

Grant Township Zoning Ordinance

February 1995 revised through September 2015

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Grant Township, Oceana County, Michigan

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Article 1. PREAMBLE

SECTION 1.1 SHORT TITLE

This Ordinance shall be known and may be cited as The Grant Township Zoning Ordinance.

SECTION 1.2 LEGAL BASIS

This Ordinance has been prepared and adopted under authority of the Michigan Zoning Enabling Act 110 of 2006. (MCL 125.3101 *et seq*) as amended.

SECTION 1.3 PURPOSE

This Ordinance has been prepared and adopted to provide for the regulation of land development and to regulate the use of land, buildings, and structures for the following purposes:

- A. To meet the needs of the public for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
- B. To insure that land uses are located and established in appropriate locations and in appropriate relationship to existing or surrounding land uses;
- C. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, sewage disposal, water, to provide a safe and adequate ground water supply, energy, education, recreation, and other public service and facility requirements, and;
- D. To promote the public health, safety, and welfare.

SECTION 1.4 SCOPE

The regulations and standards established by this Ordinance shall apply to all land, buildings, structures and land uses used, constructed, added to, or established in Grant Township on and after the effective date of this Ordinance. Accordingly, no lots or parcels may be created, nor any land use be established, nor buildings, structures or signs constructed, altered, added to or moved or relocated except in a manner that is consistent with the provisions of this Ordinance.

SECTION 1.5 INTERPRETATION

This Ordinance shall not be interpreted to repeal, rescind or impair the provisions of other laws or ordinances, nor to have any effect on any private restrictive covenants or deed restrictions. In cases where this Ordinance imposes a greater restriction on the use of land, or on the use or construction of buildings, than imposed by other laws or ordinances, or by private restrictive covenants or deed restrictions, the provisions of this Ordinance shall prevail.

SECTION 1.6 REPEAL

This Ordinance repeals and replaces the previous Grant Township Zoning Ordinance in its entirety.

SECTION 1.7 VALIDITY

Should any section, subsection, clause, or provision of this Ordinance be declared by the Courts to be invalid, such decision shall not affect the validity of the Ordinance in its entirety or of any part thereof, other than the portion so declared to be invalid.

SECTION 1.8 EFFECTIVE DATE

This Ordinance, and any subsequent amendments, shall take effect thirty (30) days following publication.

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Article 2. TOWNSHIP PLANNING COMMISSION

SECTION 2.1 ORGANIZATION OF THE PLANNING COMMISSION

The Planning Commission shall consist of not less than five (5) nor more than nine (9) members, who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, public health, government, commerce, transportation, and industry. Members of the planning commission shall be qualified electors of Grant Township with the exception that one member may be appointed who is not a qualified elector. One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed for misfeasance, malfeasance, or nonfeasance in office by the Township Supervisor, after a hearing, with the approval of the Township Board.

The term of each member shall be for three (3) years, except for ex officio members and initial members who must serve staggered terms. Of the members first appointed, one-third (1/3) shall serve for one (1) year, one-third (1/3) for two (2) years and one-third (1/3) for three (3) years. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed. A successor shall be appointed not more than 1 month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

Ex officio members are defined, in reference to a planning commission, as a member, with full voting rights unless otherwise provided by charter, who serves on the planning commission by virtue of holding another office, for the term of that other office.

Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission, including attendance at conferences and meetings. The Planning Commission shall prepare a detailed budget and submit same to the Township Board for approval or disapproval. The Township Board annually may appropriate and make available funds for carrying out the purposes and functions permitted under the provisions of the Michigan Planning Enabling Act 33 of 2008 MCL 125.3801 *et seq* as amended, and may match township funds with federal, state, county, or other local government or private grants.

The Township Board may accept and use gifts and grants for Planning Commission purposes. Money so accepted shall be deposited with the Township Treasurer in a special non-reverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The Township Treasurer shall draw warrants against the special non-reverting fund only upon vouchers signed by the chairman and secretary of the Planning Commission and upon orders drawn by the Township Clerk. The expenditures of the Planning Commission, exclusive of gifts and grants, shall be within the amounts appropriated by the Township Board.

SECTION 2.2 MEETINGS

The Planning Commission shall hold a minimum of four (4) regular open meetings annually giving notice in accordance with Article 7, Section 7.26, at which meeting any person having interests in the township shall be heard relative to any matters that should properly come before the Planning Commission.

SECTION 2.3 OFFICERS

The Planning Commission shall elect a chairman and secretary from its members, and create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each officer shall be one (1) year, with the opportunity for reelection as specified in by-laws adopted under section 19 of the Michigan Planning Enabling Act 33 of 2008. The election of officers shall be held at least once a year.

The planning commission may appoint advisory committees as it may deem necessary and may engage such employees including technical assistants for periods of one (1) year or less as it may require, whose members are not members of the planning commission.

Article 3. ZONING BOARD OF APPEALS

There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Michigan Zoning Enabling Act 110 of 2006, as amended, in such a way that the objectives of the Ordinance shall be observed, public safety secured, and substantial justice done.

SECTION 3.1 ORGANIZATION OF THE ZONING BOARD OF APPEALS

- A. The Zoning Board of Appeals shall consist of five (5) regular members and two (2) alternate members, appointed by the Township Supervisor with the approval of the Township Board. The Board of Appeals shall elect, annually, a chairperson. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. The remaining members of the Zoning Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township may not serve as a member or an employee of the Zoning Board of Appeals.
- B. Not more than two (2) alternate members shall be selected and appointed to the Zoning Board of Appeals in the same manner and for the same term of office as regular members. An alternate member may be called to serve 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 of the Zoning Board of Appeals, 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 appointed shall serve in the case until a final decision is made. An alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
- C. The total amount allowed the Zoning Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the Township Board. Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after 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 conflict of interest shall constitute misconduct in office.
- D. Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

- E. Zoning Board of Appeals shall not conduct business unless a majority of the members of the board is present. All votes must pass by a majority of the total membership of the ZBA (not merely a majority of those present.) With a five member board it takes three (3) present to conduct business and three (3) of the total membership to pass a vote.

SECTION 3.2 MEETINGS

Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk and shall be a public record.

SECTION 3.3 JURISDICTION AND APPEALS

- A. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the granting of variances, the interpretation of any provision contained in this ordinance, and interpretation of the zoning map. It may also hear and decide appeals from decisions or determinations made by the Township Zoning Administrator.

The vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination made by the Zoning Administrator, or to decide in favor of any matter upon which they are deliberating. Such appeal may be taken by any aggrieved person or by any officer, department, board, or bureau of the Township, County, or State. The basis of every such determination shall be stated.

- B. Such appeal shall be taken in such time as shall be prescribed by the Zoning Board of Appeals by general rule by filing with the officer from whom the appeal is taken and with the Zoning Board of Appeals. The officer from whom the appeal is taken shall then transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- C. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In this case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- D. The Zoning Board of Appeals shall fix reasonable time for the hearing of the appeal, give due notice in accordance with Article 7, Section 7.26, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.
- E. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such Ordinance, the Zoning Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done. The decision of such Board shall not be final, and a person having an

interest affected by the zoning ordinance shall have the right to appeal to the circuit court on the question of law and fact.

SECTION 3.4 VARIANCES

A. DIMENSIONAL VARIANCES

The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific dimensional variances from such the ordinance requirements such as yard requirements, setback lines, lot coverage, frontage requirements and density regulations

To obtain a dimensional variance, the applicant must show practical difficulty by demonstrating that:

- (a) Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
- (b) A dimensional variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
- (c) The plight of the owner is due to unique circumstances of the property; and
- (d) The problem was not self-created.

BASIS OF DETERMINATION FOR DIMENSIONAL VARIANCES

The Zoning Board of Appeals must ensure that any dimensional variance granted from the ordinance:

- 1. Will not be contrary with the intent and purpose of the zoning ordinance;
- 2. Will not cause a substantially adverse effect upon adjacent properties;
- 3. Will relate only to the property under control of the applicant;
- 4. Will not essentially alter the character of the surrounding;
- 5. Will not increase the hazard from fire, flood or similar dangers;
- 6. Will not increase traffic congestion; and;
- 7. The variance is the minimum necessary to permit reasonable use of the land and buildings for activities permitted in the zoning district.

B. USE VARIANCES

A use variance should only be granted by the Zoning Board of Appeals under those exceptional circumstances where the current zoning district is clearly unreasonable as applied to a specific parcel, because it does not permit the property owner any **REASONABLE USE OF THE LAND. A USE VARIANCE REQUIRES A CONCURRING VOTE OF 2/3 OF THE FULL** membership of the Zoning Board of Appeals.

In order to obtain approval for a use variance, the applicant must demonstrate an unnecessary hardship exists that can only be resolved by grant of a use variance.

BASIS OF DETERMINATION FOR USE VARIANCES

The Zoning Board of Appeals must ensure that any use variance granted from the ordinance meets all of the following:

- 1. The property in question cannot be put to a reasonable use (i.e. there would be no

reasonable economic return from the privilege of ownership) if permitted to be used only for uses allowed in the district in which it is located; the plight of the owner is due to unique circumstances peculiar to the property and not to general neighborhood conditions;

2. The use variance, if granted, would not alter the essential character of the area or neighborhood; and
3. The problem is not self-created.

When all of the above are true, the Zoning Board of Appeals may grant the minimum use variance necessary to permit a reasonable use of the land.

C. GUIDELINES FOR ORDINANCE INTERPRETATION

The Zoning Board of Appeals is charged with the responsibility to make interpretations of the zoning ordinance. Use of the following guidelines will result in the preparation of the necessary record required for possible court action and to serve as a guide for future decisions.

1. Research the ordinance and supporting documentation carefully.
2. Carefully consider a questioned provision in light of the whole ordinance, and not simply the section in which it is found.
3. Consider the interpretation in light of the intent of the ordinance as it is written, not merely as it may have seemed to the people who drafted it.
4. Seek the advice of planning and legal counsel whenever it is available.
5. Make the decision on narrow grounds and limit the scope of an interpretation so that other unintended consequences do not result from the interpretation.
6. Document in writing the interpretation decision and the rationale for the decision.
7. Remember that the decision of the Zoning Board of Appeals on an interpretation question is final, until or unless the interpreted provision is amended by the Grant Township Board or overturned by a court of law.

Article 4. AMENDMENTS

SECTION 4.1 AUTHORIZATION

Amendments or supplements to this Ordinance may be made from time to time as provided in Michigan Zoning Enabling Act 110 of 2006 of as amended, and the procedures of that Act are outlined, as follows:

SECTION 4.2 NOTIFICATION & PUBLICATION PROCEDURE

After preparing amendments and supplements, the Planning Commission shall hold not less than one public hearing, notice of which hearing shall be given in accordance with Article 7, Section 7.26.D

In the event the amendment is in the form of a rezoning request, notice must comply with Article 7, Section 7.26.

An amendment for the purpose of conforming a provision of the Zoning Ordinance to the degree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency.

SECTION 4.3 NOTIFICATION OF COUNTY PLANNING COMMISSION

Following the hearing, the Township Planning Commission shall submit the proposed Zoning Ordinance, including any zoning maps, to the County Planning Commission for its comments.

SECTION 4.4 TOWNSHIP BOARD APPROVAL

Following County Commission action on the amendment, the Township Planning Commission shall transmit a summary of comments received at the public hearing and its proposed zoning text changes to the Township Board. The Township may hold additional public hearings if considered necessary. Notice of a public hearing held by the Township Board shall be published in accordance with Article 7, Section 7.26. If the Township Board considers amendments, changes, additions, or departures advisable to the proposed text or a Zoning Ordinance, it shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board.

After receiving the report, the Township Board shall grant a hearing on a proposed Ordinance provision to a property owner, who by certified mail addressed to the Clerk of the Township Board, requests a hearing and the Township Board shall request the Planning Commission to attend the hearing. Thereafter, at a regular meeting or at a special meeting called for that purpose, the Township Board may adopt the amendments and supplements by majority vote of its membership.

SECTION 4.5 PUBLICATION OF ADOPTION NOTICE

The Zoning Ordinance Amendment or Supplements shall be filed with the County Clerk, and one notice of Ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of Ordinance adoption shall include the following information:

- A. In the case of an amendment or supplement to the Zoning Ordinance, either a summary of the regulatory effect of the amendment, including geographic area affected, or the text of the amendment;
- B. The effective date of the Ordinance;

C. The place and time where a copy of the Ordinance may be purchased or inspected.

SECTION 4.6 AMENDMENT CHALLENGE BY REFERENDUM

Within thirty (30) days following the passage of the Zoning Ordinance Amendments, or Supplements, a petition signed by a number of qualified and registered voters residing in the portion of the township outside the limits of the cities and villages equal to three percent (3%) of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the township may be filed with the Township Clerk requesting the submission of amendments and supplements to the electors residing in the portion of the township outside the limits of the cities and villages for their approval.

Upon filing of the petition, an Ordinance or part of an Ordinance passed by the Township Board shall not be invalidated until it is rejected by a majority of the registered voters located in the portion of the Township outside the limits and cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitted amendments to the voters for their approval or rejection, and determining the result thereof.

Article 5. FEES, ENFORCEMENT, PENALTIES, AND VALIDITY

SECTION 5.1 INTENT AND PURPOSE

The Township of Grant desires to decriminalize certain violations of the Grant Township Zoning Ordinance by using municipal civil infractions ("Civil Infractions"), and to specify the violation enforcement practices of the zoning ordinance.

SECTION 5.2 FEES

The Township Board may establish fees to defray costs associated with the various administrative, legislative, review, and approval procedures required by this Ordinance. Fees will be payable at the time any application required under any such procedure is filed. These procedures include hearings before the Zoning Board of Appeals, as well as hearings or other actions on applications for Site Plan Review, Special Uses, PUD's, rezoning, and Ordinance amendments.

SECTION 5.3 ENFORCEMENT.

The Township Board may instruct the zoning administrator or Township Attorney to initiate a civil or criminal complaint or other legal action to enforce this ordinance. The zoning administrator is authorized to issue civil infraction citations under this ordinance.

SECTION 5.4 CIVIL INFRACTION VIOLATION.

