick.
 - b. Decorative concrete block.
 - c. High gauge vinyl or wood siding.
 - d. Cut or simulated stone.
 - e. Logs.
 - f. Other materials approved as part of the site plan.
5. In no case shall sheet metal or cement board be considered an acceptable outdoor wall covering on the front wall.
6. Building side and rear walls of over seventy five (75) feet in length shall be accented with varying building lines, windows, architectural accents and trees.

CHAPTER 9.

COMMERCIAL RESORT DISTRICT - CR

Section 9.01 DESCRIPTION AND PURPOSE

This District is intended to accommodate uses which can provide commercial goods and services for visitors to and seasonal residents of Lincoln Township, including those uses which would otherwise be incompatible with the character of the Residential Districts. These uses will be restricted to those areas shown on the Lincoln Township Master Plan for Resort related uses. Areas proposed for this District will be reviewed with the retention of the rural nature of our Township in mind by requiring certain physical, access drive, curb cut, pedestrian, parking, loading/unloading area, landscaping, and sign regulations and standards. The purposes of the regulations imposed are to mitigate the negative impacts of lineal development along neighborhood streets, avoid land locking parcels behind road-front commercial enterprises, avoid lineal commercial development patterns, to encourage clustering small scale commercial development with one access servicing several businesses (as opposed to many driveways, one or more for each business). All of these elements are essential for quality use of land and for economic development efforts and to be consistent with the provisions of the Lincoln Township Land Use Plan.

If any property lies within a Waterfront District as defined by this ordinance, additional requirements must apply as outlined in Chapter 7 of the Lincoln Township Zoning Ordinance.

Section 9.02 PERMITTED USES

Land and/or buildings in the CR District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 13:

- A. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies and other similar uses, as determined by the Zoning Administrator.
- B. Retail stores, providing goods within a completely enclosed building.
- C. Drug Stores and pharmacies.
- D. Churches, private clubs, fraternal organizations and lodge halls.
- E. Dry cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- F. Indoor recreational facilities, including bowling alleys.
- G. Commercial childcare centers.
- H. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.

- I. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses.

Section 9.03 SPECIAL LAND USES

Land and/or buildings in the CR District may be used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 15:

- A. Hotels and motels.
- B. Theaters or similar places of public assembly, as determined by the Zoning Administrator.
- C. Restaurants with drive-through facilities.
- D. Vehicle service stations, excluding body shops.
- E. Vehicle wash establishments, either self-serve or automatic.
- F. Open air businesses.
- G. Veterinary hospitals and animal clinics.
- H. Commercial storage warehouses.
- I. Retail building supplies.
- J. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

Section 9.04 SITE DEVELOPMENT REQUIREMENTS

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

Front Yard (waterfront)	35 feet
Side Yard	Side abutting Residential Districts or uses - 30 feet Side abutting other Districts - 10 feet Street side of a corner lot - 25 feet
Rear Yard	20 feet
Lot Coverage	60% of buildable area* (including building and parking areas)
Building Height	25 feet or 2-1/2 stories, whichever is lower
Minimum Lot Area	30,000 square feet
Minimum lot width	200 feet

[*see definition in Chapter 2.]

- B. The outdoor storage of goods or materials shall be prohibited in the front yard setback area. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties. The required front yard area, except for necessary entrance drives, shall be landscaped and screened in accordance with Section 3.12.
- C. Buildable areas which comply with this Ordinance shall be reflected on any plot or site plan.
- D. If any property lies within a Waterfront District as defined by this ordinance, additional requirements must apply as outlined in Chapter 7. The riparian access standards of Section 3.3 also apply.
- E. Parking areas shall be located along side of or behind the establishment and shall not be located in any required side yard setback or within ten (10) feet of the rear lot line. Parking areas shall meet the applicable standards of Chapter 14.
- F. All utilities (electric, gas, water, sewer, cable television and other similar services) shall be located underground. This requirement applies to service to individual commercial establishment and to any utilities necessary to travel between the rear wall of the principal commercial establishment building and the centerline of the road. All utility pad fixtures, meters shall be shown on the site plan and integrated with the architectural elements of the site plan.
- G. All buildings must be at least one thousand, one hundred (1,100) sq. ft. in total size and twenty-four (24) feet in width across at least sixty percent (60%) of all horizontal dimensions. Buildings shall not exceed ten thousand (10,000) square feet in area.
- H. All commercial uses shall comply with the following architectural guidelines:
 - 1. The applicant shall use architectural offsets and similar design techniques to ensure that buildings protect the investment of adjacent landowners, blend harmoniously into the environment, and maintain the rural image of Lincoln Township.
 - 2. Building materials and colors shall relate well and be harmonious with the surrounding area. Subtle colors should be used for building and roofing material.
 - 3. The first floor walls of commercial buildings that face a road shall be comprised of at least fifty percent (50%) clear glass.
 - 4. The remainder of the walls of a commercial building that face a road shall be covered with or constructed of the following materials:
 - a. Brick.
 - b. Decorative concrete block.

- c. High gauge vinyl or wood siding
 - d. Cut or simulated stone.
 - e. Logs.
 - f. Other materials approved as part of the site plan.
5. In no case shall sheet metal or cement board be considered an acceptable outdoor wall covering on the front wall.
6. Building side and rear walls of over seventy five (75) feet in length shall be accented with varying building lines, windows, architectural accents and trees.

CHAPTER 10.

MANUFACTURED HOME PARKS – MHP

Section 10.01 SCOPE

- A. For the preservation of the interests of various types of residential developments which should be permitted in every community and for the protection of the residents of any manufactured home park development, these regulations are considered to be minimum standards to be applied to all manufactured home park developments in Lincoln Township.
- B. All manufactured home parks shall comply with the applicable requirements of Act 419, P.A. 1976 as amended PROVIDED further that said developments meet the standards and conditions and all other provisions as herein established.

Section 10.02 INSTALLATION AND OCCUPATION OF MANUFACTURED HOMES

- A. No manufactured home shall be placed or parked or installed in a manufactured home park until such time as a building permit is obtained from the Township Building Inspector. Such permit shall be issued by the Building Inspector after making a finding that said manufactured home meets construction standards as approved by the Department of Housing and Urban Development (HUD) Code, or has been certified by a manufacturer as constructed according to the requirements of the HUD code.
- B. No manufactured home shall be occupied by any person as a residence or for any other purpose until such time as said manufactured home is placed or situated on a specific lot in the manufactured home park and has been inspected by the Township Building Inspector and issued an Occupancy Permit. Such inspection shall include the placement, connection to utilities, and compliance with all necessary State, Township or other ordinances and regulations. Such permit shall be issued by the Building Inspector. In the event said manufactured home is moved to another lot or another manufactured home is placed on the specific lot, a new Occupancy Permit must be obtained by the owner or resident from the Township Building Inspector.

Section 10.03 APPLICATION PROCEDURES

Preliminary approval shall not be issued by the Township until application for the manufactured home park has been approved by the Township Board in accordance with the provisions of this Chapter.

- A. Site Plan: Any application for the extension, alteration, or construction of a manufactured home park shall be accompanied by a site plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said site plan shall be conformance with the provisions and requirements of Chapter 13 of this Ordinance.

- B. Approval: The application for the manufactured home park development requires the approval of the Township Board upon recommendation from the Planning Commission. The Township Board shall approve, modify, or disapprove the proposed manufactured home park. In reviewing the proposed development's acceptability the following shall be among the major considerations of both bodies prior to official action being taken:
1. Whether the proposal is in accordance with the Master plan.
 2. Whether the proposal meets all the design standards of this Ordinance and other applicable local codes, regulations, or ordinances.
 3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
 4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate and inadequate sanitation and/or drainage facilities.
 5. Whether the proposed development produces an extreme or undue demand on available fire and police protection.
 6. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.

Section 10.04 **STANDARDS AND REGULATIONS**

All manufactured home parks shall be designed and developed in accordance with the following standards and regulations.

- A. Minimum site size for a manufactured home park shall be ten (10) acres.
- B. The minimum number of manufactured home spaces shall be twenty-five (25). Required streets and utilities shall be completed for at least twenty-five (25) manufactured home spaces along with related improvements before first occupancy.
- C. Each manufactured home park shall have direct access to a County Primary Road or State Trunk line street as defined in the Township Master Plan.
- D. No access to the site shall be located closer than two hundred (200) feet from the intersection of any two (2) arterial streets. Minimum street widths within the manufactured home park shall be accordance with the following schedule:

Parking	Direction	Minimum Street Width
No on-street parking	one (1) way	14 feet
	two (2) way	21 feet
Parallel parking one (1) side	one (1) way	24 feet
	two (2) way	31 feet
Parallel parking both sides	one (1) way	34 feet
	two (2) way	41 feet

- E. No manufactured home or other building or structure for residential purposes shall be in excess of two and one-half (2 1/2) stories, or in excess of a maximum height of thirty five (35) feet.
- F. Each manufactured home lot, exclusive of streets, shall have a minimum size of five thousand (5,000) square feet and a minimum width of forty (40) feet, as measured at the minimum building setback line. No more than one (1) manufactured home shall be parked on any one (1) lot, and no manufactured home shall be occupied by more than one (1) family.
- G. The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not by way of limitation, storage sheds, cabanas, and porches:
 - 1. fifteen (15) feet from the inside of the sidewalk;
 - 2. ten (10) feet from any rear lot line;
 - 3. ten (10) feet from the side lot line on the entry side, and five (5) feet from the side yard on the non-entry side.
 - 4. A manufactured home may be placed on the side lot line, provided there is minimum of fifteen (15) feet open space between said lot line and any other structure or manufactured home, including but not by way of limitation storage sheds, cabanas or porches.
- H. Each lot shall front on sidewalks at least four (4) feet in width, located directly next to and parallel to the street.
- I. Each lot shall provide a minimum of four hundred (400) square feet of paved off-street parking.
- J. The front, back and side yards of every lot shall be suitably landscaped and properly maintained with lawn area, and there shall be one (1) shade tree provided for every two (2) lots.
- K. The manufactured home park shall provide a buffer zone strip separating the manufactured home park from adjacent property. The buffer zone shall be properly planted with trees or shrubbery or other nursery stock of varying height, so as to

provide a density sufficient to block the view of the manufactured home park and buildings up to a minimum of five (5) feet in height. No part of the buffer zone shall be used for any structure, board fences, right-of-way, or parking purposes. The buffer zone shall be maintained by the owner of the park.

1. In the event the back yard of any lot or lots within a manufactured home abuts adjacent property, the rear ten (10) feet of each back yard may be used as part of the buffer strip, provided further that no buildings, houses or other structure may be constructed with said strip.
2. The width of the buffer strip shall be in accordance with the following schedule:

Zoning of Adjacent Property	Width of Buffer
Agricultural	15 feet
Residential	15 feet
Commercial	25 feet

- L. The manufactured home park shall have minimum setback from any public street of forty (40) feet, which shall be properly landscaped with grassed area and maintained by the owner and operator of the manufactured home park.
- M. All streets within the manufactured home park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications, and provided with proper curbing.
- N. The manufactured home park shall contain one (1) or more open space areas intended primarily for the use of park residents on a minimum ratio of two hundred and fifty (250) square feet for every manufactured home lot provided that buffer zone areas shall not be included as part of such requirement.
- O. The manufactured home park shall provide one (1) or more storm shelters of size and capacity so as to accommodate all the residents of the park.
- P. All street intersections and designated pedestrian crosswalks shall be illuminated by not less than .25 foot candles. All roads, parking bays and pedestrian walkways shall be illuminated by not less than .5 foot candles.