Unless specified otherwise in this ordinance, violations of this ordinance are municipal civil infractions. Civil sanctions under this section may include, without limitations, fines, damages, expenses, and costs as authorized by Act 326 of Public Acts of 1961, as amended, subject to the following provisions:

- A. Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$75.00, plus other costs, damages, expenses, and other sanctions for each infraction.
- B. Increased fines may be imposed for repeat violations. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall not be less than \$250.00, plus costs for a first repeat offense, not less than \$500.00 plus costs per offense for a second repeat or any subsequent repeat offense.
- C. Any municipal civil infraction action may be commenced upon the issuance of municipal civil infraction citation directing alleged violator to appear in court.
- D. Failure to answer a citation to appear in court for a municipal civil infraction is misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.
- E. Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens, or other remedies as permitted in Chapter 87 of Act 326 of Public Acts of 1961, as amended.
- F. A municipal civil infraction is not a crime under this Ordinance and is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

SECTION 5.5 MISDEMEANOR VIOLATIONS.

It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00

(plus other costs), imprisonment for a term of not to exceed 90 days, or both fine and imprisonment; for any person who:

- A. Makes a knowing false statement, representation, or certification in an application, report, record, plan or other document filed or required to be maintained pursuant to this Ordinance; or
- B. Willfully continues or violates this Ordinance after suspension or revocation of a permit authorized under this Ordinance or other ordinances or state law.

SECTION 5.6 NUISANCE PER SE AND INJUNCTIVE RELIEF

A violation of any regulation contained in this Ordinance is determined to be detrimental to the health, safety, and general welfare of the residents, property owners, and other persons within Grant Township, and is deemed a public *nuisance per se*. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator or land owner to restrain and prohibit the violator or owner from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law. The township or any owner or owners of real estate within the Township may bring an action to enjoin such alleged violation activity.

SECTION 5.7 CONTINUING OFFENSES

Each day a violation continues constitutes a separate or repeat offense and shall be subject to penalties or sanction as a separate or repeat offense.

SECTION 5.8 LAND DIVISION VIOLATIONS

Where there is a violation of the Michigan Land Division Act, no zoning permits shall be issued.

SECTION 5.9 BUILDING CONSTRUCTION VIOLATIONS.

No person shall perform any construction, seek and receive a building permit as required by the Building Code in effect in Grant Township, or an environmental health, soil erosion, or other local or state permits as are enforced in Grant Township, without an approved zoning permit.

SECTION 5.10 OVERLAPPING JURISDICTION

In addition to the approvals and permits required and specified in this Ordinance, the Zoning Administrator shall, prior to the issuance of any zoning permit, be satisfied that the permit for the particular development and/or construction have been or will be approved from such state or other local, county, state and/or federal agencies having jurisdiction in such matters pursuant to local ordinances, county ordinances, state or federal laws.

SECTION 5.11 ADMINISTRATIVE LIABILITY

No officer, member, agent, or employee of the Township Board, Planning Commission, or Zoning Board of Appeals, shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause by discharging their duties and responsibilities pursuant to this Ordinance.

SECTION 5.12 SEVERABILITY

This Ordinance and the various parts, sections, paragraphs, subsections, phrases, and clauses thereof are declared to be severable. If any part, section paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by any court, the remainder of this Ordinance shall not be affected by that action.

SECTION 5.13 NON-REPEAL

This Ordinance shall not be construed to repeal by implication any ongoing enforcement action or violation of this or any other Ordinance of Grant Township pertaining to the same subject matter.

SECTION 5.14 EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication in a newspaper circulating with the Township of Grant, Oceana County, Michigan.

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Article 6. DEFINITIONS

SECTION 6.1 GENERAL INTERPRETATION

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular include the plural number and words in plural include the singular number. The word, "shall" is always mandatory and not directory. The word, "may" is always directory and not mandatory.

In the event a question should arise as to the definition of a word, term, or phrase not defined in this Article, the Webster Dictionary definition shall apply.

SECTION 6.2 TERMS DEFINED

The following definitions shall apply to the administration, use, and interpretation of this Ordinance:

A.1 ACCESSORY BUILDING

A building or structure, or a portion thereof, supplementary and/or subordinate to a main building or structure on the same lot, occupied by or devoted exclusively to, an accessory use. Semi-trailers, mobile homes, temporary classrooms, or recreational vehicles shall not be considered as accessory structures under this definition.

A.2 ACCESSORY USE

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

A.3 APARTMENT HOUSE

See Dwelling, Multiple-Family

A.4 AUTOMOBILE SERVICE STATION

A building and premises wherein gasoline, oil, grease, tires, batteries, and other automobile supplies and accessories may be sold at retail and installed, and where minor services may be rendered, not to include the following:

- A. Major mechanical and bodywork, such as straightening of body parts, painting, and refinishing.
- B. Storage of damaged automobiles not in operating condition, except those awaiting immediate service.
- C. Other work creating noise, glare, fumes, or smoke.

B.1 BASEMENT

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling.

B.2 BED AND BREAKFAST ESTABLISHMENT

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

B.3 BOARDING HOUSE

See Bed and Breakfast Establishment

B.4 BUILDING

Any structure, which is erected on a site or pre-manufactured, and having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property, or for carrying on business activities or other similar uses.

B.5 BUILDING HEIGHT

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip, or gambrel roof.

B.6 BREEZEWAY

A covered structure connecting an accessory building with the main building. The breezeway shall not be considered or included as part of the living area of the main building for determining square footage requirements for dwelling purposes or for determining yard and area requirements.

C.1 CABIN CAMP, CAMPGROUND, OR RUSTIC RESORT

A parcel of at least five (5) acres which provides space for camping tents or trailers, either with or without utilities provided. Although cabins for rent may be available, this does not include motels, hotels, or modern, full-service conference centers.

D.1 DAY CARE HOME, FAMILY

A single-family dwelling in which one (1) but less than seven (7) adults are received for care and supervision for periods of less than twenty-four (24) hours per day, or, in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.

D.2 DAY CARE HOME, GROUP

A single-family dwelling in which more than six (6) but less than twelve (12) adults are given care and supervision for periods of less than twenty-four (24) hours per day, or, in which more than six (6) but less than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

D.3 DRIVE-THROUGH BUSINESS

A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

D.4 DRIVEWAY

An improved path for vehicular traffic, that provides a means of access from a public street to adjoining property.

D.5 DWELLING UNIT

A building, or part thereof, providing complete living facilities, including sleeping, cooking, eating, and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

D. 6 DWELLING, MULTIPLE FAMILY

A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

D.7 DWELLING, SINGLE FAMILY

A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

D.8 DWELLING, TWO FAMILY

A building containing two (2) dwelling units, designed for exclusive use and occupancy by two (2) families.

E.1 ESSENTIAL PUBLIC SERVICES

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 waste disposal systems, including mains, drains, sewers, pipes, water pump stations, sewer lift stations, 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 but not including buildings. Electric substations, natural gas regulator stations, radio broadcasting and receiving towers, and equipment or structures used in cellular telephone systems are specifically excluded from the definition of essential public services.

F.1 FAMILY

A single individual or a number of individuals domiciled together whose relationship is of a continuing, non-transient, domestic character and who are cooking and living together as a single, nonprofit, housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

F.2 FLOOR AREA

For the purpose of computing the required number of parking spaces or minimum living area, the sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerlines of interior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

G.1 GARAGE

Part of a main building or an accessory building used primarily for the storage of personal property or the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

G.2 GREENBELT

A strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

H.1 HIGH WATER MARK

The line between upland (land which lies above the high water mark) and bottomland (that land area of a lake or stream which lies below the high water mark) which persists through successive changes in water levels, below which the presence and action of 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.

H.2 HOME OCCUPATION

A gainful occupation traditionally and historically conducted in a dwelling unit as an activity clearly incidental and secondary to the use of the building as a dwelling unit.

H.2 HUNTING AND WILDLIFE PRESERVE

The keeping of game (either domestic or exotic) or wildlife (animals not normally kept as pets) for the express purpose of controlled hunting and/or any other use where the animals are kept and preserved by artificial means such as delivery of food stuffs.

L.1 LOT (SEE APPENDIX 5, ILLUSTRATION # 1)

An undivided portion of land occupied or intended for occupancy by a main building or a group of such buildings and accessory buildings, or utilized for a main use and accessory uses, together with such yards and parking areas as may be present or required under the provisions of this Ordinance.

L.2 LOT AREA (SEE APPENDIX 5, ILLUSTRATION # 1)

The total horizontal area within the lot lines of a lot.

L.3 LOT, CORNER (SEE APPENDIX 5, ILLUSTRATION # 1)

A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than one hundred and fifty (150) feet, and the tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees.

L.4 LOT COVERAGE (SEE APPENDIX 5, ILLUSTRATION # 1)

A part or percent of a lot occupied by buildings or structures.

L.5 LOT DEPTH (SEE APPENDIX 5, ILLUSTRATION # 1)

The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line.

L.6 LOT LINES (SEE APPENDIX 5, ILLUSTRATION #2)

- A. Front Lot Line: 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 right of way.
- B. Rear Lot Line: That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line.
- Side Lot Line: Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

L.7 LOT OF RECORD

A lot whose legal description is recorded in the office of the Register of Deeds for the County of Oceana, State of Michigan, as a part of a plat or subdivision or by metes and bounds.

L.8 LOT WIDTH (SEE APPENDIX 5, ILLUSTRATION # 1)

The horizontal distance between side lot lines measured parallel to the front lot line at the

front setback line.

M.1 MANUFACTURED HOME

A mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for long term residential use and is wholly or substantially constructed at an off-site location, transported to a site and erected. (Manufactured structures of less than forty (40) feet in length shall not be included in this definition, but shall be considered recreational vehicles.)

M.2 MOBILE HOME

See definition for Manufactured Home.

M.3 MOBILE HOME PARK

Any parcel or single contiguous tract of land upon which three (3) or more occupied manufactured dwellings are located.

M.4 MOTOR HOME

A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy. (See also Recreational Vehicle)

M.5 MASTER PLAN

A land use and infrastructure plan that sets forth local goals, objectives and policies for community growth and/or redevelopment over the next 20-30 years. It is used as the basis for the local zoning ordinance, subdivision regulations, and other local land use regulations and for ensuring that capital improvements are consistent with the master plan.

N.1 NONCONFORMING BUILDING OR STRUCTURE

A building or structure lawfully existing on the effective date of this Ordinance, or amendments thereto, which does not conform to the regulations of the zoning district in which it is located, pertaining to minimum lot area, minimum lot width, minimum residential floor area, required yards, or maximum building height.

N.2 NONCONFORMING USE

A lawful use of a building, structure or land lawfully in existence on the effective date of this Ordinance, or amendments thereto, which no longer conforms to the use regulations of the zoning district in which it is located.

O.1 OFFICE

A room, suite of rooms, or building in which services, clerical work, professional duties or the like, are carried out.

P.1 PERSONAL SERVICE BUSINESS

Includes businesses which offer personal services, such as barbershops, beauty parlors, tanning salons and pet grooming.

P.2 PROFESSIONAL OFFICE

A room, suite of rooms, or building in which services, clerical work, professional duties or the like, are carried out.

P.3 PROFESSIONAL SERVICE BUSINESS

Includes doctor offices, dentist offices, real estate offices, chiropractors, optometry services, attorneys and other similar professional services.

P.4 PROFESSIONAL SERVICE ESTABLISHMENTS

Includes lawyers, doctors, dentists, accountants, brokers, realtors, and other similar professional service establishments.

P.5 PRINCIPAL BUILDING

The principal or main structure on a parcel is a permanently attached structure to said property with its own foundation or footing. For the purposes of clarity, the zoning administrator may designate a structure on a parcel as its principal building.

P.6 PRINCIPAL USE

The primary use of a building or parcel is a use as allowed by its zoning district.

P.7 PLANNING COMMISSION

A body appointed by the local governing body to prepare and maintain a master plan based on public and stakeholder input, and to independently advise the governing body on growth, development and/or redevelopment issues.

P.8 PERSON

Person includes any natural person, firm, association, partnership, organization, company or corporation, as well as an individual.

R.1 RECREATIONAL VEHICLE

A vehicle designed to be used primarily for recreation purposes, including but not limited to temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes. This definition shall include self-propelled motor homes, pick-up campers, travel trailers and tent campers and trailers, provided that any such vehicle or unit does not exceed forty (40) feet in length.

R.2 ROADSIDE STAND

A seasonal commercial operation where items such as produce, baked goods, Christmas trees, honey and maple syrup are offered for sale.

S.1 SETBACK (SEE APPENDIX 5, ILLUSTRATION #3)

A horizontal distance measured from all points along a lot line, which describes an area within which no building or structure may be placed, except in conformance with this Ordinance.

S.2 SPECIAL USE

A land use, which may be permitted in a specified zoning district only after review and approval by the Planning Commission as outlined in Article Eight.

S.3 STRUCTURE

Any production or piece of work artificially built up or composed of parts joined together in some definite manner, including, but not limited to buildings, radio and television towers, sheds, signs and storage bins.

V.1 VARIANCE

An authorization by the zoning board of appeals to utilize a parcel or structure in a manner or location which otherwise would be a violation of ordinance requirements when certain findings have been made.

V.2 VARIANCE (DIMENSIONAL)

An authorization by the Zoning Board of Appeals to a property owner to depart from the dimensional requirements of this Ordinance in cases where strict interpretation would cause undue hardship and where the property cannot reasonably be used in a manner consistent with the Ordinance.

V.3 VARIANCE (USE)

The grant of a variance by a zoning board of appeals allowing a use of land on a parcel that otherwise is not permitted by the zoning ordinance.

Y.1 YARD (SEE APPENDIX 5, ILLUSTRATION #4)

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.

Y.2 YARD, FRONT (SEE APPENDIX 5, ILLUSTRATION #4)

A yard extending across the full width of the lot, the depth of which is the distance between the road right-of-way and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard.

Y.3 YARD, REAR (SEE APPENDIX 5, ILLUSTRATION #4)

A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building.

Y.4 YARD, SIDE (SEE APPENDIX 5, ILLUSTRATION #4)

A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard.

Z.1 ZONING ADMINISTRATOR

The Grant Township Zoning Administrator. The Zoning Administrator is the principal person charged with the responsibility for administering the zoning ordinance.

Z.2 ZONING BOARD OF APPEALS

The Grant Township Zoning Board of Appeals. The Zoning Board of Appeals serves as the first level or step for an individual to appeal a decision, seek a variance from an ordinance standard as applied to his/her property, or to request an interpretation of the ordinance.

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Article 7. GENERAL PROVISIONS

The following provisions shall apply to all Articles of this Ordinance unless specifically stated elsewhere in the Ordinance.

SECTION 7.1 NON-CONFORMING USES, BUILDINGS, AND LOTS OF RECORD

A. INTENT

1. It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit legal non-conforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Non-conforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Ordinance that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

B. NON-CONFORMING LOTS OF RECORD

1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that the lot meets at least ninety percent (90%) of the required lot area or width required by that district and further provided that any building or structure constructed on the lot complies with all yard setback requirements.
2. If two 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, with continuous frontage do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

C. NON-CONFORMING USES

1. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
2. If a non-conforming use ceases for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance.
3. A non-conforming use may be changed to another non-conforming use provided that all of the following determinations are made by the Zoning Board of Appeals:
 - a. The proposed use shall be as compatible as or more compatible with the surrounding neighborhood than the previous non-conforming use.

- b. The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use.
- c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

D. NON-CONFORMING BUILDINGS AND STRUCTURES

- 1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way which increases its nonconformity. The building or structure may be altered as long as the non-conformity is not increased.
 - b. Should a non-conforming building or structure be destroyed to an extent of more than sixty percent (60%) of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
 - c. Should a non-conforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
- 2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any non-conforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.
- 3. Regardless of the preceding regulations, a single family home located in a zone which does not permit the same, may be altered, expanded and/or rebuilt upon obtaining the proper and necessary permits.

SECTION 7.2 NUISANCE PER SE

A violation of any provision of this ordinance, or permit issued under authorization of this ordinance, or condition of site plan, special use or PUD approval is a nuisance per se.

SECTION 7.3 HOME OCCUPATIONS

- A. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.
- B. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty percent (20%) of the floor area of the dwelling shall be used for the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation, with the exception of one sign which shall be limited to six (6) square feet.
- D. The home occupation shall be conducted entirely within the confines of the dwelling.
- E. There shall be no sale of products or services on the premises where the home occupation is located except those that are produced or used in the normal conduct of the home occupation.
- F. The home occupation shall not generate traffic in a greater volume than would normally

be expected in a residential neighborhood, or in any case no more than ten (10) vehicular trips per day. Any need for parking generated by the conduct of the home occupation shall be met with the provision of suitable off-street parking to be located without utilizing any portion of any required yard.

- G. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes or odors detectable to the normal senses off of the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.
- H. No outdoor storage or display of merchandise or products shall be permitted
- I. Home occupations shall not be permitted in any two-family dwelling or multiple family dwelling.

SECTION 7.4 ACCESSORY BUILDINGS, STRUCTURES AND USES

[For Accessory Structures in Medium Density District, See Section 21.4]

A. Accessory Buildings

- 1. Where an accessory building is attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
- 2. The total area of all accessory buildings in residential zoned districts shall not exceed one hundred twenty five per cent (125%) of the area of the primary residential unit.
- 3. No accessory building shall exceed twelve (12) feet wall height or twenty (20) feet peak height.

EXCEPTIONS:

- a. Accessory buildings in agricultural, commercial, and industrial zoned districts shall not exceed twenty (20) feet wall height or thirty five (35) feet peak height
 - b. Accessory buildings on parcels of record in R1 or R2 residential zoned districts ten (10) acres or greater shall not exceed sixteen (16) feet wall height or twenty six (26) feet peak height.
- 4. Accessory buildings shall not be permitted in the front yard.

EXCEPTIONS:

- a. Accessory buildings will be permitted in a front yard on lots that exceed ten (10) acres in size and have a minimum of three hundred thirty (330) feet road frontage.
- b. An accessory building up to six hundred seventy six (676) square feet will be permitted in a front yard of a lake front lot.

Amemded 5/9/2017

5. Residential/Resort Accessory Buildings and Structures

Accessory buildings shall be permitted within the Residential/Resort Districts provided that the following restrictions are met:

- a. .Accessory buildings shall not be permitted on a lot or parcel which does not have a main use building.
- b. No more than two (2) detached accessory buildings shall be permitted on any

residential/resort lot.

- c. The total area of all accessory buildings shall not exceed six hundred seventy six (676) square feet.
- d. An accessory building located in the rear yard shall not occupy more than twenty-five percent (25%) of the required rear yard area.
- e. Accessory buildings in excess of one hundred twenty (120) square feet must be designed, constructed, and finished such that the exterior appearance is compatible with that of the main building.
- f. No detached accessory building shall be located closer than ten (10) feet to any main building. The drip edge of any detached accessory building shall not be located closer than three (3) feet to any side or rear lot line.
- g. No accessory building shall exceed twelve (12) feet wall height or seventeen (17) feet peak height.

Amended on 5/9/2017

B. Accessory Uses Also see Appendix 2

1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district.
3. An accessory use must be in the same zoning district as the main use on a lot.

SECTION 7.5 OFF-STREET PARKING OF MOTOR VEHICLES

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, premises or structures hereafter used, 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 the main building or structure remains, unless an equivalent number of spaces are provided elsewhere in accordance with this ordinance.

- A. Adequate access shall be provided for all parking spaces. Off-street parking may be located within a side yard or rear yard area, provided that such parking space shall not be closer to the side lot line or rear lot line than is allowed by the applicable set-back and clearance requirements. No off-street parking shall be allowed within twenty-five (25) feet of any road right-of-way line.
- B. No parking area, parking space, or loading space shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- C. Each parking space shall be a minimum of nine (9) feet wide and shall contain at least one hundred eighty (180) square feet of area, exclusive of driveway and aisle space.
- D. Any lighting fixtures used to illuminate any off-street parking or loading area shall be so arranged so as to reflect the light away from any adjoining residential lots.
- E. All off-street parking areas that make it necessary for vehicles to back out directly into a public street are prohibited, except that this provision shall not apply to off-street parking areas for one or two family dwellings.
- F. Off-street parking facilities in non-residential and non-agricultural districts shall be

effectively screened on any side which adjoins or faces property in any residential district by a wall, fence, or compact planting not less than four (4) feet nor more than eight (8) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be placed or maintained so as to provide a traffic hazard through obstruction of visibility. Space for all necessary loading and unloading operations for any business, commercial, or industrial uses must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the area of the use it serves and shall not interfere with pedestrian or vehicular movement.

- G. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use.
- H. The following shall be a minimum of off-street parking spaces required in any residential district:
 - 1. One and two family dwellings - Two (2) spaces per dwelling.
 - 2. Multiple family dwellings - Two (2) spaces per each dwelling unit.
- I. For all commercial and industrial uses, and for any use not specified, or for any use for which a question arises as to the proper number of spaces required, the Planning Commission shall be furnished with all information regarding floor space, number of employees, and type of activity. The Planning Commission shall then determine the number of spaces required, and shall state in its decision the reasons or basis for determining such requirements.
- J. On the same premises with every building or part thereof, erected and occupied and used for manufacturing, storage, warehouse, goods display, department store, wholesale market, hotel, hospital, laundry, dry cleaning, or other use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the same lot adequate space for standing and for loading and unloading services in order to avoid undue interference with street or parking areas of the access thereto. Such space shall be provided to accommodate the greatest number of trucks or vehicles which may be standing, loading, or unloading at the same time.

SECTION 7.6 SITE LIGHTING

All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

SECTION 7.7 BUFFER AREAS AND GREENSPACE

In order to protect residential dwellings from new commercial or industrial activities or structures, those new non-residential uses shall not be located closer than one hundred sixty five (165) feet from any existing dwelling. In addition, such new commercial or industrial structure or related activity shall be screened from such adjoining dwelling in accordance with the following provisions:

- A. Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial, or industrial purposes and located within a Commercial district or an Industrial district shall be screened from adjoining premises located in a residential, agricultural, residential-resort, medium density, or PUD district by any of the following:

1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner.
 2. An artificial wall or fence maintained, constructed of uniform material and of uniform height of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner.
- B. No such planting area, wall, or fence shall be closer than ten (10) feet from any adjoining street right-of-way line.

SECTION 7.8 FENCES

- A. Privacy fences for residential uses shall not exceed six (6) feet in height as measured from the surface to the uppermost portion of the fence and shall not be any closer to a road than the front wall of a residential house that is facing the road. Residential houses that are one hundred (100) feet or greater from the edge of the road may have side yard privacy fences up to two thirds (2/3) the distance between the front wall of the house and the road, but in no case closer than fifty (50) feet from the road.
- B. Decorative fences, erected between the front wall of a residential house and the road right-of-way, in any district shall not exceed three (3) feet in height; shall be of a type which is not more than fifty (50) percent solid so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- C. Privacy/Decorative fences in any district shall be made of commercially available materials which are normally used for privacy / decorative fence construction; shall be a self-supporting system; and shall not contain barbed or razor wire or be electrified. Materials normally used for temporary fencing (such as snow fencing or angled metal fence posts) may not be erected as permanent privacy / decorative fences in any district.
- D. Temporary fences (such as for construction sites, special events, snow control) may be erected for the duration of the temporary use but in no case longer than one (1) year.
- E. Fences in Commercial and Industrial districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence not be nearer than six (6) feet from the surface of the ground. The total height of fences in Commercial and Industrial Districts shall not exceed eight (8) feet.
- F. Fences shall not be erected within any public road right-of-way in any district.
- G. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines.
- H. A zoning permit is required for any privacy/decorative fence erected in any district.

SECTION 7.9 RECREATIONAL EQUIPMENT STORAGE & USE

Recreational equipment may be located on any lot provided that the following requirements are met:

- A. If located on an interior lot; recreational equipment shall not be located within the front yard. If located on a corner lot, recreational equipment shall not be located in the yard of the secondary front lot line facing the street. If located on a through lot, recreational equipment shall not be located in the front yard or rear yard between a public street and

rear yard setback.

- B. Regardless of the provisions of this Section, recreational equipment may be parked within any yard for cleaning, loading, or unloading purposes for not more than forty-eight (48) hours within any seven (7) day period.
- C. Recreational equipment may be located on any lot provided that the following requirements are met:
 - A. If located on an interior lot, recreational equipment shall not be located within the front yard. If located on a corner lot, recreational equipment shall not be located in the yard of the secondary front lot line facing the street. If located on a through lot, recreational equipment shall not be located in the front yard or rear yard between a public street and rear yard setback.
 - B. Regardless of the provisions of this Section, recreational equipment may be parked within any yard for cleaning, loading, or unloading purposes for not more than forty-eight (48) hours within any seven (7) day period.
 - C. Recreational equipment may be used for living or housekeeping purposes provided all of the following conditions are met:
 - 1. Use thereof shall not exceed one hundred (100) days in any calendar year.
 - 2. Only on property that is either owned by and/or leased by the owner of the RV equipment.
 - 3. RV equipment may remain on the property up to a maximum of 180 days per calendar year if there is no permanent dwelling on the property.
 - 4. Property must conform to the standards of the zoned district.
 - 5. Provide for permanent water and septic services that are approved by the County Health Department (porta-johns are not approved under any circumstances).
 - 6. Provide for permanent electrical service that is connected to a public utility company.
 - 7. An approved zoning permit is issued.

Amended 5-9-2017

Section 7.10 Limit of One Principal Building or Use Per Parcel

No more than one principal use or principal building may be located on a parcel, except for groups of related industrial, commercial, or multiple family dwellings contained within a single, integrated complex, sharing parking and access. (See Section 7.16 Temporary Housing for Immediate Family Members, in this Article of the Ordinance.)

SECTION 7.11 ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration, or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration, or maintenance from the application of this Ordinance.

SECTION 7.12 BUILDING HEIGHT EXCEPTIONS

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, and penthouses or roof

structures housing necessary mechanical appurtenances.

SECTION 7.13 REQUIRED AREA OR SPACE

- A. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

SECTION 7.14 SWIMMING POOLS

- A. Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the Building Inspector surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four (4) feet or greater than six (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children
- B. Swimming pools, spas, hot tubs, and similar devices two (2) feet or less above grade at any point shall not be located less than ten (10) feet from any lot line.
- C. Swimming pools, spas, hot tubs, and similar devices in excess of two (2) feet above grade at any point shall not be located less than ten (10) feet from any lot line.
- D. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard.

SECTION 7.15 REGULATIONS APPLICABLE TO SINGLE FAMILY DWELLINGS

This section was revised and approved by the Township Board on June 23, 2015.

Any single-family dwelling, whether constructed on site or manufactured off site shall be permitted only if it complies with all of the following requirements:

- A. The dwelling unit shall comply with all applicable building, electrical, mechanical, plumbing, fire, energy, well, septic and/or other applicable Residential Building Codes which are adopted by State of Michigan; or shall comply with applicable Federal Mobile Home Construction and Safety Standards which are adopted by the U.S. Department of Housing and Urban Development (HUD). Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- B. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard, and maximum building height requirements of the zoning district in which it is located.
- C. If the dwelling unit is a HUD Standards constructed manufactured structure, the structure

must be certified by the manufacturer as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amend, at the time of manufacture. If used, the structure must be determined to be in sound structural condition and to be safe and fit for residential occupancy upon inspection by the Building Inspector or his designee. If the dwelling is a State of Michigan Code approved manufactured structure, the structure must be certified by the manufacturer as meeting all applicable State of Michigan Residential Building Codes at the time of manufacture. If the dwelling is a State of Michigan on site constructed dwelling, it must meet all the requirements of the State of Michigan Residential Building Code at the time of construction.