Section 10.05 UTILITY STANDARDS

The following utility standards shall apply to all manufactured home parks.

- A. All utilities shall be underground.
- B. All lots shall be provided with public water and sanitary sewer service, or such water and sanitary services that may be approved by the Newaygo County Health Department and other applicable agencies. All manufactured homes shall be connected thereto. All

expenses of installation and connection shall be borne by the owner or operator of the manufactured home park. No costs shall be applied or taxed against owners of any adjacent property or along any main extended from the manufactured home park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.

- C. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the Michigan Department of Health. All storm drainage and surface drainage facilities flowing from the park to adjacent areas shall be approved by the Newaygo County Drain Commissioner.

Section 10.06 **MANUFACTURED HOME STANDARDS**

- A. Every manufactured home shall be supported on a permanent concrete pad or foundation at least twelve (12) feet in width with a minimum of six hundred (600) square feet, and four (4) inches thick; and all areas between the trailer and ground shall be enclosed by a skirt, providing said skirting is constructed or installed and is fire resistant.
- B. In the event the soil or topographic conditions of the proposed manufactured home park are such that other foundations or support are appropriate, and the developer provides to the Township Building Inspector a report by a certified engineer that piers are equal to or superior to the specifications as set forth in this Chapter, such foundations may be approved by the Building Inspector, provided such construction includes provisions for proper drainage and covering ground under each manufactured home.

Section 10.07 **INSPECTION AND PERMITS**

- A. The Building Inspector or such other person designated by the Township Board shall have the right to inspect the manufactured home park to determine whether or not the park owners or operators, or any owners or person occupying manufactured homes within the park are in violation of this ordinance, or any other state ordinance or state or governmental regulations covering manufactured home parks affecting the health, safety and welfare of inhabitants, under the following conditions:
1. He has reason to believe that the owner, operator or resident or owner of manufactured home in the park is in violation of any part of this or other Township ordinance.
 2. That notice has been sent to the owner or operator of the manufactured home park at its last known address, and to the owner or resident of the manufactured home park at their last known address as shown on the occupancy permit for said manufactured home, and that the Township has not received satisfactory proof or indication that the purported violation is not a violation, or that the violation has been corrected within fifteen (15) days from the date of mailing said notice.

- B. All persons, including but not by limitation, Township or County officials, whose entry upon the manufactured home park property is necessary, proper or advisable in the execution of their duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the manufactured home park at all reasonable times.

Section 10.08 **MANUFACTURED HOME SALES**

- A. No person desiring to rent a dwelling unit site shall be required, as a condition to such rental, to purchase a manufactured home from the owner or operator of the park as long as the manufactured home intended to be located on such rented site conforms in size, style, shape, price, etc. as may be required by any reasonable rules and regulations governing the operation of the manufactured home park.
- B. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home lot by the individual owner or his agent, or those home occupations as permitted in the Zoning Ordinance. Provided such sales and occupations are permitted by the park regulations; provided further that a commercial manufactured home sales lot shall not be permitted in conjunction with any manufactured home park.

CHAPTER 11.

PLANNED UNIT DEVELOPMENT - PUD

Section 11.01 SCOPE

Traditional zoning, with its rigid separation of uses into different zones under very restricted placement controls, has now been recognized as being inappropriate to many medium and large scale developments. Planned developments, which modify the traditional forms of zoning, permit a developer to secure advantages which can be passed on to the general public by virtue of more desirable and more economical development. This Chapter provides a controlled degree of flexibility in the placement of structures and lot sizes and types of uses, while maintaining adequate planning and development standards. The Planned Unit Development (PUD) provisions shall be applied as a separate zoning district (requiring a rezoning), in accordance with the following additional regulations.

Section 11.02 OBJECTIVES

The objectives, principles, and standards are intended to guide the applicant in the preparation of the land use and development plan and they shall be used as the basis for the evaluation of the plan by the Planning Commission and Township Board. The following objectives shall be considered in reviewing an application for PUD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range, planning and development of such PUD.

- A. To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- B. To encourage with regard to residential use the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- C. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- D. To provide more efficient and aesthetic use of open areas.
- E. To encourage innovation in the physical development pattern of the Township by providing a variety of housing arrangements with well designed access and circulation.

Section 11.03 APPLICATION PROCEDURE

- A. Preliminary sketch plan. Before submitting an application for a PUD, the applicant shall submit a preliminary sketch plan including maps and written statement, in ten (10) copies, to the Planning Commission. Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission. The Planning Commission shall

review the preliminary sketch plan to determine its conformance with the Purpose and Objectives of this Chapter and the Township Master Plan.

1. The Preliminary Sketch Plan shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The preliminary sketch plan may be in general, schematic form and must contain the following, unless the Planning Commission determines that some of the required information is not reasonably necessary:
 - a. A legal description of the site, reflecting area size and boundary line dimensions. A current, properly notated surveyor's map may be acceptable.
 - b. Existing and proposed land uses and their approximate location.
 - c. Existing topographic character of the site.
 - d. The character and approximate net residential density being proposed.
 - e. Circulation patterns including arterial, collector, and pedestrian.
 - f. Public uses including schools, parks, open space, etc.
 - g. Existing flood plains, bodies of water and other unbuildable areas.
2. The written statement to be included in the preliminary sketch plan must contain the following information:
 - a. An explanation of the character of the PUD, the manner in which it has been planned to take advantage of the PUD regulations, and the manner in which it reflects the Objectives of the PUD as stated in this Chapter.
 - b. A statement of ownership of all land within the proposed PUD.
 - c. A general indication of the expected schedule of development.
 - d. A general indication of the expected public interest to be served by the PUD and conformance of the PUD to the Township Master Plan.
 - e. A general statement regarding conformance to the Qualifying Conditions for the PUD as stated in this Chapter.
 - f. The estimated population and bedroom distribution.
 - g. An indication of any contemplated private deed restrictions or covenants.
 - h. A description of how the PUD meets the requirements of Section 11.03C.

- B. Final PUD. Within one (1) year from the preliminary sketch plan approval the applicant shall submit a final PUD application and a petition for PUD rezoning to the Township Clerk on a form supplied by the Township. Such application shall be submitted to the Township Clerk at least thirty (30) days prior to the date of first consideration by the Planning Commission and shall be accompanied by the following:
1. An application fee as established by the Township Board.
 2. A final site plan as specified in Chapter 12. If the PUD is to be developed in phases, the final site plan may be prepared for one (1) or more phases. Review, including public hearings and Township Board action, may be performed prior to the development of each individual phase. All phases must be consistent with the PUD as depicted in the preliminary sketch plan.
 3. A development schedule indicating:
 - a. Approximate date for commencement of construction.
 - b. Stages or phases in which the project will be built including the expected starting and completion dates of each phase.
 - c. Size and location of each area of common use for recreation or open space purposes which will be complete at each phase.
 4. Agreements, provisions, or other covenants which will govern use, maintenance, and continued protection of the PUD and any of its common use or open space areas.
 5. A general grading plan reflecting the slope and drainage characteristics before and after development, with explanation of any potential impact on the environment, such as loss of natural resources, increased erosion and sedimentation potential, increased flood hazard or other impacts.
 6. The PUD shall not cause significant adverse effects upon nearby or adjacent lands.
- C. Planning Commission Review. Upon receipt of the application, the petition for rezoning, and accompanying materials, the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the Zoning Act. In formulating its recommendation to the Township Board, the Planning Commission shall consider the following:
1. Conformance of the PUD request with the Township Master Plan.
 2. The overall objectives of PUD as stated in Section 11.02.
 3. The qualifying conditions and permitted uses for the PUD.

4. The site plan review standards of Chapter 13.
 5. Compatibility of the proposed PUD and its specific uses with existing and proposed development in the surrounding area.
- D. Township Board Decision. After receiving the recommendation of the Planning Commission, the Township Board shall review the application for PUD rezoning and the Planning Commission recommendation. The Township Board shall then, make its findings as to denial or approval of the rezoning in accordance with the proposed PUD plan, using the standards noted in subparagraph C of this Section.
1. An approval shall not be considered final until the applicant submits a written acceptance of the approved PUD plan to the Township Board. No building permits may be issued until such final approval is granted. After final approval, the following requirements shall be met, if applicable:
 - a. Where the provisions of Act 288, Michigan Public Acts of 1967, as amended, (Land Division Act) shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to planning approval.
 - b. The Township Board shall cause to have legal documents or contracts prepared which involve Lincoln Township and are required as a result of the conditions contained in the final approval. All contracts shall be executed and recorded in the office of the Newaygo County Register of Deeds.
 2. The Zoning Administrator shall inspect the development at each stage to insure reasonable compliance with the conditions of final approval, the final Site Plan and the approved schedule of improvements.
- E. Changes to an Approved PUD. Changes to an approved Planned Unit Development shall be allowed only under the following circumstances:
1. The holder of an approved PUD plan shall notify the Zoning Administrator of any desired change to the approved PUD.
 2. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include those as described in this Ordinance.
 3. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be reviewed in the same manner as the original PUD application.

Section 11.04 PERMITTED USES

- A. The following uses of land and structures may be permitted within a PUD.
1. Single-family detached dwellings that comply with Section 3.09.
 2. Two-family dwellings, provided that such units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.
 3. Golf courses, indoor tennis clubs, athletic clubs, and marinas, including ancillary commercial activities such as pro shops, restaurants (excluding drive-ins), and similar uses open only to members and their guests.
 4. Any "Permitted Use" within the NC District, provided that:
 - a. the total site of the PUD is at least eighty (80) contiguous acres;
 - b. the gross area designated for commercial use including parking, access ways, and yards or open space shall not exceed five percent (5%) of the gross site area of the PUD;
 - c. all such uses are integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.;
 - d. such uses shall not materially alter the residential character of the neighborhood and/or the PUD;
 - e. all merchandise for display, sale or lease shall be entirely within an enclosed building(s); and
 - f. buildings designed for nonresidential uses are constructed according to the following schedule:
 - i. If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any nonresidential use.
 - ii. If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any nonresidential use.
 - g. No commercial uses shall be established without the construction and occupancy of at least twenty (20) residential dwelling units.
 5. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses.