- D. If the dwelling unit is a HUD Standards constructed manufactured home, the manufactured home shall be installed with the wheels and tongue removed. The chassis and undercarriage shall be fully enclosed with commercially available water resistant materials. If the dwelling is a State of Michigan Code approved manufactured home, the dwelling must be removed from the carriers and placed on its own permanent continuous foundation and the carriers shall be removed from the property.
- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site. Such foundation shall comply with the frost protection requirements of the Michigan Residential Building Code. Such foundation shall be of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as allowed by the Michigan Residential Building Code for single-family dwellings.
- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions. If manufacturer's instructions are not available, the dwelling unit shall be installed pursuant to the Manufactured Housing General Rules as adopted by the Michigan Bureau of Construction Codes. All HUD Standards constructed manufactured homes must be secured to the foundation by an anchoring system complying with the standards of the Michigan Mobile Home Commission pertaining to licensed manufactured housing communities. All State of Michigan Code constructed manufactured homes must be secured to the foundation in compliance with the current Michigan Residential Building Code.
- G. Residential dwelling units located in the Residential/Resort zoned districts may be a HUD Standards manufactured compliant structure or a Michigan Residential Building Code compliant structure. Dwelling units located in the Residential/Resort zoned districts shall have a minimum continuous horizontal nominal wall dimension across all front, side and rear elevations of the primary structure of sixteen (16) feet and a minimum floor area of nine hundred sixty (960) square feet at the time of manufacture or construction.
- H. Residential dwelling units located in the R-1; R-2; A-5; A-10; Commercial; Industrial zoned districts may be a HUD code manufactured structure or a Michigan Residential Building Code compliant structure. All dwelling units shall have a minimum horizontal dimension across all front, side, or rear elevations of twenty-eight (28) feet at the roof eave line and a minimum floor area of one thousand (1,000) square feet at time of construction or manufacture.
- I. Residential dwelling units located within the Medium Density Residential zoned district must be constructed or manufactured to the Michigan Residential Building Code requirements. The dwelling units shall have a minimum horizontal dimension across all

front, side and rear elevations at the roof eave line twenty-eight (28) feet and a minimum floor area of one thousand two hundred (1,200) square feet at the time of construction or manufacture.

- J. If the dwelling unit is a HUD Standards constructed manufactured home, the structure shall have a minimum 3/12 roof pitch and a maximum 7/12 roof pitch. If the dwelling is constructed or manufactured to the State of Michigan residential building code, it shall have a minimum 4/12 roof pitch and a maximum 12/12 roof pitch. Attached accessory structures roof pitch shall not be less than one half (1/2) the roof pitch of the main structure.
- K. All habitable residential dwelling units being erected or located within the township, whether new or used, whether constructed on site or manufactured off site, shall contain at a minimum; double pane insulated windows, wooden side wall sheeting, wooden roof decking, and shall have a pitched roof at the time of manufacture or construction.

SECTION 7.16 TEMPORARY HOUSING FOR IMMEDIATE FAMILY MEMBERS (AS AN ACCESSORY TO THE PRINCIPAL DWELLING UNIT, ONLY)

As an accessory to a permitted residence, temporary housing for elderly, health impaired, or otherwise disadvantaged immediate family members shall be permitted under the following provisions:

- A. The applicant must present adequate evidence of need to the Planning Commission. This may be accomplished with letters from the family physician, clergy, or mental health worker.
- B. The dwelling unit must comply with all applicable provisions of this Ordinance, including setbacks, condition of dwelling and water and sanitary sewer requirements. Minimum size requirements may be waived by the Planning Commission, when appropriate.
- C. This permit must be renewed by the Zoning Administrator every twelve (12) months. Continued evidence of need shall be presented at that time.
- D. The dwelling shall be removed within ninety (90) days after it has been determined that the unit is no longer needed for the intended family member.

SECTION 7.17 ILLEGAL DWELLINGS

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

SECTION 7.18 TEMPORARY BUILDINGS AND STRUCTURES ASSOCIATED WITH CONSTRUCTION (INCLUDING BOTH UTILITY AND DWELLING UNITS)

Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- A. Temporary buildings and structures may be used for the storage of construction materials, tools, supplies, and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot.
- B. No temporary building or structure intended for construction use shall be used as a dwelling unit.
- C. A building permit shall be issued by the Building Inspector prior to installation of a temporary building or structure.

- D. Permits to allow a temporary dwelling unit to be used during construction of a permanent dwelling may be obtained from the Zoning Administrator provided that the property owner has obtained:
 - 1. A building permit for the permanent dwelling.
 - 2. Documentation of approved footings and foundation inspection by the Township Building Inspector.
- E. The temporary permit is valid for a period not to exceed one hundred and eighty (180) days. The permit may be extended by the Zoning Administrator for a period of six (6) months in cases where delays have occurred to the construction of the permanent structure which were beyond the control of the property owner.
- F. Temporary buildings and structures, whether erected for construction or temporary residence, shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Inspector for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

SECTION 7.19 TIMELY COMPLETION OF CONSTRUCTION REQUIRED

Following the initiation of the construction, erection, reconstruction, modification, expansion or enlargement of any building or other structure authorized under the provisions of this Ordinance, completion of such work shall be diligently pursued and completed in a timely manner. Unless otherwise specified as a condition of approval of a site plan or special land use by the Planning Commission, any construction authorized under the provisions of this Ordinance shall be completed within two (2) years from the date of issuance of a building permit for such construction.

SECTION 7.20 KEEPING OF FARM ANIMALS AND HOUSEHOLD PETS

*See Article 20 for keeping of **dangerous animals***

A. Household Pets

The keeping of animals generally regarded as household pets, such as dogs, cats, fish, birds, hamsters and the like, is permitted in any zoning district subject to the following conditions:

- 1. No more than three (3) dogs or three (3) cats six (6) months of age or older, or a combination of dogs and cats totaling three (3) animals six (6) months of age or older, shall be kept or housed on any single lot.
- 2. A litter of dogs or cats in numbers greater than provided above shall not constitute a violation of this provision until the litter is older than four (4) months of age.
- 3. No more than two (2) litters are allowed in any single consecutive twelve (12) month period.

B. Farm Animals

The keeping of animals generally regarded as farm animals and livestock, such as poultry, hogs, horses, and cows is permitted only in the Agricultural zoning district subject to the following conditions:

- 1. Farm animals may be kept on parcels of land five (5) acres in size or larger.
- 2. Farm animals may be penned or housed no closer than two hundred (200) feet from any dwellings except the dwelling or dwellings located on the parcel on which the

animals are housed.

EXCEPTION:

Chickens may be kept on residential zoned property provided it meets all the requirements of R-1 zoned property and subject to the following conditions:

1. Chickens shall be penned or housed no closer than one hundred (100) feet from any dwellings except the dwelling of dwellings of the owner.
2. Applicable building/zoning permits must be obtained before any structures are erected for the housing of the chickens.
3. Any products received from the chickens shall be for property owner's personal use only.
4. A Maximum of ten (10) chickens may be housed at any one time.
5. A special use permit must be obtained prior to receiving any chickens.

SECTION 7.21 WITHHOLDING OF APPROVAL

The Planning Commission may withhold recommending to the Township Board the approval of any use, site plan, or other approval required by this Ordinance pending approvals which may be required by county, state, or federal agencies or departments.

SECTION 7.22 ROADSIDE FARM STANDS

These seasonal, commercial operations where items such as produce, baked goods, Christmas trees, honey, and maple syrup are offered for sale, shall be allowed provided that:

- A. Seventy-five percent (75%) of the items offered for sale at a roadside stand shall be grown or produced on the same property on which the stand is located. An exception is allowed if the goods are produced or grown on other Oceana County property which is also owned by the owner of the property on which the stand is located.
- B. An exception is allowed in residential districts where a small amount of surplus garden goods are offered for sale on an occasional basis not to exceed three (3) days in a calendar week.

SECTION 7.23 SIGN REGULATIONS

- A. The following signs shall be regulated by District in this Ordinance:

1. Residential Districts:

Signs advertising Home Occupations shall be mounted flat to the wall of the residence and shall not exceed six (6) square feet in area.

2. Agricultural Districts:

Signs advertising the sale of farm products produced on the premises shall be limited to two (2) signs erected on opposite approaches to the roadside stand or main entrance to the property. The maximum sign area shall be fifteen (15) square feet. Such sign shall not be located within any public road right-of-way, and shall not be placed or erected so as to obstruct the vision of or create any hazard to vehicular or pedestrian traffic.

3. Commercial/Industrial Districts:

- a. Signs pertaining exclusively to the business carried on within a building may be mounted or painted on the building walls or may be free standing. Such signs

may be erected in any combination as long as the total area of all signs does not exceed fifty (50) square feet. Free standing signs may be erected no closer than thirty (30) feet to a road right of way, or ten (10) feet to a side lot line.

- b. Such signs may be illuminated, provided that where moveable illumination is employed, such illumination shall be approved in advance by the County Road Commission which shall make certain that light intensity, color, and movement are not distracting to motor vehicle operators so as to constitute a traffic hazard.
- c. Gasoline service stations shall be limited to one permanent sign on each highway frontage not exceeding twenty-five (25) feet in height or fifty (50) feet in area and so installed as to not obstruct vision of traffic to a height of sixteen (16) feet. All temporary signs shall be firmly attached to the main building and mounted parallel to the wall.

B. Off-Premise Advertising Signboards (Billboards)

Off-Premise advertising signboards and structures shall be permitted provided they are less than one hundred sixty (160) square feet in area; are greater than three (3) clear feet above ground and greater than thirty (30) feet from the public right-of-way line and greater than ten (10) feet from the side lot line. Before any off-premise sign is placed, written permission must be obtained from the property owner.

- 1. Large off-premise advertising signboards and structures are those structures greater than fifty (50) square feet but less than one hundred sixty (160) square feet in area shall be permitted in commercial zoned districts only. Illumination shall be approved by the Oceana County Road Commission in accordance with section 3.b. Not more than one (1) sign shall be permitted for each five hundred (500) feet of road frontage. Such signboards and related structures shall require a building permit prior to erection.
- 2. Small off-premise advertising signboards up to twenty (20) square feet each shall be permitted along Oceana Drive or within one (1) mile of Oceana Drive along any road intersecting Oceana Drive or between any US31 Freeway interchange and Oceana Drive. No illumination will be allowed. Up to three (3) small outdoor advertising signboards for a total area up to fifty (50) square feet will be allowed to be grouped together. Small sign groups must be a minimum one quarter (1/4) mile apart. The second (2nd) or third (3rd) sign owner must have written approval of any existing sign owner(s) prior to the erection of additional sign(s) at any sign group location. Any small sign must greater than one hundred (100) feet from any single family residential structure. Any sign or group of signs must be a minimum of forty (40) feet from solid white line on Oceana Drive and/or thirty (30) feet from the edge of an intersecting road.
- 3. All off-premise advertising signs and/or permanent signs require a zoning permit before erection.

C. General Regulations for Specific Uses in Any District:

- 1. Churches, schools, institutions, clubs, and similar organizations may erect one (1) sign to serve as identification, not to exceed twenty (20) square feet in area. One freestanding sign or bulletin board not attached flat to the wall of the main building shall also be permitted when located not less than twenty-five (25) feet from any property line.
- 2. No sign shall be attached to any living tree with nails or other piercing mechanism.

3. Obsolete signs shall be removed.

D. Exempted Signs:

The following signs shall be exempted from the provisions of this ordinance:

1. Real Estate Signs
2. Construction Signs
3. Political Election Signs
4. Traffic Signs
5. Any Sign placed by a governmental body or required by Michigan Department of Transportation regulations deemed necessary for the general health, safety, and welfare of the residents of the community.
6. State and Federal Signs (Trunklines)

SECTION 7.24 DRIVEWAYS

Driveways shall have a minimum cleared width of at least fourteen (14) feet, and clearance height of at least twelve (12) feet.

FRONTAGE SECTION 7.25 OR ACCESS REQUIRED

All lots created on or after the effective date of this ordinance shall have frontage on a public street, or shall have a means of permanent and unobstructed access to a public street by way of an easement of record. Such easement of record shall have a minimum width of thirty (30) feet, excepting where an access easement of record of less width existed prior to the adoption of this Ordinance.

SECTION 7.26 PUBLIC NOTIFICATION (See appendix 6 for a quick reference chart)

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Grant Township Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Grant Township and mailed or delivered as provided in this Section.
- B. Content: All mail, personal and newspaper notices for public hearings shall:
 1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).

4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request and one occupant of all structures within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Grant Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 7.28 Registration to Receive Notice by Mail.
 - d. Other governmental units or infrastructure agencies within 300 feet of the property involved in the application.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. The Grant Township Assessor/Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval. [This means it must be published in a newspaper of general circulation and for those receiving personal notice, deposited for delivery or personally delivered, not less than 15 days before the hearing.]

SECTION 7.27 REGISTRATION TO RECEIVE NOTICE BY MAIL:

- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Grant Township Clerk to receive written notice of all applications for development approval pursuant to Article 7, Section 7.26 C Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Grant Township Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

- B. Requirements: The requesting party must provide the Grant Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

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Article 8. ZONING DISTRICT INTENTIONS

SECTION 8.1 DIVISION OF THE TOWNSHIP

The Township of Grant shall be divided into Zoning Districts as described in this Article. Within each zoning district, no premises shall be used, nor any use established, nor any building erected, used, occupied, altered, or expanded except as may be specifically permitted in each separate zoning district. Special uses or variances may be allowed in each zoning district classification provided the proper approval is obtained as is required and provided for by this ordinance.

SECTION 8.2 ZONING MAP (SEE APPENDIX 1)

The location and boundaries of the zones established in Grant Township shall be shown on the 'Grant Township Zoning Map' and said map, section, or portion thereof, together with all notations, dimensions and other data shown thereon are hereby made a part of this Ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein. The Official Copy of the Zoning Map, properly attested shall be in the custody of the Township Clerk. Such Zoning Map may be amended from time to time to reflect changes in Zones and the re-zoning of property shown thereon in the same manner as amendments may be made to the text of this Zoning Ordinance. Such changes shall be recorded to the scale on duplicate copies of the original Official Zoning Map and shall be accomplished by written legal descriptions and appropriate amending ordinances. The map and descriptions are located at Appendix 1.

SECTION 8.3 ZONING DISTRICTS AND INTENTIONS

8.3.1 AGRICULTURAL - A5 & A10 DISTRICTS

Agricultural districts are those open areas of the township where farming, dairying, forestry operations and other such rural type activities exist and should be preserved and encouraged. Large vacant areas, fallow land, and wooded areas may also be included. Although demand for other uses in this district may increase in the future, any such zoning changes affecting the Agricultural character of the Grant Township community should be made with caution and deference to the promotion of an adequate food supply, the quality of living, and to the general idea of the good health and welfare of the township.

8.3.2 RESIDENTIAL DISTRICTS - R1 & R2

Residential districts are intended to encourage low density, single family dwellings, together with the minimum of other residentially related facilities and activities primarily of service to residents in the area.

8.3.3 MEDIUM DENSITY RESIDENTIAL DISTRICTS

Medium Density Residential Districts are intended to be used for residential purposes of single family dwellings in a concentrated setting as provide herein. These zoning districts are to be so situated and planned for each dwelling to be served by its own private sewerage disposal and water supply system according to the latest requirements or recommendations of the County Health Department.

This Zoning District is to be so situated as to be easily and most economically served by public sewage and water supply when and if available.