B. Development Requirements.

1. Density: The maximum permitted density for any residential development within a PUD shall not exceed the average gross density established in the Lincoln Township Master Plan for that area. The total permitted density shall be determined through the submission of a plan indicating the general design based on the requirements of the existing zone district.
2. Open Space: Any open space provided in the PUD shall meet the following considerations and requirements:
 - a. Open space may be established to separate use areas within the PUD.
 - b. Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire PUD may utilize the available open space.
 - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
 - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.
 - e. All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
 - f. All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
3. The following minimum lot and yard requirements shall be met:

Front Yard	30 feet
Side Yard	Single and Two Family Dwellings - 20 feet total/ 10 feet minimum
Rear Yard	30 feet
Building Height	35 feet or 2-1/2 stories
Lot Coverage	30% of buildable area
Average Minimum Lot Area	Single and Two Family Dwellings- 60,000 square feet
Average Minimum Lot Width	200 feet

4. Signs shall be as permitted in the most restrictive zone district in which the use requiring the sign is permitted, except as may be permitted otherwise by the Planning Commission and Township Board as part of the PUD approval process.
5. Parking requirements shall be as required in Chapter 13.
6. Utilities shall be installed underground, whenever reasonably possible.

Section 11.05 RESIDENTIAL CLUSTER DEVELOPMENT REGULATIONS

The PUD may be approved as a residential cluster development in accordance with the following regulations. Residential cluster developments are not intended simply as a means to reduce lot sizes. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed.

- A. **Qualifying Conditions.** In addition to the provisions of Section 11.04, residential cluster developments shall also comply with the following:
 1. The minimum development size shall be 40 acres.
 2. The applicant must demonstrate that the property proposed for such cluster development contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but which is preserved as a result of the residential cluster development.
 3. **Development Regulations**
 - a. The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use shall be determined by the Planning Commission and Township Board, but in no case shall be less than the following:

Lot Size	1 acre
Front Yard	50 feet
Side Yard	20 feet total/ 10 feet minimum
Rear Yard	20 feet
Lot Coverage	25%
Lot Width	150 feet

- b. Land not proposed for development, but used for the calculation of overall density, shall be designated on the PUD plan and considered open space and shall be deed restricted or otherwise held as open space in perpetuity. Open space shall be subject to the requirements of this Chapter.
 - c. The total developed density of the residential cluster development shall not exceed one (1) dwelling unit per one and one-half (1 1/2) acres except

that a density increase equal to an additional twenty-five percent (25%) of the permitted number of dwelling units shall be permitted if all units within the cluster development utilize a public or private, common, joint domestic water and sanitary sewer system.

- d. Minimum floor area and height regulations for dwelling units shall conform to the LDR Low Density Residential District requirements. No two-family, or commercial uses shall be permitted as part of the residential cluster development.
- B. Review Standards. The following review standards will be used by the Planning Commission and Township Board in their consideration of a residential cluster development. Before such developments may be approved the Township Board shall find:
1. That the residential cluster development does not substantially alter the character of the general neighborhood in which the development is proposed;
 2. That the location of the buildings of the residential cluster development do not unduly impact other single family uses in the vicinity of the proposed development;
 3. That the residential cluster development preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land. The applicant must demonstrate that the land preserved would otherwise be capable of development under the existing zoning;
 4. That the residential cluster development can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
 - a. The Planning Commission and/or Township Board may require specific evidence that groundwater sources will be protected and that other environmental concerns are met. Approval of the Newaygo County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
 - b. The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the township prior to approval of the PUD. Such additional studies may be required by the Planning Commission and/or Township Board where one or more of the following conditions are present:
 - i. Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the

PUD is to be placed, or on lots or parcels within a one (1) mile radius of the PUD site;

- ii. Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the PUD site;
- iii. Existing licensed landfills (active or inactive) within a three (3) mile radius of the PUD site.
- iv. Existing residential development within a one (1) mile radius of the PUD site that equals or exceeds a gross density (total acres divided by number of dwelling units) of one unit for every one and one-half (1.5) acres.
- v. Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the PUD site.

Section 11.06 **CONDITIONS OF APPROVAL**

- A. As part of an approval to any PUD, the Planning Commission and Township Board may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met.
- C. The conditions imposed shall be included in the Ordinance approving the PUD. The conditions shall remain unchanged unless an amendment to the PUD is approved in accordance with this Ordinance.

CHAPTER 12.

LIGHT INDUSTRIAL DISTRICT - LI

Section 12.01 DESCRIPTION AND PURPOSE

This Zoning District is intended to provide exclusive areas for industrial uses in areas served by adequate infrastructure. Uses in the Zoning District are to provide for various types of light industrial and manufacturing uses, wholesale businesses, warehouses and other uses compatible with one another and with surrounding land uses and with an absence of objectionable external effects. These uses are characterized by moderate lot coverage, adequate setbacks, environmental sensitivity and creative site design. The regulations are defined to exclude uses which would have a detrimental effect upon the orderly development and functioning of the District, as well as surrounding land uses.

Section 12.02 PERMITTED USES

Land and/or buildings in the LI District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 14:

- A. Industrial plants manufacturing, compounding, processing, packaging, treating or assembling the following:
 - 1. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees or other similar living products.
 - 2. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage and similar products (but not including slaughtering of animals or rendering or refining of fats and oils).
 - 3. Furniture and fixtures.
 - 4. Printing, publishing and allied industries.
 - 5. Electrical machinery, equipment and supplies, electronic components and accessories.
 - 6. Engineering, measuring, optical, medical, scientific, technical, photographic and similar instruments and goods.
 - 7. Cut stone and stone products related to monuments.
 - 8. Wholesale trade
- B. Industrial plants manufacturing, compounding, processing, packaging, treating or assembling of materials or products from previously prepared materials the following:

1. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread and other similar products.
 2. Apparel and other finished products including clothing, leather goods, furnishing and canvas products.
 3. Lumber and wood products including millwork, prefabricated structural work products and containers.
 4. Paper and paperboard containers and products.
 5. Biological products, drugs, medicinal chemicals and pharmaceutical preparations.
 6. Glass products.
 7. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artist supplies and materials, notions, signs and advertising displays.
 8. Pottery and figurines and other ceramic products using only previously pulverized clay.
 9. Fabricated metal products, except heavy machinery and transportation equipment.
- C. Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and lumber.
- D. Warehousing, refrigerated and general storage.
- E. Laundries, laundry services and dry cleaning and dyeing plants, excluding retail/service outlets serving the general public.
- F. Office buildings for executive, administrative, professional, accounting, drafting and other similar professional activities.
- G. Research and development facilities, including production activities, which shall be limited to fifty percent (50%) of the floor area of the main building.
- H. Trade or industrial schools.
- I. New building materials sales and storage, including building trade contractors and related storage yards.
- J. Body shops.
- K. Utilities and communications installations such as electrical receiving or transforming stations, microwave towers and television and radio towers.

- L. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires and underground utility systems.
- M. Buildings, structures and uses accessory to the Permitted and Special Land Uses.

Section 12.03 **SPECIAL LAND USES**

Land and or buildings in the LI District may be created or used for the following purposes following review and approval by the Planning Commission as a Special Land Use as regulated by Chapter 15:

- A. Truck and freight terminals.
- B. Bulk oil, propane and gasoline storage and distribution.
- C. Junkyards
- D. Adult uses
- E. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

Section 12.04 **SITE DEVELOPMENT REQUIREMENTS**

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

- A. The first thirty-five (35) feet of the front yard area, except for necessary entrance drives shall be landscaped.
- B. All Permitted Uses and Special Land Uses shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and the on-site parking of vehicles or as otherwise permitted by this ordinance.
- C. Outside storage of materials, equipment or vehicles is permitted, subject to the following restrictions:
 - 1. Materials may be stored only in the side or rear yards, except that materials may not be stored on the street side of a corner lot. In no case shall materials be stored in any required yard.
 - 2. All storage of materials shall be visually screened to a height of at least six (6) feet above the elevation of the nearest adjacent road or property. Such screening shall consist of a decorative fence, wall or greenbelt or a combination of these materials.
 - 3. In no case shall the outside storage of material be stacked higher than the height of the visual screen.

4. One (1) nongated opening, no greater than twelve (12) feet in width, shall be permitted in the screen for each two hundred (200) feet of property frontage on a public street.

D. Development requirements:

Front Yard	50 feet
Side Yard	Side abutting Residential Districts or uses - 50 feet Side abutting other Districts - 20 feet Street side of a corner lot - 50 feet
Rear Yard	35 feet
Lot Coverage	60% of buildable area* (including building and parking areas)
Building Height	40 feet
Minimum Lot Area	5 acres
Minimum lot width	330 feet

CHAPTER 13.

SITE PLAN REVIEW

Section 13.01 PURPOSE

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

Section 13.02 SITE PLANS REVIEWED

None of the following uses can occur without prior site plan approval by the Planning Commission. In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a Site Plan of the proposed development, use, or activity prior to the creation of a use or the erection of a building or structure in the Districts and conditions cited below:

- A. All Permitted Uses within any District which includes the construction of a building addition with an enclosed floor area greater than 25 percent (25%) of the existing enclosed building floor area, and/or construction of a new building or structure with an enclosed floor area of five thousand square feet or greater, except for single family detached and two-family dwellings, farms, including roadside stands with less than two-hundred (200) square feet of sales area, state licensed residential family care facilities, family day care homes, and home occupations.
- B. Special Land Uses in all Zoning Districts.
- C. Developments or land divisions (including site condominiums) containing six (6) or more lots or parcels in any zoning district.
- D. Commercial Uses.
- E. Industrial Uses
- F. Any use other than a single-family residential or agricultural use.
- G. Any plat or site condominium project.
- H. Any PUD.
- I. Any enlargement or expansion of any of the above
- J. As is otherwise required by this Ordinance.

Section 13.03 SITE PLAN REVIEW REQUIREMENTS

- A. Preliminary Site Plan Review

1. If desired by the applicant a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
2. Preliminary site plans shall include the following, unless deemed unnecessary by the Planning Commission.
 - a. Small scale sketch of properties, streets and use of land within one half (1/2)mile of the area, including the zoning of surrounding property.
 - b. Ten (10) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:
 - i. Existing adjacent streets and proposed streets
 - ii. Lot lines and approximate dimensions
 - iii. Parking lots and access points
 - iv. Proposed buffer strips or screening
 - v. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - vi. Location of any signs not attached to the building
 - vii. Existing and proposed buildings.
 - viii. General topographical features including contour intervals no greater than ten (10) feet.
 - ix. All buildings and driveways within one hundred (100) feet of all property lines.
 - c. A narrative (shown on the site plan or submitted separately) describing in general terms:
 - i. The overall objectives of the proposed development.
 - ii. Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - iii. Dwelling unit densities by type, if applicable.

- iv. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - v. Proposed method of providing storm drainage.
 3. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this article. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.
- B. Final Site Plan Review. If desired by the applicant, ten (10) copies of a final site plan prepared by a registered professional competent in such matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the Planning Commission:
 1. The date, north arrow, and scale. The scale shall be not less than 1"= 20' for property under three (3) acres and at least 1"= 100' for those three (3) acres or more.
 2. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan, unless waived by the Planning Commission.
 3. The name and address of the property owner or petitioner.
 4. A location sketch.
 5. Legal description of the subject property.
 6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 7. Property lines and required setbacks shown and dimensioned.
 8. The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.
 9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
 10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.

11. The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.
12. The existing zoning and use of all properties abutting the subject property.
13. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
14. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
15. The location and size of all surface water drainage facilities.
16. Existing and proposed topographic contours at a minimum of five (5) foot intervals.
17. An inventory of natural features including but not limited to, landmark trees, wetlands, natural stormwater collection areas, areas of steep topography, and woodlots.
18. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

C. Additional Information

1. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, impacts on significant natural features and drainage, soil tests and other pertinent information.
2. The Planning Commission or Township Board may require a Traffic Impact Assessment or Traffic Impact Study pursuant to Institute for Transportation Engineers standards as part of final site plan review. The level of detail required for either a Traffic Impact Assessment or Study is based upon the expected amount of traffic to be generated by the proposed use, as noted below.
 - a. Traffic Impact Assessment: A traffic impact assessment shall be required for projects expected to generate either between 50 - 99 direction trips during the peak hour or 500 - 750 directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall include proposed access design and other mitigation measures that will positively affect traffic operations at these points.

- b. Traffic Impact Study: A traffic impact study shall be required for projects expected to generate either 100 or more directional trips in the peak hour or over 750 trips on an average day. The study shall evaluate pedestrian access, circulation and safety, and current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The study must also include proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The study must take into account the Master Plan in analyzing future traffic developments.

Section 13.04 APPLICATION AND REVIEW

- A. Site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator, by the petitioner or designated agent, at least fourteen (14) days prior to the next regular Planning Commission meeting. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter and the purpose of this Ordinance.
- C. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes.
- D. Three (3) copies of the final approved site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One (1) of these approved copies shall be kept on file by the Township Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or designated representative.
- E. Each development or building shall be under construction within one (1) year after the date of approval of the site plan, except as noted below.
 - a. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
 - b. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 - c. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.

Section 13.05 PLAT REQUIREMENTS

In those instances in which Act 288, Public Acts of 1967, as amended, the Land Division Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 288, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved Site Plan.

Section 13.06 ADMINISTRATIVE FEES

Any Site Plan application shall be accompanied by a fee, in an amount to be established by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Chapter and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. No part of such fee shall be refundable.

Section 13.07 CHANGES IN THE APPROVED SITE PLAN

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 1. Change in the building size, up to five percent (5%) in total floor area.
 2. Movement of buildings or other structures by no more than ten (10) feet.
 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 4. Changes in building materials to a comparable or higher quality.
 5. Changes in floor plans which do not alter the character of the use.
 6. Changes required or requested by the Township, the Newaygo County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

Section 13.08 REVIEW STANDARDS

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- A. The uses, structures, and buildings proposed will not adversely affect the public health, safety, or welfare. Uses, buildings, and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- F. Landmark trees and significant vegetation slated for protection shall be marked on site to prevent their damage during construction.
- G. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- H. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the White Cloud Area Fire Department.
- I. All streets and driveways shall be developed in accordance with the Township Subdivision Control Ordinance, as amended, the Newaygo County Road Commission,

and Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. The standards of Chapter 14 addressing access, driveways, and parking lot development shall be met.

- J. Provisions shall be made to accommodate stormwater on-site wherever practical. Direct discharge of stormwater into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
1. Limit land disturbance and grading.
 2. Maintain vegetated buffers and significant vegetation.
 3. Minimize impervious surfaces.
 4. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
 5. Use infiltration devices.
- K. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.
- L. Landscaping and screening shall comply with the standards of Section 3.12.
- M. The standards of Chapter 7 and Section 3.31 shall apply to all waterfront properties.
- N. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
- O. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission.
- P. Appropriate sidewalks, trails or pathways for pedestrians and nonmotorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee.
- Q. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant

receiving necessary County, State, Federal, and Township permits before final site plan approval or an occupancy permit is granted.

- R. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
- S. The general purposes and spirit of this Ordinance and the Master Plan of Lincoln Township shall be maintained.

Section 13.09 **CONDITIONS OF APPROVAL**

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be reasonably necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D. A record of conditions shall be maintained. The conditions shall remain unchanged unless a formal amendment to the site plan is approved in accordance with this Ordinance.
- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes or other record of the Planning Commission.
- F. The Zoning Administrator may make periodic investigations of developments or uses for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

Section 13.10 **Compliance**

All uses, activities, buildings and structures on a lot or property with an approved site plan shall fully comply with the approved site plan and its conditions.

CHAPTER 14. *PARKING AND SIGN REQUIREMENTS*

Section 14.01 SCOPE

In all Zoning Districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

Section 14.02 LOCATION OF PARKING

The off-street parking required by this Chapter shall be provided in accordance with the following requirements.

- A. Single and Two Family Dwellings. The off-street parking facilities required for single and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. Manufactured Home Parks. The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements.
- C. Backing from parking spaces onto the access drive shall not be permitted, except on a temporary basis. No permanent structures including, for example, but not limited to, curbs shall be permitted within the access drive area.
- D. Access Control
 1. All commercial developments along M-37 and M-20 shall provide a parallel access drive easement to adjacent properties as part of the site plan approval process which complies with the following:
 - a. The easement shall be a minimum of twenty four (24) feet wide.
 - b. A minimum of a twenty (20) foot landscaped area shall be provided between the road right-of-way and the outside edge of the access easement.
 - c. Parking shall not be permitted in the access easement.
 2. Each property owner shall be responsible for the maintenance of the access drive and its easement so it remains usable as a means of getting from one property to another.

- E. Driveway spacing
 - 1. Each parcel is permitted only one driveway unless over six hundred (600) feet of road frontage is available, in which case up to two drives may be permitted by the Planning Commission.
 - 2. A driveway shall not be located closer than seventy-five feet from an intersection or another driveway.
 - 3. Driveways shall align or be properly offset from driveways across the street.
 - 4. Shared driveways with adjacent properties may be required by the Planning Commission during the site plan review process.

- F. Other Land Uses. The off-street parking required may be located on each site or in parking lots within three hundred (300) feet of and readily accessible to each site.

Section 14.03 PARKING LOT REQUIREMENTS

- A. All parking facilities, access driveways, and commercial storage areas (excluding those for single and two family dwellings outside manufactured home parks) shall be hard surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued.

- B. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.

- C. All illumination for all parking lots shall comply with Section 3.21.

Parking Pattern	Aisle Width		Parking Space Width ¹
	2 Way	1 Way	
Parallel	18 ft.	12 ft.	9 ft.
30-75%	24 ft.	12 ft.	9 ft.
76-90%	24 ft.	15 ft.	9 ft.
Space	Parallel Parking Total Width ³		
Length ²	<u>1 Way</u>		<u>2 Way</u>
25 ft.	30 ft.		36 ft.
21 ft.	48 ft.		60 ft.
18 ft.	55 ft.		60 ft.

¹ Measured perpendicular to the longitudinal space centerline.

- 2 Measured along the longitudinal space centerline.
- 3 Total width of two tiers of parking 9 ft. spaces plus maneuvering lane
- D. When a required nonresidential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective side or rear yard in which said parking is located shall contain a minimum setback of twenty (20) feet excluding any parking or drives, unless a greater setback is required by any other provision of this Ordinance.
- E. Required nonresidential parking lots abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence or wall, or a landscaped equivalent.
- F. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways.
- G. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines. Such devices shall be securely anchored into the parking lot to ensure that they remain stationary.
- H. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations. The minimum parking space dimensions for a layout not provided for in the regulations shall be nine (9) feet in width, eighteen (18) feet in length, and one hundred and sixty-two (162) square feet in area.

Section 14.04 **DEFERRED, MAXIMUM AND SHARED PARKING**

- A. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 2. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator.
 3. All or a portion of such deferred parking shall be constructed if required by the Zoning Administrator upon a finding that such additional parking is needed.
- B. Maximum Parking Requirement
1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Parking

Requirements as noted in each Zoning District, except as may be approved by the Planning Commission.

2. The Planning Commission, upon application, may grant additional spaces beyond those permitted in a, above. In granting additional spaces the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on professional documented evidence of use and demand provided by the applicant.

C. Shared Parking Areas

1. The Zoning Administrator may approve a shared parking arrangement for two (2) or more uses to utilize the same off-street parking facility where the operating hours of the uses do not significantly overlap.
2. Required parking shall be calculated from the use that requires the greatest number of spaces.
3. Should any use involved in the shared parking arrangement change to another use, the Zoning Administrator may revoke this approval and require separate parking facilities as required by this Ordinance.

Section 14.05 **PARKING LOT PLANS**

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot and before a Certificate of Occupancy is issued. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage, pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work and shall conform to the provisions of Section 13.03.

Section 14.06 **PARKING RESTRICTIONS**

- A. In any District, it shall be unlawful to use required off-street parking areas for the storage or parking of vehicles in excess of twenty-four (24) hours, except as may be permitted for a commercial use.
- B. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.

- C. After the effective date of this Ordinance it shall be unlawful on lots or parcels of less than one and one-half (1-1/2) acres for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking, either day or night, thereon of trucks (over one [1] ton), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar equipment or machinery used for commercial purposes for a period exceeding forty-eight (48) hours. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and equipment necessary to be parking overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.
- D. No vehicle parking, storage, or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

Section 14.07 OFF-STREET PARKING REQUIREMENTS

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

<u>USE</u>	<u>PARKING SPACE PER UNIT OF MEASUREMENT</u>
Residential	
<u>Single family dwelling</u>	Two (2)
<u>Two family dwellings</u>	Two (2) for each dwelling unit
Institutional	
<u>Group day care homes and group foster care homes</u>	One (1) space for each four (4) clients
<u>Churches, theaters, assembly areas, auditoriums, gymnasiums</u>	One (1) space for each four (4) seats or each eight (8) feet of pew length or one (1) space for and each three (3) persons allowed within the maximum occupancy load established by any <u>applicable</u> codes or ordinances, whichever is greater
<u>Schools, elementary and middle</u>	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
<u>Schools, secondary, trade, and institutions of higher learning</u>	One (1) space for each eight (8) students, plus one and one-half (1 1/2) spaces for each classroom, plus amount required for auditorium or gymnasium seating

<u>USE</u>	<u>PARKING SPACE PER UNIT OF MEASUREMENT</u>
Commercial	
Vehicle wash establishments (self service or automatic)	One (1) space for each five (5) stalls
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants – without drive-through facilities	One (1) space for each one hundred (100) square feet UFA or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of UFA or one (1) space for each one and one-half (1 1/2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island
Personal service establishments not otherwise specified	One (1) space for each fifty (50) square feet UFA
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet UFA
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet UFA
Open air businesses	One (1) space for each two hundred (200) square feet of indoor UFA plus one (1) space for each one thousand (1000) square feet of outdoor display area
Marina	Two (2) spaces for every one (1) boat slip.
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet UFA
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred (100) square feet UFA
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) square feet UFA plus three (3) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (300) square feet UFA
Medical and dental offices and clinics	One (1) space for each seventy five (75) square feet of waiting room area plus one (1) space for each examining <u>room</u> , dental chair, or similar use area

<u>USE</u>	<u>PARKING SPACE PER UNIT OF MEASUREMENT</u>
------------	--

Section 14.08 OFF-STREET LOADING AND SOLID WASTE CONTAINERS REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the NC and CR Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for nonresidential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.
- E. Loading and solid waste storage areas shall be located in the side or rear of all commercial establishments.
 - 1. Solid waste container(s) shall be screened from all four (4) sides with an opaque fence or wall with a gate(s) at least as high as the tallest solid waste container. The fence, wall and/or gate shall be constructed of material which is compatible with the architectural materials used in the site.
 - 2. The location of the solid waste container(s) shall be adjacent to a building, unless specifically waived by the Township Board.
 - 3. Loading/unloading docks and areas (including solid waste container) shall be situated so that trucks loading and unloading do not park in parking lot areas, or on the access drive.