All new developing subdivisions, or extensions thereof in this district, shall be designated so as to provide for a blind stub from the private sewerage disposal system extending from the front of the house so as to facilitate orderly and economical hook-up to a public system if it should become necessary.

8.3.4 RESIDENTIAL/RESORT DISTRICTS

Residential/Resort districts are intended to provide for the establishment and preservation of higher density, varied use types of housing including resort related residences and enterprises in areas conducive to such uses.

8.3.5 PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS

Planned Unit Development Districts are intended to provide for the establishment of pre-planned uses subject to review and approval by the township.

8.3.6 COMMERCIAL DISTRICT

Commercial lands are established to encourage and facilitate the development and maintenance of sound and efficient shopping, business, and service areas. To promote the desired level of growth and orderly development of a Commercial District, it may be necessary to regulate and exclude certain uses and activities which otherwise tend to disrupt the efficient functioning of commercial areas.

8.3.7 INDUSTRIAL DISTRICT

The purpose of the Industrial District is to encourage, facilitate, and maintain the development of industrial enterprises in appropriate areas of the Township which are conducive to public health, economic stability and growth, protected from blight and deterioration and non-industrial encroachment; and to provide for convenient transportation access, proximity to public services, and at locations that would not suffer adverse effects from industrial activities.

8.3.8 MOBILE HOME PARK OVERLAY AREA (MHPA)

The MHPA (Mobile Home Park Overlay Area) is established to provide locations for high density lower cost single family dwellings and yet not detract from or devalue surrounding or adjacent buildings or property. See Article13 for regulations.

SECTION 8.4 DISTRICT REGULATIONS

Permitted uses and dimensional regulations vary between Zoning Districts. This Ordinance provides those regulations in table form.

Appendix 2 is a cataloging of the permitted and special uses allowed in each Zoning District.

Appendix 3 details the dimensional regulations for each district.

Article 9. PLANNED UNIT DEVELOPMENTS

SECTION 9.1 INTENT AND PURPOSE

This Article provides enabling authority and standards for the submission, review, and approval of applications for Planned Unit Developments. It is the intent of this Article to authorize the consideration and use of Planned Unit Development regulations for the following purposes:

- A. To encourage the use of land in accordance with its character and adaptability.
- B. To promote the conservation of natural features and resources.
- C. To encourage innovation in land use planning and development.
- D. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township.
- E. To promote and ensure greater compatibility of design and use between neighboring properties.
- F. To provide for the regulation of land uses not otherwise authorized within this Ordinance.

The provisions of this Article are not intended as a device for ignoring the Zoning Ordinance or the Master Plan upon which it has been based. To that end, provisions of this Article are intended to result in land use development substantially consistent with the underlying zoning.

The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

SECTION 9.2 PERMITTED USES

The following specific uses, as well as all other uses permitted in any zoning district by this ordinance and other special uses not so permitted, may be authorized as planned unit developments:

- A. Camps and campgrounds
- B. Cemeteries
- C. Congregate adult living facilities
- D. Community swimming pools and other recreation facilities
- E. Conference and convention facilities
- F. Golf courses, country clubs, and clubhouses
- G. Hotels and motels, bed and breakfast facilities, and similar rental accommodations
- H. Hospitals and clinics
- I. Industrial parks and/or research parks, provided however, said parks shall not be located in an underlying residential district.
- J. State licensed group homes and nursing homes
- K. Marinas

- L. Mobile home parks
- M. Offices and office parks
- N. Philanthropic institutions
- O. Private clubs
- P. Public and private schools and colleges
- Q. Resorts and ranches, including motels, restaurants, and similar associated uses
- R. Shopping centers
- S. Single-family, two-family and multi-family dwellings, and residential condominiums

SECTION 9.3 DEVELOPMENT REQUIREMENTS AND STANDARDS

- A. Minimum Area. In order to be zoned for a PUD, the proposed PUD must contain a contiguous land area of at least ten (10) acres in size. Land traversed by a dedicated public right-of-way shall be considered contiguous.
- B. Maximum Density. The maximum density of any PUD shall not exceed the permitted densities of the underlying zoning district by more than 1.5 times. Densities shall be based on the gross area of the PUD. Where the underlying zoning districts have different density requirements, the proportional average shall be calculated and applied to the PUD.
- C. Minimum Standards: Underlying District and Waiver. Unless specifically waived by the Township Board upon the recommendation of the Planning Commission, all regulations of the underlying zoning district prior to the PUD request relative to lot size, lot width, yard area, structure height, setback, accessory uses, signs, parking and loading, landscaping, general provisions, and other applicable regulations shall apply, except that in projects within an underlying residential district which contain mixed uses, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply. Departures shall only be waived if it is demonstrated by the applicant that there are features or planning mechanisms designed into the project which would achieve the objectives of each of the regulations from which a departure is being requested.
- D. Design Considerations. A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compliance of the project with adjoining properties and the general area where the property is located:
 1. Ingress and egress to property and proposed buildings and structures thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 2. Off-street parking and loading where required, with particular reference to impacts of noise, glare, or odor on each use in the proposed PUD and adjacent land uses;
 3. Refuse and service areas;
 4. Utilities, with reference to locations, availability, and compatibility;
 5. Screening and buffering, with reference to type, dimensions, and character;
 6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties and properties in the proposed PUD;

7. Required yards and other open spaces;
 - a. General compatibility with adjoining properties and properties in the proposed PUD; and
 - b. The purposes of this Ordinance.
- E. Review Standards. In making its recommendations or approvals, the Planning Commission and Township Board shall find that the proposed PUD meets the intent of the PUD district and the following standards:
1. Granting of the PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 2. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 3. The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Article.
 4. The PUD shall not diminish the opportunity for surrounding property owners to develop and use their property as zoned.
 5. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Building Inspector.
 6. All zoning pursuant to this Article shall give due consideration to maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, vibration, gas, smoke, dust, dirt, litter, odor, light glare, traffic congestion, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on surrounding property values, light and air, overcrowding of persons, sanitation, surface and ground water quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations which have an effect on the achievement of the purposes of this Ordinance.

SECTION 9.4 APPLICATION AND PROCEDURES

- A. Prior to the submission of an application for PUD, the applicant shall meet with the Building Inspector, and such consultants as deemed appropriate. The applicant shall present at such pre-application conference, or conferences, a sketch plan of the PUD, and the following information:
1. A legal description of the property in question;
 2. The total number of acres to be included in the project;
 3. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
 4. The approximate number of acres to be occupied and/or devoted to or by each type of use;
 5. Departures from the minimum underlying zoning regulations which may be requested;
 6. The number of acres to be preserved as open space or recreation space; and

7. All known natural resources and natural features.
- B. Applicants for PUD approval shall prepare and submit to the Building Inspector nine (9) copies of a preliminary site plan for the PUD. The Building Inspector shall transmit a copy of this plan to the Planning Commission and the Township Board. This plan shall set forth, in general terms, the proposed uses to be developed in the PUD and the following specific information:
1. The legal description of the land included in the PUD;
 2. A small scale location sketch of properties, streets, and uses within three hundred (300) feet of the PUD;
 3. A map or drawing to scale showing the conceptual layout and any existing or proposed arrangements of:
 - a. General uses;
 - b. Streets;
 - c. Lots and buildings;
 - d. Access points;
 - e. Other transportation arrangements;
 - f. Buffer strips;
 - g. Recreation and open space areas.
 4. A narrative describing:
 - a. The overall objectives of the PUD;
 - b. Number of acres allocated to each use;
 - c. Gross densities;
 - d. Proposed method of providing sewer and water service and other public and private utilities;
 - e. Proposed method of providing storm drainage;
 - f. Phasing plan if final site plan approved will be developed in phases.

The Planning Commission shall review the preliminary site plan and make recommendations to the applicant based on the requirements of this Ordinance and specific site related considerations.

5. The Planning Commission shall transmit its recommendations pertaining to the preliminary site plan along with any recommended changes or modifications thereof to the applicant. A copy of the Planning Commission's recommendations shall be transmitted to the Township Board. In the course of its consideration of the preliminary site plan, the Planning Commission shall call a public hearing and give such notice as required for any zoning amendments. See Article 7, Section 7.26 for notification requirements.
6. After receiving the recommendation of the Planning Commission, the Township Board shall either approve, deny, or approve with conditions the PUD application and preliminary site development plan site plan in accordance with this Article and the standards for approval and conditions for a PUD as contained herein.
7. A building permit shall not be issued until Planning Commission approval of the PUD

final site development plan.

8. Where provisions of Michigan Public Act 288 of 1967, the Subdivision Control Act and/or Michigan Public Act 59 of 1978, Condominium Act, as amended shall apply, the applicant shall thereafter submit the information and plans as may be required by 288 PA 1967 or 57 PA 1978 and all other local procedures or regulations pertaining to platting approval.
- C. The PUD amendment including the preliminary site development plan as approved and narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All improvements and uses shall be in conformity with this amendment, except as otherwise permitted by this Ordinance. The applicant shall record an affidavit with the Oceana County Register of Deeds, which shall contain the following:
 1. Date of approval of the PUD by the Township Board.
 2. Legal description of the property.
 3. A statement that the property will be developed in accordance with the approved PUD final site development plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.
- D. A certified copy of the affidavit shall be provided to the Township.

After receiving the PUD rezoning and preliminary site plan approval from the Township Board, the applicant shall have one (1) year to submit a final site development plan for review and approval to the Planning Commission prior to starting any construction. This one (1) year limit shall apply to only the first phase or stage of development and may be extended for a period of one additional year by the Planning Commission upon finding that the PUD development has encountered unforeseen difficulties and is not ready to proceed.

The final site development plan shall contain the same information required for the preliminary site development plan and shall contain such other information, including that listed below, unless otherwise instructed by the Planning Commission:

1. Location and phasing of all buildings and structures in the PUD.
 2. Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
 3. Proposed contour lines at not greater than five (5) foot intervals unless otherwise stated.
 4. Proposed land landscaping including type, number, and size of trees and shrubs.
 5. Location of signs and exterior lighting.
 6. Location of sidewalk, footpaths, or other pedestrian walkways.
 7. Distance of all buildings from lot lines, right-of-ways, and other principal buildings.
 8. Exterior architectural drawings noting building materials, height and area of buildings, and accessory structures.
 9. Next proposed phases of project (timing and physical extent).
- E. Prior to setting the public hearing, the applicant shall submit all required and requested information to the Township. Once complete, the Building Inspector shall transmit the

complete application to the Planning Commission. The Planning Commission shall determine a date for and hold a public hearing for consideration of the PUD final site development plan. Notice shall be given in accordance with special use application.

- F. Following the public hearing, the Planning Commission shall either approve, deny, or approve with conditions the final site plan in writing. In making its decision, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the standards identified above.

SECTION 9.5 REQUIRED IMPROVEMENTS AND PERFORMANCE GUARANTEES

In approving a permit for a PUD, the Township Board may, in addition to other matters, require that all or any part of the improvements and other elements of the PUD be constructed and completed prior to the issuance of an occupancy permit. In the event that these buildings, improvements, or other elements are partially completed to a point where occupancy will not impair the health, safety, and general welfare of all parties concerned, then the Building Inspector may, in accordance with the provisions of this Ordinance relating to authorization of a special use, grant an occupancy permit on such reasonable conditions relating to completion as the Building Inspector shall establish. The Building Inspector may, in his discretion, refer any such decision concerning the conditional occupancy permit to the Planning Commission.

To insure compliance with the Zoning Ordinance and any conditions imposed hereunder, the Township Board may, in granting approval of a PUD, require a performance guarantee to consist of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with the PUD be deposited with the Clerk of the Township to insure faithful completion of the improvements. This performance guarantee shall be deposited at the time of the issuance of the permit authorizing the PUD. If the performance guarantee is a cash deposit, it shall be rebated periodically by the Planning Commission on application by the depositor in reasonable proportion to the ratio of the work completed on the required improvements. For purposes of this subsection, the word "improvements" shall mean those features and actions associated with the PUD which are considered necessary by the Township Board to protect natural resources, and/or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed PUD and the area surrounding the PUD, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire PUD.

SECTION 9.6 MODIFICATION OF PUD

Minor changes to a PUD final site development plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations. Minor changes include all matters that were approved by the Planning Commission in the final development plan that were not part of the preliminary development plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided they are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five percent (5%) of the gross floor area, whichever is smaller.

A **major change** to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include, but are not limited to, increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.

Article 10. SPECIAL USES

SECTION 10.1 INTENT AND PURPOSE

Special Uses may be authorized in the various zoning districts if adequate safeguards are provided to ensure the protection of the public health, safety, and general welfare. Special uses may be authorized by the Township Board upon the recommendation of the Planning Commission by issuance of a special use permit provided:

- A. The proposed uses when listed as a special use for that district in which said use is located or other such uses similar to and compatible with the listed uses or accessory thereto.
- B. The provisions of this Article are complied with.
- C. The standards for the particular use as stated in the provisions for that district in which said use is located are fulfilled, and the standards or other requirements of this Article are met.

SECTION 10.2 PROCEDURE

- A. Applications for special use permits shall be submitted to the Zoning Administrator. Applications shall include:
 - 1. A completed application form;
 - 2. An application fee, and;
 - 3. A site plan complying with the requirements of Article Eleven, Section 11.3.
 - 4. All approved special use permits shall be issued in the land owner's name and in any third party name involved with that special.

In the case of a minor development requiring a special use permit, the Zoning Administrator may waive portions of the information required for a site plan not necessary for determination of compliance with this Ordinance. When the application is for a landfill, a commercial dumping ground, or a natural resource extraction operation, the site plan shall include existing topography at five (5) foot contour intervals and proposed contour lines at the same interval which will exist upon completion of the operation.

- B. An application for a special use permit shall be processed in the following manner:

Notification & Publication: Upon receipt of an application filed under the provisions of this Article, notice shall be published in accordance with Article 7, Section 7.26.

The Zoning Administrator shall forward the application and supporting data to the Grant Township Planning Commission. The Planning Commission shall review the proposed special use in the context of the specifications established in this Ordinance.

Following the public hearing, the Planning Commission shall make recommendation to the Township Board concerning the issuance of a special use permit. A written record of deliberations on the request shall be included in the Planning Commission's record of proceedings.