Section 14.09 SIGNS - DESCRIPTION AND PURPOSE

These provisions are intended to regulate the size, number, location, and manner of display of signs in the Township, consistent with the following purposes:

- A. To protect the safety and welfare of Township residents; to conserve and enhance the character of the Township; and to promote the economic viability of commercial and other areas by minimizing visual clutter.

- B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.
- C. To promote uniformity in the size, number, and placement of signs within zoning districts.
- D. To promote the identification of establishments and premises in the Township.

Section 14.10 SIGNS - DEFINITIONS

For the purposes of the provisions of this Ordinance and Chapter related to signs, the following words and phrases are defined as follows:

- A. Construction Sign: A sign which identifies the owners, contractors, architects, and/or engineers of a building(s) or development project under construction.
- B. Commercial Establishment: A business operating independently of any other business located in a free standing building; in a group of stores or similar establishments that are located side-by-side in a single building, sometimes call a strip mall, as a business completely separated from other businesses by walls from the ground up and separate entrances.
- C. Community Special Event Sign: A portable sign erected for a limited time for the purpose of calling attention to special events of interest to the general public and which are sponsored by governmental agencies, schools, or other nonprofit groups whose purpose is of a public, charitable, philanthropic, religious or benevolent nature.
- D. Directional Sign: A sign which gives directions, instruction, or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit signs. Directional signs cannot be seen off the premises where the sign is located.
- E. Freestanding Sign: A sign not attached to a building or wall and which is supported by one (1) or more poles or braces or which rests on the ground or on a foundation that rests of the ground.
- F. Governmental Sign: A sign erected or required to be erected by the Township, the County of Newaygo, or by the state or federal government.
- G. Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure, or site.
- H. Political Sign: A sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions.

- I. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being available for sale, rent, or lease.
- J. Sign: A device, structure, item, fixture, or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising, announcements or identifying an establishment, product, service, commodity, or activity, or displaying or depicting other information.
- K. Subdivision Identification Sign: A sign identifying or otherwise stating the name of a platted subdivision, site condominium development, or other residential development.
- L. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building, extending not greater than twelve (12) inches from the exterior face of the wall to which it is attached.

Section 14.11 **SIGNS PROHIBITED**

The following types of signs are expressly prohibited:

- A. Any sign which has flashing, moving, oscillating, or blinking lights, excluding time and temperature signs and barber pole signs, which are permitted.
- B. Signs imitating or resembling official traffic or governmental signs or signals.
- C. Any sign not expressly permitted by this Ordinance.

Section 14.12 **SIGNS EXEMPTED**

The following signs shall be exempt from the provisions of this Chapter.

- A. Governmental signs.
- B. Signs for essential services.
- C. Historical markers.
- D. Memorial signs or tablets.
- E. Political signs, except that such signs shall be removed within the time stated in this Ordinance.
- F. Signs with an address and/or name of the owner or occupant, of not more than two (2) square feet in area, attached to a mailbox, light fixture, or exterior wall.

Section 14.13 **MEASUREMENT OF SIGNS**

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo and any other figure of similar character, together

with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

- B. The area of a free-standing or ground sign that has two (2) or more faces shall be measured by including the area of all sign faces, except that if two (2) such faces are placed back to back and are of equal size, the area of the two (2) back to back faces shall be counted as one (1) face. If the two (2) back to back faces are of unequal size, the larger of the two (2) sign faces shall be counted as one (1) sign face.
- C. Unless specified otherwise in this Ordinance, the height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
- D. Any freestanding sign not resting directly on the ground shall not exceed three (3) feet in height, or if supported on poles, shall have a clear area of at least eight (8) feet between the bottom of the sign and the grade of the adjacent street(s).

Section 14.14 **SIGN APPLICATION AND PERMITS**

- A. A sign permit shall be required for the erection, use, construction or alteration of all signs, except for those exempted by the terms of this Chapter. For purposes of this Section, alteration of a sign shall mean any substantial change therein, but shall not include normal maintenance or repair thereof.
- B. An application for a sign permit shall be made to the Zoning Administrator, and shall include submission of such fee as may be required by resolution or other action by the Township Board. The application shall include the following:
 - 1. Name, address, and telephone number of the applicant and the person, firm, or corporation erecting the sign.
 - 2. Address or permanent parcel number of the property where the sign will be located.
 - 3. A sketch showing the location of the building, structure, or parcel of land upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures, together with the depth of setback from lot lines.
 - 4. Two (2) scaled blueprints or drawings of the plans and specifications for the sign and information on the method of construction and attachment to structures or the ground.
 - 5. Any required electrical permit.

6. Identification of the zoning district in which the sign is to be located, together with any other information which the Zoning Administrator may require in order to determine compliance with this Chapter.
- C. All signs requiring electrical service shall be reviewed for compliance with the electrical code applicable to the Township.
- D. The Zoning Administrator shall issue a sign permit if all provisions of this Chapter and other provisions of this Ordinance and other applicable Township ordinances are satisfied. A sign authorized by such a permit shall be installed or shall be under construction within six (6) months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon the filing of a new application and payment of the required fee.

Section 14.15 **SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS**

- A. It shall be unlawful for any person to erect, place, install, maintain, or continue a sign upon any lands in the Township except in compliance with the provisions of this Ordinance.
- B. All signs shall be stationary and shall pertain only to the business or activity conducted on the premises where the sign is located, except for political signs and community special event signs.
- C. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
- D. Political signs shall be removed within thirty (30) days after the election or referendum to which the sign refers.
- E. No sign shall be placed in, or extend into, any public street right-of-way.
- F. Construction signs are permitted, subject to the following restrictions:
 1. Construction signs shall not be larger than thirty-two (32) square feet and shall not exceed twelve (12) feet in height.
 2. Construction signs shall not be erected until a building permit has been issued for the building or project which is the subject of the proposed sign and construction activity has begun.
 3. Construction signs shall be removed immediately upon issuance of any occupancy permit for the building or structure which is the subject of the construction sign.
- G. Community special event signs may be permitted for a period not to exceed thirty (30) days.
- H. Directional signs shall not exceed six (6) square feet in area per sign.

- I. No wall sign shall project above the building roof line.
- J. Flashing and intermittently illuminated signs are prohibited. Any sign lighting shall be shielded from vehicular traffic and adjacent residential properties.
- K. LED and similar signs are prohibited.

Section 14.16 NONCONFORMING SIGNS

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter is deemed to be nonconforming.
- B. Nonconforming signs may not be expanded, enlarged, or extended, but they may be maintained and repaired so as to continue their useful life.

Section 14.17 SIGNS IN RESIDENTIAL DISTRICTS

In addition to signs permitted and as regulated in all districts, the following signs are permitted in Residential Districts:

- A. One (1) nonilluminated subdivision identification sign per entrance road for each subdivision development, except that no two (2) such signs per subdivision shall be located closer to each other than one thousand three hundred and twenty (1,320) feet. A subdivision identification sign shall not exceed thirty two (32) square feet in area and shall not be higher than eight (8) feet.
- B. For permitted nonresidential uses, one (1) freestanding sign per property not to exceed sixteen (16) square feet in sign area and placed a minimum of fifteen (15) feet from each side lot line. Such sign shall not be illuminated and shall not be higher than six (6) feet.
- C. Not more than two (2) signs per property, advertising the sale of produce grown on the premises, each sign not to exceed sixteen (16) square feet and a height not exceeding six (6) feet.

Section 14.18 SIGNS IN COMMERCIAL DISTRICTS

In addition to signs permitted and as regulated in all districts, the following signs are permitted in the NC Neighborhood Commercial District and the CR Commercial Resort District:

- A. Freestanding Signs
 - 1. One (1) freestanding ground sign for each lot or parcel of land, not to exceed sixty-four (64) square feet in sign area and not to exceed five(5) feet in height off of the ground at normal grade.
 - 2. Freestanding ground signs shall incorporate low-level landscaping along their bases.

B. Wall Signs in Commercial Districts

1. Each commercial establishment shall be permitted to have one (1) wall sign. For each commercial establishment on a corner lot, one (1) wall sign per public or private street frontage is permitted.
 - a. Commercial establishments located in a freestanding building with one hundred (100) feet or less of freestanding building frontage shall be permitted a wall sign area not to exceed one (1) square foot of sign for each lineal foot of street frontage of such freestanding building.
 - b. Commercial establishments with more than one hundred (100) feet of freestanding building frontage shall be permitted a wall sign area not to exceed one (1) square foot of sign for each of the first one hundred (100) lineal feet of freestanding building frontage and one and one-half (1 1/2) square feet of sign for each three (3) lineal feet in excess of one hundred (100) lineal feet.
 - c. Wall sign area for a commercial establishment consisting of a separate business located in a building with other businesses but with a separate and independent entrance shall be calculated in the same manner as in a freestanding building, using the building frontage of such commercial establishment.
2. The wall sign shall be attached to the same wall which is used to determine its size.

Section 14.19 SIGNS FOR OTHER LAND USES

- A. Signs in the Planned Unit Development District shall comply with the applicable sign provisions of Section 11.04.
- B. Signs for Special Land Uses shall comply with the sign requirements of the district in which the Special Land Use is located, except to the extent that such requirements may be altered or modified in the approved conditions for the Special Land Use.

SECTION 14.20 NONCONFORMING SIGNS – LOSS OF STATUS

If a sign loses its lawful nonconforming designation or status, the sign (and all portions thereof) shall be removed immediately and shall not be repaired, moved, replaced or rebuilt unless it fully complies with all requirements of this Ordinance. A lawful nonconforming sign shall lose its lawful non-conforming designation and status if the Zoning Administrator determines that any of the following is applicable:

- A. The sign is relocated, removed, moved, rebuilt or replaced.
- B. The sign is destroyed. A sign shall be deemed destroyed if any of the following occurs:

1. The sign is torn down or demolished;
 2. The sign is wrecked or ruined;
 3. Such damage has been done to the sign that it cannot be returned to its prior state by routine repair, but only by replacement or material rebuilding; or
 4. More than 50% of the face of the sign has been shattered, or a portion of the sign face touches the ground.
- C. Even if a sign has not been destroyed, but damage or deterioration has occurred to the point of 50% or more, the sign shall be deemed to have lost its lawful nonconforming status.
- D. The structure or size of the sign is altered in any material way other than a change of copy or normal maintenance which does not physically alter the sign.
- E. There is a material change in the use of the premises where the sign is located.
- F. A building permit is issued for any construction on the premises where the sign is located which increases the total building square footage by more than 5% or 5,000 square feet, whichever is less.
- G. A sign is abandoned.

* * *

If a lawful nonconforming sign suffers 50% or more damage or deterioration, it loses its lawful nonconforming status and must be brought into full compliance with this Ordinance or be removed. In order to determine whether or not a sign has been damaged or has deteriorated by 50% or more, the costs of physically repairing the sign shall be compared to the costs of physically replacing the sign. If less than 50% damage or deterioration has occurred pursuant to such comparison, the sign may be repaired to its exact original state.

CHAPTER 15.

SPECIAL LAND USES

Section 15.01 SCOPE

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Lincoln Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Chapter 13, as applicable.

Section 15.02 APPLICATION AND REVIEW PROCEDURES

- A. An application shall be submitted to the Township, accompanied by:
 1. the payment of a fee or fees as established by the Township Board;
 2. a completed application form, as provided by the Township; and
 3. a complete site plan as specified in Chapter 13.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting.
- C. The application, along with the required site plan, shall be forwarded to the Planning Commission.
- D. The Planning Commission shall hold a public hearing on the application, providing the notice of such hearing in accordance with the Zoning Act. The Planning Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township planner, attorney, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.
- E. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- F. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.

1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided that the applicant requests the extension in writing (and pays all fees) prior to the date of the expiration of the Special Land Use approval.
 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
 3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- G. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

Section 15.03 **GENERAL STANDARDS**

In addition to the standards established for specific uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans in this Ordinance. Conditions may be placed upon a Special Land Use approval.

- A. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of any structure, and building of or on the proposed site will:
1. be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
 2. be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
 3. not create excessive additional requirements at public cost for public facilities and services;
 4. not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and

5. not have significant adverse environmental impacts, and will be consistent with the Township's Master Plan and the intent of this Ordinance.
- B. The Planning Commission may attach such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the Special Land Use approval, pursuant to this Ordinance. Conditions imposed shall be those necessary to:
1. meet the intent and purpose of the Zoning Ordinance,
 2. relate to the standards established in the Ordinance for the land use or activity under consideration,
 3. insure compliance with those standards,
 4. protect the general welfare,
 5. protect individual property rights, and
 6. ensure that the intent and objectives of this Ordinance will be observed.

Section 15.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of Section 15.03A are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

- A. Adult Uses.
1. In the development and execution of this subsection, 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. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
 2. Adult uses shall comply with the following requirements:
 - a. The use shall not be located within a 1,000 foot radius of any other such use.

- b. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Township Building Inspector and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
 - c. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.
- B. Bed and breakfast establishments.
1. The establishment shall be serviced by approved water and sanitary sewer services.
 2. The establishment shall be located on property fronting one paved public road.
 3. Such use shall be conducted entirely within a detached single family dwelling.
 4. Parking shall be located to minimize negative impacts on adjacent properties.
 5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
 6. The total number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of nine (9) guest rooms.
 7. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
 8. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half (1/2) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
 9. The establishment shall be the principal residence of the operator and such operator shall actually reside there.

10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
 11. Breakfast may be served only to the operator's family, employees, and overnight guests.
- C. Bulk oil and gasoline distribution.
1. The minimum lot size shall be five (5) acres.
 2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
 3. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to any adjacent residential district or use.
 4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.
- D. Commercial storage warehouses.
1. Minimum lot area shall be two (2) acres.
 2. A residence may be permitted on the premises for security personnel or on site operator. The residence shall conform to the minimum requirements for a single family detached dwelling in the LDR District.
 3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
 4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
 6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
 7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

- E. Funeral homes and mortuary establishments.
1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
 2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
 3. A caretaker's residence may be provided within the principal building.
 4. The proposed site shall front upon a paved state trunkline, County Primary, or County Local street. All ingress and egress shall be from said thoroughfare.
- F. Group and commercial day care homes and facilities.
1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.
 2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
 3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
 4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.
- G. Hotels and motels.
1. Minimum lot area shall be four (4) acres and minimum lot width shall be two hundred (200) feet.
 2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
- H. Junk yards.
1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission to the Township of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The

- applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall have frontage on and access to a paved County Primary or State Trunk line to ensure safe, direct transport of salvage to and from the site.
 3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or residential use property line.
 4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) nontransparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
 5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
 6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
 7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
 8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 9. All portions of the storage area shall be accessible to emergency vehicles.
 10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
 11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
 12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
 13. Minimum site size for such facilities shall be six (6) acres.

14. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
 15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
 16. All areas where junk, inoperable vehicles, tires, and similar items are stored outdoors shall be paved or surfaced with concrete.
 17. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.
- I. Kennels.
1. The minimum lot size shall be five (5) acres.
 2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent occupied dwelling or any adjacent building used by the public.
 3. 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.
- J. Marinas and public or private boat launches.
1. There shall be no above-ground storage of gasoline, fuel oil, or other flammable liquids or gases.
 2. No building, structure, dock, or parking area which is part of marina or boat launch area shall be located closer than thirty five (35) feet to any residential lot line.
 3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
- K. Open air businesses.
1. Minimum lot area shall be one (1) acre.
 2. Minimum lot width shall be two hundred (200) feet.
 3. Except in the Agricultural Districts, the Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
 5. The Planning Commission may require the permittee to furnish a Surety Bond in accordance with this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of special land use approval.
 6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
 7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
 8. All lighting shall be shielded from adjacent residential areas.
 9. In the case of a plant materials nursery:
 - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
 - b. All loading activities and parking areas shall be provided on the same premises (off-street).
 - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
 10. No display area shall be located within ten (10) feet of a road right-of-way line.
- L. Public or private boat launches. (See Marinas and public or private boat launches)
- M. Public or private campgrounds.
1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
 2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
 3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet.
 4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four

- hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right-of-way or property line.
 6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
 7. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Newaygo County.
 8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
 9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- N. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
1. No soil, sand, gravel, or other earth material shall be removed from any land within the Township without Special Land Use approval, with the following exceptions:
 - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township and earth removal will not exceed one thousand (1,000) cubic yards.
 - b. When the earth removal involves any normal on-site landscaping, driveway installation and repairs, or other minor projects.
 - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties.
 - d. The earth removal involves less than one hundred (100) cubic yards.
 - e. The earth removal is for the purpose of construction of a swimming pool.
 2. In addition to the materials required by this Chapter, the application for special land use approval shall include the following:
 - a. A written legal description of all of the lands proposed for the use.

-
-
- b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
- i. A north arrow, scale, and date;
 - ii. shading indicating the extent of land area on which mineral removal operations and activities will take place;
 - iii. the location, width, and grade of all easements or rights-of-way on or abutting the lands;
 - iv. the location and nature of all structures on the lands;
 - v. the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
 - vi. existing elevations of the lands at intervals of not more than five (5) feet;
 - vii. typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
 - viii. mineral processing and storage areas;
 - ix. proposed fencing, gates, parking areas, and signs;
 - x. roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
 - xi. a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
 - xii. areas to be used for ponding.
- c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- d. A site rehabilitation plan including the following:

- i. A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
 - ii. A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
 - iii. a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.
 - e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 4. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 5. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
 6. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sub lateral support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential or Commercial District.
 7. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.

8. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
9. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so 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 removal area.
10. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, limited hours of operation, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, and end time limit for operations and full remediation, preservation of trees and other vegetation, and fuel loading and storage requirements.
11. An applicant for a permit shall submit a performance bond or other security required by the Township in accordance with the requirements of this Ordinance, naming the Township of Lincoln as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond or other security required by the Township shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
 - a. The performance bond or other security required by the Township shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
 - b. The timely and faithful compliance with all of the provisions of the performance bond or other security required by the Township shall be a condition of any mineral removal operations. In the absence of any such

compliance with the terms of the performance bond or other security required by the Township, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

O. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

P. Retail building supplies.

1. Minimum lot width shall be two hundred (200) feet.
2. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
4. All lighting shall be shielded from adjacent Residential Districts or uses.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any principal building in the District.

- Q. Roadside stands with two-hundred (200) square feet or more of sales area.
1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
 2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
 3. No lighting shall be provided for any such use.
 4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- R. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
 2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use.
 3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
 4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.
- S. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.
1. Towers for Commercial Wireless Telecommunication Services shall be required to locate on any existing approved tower within a three (3) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as

- documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
- c. Existing or approved towers and buildings within a three (3) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users.
 3. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.
 4. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
 5. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
 - a. Residential Districts: The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services located such that any part of which is located within two hundred (200) feet of any Residential District lot line.
 - b. Nonresidential Districts: Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line.
 - c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.

6. The Planning Commission may require such structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
 7. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
 8. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.
- T. Truck and freight terminals.
1. Minimum lot size shall be three (3) acres.
 2. The lot location shall be such that at least one (1) property line abuts a paved state trunkline or County Primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
 3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
 4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
- U. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
 2. Any such building shall comply with the yard setback requirements of the District in which it is located.
- V. Vehicle service stations, excluding body shops.
1. Minimum lot area shall be fifteen thousand (15,000) square feet.
 2. Minimum lot width shall be one hundred (100) feet.

3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
4. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and one (1) for any other street.
5. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
7. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
9. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.
11. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.
12. The lot shall be located such that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.

13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
 14. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
 15. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
- W. Vehicle wash establishments, either self-serve or automatic.
1. All washing activities must be carried on within a building.
 2. Vacuuming activities may not be conducted in the front yard setback area.
 3. Sufficient space shall be provided to accommodate all vehicles queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.
- X. Veterinary hospitals and animal clinics.
1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- Y. Intensive Livestock Operations.
1. Are allowed provided that General Accepted Agricultural and Management Practices (GAAMPS) adopted by the Michigan Department of Agriculture are met for the parcel housing animals. Compliance with GAAMPS must be demonstrated by the property owner housing animals.
 2. Minimum lot area shall be forty (40) acres.
 3. No harm to adjacent property owners shall result from direct runoff from the site upon which the proposed operation is located. [
- Z. Wind Generating Towers.
- See Section 3.34 of this Ordinance.

CHAPTER 16. ZONING BOARD OF APPEALS

AUTHORIZATION

In order that the objectives of the Ordinance may be more fully and equitably achieved, that there shall be provided a means of competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Township Board of Appeals.

Section 16.01 MEMBERSHIP - TERMS OF OFFICE

- A. The Township Zoning Board of Appeals shall consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission; the second member may be a member of the Township Board; the additional members shall be selected from the electors residing in the Township. All members shall be appointed by the Township Board. The additional members shall not be elected officers of the Township or employees of the Township Board. The additional members shall be appointed for three (3) year terms; the Planning Commission and Township Board representatives, who shall not be the same member, shall only serve while holding membership on those respective bodies.
- B. The Township Board may appoint up to two (2) alternate members for the same terms as the regular members. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member

Section 16.02 DUTIES AND POWERS

The Board of Appeals shall have the following specified duties and powers:

- A. Appeals. The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Township in the administration of this Ordinance.
- B. Interpretation. The Board of Appeals shall have the power to:
 1. Hear and decide upon request for the interpretation of the provisions of this Ordinance;

2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator upon said subject.
- C. Variances. The Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.
- D. The Board of Appeals shall not have the authority to approve any sign type within any zoning district which is not permitted by this Ordinance.