Amended 5/9/2017

SECTION 10.3 BASIS OF DETERMINATION

The Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall find adequate evidence that such use in the proposed location:

- A. Will be harmonious with and in accordance with the general and specific objectives of any Grant Township development plans, regulations, or guidelines.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious 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 to be located.
- C. Will not be hazardous or disturbing to existing or future nearby uses. Special consideration shall be given to the issuing of a special use permit within any Agricultural district to assure that such action will not be detrimental to existing or potential farming operations.
- D. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- E. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
- F. Will be consistent with the intent and purposes of this Ordinance.

SECTION 10.4 CONDITIONS AND SAFEGUARDS

- A. Prior to recommending any Special Use Permit the Planning Commission may impose additional conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Use Permit as in its judgment may be necessary for the protection of the public interest.
- B. Conditions and requirements stated as part of Special Use Permit authorization shall be the continuing obligation of Special Use Permit holders. The Zoning Administrator is authorized to make periodic investigations of developments authorized by a Special Use Permit to determine compliance with all requirements.
- C. Special Use Permits may be issued for an unlimited period of time or for a specific duration of time, then at the expiration of such time the Special Use Permit shall be deemed terminated unless renewed according to the procedures otherwise applicable for the issuance of an original special use permit.
- D. In recommending a Special Use Permit, the Planning Commission may require that a cash deposit, certified check, bond, letter of credit, or other financial guarantee acceptable to the Planning Commission, in such reasonable amount as the Planning Commission shall determine to be appropriate, be furnished by the Applicant to insure compliance with the terms of the Special Use Permit and with such other requirements as the construction of drives, walks, utilities, parking, landscaping, and the like. The financial guarantee shall be deposited with the Township Clerk at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. All plans, specifications, and statements submitted with the application for a special use permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any permit issued thereto.
- F. The foregoing general standards are basic to all special uses. Specific requirements accompanying designated uses as set forth commencing in this ordinance, are additional requirements to and shall be required in applicable situations.

SECTION 10.5 TERMINATION OF SPECIAL USE PERMIT

Special Use Permits may be terminated in the event that there is a material violation of the terms or conditions of such special use permit by the owner or occupants of the property granted the Special Use Permit. In such event, the Special Use Permit shall be terminated pursuant to the following procedure:

- A. The Zoning Administrator or the Planning Commission shall provide the owner of the property with a written statement detailing the alleged violation or nonconformity with the terms and conditions of the special use permit. Such statement shall be deemed an order to correct the alleged violation or deficiency.
- B. In the event that such violation or such deficiency has not been cured within thirty (30) days after the issuance of such statement, then the Planning Commission shall review the matter at a regular meeting or special meeting called for such purpose. The owner shall be provided written notice of such meeting, and may be present at such meeting to present his/her position and facts supporting his position.
- C. If the Planning Commission shall determine that there does exist a material violation or nonconformity, with respect to the terms and conditions of the Special Use Permit granted, which was not cured within thirty (30) days, then the Planning Commission may in its discretion take the following action:
 - 1. Defer the matter for up to an additional thirty (30) days in order to give the applicant additional time to completely cure any deficiency or nonconformity, if such attempts at cure have previously been undertaken but have yet to be completed; or
 - 2. If the property owner has filed a request to amend the Special Use Permit such that the alleged violations or non-conformities with the existing Special Use Permit would no longer be deemed violations or nonconformity, the Planning Commission may defer further action until the hearing on the permit amendment is reviewed and a determination made by the Planning Commission as in the case of an application for an original permit; or
 - 3. Recommend that the Township Board terminate the Special Use Permit.

SECTION 10.6 RECOMMENDATION OF PLANNING COMMISSION AND FINAL DECISION OF THE TOWNSHIP BOARD; APPEAL TO THE CIRCUIT COURT.

The recommendation of the Planning Commission and final decision by the Township Board shall contain the findings and determination of the Planning Commission in each particular case. The signature of the chairman or vice-chairman of the Planning Commission shall be affixed thereon. Any persons having an interest affected by the determination of the Planning Commission and the Township Board shall have the right to appeal to the circuit Court for Oceana County, which appeal shall be brought within thirty (30) days of issuance of the decision by the Township Board.

SECTION 10.7 RE-APPLICATION

No application for a special use permit which has been denied wholly or in part shall be re-submitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Grant Township Planning Commission.

SECTION 10.10 SEVERABILITY

Should any section of this amended Ordinance be declared unconstitutional, such declaration shall not affect the validity of the remaining sections of this Ordinance

SECTION 10.9 ORDINANCE REPEAL

All Ordinances in conflict with the provisions of this amendment to said Ordinance are hereby repealed.

SECTION 10.10 EFFECTIVE DATES

In all other respects the Grant Township Zoning Ordinance remains in full force and effect except where in conflict with this amendment. Those passages in conflict with this amendment are hereby repealed. Section 10 was amended and adopted on the 3rd day of March, 1998.

Amendments to Sections 10.1, .2, .4, .5 & .6 of the Grant Township Zoning Ordinance were approved and adopted by the Township Board of Grant Township, Oceana County, Michigan on the 1st day of August, 2000, pursuant to Michigan Zoning Enabling Act 110 of 2006 as amended.

Article 11. SITE PLAN REVIEW

SECTION 11.1 INTENT

It is the intent of this Chapter to require site plan review and approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development.

SECTION 11.2 USES SUBJECT TO SITE PLAN REVIEW

- A. Site plan review by the Planning Commission is required for the following:
1. Multiple family dwellings;
 2. Uses permitted by right in the Commercial/Industrial District;
 3. Special land uses in all districts.
- B. Site plans not required to be reviewed by the Planning Commission shall be reviewed by the Zoning Administrator. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements and standards used by the Planning Commission.

SECTION 11.3 SITE PLAN REVIEW REQUIREMENTS (SEE EXAMPLE, APPENDIX 4)

- A. Applications for site plan approval shall be submitted to the Township Zoning Administrator on a special form for that purpose.
- B. Applications for preliminary site plan approval shall consist of the following:
1. A completed application form, including the Environmental Permits Checklist, supplied by the Zoning Administrator.
 2. A reproducible copy of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
 - a. Property dimensions;
 - b. Topographic elevations at five (5) foot intervals;
 - c. Significant vegetation;
 - d. Water courses and water bodies, including man-made surface drainage ways;
 - e. Existing public right of way, pavements, and/or private easements;
 - f. Existing and proposed uses, buildings and structures;
 - g. Zoning classification of abutting properties;
 - h. The name and address of the person and firm who drafted the plan and the date on which the plan was prepared.
- C. The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, or natural features.
- D. The Planning Commission shall review the preliminary site plan and approve, approve with conditions, or deny the plan.
- E. Approval of the site plan is valid for a period of one (1) year. If construction of the development, or any phase of the development, has not been initiated during that period,

the approval of the site plan shall be null and void.

- F. Upon written application, filed prior to the termination of the one (1) year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the one (1) year extension.

SECTION 11.4 STANDARDS FOR SITE PLAN REVIEW AND APPROVAL

Prior to approving a site plan, the Planning Commission, where applicable, shall require that the following standards be satisfied: If these standards and the other requirements noted in this Article or in other township ordinances are met, the site plan shall be approved.

- A. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. 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. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
- C. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- D. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.
- E. A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals, and other such facilities, may be required in the vicinity of schools, playgrounds, shopping areas, and other uses which generate a considerable amount of pedestrian traffic.
- F. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water and prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas.
- G. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six (6) feet in height.
- H. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

SECTION 11.5 AMENDMENTS TO APPROVED SITE PLANS

- A. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan. The Zoning Administrator shall

determine whether the proposed amendment constitutes a minor or major amendment based on, but not necessarily limited to, the following:

1. The addition of land to the legal description of the original site plan approval;
2. The establishment of another use or uses;
3. The addition of more sales or service area, or the addition of dwelling units;
4. An expansion or increase in intensity of use.

B. A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval. A minor amendment may be approved by the Zoning Administrator.

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Article 12. COMMUNICATION TOWERS

SECTION 12.1 GENERAL REGULATIONS

- A. Except where the regulations for the district in which the proposed communication tower is located are more restrictive than the following regulations [in which case the more restrictive regulations shall apply] all communication towers shall conform to this section with the following exceptions:
1. Television receivers/towers/antennas less than 60 feet in height as measured from the base to the highest point on the tower.
 2. Amateur ham/CB/FM transmitters less than 75 feet in height as measured from the base to the highest point of the tower.
- B. Authorization. Changing technology in the field of communications has resulted in a reliance upon more versatile and convenient forms of communication. Businesses, individuals and government have all developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones has proven themselves over and over again in emergency situations.

SECTION 12.2 QUALIFYING CONDITIONS

- A. The following site and developmental requirements shall apply:
1. A minimum site of point seven five (.75) acres and one hundred twenty five (125') feet of road frontage.
 2. The use of guide wires is strictly prohibited within all Residential Districts.
 3. The base of the tower and wire cable supports shall be fenced with a minimum five (5') foot high fence.
- B. Special Performance Standards:
1. The tower must be set back from all property lines a distance equal to its height.
EXCEPTION: The setback distance may be reduced to the tower fall zone plus 10 percent (%) upon certification from a registered structural engineer that the fall zone is less than the tower height, but in no case less than a minimum of seventy five (75) feet.
 2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet. Nothing shall prevent an applicant from applying for a setback variance.
 3. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
 4. All buffer-yard requirements within the zoning ordinance shall be met.
 5. Containment fences shall be constructed with appropriate gates and locks so as to eliminate and prevent unauthorized access.
 6. The plans of the tower construction shall be certified by a registered structural engineer.
 7. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a registered professional engineer and that the installation is in compliance with all applicable codes.

8. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
9. Communication towers in excess of one hundred (100') feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or 1/2 mile radius of a heli-pad.
10. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30') feet of a property line. Nothing shall prevent an applicant from applying for a setback variance.
11. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
12. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
13. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
14. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antennae and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
15. Towers shall be located so that they do not interfere with reception in nearby residential areas.
16. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
17. The base of the tower shall occupy no more than five hundred (500) square feet.
18. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area and to encourage multiple use of towers. (Changed from 3 miles on 10/28/2013)
19. Height of the tower and associated lightning arrestors shall not exceed one hundred and ninety five (195') feet from grade within a residential district, three hundred (300') feet from grade within a commercial district, and three hundred (300') feet from grade within an industrial district, and two hundred fifty (250') feet from grade within an agricultural district. Zoning Board of Appeals may consider variances of the above referenced heights if the applicant demonstrates a need for same. Need referenced herein may include, but is not limited to the following:
 - a. A demonstrable, justifiable and actual need for the added height for the planned end user. This provision is not to be subject to conjecture but is based upon a tower owner actually having a tenant or other party who can demonstrate the need for the additional height.
 - b. Minimal impact on the surrounding properties, uses, and peaceful enjoyment. Said impact is to also include the criteria for seeking a special use under this ordinance.
 - c. The Township reserves the right to assess fees above the normal site plan, variance, and/or special use fees to defray the costs of technical advisors hired

by the Township to determine whether the above referenced standards are appropriately met under said request and to determine the general impact of the surrounding area and the Township as a whole.

20. Towers shall not be artificially lighted unless required by the Federal Aviation Administration and/or the Federal Communications Commission.
21. Existing on-site vegetation shall be disturbed to the minimum extent practicable.
22. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
23. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
24. Structure shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
25. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
26. Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.
27. The tower and all existing structures and improvements shall be removed by the property owner or lessee within six months of being abandoned.

Amended 5/9/2017

SECTION 12.3 EFFECTIVE DATE

The foregoing amendment to the Grant Township Zoning Ordinance was approved and adopted by the Township Board of Grant Township, Oceana County, Michigan, on the 3rd day of February, 1998, after a public hearing was required pursuant to Michigan Zoning Enabling Act 110 of 2006 as amended.

SECTION 12.4 TEMPORARY COMMUNICATION TOWER

A temporary cell tower may be erected for special events regulated under the Grant Township Mass Gathering Ordinance.

A special use permit is required the first time a company intends to install a temporary communication tower adhering to the following conditions. Thereafter a temporary use permit for a communication tower by the same company maybe administratively issued by the Grant Township Zoning Administrator provided the following conditions are met:

1. The tower and related equipment and/or structures must be set back from all property lines a distance equal to the tower height and event activities a distance equal to one hundred twenty five per cent (125%) of the tower height.
2. Accessory structures are limited to uses associated with the operation of the tower

and shall not exceed four hundred twenty five (425) square feet of gross structure area.

3. Minimum six (6) ft. high containment fence(s) around all towers and related equipment shall be constructed with appropriate gates and locks so as to prevent unauthorized access.
4. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
5. Temporary communication towers to be limited to one hundred (100) feet or less in height above grade level.
6. Antennae and metal towers shall be grounded for protection against a direct strike by lightning.
7. There shall not be any displayed advertising on the tower structure itself intended to be visible from the ground or other structures.
8. Towers shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission.
9. The tower and related equipment/structures may be located on the property of the event for a maximum of 30 days surrounding the special event.
10. A temporary use permit must be approved and issued a minimum of 30 days prior to the staging of any equipment on the property.
11. A site plan showing location of the tower and related equipment, property lines, adjacent event activities and related structures, permanent property structures etc. with distances.

This section was adopted by the Township Board of Grant Township, Oceana County, Michigan on _____ Amended on 10/28/13

Article 13. MOBILE HOME PARK OVERLAY AREA (MHPA)

SECTION 13.1 PURPOSE

The MHPA (Mobile Home Park Overlay Area) is herewith established to provide locations for high density lower cost single family dwellings and yet not detract from or devalue surrounding or adjacent buildings or property. It is important to have lower cost home areas available for those individuals who do not require or desire the more expensive properties or residences. At the same time attempting to provide land area compatible to on-site sewer systems and water supply systems or located in land area where public water and/or sewer service is available. It is also important that the land area is properly serviced by electricity and has road properly constructed to handle the vehicle traffic. The regulations of the area are designed to provide for light, open space and to promote health by the regulation of density and intensity of land use.

SECTION 13.2 PRINCIPAL USES PERMITTED

The same principal uses are permitted in the MHPA as in the underlying zoning district plus such uses as are permitted in any other district in which the MHPA overlaps.

SECTION 13.3 ACCESSORY, SPECIAL AND CONDITIONAL USES PERMITTED

The same accessory uses are permitted in the MHPA as in the underlying zoning district.