Section 16.03 MEETINGS

Meetings shall be open to the public, and shall be held at the call of the Chairman and at such other times as the Board of Appeals shall specify in its rules of procedure.

Section 16.04 APPLICATIONS AND HEARINGS

- A. An application to the Board of Appeals shall consist of a completed application form, provided by the Township, a fee as established by the Township Board, which shall be paid to the Township Clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Board of Appeals may request additional detail on the drawing or other information which they deem necessary to make a decision on the application.
- B. Upon receipt of a complete application, the Township shall cause notices stating the time, place and subject of the hearing to be served personally or by mail addressed to the parties submitting the application, and those persons owning property within three hundred (300) feet of the property which is the subject of the application. All notices shall be sent to the addresses listed in the last assessment roll. Notice of the hearing shall also appear in the newspaper. Such notices shall be sent and occur at least fifteen (15) days prior to the date of the scheduled hearing. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

Section 16.05 DECISIONS

- A. Except as provided otherwise for use variances, the concurring vote of a majority of the membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance, or to approve any variance in this Ordinance.
- B. The Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held, unless an extension of time is agreed upon with the applicant and the Board.
- C. Any decision of the Board of Appeals shall not become final until thirty days after the Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no

chairperson, or Twenty-one days after the Board of Appeals approves the minutes of its decision.

- D. The decision of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact.
- E. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by such decision has been substantially commenced within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.
- F. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

Section 16.06 APPEALS

- A. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. Applications for appeals shall be in writing and shall be filed with the Township within twenty-one (21) days after the date of the decision which is the basis of the appeal. The appealing party must file with the Township within such 21-day time period a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown. Notwithstanding the preceding, the Township may pursue appropriate lawsuits, enforcement proceedings, and similar matters despite the stay provision mentioned above.
- C. The Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision which is being appealed. No additional information or evidence shall be submitted by the appellant which was not otherwise available to the person or body making the decision from which the appeal was taken.

Section 16.07 REVIEW STANDARDS FOR VARIANCES

- A. Non-Use (Dimensional) Variances: Subject to other provisions of this Ordinance, the Zoning Board of Appeals shall have jurisdiction to decide applications for non-use variances (dimensional variances). No non-use (dimensional) variance shall be

approved unless at least three (3) members of the Zoning Board of Appeals vote in favor of such variance. The Zoning Board of Appeals shall not grant a non-use (dimensional) variance unless it finds that a practical difficulty will occur unless the variance is granted. In addition, the Zoning Board of Appeals shall not grant a non-use (dimensional) variance unless it finds that all of the following standards are met:

1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.
 2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.
 3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.
 4. The variance will not impair the intent or purpose of this Ordinance.
 5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.
 6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.
 7. There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.
 8. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE—a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)
 9. As specified above, the Zoning Board of Appeals must also find that the applicant has practical difficulty complying with the Ordinance provision or provisions at issue.
- B. Use Variances: Subject to other provisions of this Ordinance, the Zoning Board of Appeals shall have the jurisdiction to decide applications for use variances. The Zoning Board of Appeals shall not grant a use variance unless it finds that an unnecessary hardship will occur unless the variance is granted. Additionally, the

Zoning Board of Appeals shall not grant a use variance unless it also finds that all of the following standards below are met:

1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.
2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.
3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.
4. The variance will not impair the intent or purpose of this Ordinance.
5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.
6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.
7. There are exceptional, unique, or extraordinary physical conditions or circumstances which directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.
8. The variance must be necessary for the preservation and enjoyment of a substantial property right which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE—a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)
9. The building, structure, or land cannot be reasonably used for any of the uses permitted by right or by special approval in the zoning district in which it is located.
10. As specified above, the Zoning Board of Appeals must also find that unnecessary hardship will occur if a use variance is not granted.

No use variance shall be granted unless at least four (4) members of the Zoning Board of Appeals vote in favor of such use variance. Furthermore, before the members of the Zoning Board of Appeals may vote on a given use variance request, the matter shall be referred to the Planning Commission. The Planning Commission shall be asked for its

recommendation regarding the proposed use variance request. The Zoning Board of Appeals may take final action regarding such a use variance request once the Planning Commission has forwarded its recommendation on the particular use variance request to the Zoning Board of Appeals or 45 days has elapsed since the referral to the Planning Commission, whichever occurs first.

SECTION 16.08 LACK OF JURISDICTION

The Zoning Board of Appeals is without jurisdiction to hear any appeals or matters involving any of the following:

- A. A planned unit development (PUD).
- B. A special land use.
- C. Site plan decisions.
- D. Rezonings.
- E. Notwithstanding the fact that the Zoning Board of Appeals generally has no jurisdiction with regard to the above-mentioned matters, the Zoning Board of Appeals shall have jurisdiction to entertain variance requests related to subsections A, B and/or C above, if the Township body which makes the final decision regarding the matter (for example, the Township Board with regard to a PUD or the Planning Commission with regard to a special land use) expressly grants written permission to the landowner or applicant involved to apply to the Zoning Board of Appeals for a variance of one or more of the underlying requirements of the Zoning Ordinance. For example, but not by way of limitation, the Planning Commission could approve a particular special use request contingent upon the Zoning Board of Appeals granting a variance for an otherwise applicable requirement within the Ordinance which would normally prohibit the applicant or landowner from taking advantage of a special use approval absent a variance.

SECTION 16.09 VACANCIES AND REMOVAL

- A. Vacancies: If a vacancy occurs in the membership of the Zoning Board of Appeals, the Township Board shall appoint another person to the Zoning Board of Appeals for the balance of the unexpired term. Upon expiration of the term of a member of the Zoning Board of Appeals, a successor shall be appointed not more than two (2) months after the term of the preceding member has expired.
- B. Removal: A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a known conflict of interest constitutes malfeasance in office. Whenever a member of the Zoning Board of Appeals has a conflict of interest with respect to a matter presented to the Zoning Board of Appeals, the member shall state on the record the nature of the conflict of interest, and the

member shall not participate in the Zoning Board of Appeals' discussion, consideration, deliberation, or decision of the matter.

SECTION 16.10 RULES OF PROCEDURE

- A. The Zoning Board of Appeals may adopt rules and regulations for the conduct of its meetings. The Zoning Board of Appeals shall elect from its membership a Chairperson, Vice-Chairperson, Secretary and other officers as deemed necessary. The Zoning Board of Appeals shall not conduct business unless a majority of its members are present. The presence of three (3) members shall constitute a quorum.
- B. The regular place and time of meeting of the Zoning Board of Appeals may be established by the Zoning Board of Appeals in its rules and regulations. Except as otherwise specified in the rules and regulations of the Zoning Board of Appeals, procedure in meetings of the Zoning Board of Appeals shall be governed by Robert's Rules of Order.
- C. Minutes of proceedings shall be kept for the Zoning Board of Appeals meetings. These minutes shall list the members absent and present and shall show the action taken by the Zoning Board of Appeals, as well as the vote of each member upon each matter presented to the Zoning Board of Appeals.

SECTION 16.11 CONFLICT OF INTEREST

- A. A member of the Zoning Board of Appeals shall not participate or vote with respect to a matter in which the member has a conflict of interest. Failure of a member to refrain from participating or voting in a matter in which the member has a known conflict of interest shall constitute misconduct in office. A conflict of interest exists whenever a member of the Zoning Board of Appeals owns land within the Township which is significantly affected by a matter presented to the Zoning Board of Appeals, or a member has a direct financial interest in the matter presented to the Zoning Board of Appeals. A conflict of interest may exist in other circumstances as well.
- B. The Zoning Board of Appeals should strive to avoid even the appearance of impropriety. Whenever a member of the Zoning Board of Appeals has a conflict of interest or appears to have a conflict of interest with respect to a matter presented to the Zoning Board of Appeals, the member 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 Zoning Board of Appeals' 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 Zoning Board of Appeals' consideration of the matter if the member can be fair, objective, and impartial, subject to the vote of the other members of the Zoning Board of Appeals.
- C. Nondisclosure of a known conflict of interest shall be misconduct in office, and nondisclosure of circumstances which exist which could be perceived to be a conflict of interest may also constitute misconduct in office.

- D. If a member of the Zoning Board of Appeals fails to disclose any circumstances which could be perceived to be a conflict of interest and the Zoning Board of Appeals later becomes aware of such circumstances, or if a member of the Zoning Board of Appeals participates in the consideration of a matter in which the member has a known conflict of interest, the Zoning Board of Appeals may, upon the vote of a majority of the regular members of the Zoning Board of Appeals (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), the Zoning Board of Appeals may make a recommendation to the Township Board that the member be removed from the Zoning Board of Appeals for misconduct in office. If the Zoning Board of Appeals makes such a recommendation to the Township Board, the Township Board shall hold a public hearing to consider the recommendation.

SECTION 16.12 TERMINATION OF A VARIANCE

In the event that the Zoning Board of Appeals grants a variance, the individual or successor in interest as to the property involved shall not use the property in question such that it would exceed the rights given by the Zoning Ordinance or the variance or fail to follow any conditions placed thereon by the Zoning Board of Appeals. In the event that the use of the property exceeds those rights given by the Zoning Ordinance or the variance, or the property owner fails to follow the conditions placed upon the variance, the variance shall immediately terminate. Alternately, in such case, the Zoning Board of Appeals shall also have the authority to terminate a variance after reasonable notice and hearing.

CHAPTER 17.

ADMINISTRATION AND ENFORCEMENT

Section 17.01 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Township on _____, 20__, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 17.02 INTERPRETATION

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 17.03 ZONING ADMINISTRATOR

This Ordinance shall be administered by the Zoning Administrator and designees of same. References throughout this Ordinance to the Building Inspector shall also be deemed to include the Zoning Administrator unless the duties relate solely to the interpretation or the enforcement of the State Construction Code. The Zoning Administrator, shall among other duties, be responsible for the following:

- A. Interpretation of the Zoning Ordinance.
- B. Issuance of all permits as required by the Zoning Ordinance.
- C. Enforcement of the Zoning Ordinance.

- D. Record keeping of all zoning related documents.
- E. Such other duties and obligations as are specified by state law.

Section 17.04 **REMEDIES AND ENFORCEMENT**

Any use or activity or any building or structure which is erected, moved, placed reconstructed, razed, extended, used enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance *per se*. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) 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 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.

The Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance. Also, any person having an interest affected by a zoning decision or action (or inaction) pursuant to this Zoning Ordinance may institute an appropriate action in a court of competent jurisdiction seeking declaratory, injunctive, or other equitable relief. Any person owning property within three hundred (300) feet of a property at issue pursuant to this Zoning Ordinance shall be presumed to be a person having sufficient interest to institute such a lawsuit.

Any structure, land division, activity, or use which is in violation of this Ordinance shall be deemed a nuisance *per se*.