SECTION 13.4 LOT AREA AND COVERAGE

In the case of development other than a MHPA, the minimum lot area shall be that which is required by the zoning district in which the lot or acreage is located. If the lot is located in more than one zoning district the zoning district requiring the greater lot area applies.

SECTION 13.5 YARDS

In the case of development other than a MHPA, yard requirements in MHPA shall be the same as required in the zoned district in which the lot is located. If the lot is located in more than one zoning district the zoning district requiring the greater lot area applies.

SECTION 13.6 FLOOR AREA FOR SINGLE FAMILY DWELLING

In the case of development other than in MHPA floor area shall be the same as required in the zoned district in which the dwelling is located.

SECTION 13.7 LOT FRONTAGE AND WIDTH

In the case of development other than a MHPA lot frontage and width requirements shall be the same as required in the zoned district in which the lot is located. If the lot is located in more than one zoning district the zoning district requiring the greater lot frontage and width applies.

SECTION 13.8 RMHA (RESIDENCE MOBILE HOME OVERLAY AREA) LOCATIONS AND BOUNDARIES

The Planning Commission, as deemed desirable, may recommend MHPA boundary and location changes to the Township Board. The Township Board can then act on recommended changes as required.

The Residence Mobile Home Overlay area is bounded by Wilke Road on the South, 88th Avenue on the East, Clay Road on the North and the Hart Montague Bicycle Trail State Park on the West.

SECTION 13.9 APPLICATIONS

Applications for permits to construct and operate mobile home parks made under the provisions of Act 243 of 1959, State of Michigan, as amended, and this Ordinance shall be made to the Zoning Administrator who shall refer one (1) copy of the application and the accompanying plans and specifications to the Township Planning Commission for review and recommendations to the Township Board for final action. The Zoning Administrator shall not issue a zoning permit until plans have been approved by the Township Board and appropriate agencies of State of Michigan. Accompanying the applications for Township permits to construct or use land for a Mobile Home Park shall be a fee (in accordance with the schedule on file at the Clerk's office). In the event professional or expert services are deemed necessary by the Planning Commission or Township Board an additional fee equal to the cost of such services shall be assessed to the applicant and paid within ten (10) days.

SECTION 13.10 PLANS AND SPECIFICATIONS

The application for a Mobile Home Park shall be accompanied by development plans submitted to the Township Zoning Administrator including, but not limited to: access and egress, internal traffic circulation; location of individual sites; location and design of all structures; location of off-street parking and loading areas; landscaping; sign location and designs; lighting; and proposed, water, sewage and trash disposal, drainage plans; and setbacks, all in conformity with the Township Zoning Site Plan Requirements.

SECTION 13.11 TOWNSHIP APPROVAL

- A. The Township Planning Commission shall review the plans and may consult with the County Health Department and with additional officials or experts as may be deemed appropriate by the Commission. The Planning Commission shall hold a duly noticed public hearing.
- B. In making a recommendation to the Township Board, the Planning Commission shall find:
 - 1. Public health and safety have been adequately provided for in the development plans.
 - 2. That the proposed developments maximize aesthetic and functional compatibility with adjoining parcels and areas, and will not detract from adjoining developments.
 - 3. That all provisions set forth in this Ordinance are complied with.
 - 4. That the proposed improvements are of a permanent nature and will not provide a nuisance to adjoining areas.
 - 5. The specific requirements of State law and County Ordinances are complied with.
- C. Upon approval of said rezoning by the Township Board, final site plans shall be submitted for the review and approval of the Planning Commission prior to any site construction.

SECTION 13.12 MOBILE HOME PARK DEVELOPMENT PLANS AND STANDARDS

- A. Each park shall provide for individual mobile home sites of not less than 3,600 square feet; said site shall be clearly defined and delineated. Each site shall be provided with electrical connection; sewer and water connections, and off-park road parking. Said site area shall exclude any joint use areas such as internal drives and open space areas. Water and sewer connections shall be made to a municipal system if available. Storm water drainage shall fully comply with the requirements of the DNR.
- B. Mobile Homes: Mobile homes shall be so located on each site that there shall be at least a twenty (20) feet clearance between mobile homes. No mobile home shall be located

closer than ten (10) feet from internal drives.

- C. Walkways not less than 30 inches wide shall be provided from sites to the service buildings, and shall be of a hard surface.
- D. Internal drives shall be paved of bituminous or concrete surface and shall be a minimum of twenty (20) feet wide.
- E. All drives and walkways within the park shall be lighted at night. All on-site lighting shall be designed so to not be directed toward adjoining properties.
- F. Each site shall be provided with two (2) paved off-street parking spaces, provided, however, that one of these may be located in a guest parking area of the park.
- G. Refuse and garbage collection facilities shall be provided in convenient locations and shall be adequately screened.
- H. Service buildings to be provided shall be constructed on a permanent foundation and be conveniently located and well lighted and ventilated and maintained in a sanitary manner.
- I. Fire extinguishers and hydrants shall be provided in a manner acceptable to the Township Fire Chief and pertinent State statutes.
- J. Open Space and Recreation areas shall be provided for residents of the park to be not less than five (5) percent of the gross area of the park, generally provided in a central location. Said open space and/or recreation areas may include community buildings and community use facilities, such as adult recreation and child play areas, swimming pools, etc. Said area shall be usable open space and/or recreation area and shall not include any part of individual "sites".
- K. Provisions shall be made by the licensee to adequately maintain the park and its facilities in a clean, orderly, and sanitary condition. Failure to do so may result in a revocation of said license to operate if so determined by action of the Township Board.

SECTION 13.13 EFFECTIVE DATE

The foregoing amendment to the Grant Township Zoning Ordinance was approved and adopted by the Township Board of Grant Township, Oceana County, Michigan, on the 6th day of September, 1999, after a public hearing was required pursuant to Michigan Zoning Enabling Act 110 of 2006 as amended. This amendment shall be effective upon publication.

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Article 14. SEXUALLY ORIENTED BUSINESSES

SECTION 14.1 SEXUALLY ORIENTED BUSINESSES

WHEREAS, sexually oriented businesses and business that provide sexually oriented activities require special supervision in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as the citizens of the communities where they are located, and

WHEREAS, the Township Board finds that sexually oriented businesses and business that provide sexually oriented activities are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the Township that demands reasonable regulation of sexually oriented businesses and sexually oriented business activities in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations, and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses and sexually oriented business activities, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent thereto, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses and sexually oriented business activities in, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Township Board wants to prevent these adverse effects and thereby protect the health, safety and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, it is not the intent of the ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of sexually oriented businesses and sexually oriented business activities in as well as the health problems associated with such businesses; and

WHEREAS, it is not the intent of the Township Board to condone or legitimize the distribution of obscene materials, and the Board recognizes that State and Federal law prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce State and Federal obscenity statutes against any such illegal activities in the Township of Grant.

SECTION 14.2 PURPOSE AND FINDINGS.

A. Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses and sexually oriented business activities to promote the health, safety, morals, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses and sexually oriented business activities within the Township. The

provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials.

B. Findings. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Township Board and on findings incorporated in the cases of City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), Young v. American Mini Theaters, 426 U.S. 50 (1976), and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and on studies conducted in other cities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on findings from the Report of the Attorney General's Working Group On the Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Township Board finds:

1. Sexually oriented businesses and/or sexually oriented business activities lend themselves to ancillary, unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make owners of these establishments responsible for the activities that occur on their premises.
2. Certain employees of sexually oriented businesses and businesses that provide sexually oriented activities as defined in this ordinance engage in higher incidences of illicit sexual behavior than employees of other establishments.
3. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses and businesses that provide sexually oriented activities, especially those which provide private or semiprivate booths or cubicles for viewing films, videos, or live sex shows.
4. Offering and providing such booths and/or cubicles encourages such activities, which creates unhealthy conditions.
5. Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses and businesses that provide sexually oriented activities for the purpose of engaging in sex within the premises of such sexually oriented businesses and businesses that provide sexually oriented activities.
6. At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections, and shigella infections.
7. Since 1981 and to the present, there have been an increasing number of reported cases of AIDS caused by the immunodeficiency virus (HIV) in the United States -- 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985 and 253,448 through December, 1992.
8. Since 1981 to the present, there have been an increasing cumulative number of persons testing positive for HIV antibody test in the State of Michigan.

9. The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November, 1990.
10. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
11. The surgeon general of the United States in his report of October 22, 1986, had advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug use, exposure to infected blood and blood components, and from an infected mother to her newborn.
12. According to the best scientific evidence available, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
13. Sanitary conditions in some sexually oriented businesses and businesses that provide sexually oriented activities are unhealthy, in part, because the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
14. Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses and businesses that provide sexually oriented activities where persons view "adult" oriented films.
15. The findings noted in paragraphs numbered (1) through (14) raise substantial governmental concerns.
16. Sexually oriented businesses and businesses that provide sexually oriented activities have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
17. A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses and businesses that provide sexually oriented activities. Further, such a licensing procedure will place a heretofore non-existent incentive on the operators to see that the sexually oriented business and businesses that provide sexually oriented activities are run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the Township. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business and businesses that provide sexually oriented activities, fully in possession and control of the premises and activities occurring therein.
18. Removal of doors on adult booths and requiring sufficient lighting on the premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.
19. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business and businesses that provide sexually oriented activities, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
20. It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

21. The fact that an applicant for an adult use license has been convicted of a sex-related crime leads to the rational assumption that the applicant may engage in that conduct in contravention to this ordinance.
22. The barring of such individuals from operation or employment in sexually oriented businesses and businesses that provide sexually oriented activities for a period of years serves as a deterrent to and prevent conduct which leads to the transmission of sexually transmitted diseases.
23. The general welfare, health, morals, and safety of the citizens of this Township will be promoted by the enactment of this ordinance.

SECTION 14.3 DEFINITIONS

A.1 ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specific sexual activities" or "specific anatomical areas".

A.2 ADULT BOOKSTORE OR ADULT VIDEO STORE means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas".
2. instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities". A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas." A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

A.3 ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:

1. persons who appear in a state of nudity or semi-nudity; or
2. live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
4. persons who engage in erotic dancing or performances that are intended for the

sexual interest or titillation of an audience or customers.

A.4 ADULT MOTEL means a hotel, motel or similar commercial establishment that:

1. offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or described "specified sexual activities" or "specified anatomical areas".
2. the principal business purpose need not be the primary use of an establishment so long as it is a significant use based upon the visible inventory or the commercial activity of the establishment.

A.5 ADULT MOTION PICTURE THEATERS means a commercial establishment that, is one of its principle business purposes, offers for viewing, for a fee, or any other form of consideration, any one or more of the following: films, motion pictures, video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas". An adult motion picture theater may have other principle business purposes that do not involve the offer for sale, the material depicted or described as "specified sexual activities" or "specified anatomical areas" showing, and still be categorized as an adult motion picture theater. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult motion picture theater as long as one of its principle business purposes is the offering for sale or viewing for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas". A principal business purpose need not be a primary use of an establishment so long as it is a significant use based upon the visible inventory or commercial activity of the establishment.

A.6 ADULT THEATERS means any combination of the activities described as an adult motion picture theater and an adult cabaret and/or motel.

E.1 ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

E.2 ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertise to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

E.3 ESTABLISHMENT means and includes any of the following:

1. the opening, or commencement, of any sexually oriented business and/or business that provides sexually oriented activities, or an existing business that provides sexually oriented activities as a new business or activity;
2. the conversion of an existing business, whether or not sexually oriented, to any sexually oriented business and/or business that provides sexually oriented activities;
3. the additions of any sexually oriented business and/or sexually oriented activities to any other existing sexually oriented business and/or a businesses that provides sexually oriented activities; or
4. the relocation of any sexually oriented business and/or businesses that provide sexually oriented activities.

L.1 LICENSED DAY-CARE CENTER means a facility licensed by the State of Michigan, whether situated within the Township or not, that provides care, training, education,

custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

- L.1 LICENSEE means** a person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.
- N.1 NUDE MODEL STUDIO means** any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.
- N.2 NUDITY OR A STATE OF NUDITY MEANS** the appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genitals, or vulva, with less than a fully opaque covering; or a female breast with less than a full opaque covering of any part of the nipple; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- P.1 PERSON means** an individual, proprietorship, partnership, corporation, association, or other legal entity.
- P.2 PREMISES means** the real property upon which the sexually oriented business, and/or sexually oriented activity, is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business and/or sexually oriented activities, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to Section 14.5 of this ordinance.
- S.1 SEMI-NUDE means** the appearance of the female breast below a horizontal line across the top of the areola at its highest point. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- S.2 SEXUAL ENCOUNTER CENTER means** a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
 - 1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - 2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- S.3 SEXUALLY ORIENTED BUSINESS AND SEXUALLY ORIENTED ACTIVITIES means** an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. Sexually oriented activities means any of the foregoing and/or any business entity which provides sexually oriented entertainment on a periodic basis for profit and/or to the public as part of broader commercial activities which include but are not limited to specified sexually activities, exposure of specified anatomical areas, and/or any other act otherwise prohibited by this Ordinance
- S.4 SPECIFIED ANATOMICAL AREAS means:**

1. the human male genitals in a discernibly turgid state, even if fully or opaquely covered;
2. less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

S.5 SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:

1. prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of this state, other states, or other countries.
2. or which:
 - a. less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b. less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a felony offense;
 - c. less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period;
3. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

S.6 SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether covered or uncovered;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

S.7 SUBSTANTIAL ENLARGEMENT of a sexually oriented business and/or a business providing sexually oriented activities means the increase in floor areas occupied by the business by more than twenty-five (25%) percent, as the floor areas exist on the date of enactment of this ordinance.

T.1 TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business and/or business providing sexually oriented activities means and includes any of the following:

1. the sale, lease, or sublease of the business;
2. the transfer of securities that form a controlling interest in the business, whether by sale, exchange, or similar means;

3. the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SECTION 14.4 CLASSIFICATION.

Sexually oriented businesses and sexually oriented activities are classified as follows:

- A. adult arcades;
- B. adult bookstores or adult video stores;
- C. adult cabarets;
- D. adult motels;
- E. adult motion picture theaters;
- F. adult theaters;
- G. escort agencies;
- H. nude model studios; and
- I. sexual encounter centers.
- J. erotic dancing.

SECTION 14.5 LICENSE REQUIRED.