Section 17.05 **NUISANCE PER SE**

Any use or activity or any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance *per se*, and may be abated by order of any court of competent jurisdiction.

Section 17.06 **PERFORMANCE GUARANTEES**

- A. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board are all empowered to require a performance guarantee in the form of a bond, cashier's check, cash, irrevocable letter of credit, or other suitable negotiable security, in an amount equal to the estimated cost of compliance, conditions or improvements associated with the project which is the subject of such guarantee in a form approved by the Township.

- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If said improvements are not completed such security shall be forfeited, either in whole or in part.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan or conditions have not been completed in accordance with the approval granted, the amount of the afore mentioned performance guarantee may be used by the Township to complete the requirement improvements. The balance if any shall be returned to the depositor.

Section 17.07 FEES

- A. The Township Board shall, by resolution, establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during regular Township office hours at the Township Hall. Such fees may be changed from time to time by resolution of the Township Board.
- B. The applicant shall pay all applicable fees upon the filing of any application, proposed site plan, or any other request or application under this Ordinance for which a fee is required.
- C. In addition to regularly established fees, the Township Board in its discretion may also 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 may incurred by the Township in reviewing and acting upon any such application or related matters. Such estimated fee and costs shall be submitted prior to any Township review of an application or request.
- D. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except as authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part.
- E. Such costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, engineering fees, costs and fees for services or outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses.

- F. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded to the applicant.

Section 17.08 **ZONING COMPLIANCE PERMITS**

- A. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
- B. A zoning compliance permit must be issued by the Zoning Administrator before any person is allowed to begin a new or expanded use or a new or expanded residential, industrial, office, business, or commercial building/addition/operation in Lincoln Township or where a site plan, special land use, PUD, private road or other substantial zoning approval is required. The Zoning Compliance Permit may be applied for through the Zoning Administrator and, if granted, is valid for one year. One extension of a Zoning Compliance Permit for one additional year may be allowed at the discretion of the Zoning Administrator. A second and final extension of a Zoning Compliance Permit may be granted if only 75% of the overall project is proven to be completed.
- C. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has determined the change to be in compliance with applicable provisions of this Ordinance and has issued a zoning compliance permit.
- D. It shall be unlawful to commence excavation for, or construction of, any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure, including accessory buildings, exceeding one hundred (100) square feet in floor area, until the Zoning Administrator has issued a zoning compliance permit.
- E. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the proposal and plans in detail and found them in compliance with this Ordinance.
- F. Issuance of a zoning compliance permit shall in no case be construed as waiving any other provision or requirement of this Ordinance.
- G. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with all requirements of this Ordinance and all other applicable Township, County, and State regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
- H. When the Zoning Administrator receives an application for a zoning compliance permit, which requires Planning Commission, Township Board, or Zoning Board of Appeals approvals, the Zoning Administrator shall so inform the applicant.

- I. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
- J. The Zoning Administrator may revoke any zoning compliance permit due to noncompliance with the permit or this Ordinance.
- K. A violation of a zoning compliance permit constitutes a violation of this Ordinance.

Section 17.09 **STOP WORK ORDERS**

- A. Notice to Owner: Upon notice from the Zoning Administrator 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, such work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- B. Unlawful Continuance: Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

Section 17.10 **PROPERTY SURVEYS**

If the Zoning Administrator in the performance of his/her duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, and/or Township Board pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for the property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to insure that all requirements of this Ordinance will be met, such survey and related information may be required by the Township and shall be paid for and provided by the property owner or applicant and no building permit, zoning compliance permit, or other Township permit(s) shall be issued or approved until and unless such survey and related information has been provided to the Township.

SECTION 17.11 EXPIRATION OF ZONING APPROVAL

If a zoning approval under this Ordinance has been granted with a specific time limit and the use has not commenced or substantial construction has not begun pursuant to that approval within the time limit specified, the zoning approval shall automatically expire (and be void) at the end of that time limit. No extension to that time limit shall be granted except by the Township body, commission, or official which granted the initial zoning approval. If a zoning approval or this Ordinance is silent with regard to a time limitation, the time limitation shall be deemed to be one (1) year, and the zoning approval shall expire (and be void) after one (1) year if the use has not been commenced or substantial construction has not begun within said one (1) year time limitation. A time extension may be granted by the body, commission, or official which granted the initial zoning approval.

SECTION 17.12 PROOF OF OWNERSHIP

The Zoning Administrator or Building Inspector may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before issuance of a zoning compliance permit or a building permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for any zoning or building request or application, including a building permit, variances, special use requests, site plan review, zoning compliance permits, and any other zoning compliance or building code action.

SECTION 17.13 DRAINAGE

During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible and liable for stormwater runoff, flooding, or other water problems or damages to other properties or public roads caused by or attributable to such construction. The Zoning Administrator shall have the authority to suspend or revoke a zoning compliance permit should the requirements of this section be violated. No such suspended or revoked zoning compliance permit shall be reinstated until the property owner posts monetary security with the Township as determined by the Zoning Administrator. Once construction has been completed and thereafter, the owner of the property involved shall be responsible for ensuring that drainage and stormwater from that property do not adversely impact adjoining properties, lakes, streams, or wetlands.

SECTION 17.14 DAMAGE DURING CONSTRUCTION

During the construction process, both the owner of the property involved and the contractor doing the work shall be jointly and severally responsible for and liable for any damage to roads, littering, flooding, or other damage or casualty caused by or attributable to such construction. No construction or supply equipment or other equipment or vehicles associated with construction on a particular property shall block roads or present a safety hazard. The Zoning Administrator shall have the authority to suspend or revoke a zoning compliance permit should the requirements of this section be violated. No such suspended or revoked zoning compliance permit shall be reinstated until the property owner posts monetary security with the Township as determined by the Zoning Administrator.

Section 17.15 PUBLIC NOTICES – PUBLICATION, MAILING, AND DELIVERY

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Zoning Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten (10) or fewer adjacent properties; for applications to the Board of Appeals involving a specific parcel; and for all planned unit development and special use applications, a notice of public hearing shall be mailed by

way of U.S. first class mail or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing:

1. The applicant;
2. All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is the subject to the application; and
3. The occupants of all structures within 300 feet of the property that is the subject of the application.

If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.

C. The notice of public hearing shall include the following information:

1. A description of the nature of the application or request.
2. An identification of the property that is the subject of the application or request. The notice shall also include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.
3. A statement of where and when the application or request will be considered (i.e. time, date and place).
4. Indicate where and when written comments will be received concerning the application or request.

Section 17.16 **RIGHTS AND REMEDIES**

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

Section 17.17 **SEVERABILITY**

The Ordinance and the various Chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any Chapter, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 17.18 **GENERAL RESPONSIBILITY**

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing this Ordinance and said Board is hereby empowered, in the name of Lincoln Township, to commence and pursue any and all necessary and appropriate actions and/or

proceedings in the District Court or Circuit Court of Newaygo County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

Section 17.19 **AMENDMENTS; REZONINGS**

The Township Board may from time to time on its own motion, or on petition; or on recommendation of the Planning Commission or other body affected, amend, supplement or repeal the regulations and provisions of this Ordinance after public notice and hearing. Every such proposed amendment or change shall be enacted in conformance with the provisions of the Zoning Act, and shall follow the same procedures used for the enforcement of this Ordinance.

Section 17.20 **CONDITIONAL REZONINGS**

The Township Board recognizes that there are certain instances where it would be in the best interest of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions and limitations could be proposed by an applicant as part of an application for a rezoning. Therefore, it is the intent of this section to provide a process by which an applicant seeking a change in zoning districts may propose a Zoning Agreement, with conditions and commitments attached thereto, as part of the application for the requested rezoning. These provisions shall be in accordance with the provisions of the Zoning Act, as amended.

- A. The following definitions shall apply to this section:
1. Rezoning Offer - shall mean conditions proposed by the applicant and approved by the Township that are processed as part of an approval under this section. These conditions shall constitute permanent requirements for and in connection with the development and/or use of the property approved with a Zoning Agreement.
 2. Zoning Agreement - shall mean a written agreement offered by the applicant and approved and executed by the applicant and the Township and recorded with the Newaygo County Register of Deeds, incorporating the Rezoning Offer along with any requirements necessary to implement the Rezoning Offer. When necessary, the Zoning Agreement shall also include and incorporate, by reference, a site plan that illustrates the implementation of the Rezoning Offer. This plan shall not replace the requirement for a site plan or other approvals that may be required by this Ordinance.
- B. Eligibility: An applicant for rezoning may submit a proposed Zoning Agreement with an application for rezoning.

C. Zoning Agreement

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

D. Rezoning Offer

1. The Zoning Agreement shall specify the Rezoning Offer and any requirements necessary to implement it. However, the Rezoning Offer may not authorize uses or developments of greater intensity or density, and/or which are not allowed in the new zoning district; nor may any variances from height, area, setback or similar dimensional requirements in the Zoning Ordinance of Lincoln Township be allowed unless a variance has been previously granted by the ZBA.

2. Any uses proposed as part of a Zoning Agreement that would otherwise require approval of a special use permit and/or site plan shall be approved as required in this Ordinance prior to establishment of or commencement of development of the use.

E. Procedure for Application, Review and Approval

1. An application for rezoning shall be the same as specified in the Zoning Act. In addition to the required materials listed, a Zoning Agreement in a recordable format acceptable to the Township shall be submitted, along with any plans necessary to illustrate the Rezoning Offer.
2. The application may be amended during the process of Township consideration, provided that any amended or additional Rezoning Offers are entered voluntarily by the applicant.
3. The Zoning Agreement shall be reviewed by the Township Attorney prior to the required Planning Commission public hearing. The Township Attorney shall determine that the Zoning Agreement conforms to the requirements of this section and the Zoning Act, as amended, and shall confirm that the Zoning Agreement is in a form acceptable for recording with the Newaygo County Register of Deeds.
4. An escrow fee deposit may be required by the Township to cover any and all costs incurred for addressing the Zoning Agreement request.

F. Approval

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

G. Continuation

1. Provided that all development and/or use of the property in question is in compliance with the Zoning Agreement, a use or development authorized under the agreement may continue indefinitely, provided that all terms of the Rezoning Offer and the Zoning Agreement continue to be adhered to.
2. Failure to comply with the Zoning Agreement at any time after approval may constitute a breach of agreement, and further use of the property may be subject to legal remedies available to the Township.

H. Amendment

1. During the initial two (2) year period, or during any extension granted by the Township as permitted above, the Township shall not add to or alter the Rezoning Offer in the Zoning Agreement.
2. The Zoning Agreement may be amended after the expiration of the initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Zoning Agreement.

SECTION 17.21 REPEAL

This Ordinance shall be deemed to repeal, supersede, and replace the existing *Lincoln 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.

SECTION 17.22 EFFECTIVE DATE

This Ordinance was adopted by the Lincoln Township Board on April 16, 2020, and became effective upon the expiration seven (7) days after the notice of adoption appeared in the *Times Indicator* (which effective date was April 28, 2020).