- A. It shall be unlawful:
 1. For any person to operate a sexually oriented business and/or provide sexually oriented activities without a valid sexually oriented business license issued by the Zoning Administrator pursuant to this ordinance;
 2. For any person who operates a sexually oriented business and/or to work or be employed in conjunction with the sexually oriented activities to employ a person to work and/or perform services for the sexually oriented business and sexually oriented business activities, if such employee is not in possession of a valid sexually oriented business employee license issued to such employee by the Zoning Administrator pursuant to this ordinance;
 3. For any person to obtain employment with a sexually oriented business and/or to work or be employed in conjunction with the sexually oriented activities if such person is not in possession of a valid sexually oriented business and sexually oriented business activities employee license issued to such person by the Zoning Administrator to this ordinance.

Violation of any provision within the Subsection shall constitute a misdemeanor.

- B. An application for a sexually oriented business license must be made on a form provided by the Township Board. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Prior to issuance of a license, the premises must be inspected by the health department, fire department, building department, and zoning department.
- C. An application for a sexually oriented business employee license must be made on a form provided by the Township of Grant.

- D. All applicants for a license must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide, such information (including fingerprints) as to enable the Township to determine whether the applicant meets the qualifications established under this ordinance.
- E. If a person who wishes to own and/or operate a sexually oriented business and/or provide sexually oriented activities, is an individual, he must sign the application for a business license as applicant. If a person who wishes to own and/or operate a sexually oriented business and/or provide sexually oriented activities is other than an individual, each individual who has a ten (10%) percent or greater interest in the business must sign the application for a business license as applicant. If a corporation is listed as owner of a sexually oriented business and/or a business which provides sexually oriented activities, or is the entity that wishes to own and/or operate such a business, each individual having a ten (10%) percent or greater interest in the corporation must sign the application for a business license as applicant.
- F. Applications for a business license, whether original or renewal, must be made to the Zoning Administrator by the intended operator of the enterprise. Applications must be submitted to the office of the Zoning Administrator or the Zoning Administrator's designee during regular working hours. Application forms shall be supplied by the Zoning Administrator. The following information shall be provided on the application form:
1. The name, street address (and mailing address if different) of the applicant(s)
 2. A recent photograph of the applicant(s);
 3. The applicant's driver's license number, social security number, and/or his/her state or federally issued tax identification number;
 4. The name under which the establishment is to be operated and a general description of the services to be provided;
 - a. If the applicant intends to operate the sexually oriented business and/or provide sexually oriented activities under a name other than that of the applicant, he or she must state 1) the sexually oriented business and/or establishment to provide sexually oriented activities fictitious name and 2) submit the required registration documents;
 5. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this ordinance, and if so, the specified criminal activity involved, the date, place, and jurisdiction of each;
 6. Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or other similar sexually oriented business and/or sexually oriented activities ordinances from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business and sexually oriented activities for which the business license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder or a corporation that is licensed under this ordinance whose business license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business and sexually oriented activities for which the business license was denied, suspended or revoked as well as the date of denial, suspension or revocation;
 7. Whether the applicant or a person residing with the applicant holds any other licenses

under this ordinance or other similar sexually oriented business and sexually oriented activities ordinance from another city or county and, if so, the names and locations of such other licensed businesses;

8. The single classification of license, as found in Section 14.3, for which the applicant is filing;
 9. The telephone number of the establishment;
 10. The address, and legal description of the tract of land on which the establishment is to be located;
 11. If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the business license is sought, and the date on which the establishment began operations as a sexually oriented business and/or provide sexually oriented activities at the location for which the business license is sought;
 12. If the establishment is not in operation, the expected startup date (which shall be expressed in number of days from the date of issuance of the business license). If the expected startup date is to be more than ten (10) days following the date of issuance of the business license, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing same;
 13. If an applicant wishes to operate a sexually oriented business and/or a business that provides sexually oriented activities, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section 14.5 hereunder.
- G. Each application for a business license shall be accompanied by the following:
1. Payment of the application fee in full;
 2. If the establishment is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto;
 3. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;
 4. If the establishment is a limited partnership formed under the laws of the State of Michigan, a certified copy of the certificate of limited partnership, together with all amendments thereto;
 5. If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;
 6. Proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed;
 7. If the persons identified as the fee owner(s) of the tract of land in item (6) are not also the owners of the establishment, then the lease, purchase contract, purchase opinion contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the

- establishment for the purpose of the operation of the establishment;
8. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses and/or businesses which provide sexually oriented activities within 1,000 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 1,000 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted;
 9. Any of items (2) through (8), above shall not be required for a renewal application if the applicant states that the documents previously furnished the Zoning Administrator with the original application or previous renewals thereof remain correct and current.
- H. Applicants for an employee license to work and/or perform services in a sexually oriented business and sexually oriented business activities, whether original or renewal, must be made to the Zoning Administrator by the person to whom the employee license shall issue. Each application for an employee license shall be accompanied by payment of the application fee in full. Application forms shall be supplied by the Zoning Administrator. Applications must be submitted to the office of the Zoning Administrator or the Zoning Administrator's designee during regular working hours. Each applicant shall be required to give the following information on the application form:
1. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
 2. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant, in this or any other city, county, state or country, has ever had any license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name(s) under which the license was sought and/or issued, the names(s) of the issuing or denying jurisdiction, and describe in full the reason(s) for the denial, revocation, or suspension. A copy of any order or denial, revocation, or suspension shall be attached to the application.
 3. A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.
- J. Every application for a license shall contain a statement under oath that:
1. Every applicant has personal knowledge of the information contained in the application, and that the information contained therein and furnished therewith is true and correct; and,
 2. The applicant has read the provisions of this article.
- K. A separate application and business license shall be required for each sexually oriented business and/or business which provides sexually oriented activities classification.
- L. The fact that a person possesses other types of state or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business and sexually oriented activities or employee license.

SECTION 14.6. ISSUANCE OF LICENSE

- A. The Zoning Administrator shall approve the issuance of a license to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:
1. An applicant is under eighteen (18) years of age.
 2. An applicant or an applicant's spouse is overdue in his payment of the Township taxes, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business and sexually oriented activities.
 3. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 4. An applicant has been convicted of a "specified criminal activity" as defined in this ordinance.
 5. If the application is for a business license, the premises are to be used for a purpose prohibited by local or state law, statute, rule, or regulation, or prohibited by a particular provision of this ordinance.
 6. An applicant has had a sexually oriented business and sexually oriented activities license revoked by the Township within two (2) years of the date of the current application.
 7. An applicant is residing with a person who has been denied a license by the Township to operate a sexually oriented business and/or a business which provides sexually oriented activities within the proceeding twelve (12) months, or residing with a person whose license to operate a sexually oriented business and/or a business which provides sexually oriented activities has been revoked within the preceding twelve (12) months.
 8. If the application is for a business license, the premises to be used for the sexually oriented business and/or a business which provides sexually oriented activities have not been approved by the health department, fire department, building department or zoning department as being in compliance with applicable laws and ordinances.
 9. The license fee required by this ordinance is not paid.
- B. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and/or the business which provides sexually oriented activities, and the classification for which the license is issued. The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business and/or business that provides sexually oriented activities so that it may be easily read at any time.
- C. The health department, fire department, building department and zoning department shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the Zoning Administrator. The certification shall be promptly presented to the Zoning Administrator.
- D. A sexually oriented business and/or business which provides sexually oriented activities license shall issue for only one classification, as found in Section 14.4.
- E. In the event that the Zoning Administrator determines that an applicant is not eligible for a license, the applicant shall be given notice in writing of the reasons for the denial within

forty-five (45) days of the receipt of its application by the Zoning Administrator, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten (10) days at any time before the notice is issued in order to make modifications necessary to comply with this ordinance.

- F. An applicant may appeal the decision of the Zoning Administrator regarding a denial to the Township Board by filing a written notice of appeal with the Township Clerk within fifteen (15) days after service of notice upon the applicant of the Zoning Administrator's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Zoning Administrator may, within fifteen (15) days of service upon him of the applicant's memorandum, submit a memorandum in response to the memorandum filed by the applicant on appeal to the Township Board. After reviewing such memoranda, as well as the Zoning Administrator's written decision, if any, and exhibits submitted to the Zoning Administrator, the Township Board should vote either to uphold or overrule the Zoning Administrator's decision. Such vote shall be taken within twenty-one (21) calendar days after the date on which the Township Clerk receives the notice of appeal. However, all parties shall be required to comply with the Zoning Administrator's decision during the pendency of the appeal.

SECTION 14.7 FEES

The annual fee for a sexually oriented business and/or business which provides sexually oriented activities license, whether new or renewal, is One Thousand (\$1000.00) dollars. The annual fee for a sexually oriented business and sexually oriented activities employee license, whether new or renewal, is One Thousand (\$1000.00) dollars. These fees are to be paid to the Township Zoning Administrator on behalf of the Township and are to be used for the cost of administration and enforcement of this ordinance

SECTION 14.8 INSPECTION

- A. All applicants or licensees shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Administrator, Zoning Enforcement Officer, or other County or State departments or agencies to inspect the premises of a sexually oriented business and/or business which provides sexually oriented activities for the purpose of insuring compliance with the law, at any time it is open for business.
- B. A person who operates a sexually oriented business and/or a business which provides sexually oriented activities or his agent or employee commits a misdemeanor if he/she refuses to promptly permit such lawful inspection of the premises.

SECTION 14.9 EXPIRATION OF LICENSE

- A. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 14.5. Application for renewal should be made at least thirty (30) days before the expiration date; when made less than thirty (30) days before the expiration date, the expiration of license will not be affected.
- B. When the Zoning Administrator denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial.

SECTION 14.10 SUSPENSION

The Zoning Administrator shall suspend a license for a period not to exceed thirty (30) days if he determines that licensee or an employee of licensee has:

- A. violated or is not in compliance with any section of this ordinance;

- B. operated or performed services in a sexually oriented business, and/or a business that provides sexually oriented activities, while intoxicated by the use of alcoholic beverages or controlled substances;
- C. refused to allow prompt inspection of the sexually oriented business and/or business which provides sexually oriented activities premise as authorized by this ordinance;
- D. knowingly permitted gambling by any person on the sexually oriented business and/or business which provides sexually oriented activities premises.

SECTION 14.11 REVOCATION

- A. The Zoning Administrator shall revoke a license if a cause of suspension in Section 14.10 occurs and the license has been suspended within the proceeding twelve (12) months.
- B. The Zoning Administrator shall revoke a license if he determines that:
 - 1. a licensee gave false or misleading information in the material submitted during the application process;
 - 2. a licensee has knowingly allowed possession, use or sale of controlled substances on the premises without a valid prescription;
 - 3. a licensee has knowingly allowed the sale, use, or consumption of alcoholic beverages on the premises;
 - 4. a licensee has knowingly allowed prostitution on the premises;
 - 5. a licensee knowingly operated the sexually oriented business and sexually oriented activities during a period of time when the licensee's license was suspended;
 - 6. a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the licensed premises;
 - 7. a licensee is delinquent in payment to the Township, County or State for any taxes or fees;
 - 8. a licensee knowingly allowed a person under eighteen (18) years of age to enter the establishment; or
 - 9. a licensee has attempted to sell his business license, or has sold, assigned, or transferred ownership or control of the sexually oriented business and sexually oriented business activities license to a non-licensee.
- C. When the Zoning Administrator revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented license for one (1) year from the date revocation became effective.

SECTION 14.12 JUDICIAL REVIEW

After denial of an application by the Zoning Administrator and Township Board, or denial of a renewal of an application, or suspension or revocation of a license by the Zoning Administrator, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

SECTION 14.13 NO TRANSFER OF LICENSE

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business and/or business which provides sexually oriented activities under

the authority of a license at any place other than the address designated in the application.

SECTION 14.14 LOCATIONAL RESTRICTIONS

Sexually oriented businesses, and/or businesses which provides sexually oriented activities, shall be permitted in any commercial district provided that:

- A. the sexually oriented business and/or business which provides sexually oriented activities may not be operated within 1,000 feet of:
 - 1. a church, synagogue or regular place of religious worship;
 - 2. a public or private elementary or secondary school;
 - 3. a boundary of any residential resort or medium density residential district;
 - 4. a public park;
 - 5. a licensed day-care center;
 - 6. an entertainment business that is oriented primarily towards children or family entertainment; or
 - 7. another sexually oriented business and/or business which provides sexually oriented activities.
- B. A sexually oriented business and/or business which provides sexually oriented activities may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business and/or business which provides sexually oriented activities classified pursuant to Section 14.3.
- C. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business and/or business which provides sexually oriented activities is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed day care center.

For purposes of Subsection C. of this section, the distance between any two sexually oriented businesses and/or businesses which provides sexually oriented activities shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

SECTION 14.15 NON-CONFORMING USES

- A. Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this ordinance shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses and/or business which provides sexually oriented activities are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business and/or business which provides sexually oriented activities that was first established and continually operating at a particular location is the conforming use and the later-established business(es) is non-conforming.

- B. A sexually oriented business and/or business which provides sexually oriented activities

lawfully operating as a conforming use is not rendered a non-conforming use by the location, subsequent to the grant or renewal of the license for a sexually oriented business, and/or business which provides sexually oriented activities, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed day-care center, public park, or residential district within one thousand (1000) feet of the sexually oriented business and/or business which provides sexually oriented activities. This provision applies only to the renewal of a valid business license, and does not apply when an application for a business license is submitted after a business license has expired or has been revoked.

SECTION 14.16 ADDITIONAL REGULATIONS FOR ADULT MOTELS

- A. Evidence that a sleeping room in a hotel, motel, or similar commercial enterprise has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the enterprise is an adult motel as that term is defined in this chapter.
- B. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel, or similar commercial enterprise that does not have a license for a sexually oriented business and/or business which provides sexually oriented activities, rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.
- C. For purposes of subsection (B) of this section, the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

SECTION 14.17 ADDITIONAL REGULATIONS FOR ESCORT AGENCIES

- A. An escort agency shall not employ any person under the age of 18 years.
- B. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

SECTION 14.18 ADDITIONAL REGULATIONS FOR NUDE MODEL STUDIOS

- A. A nude model studio shall not employ any person under the age of 18 years.
- B. A person under the age of 18 years commits a misdemeanor if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to the public view or visible by any other person.
- C. A person commits a misdemeanor if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.
- D. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

SECTION 14.19 ADDITIONAL REGULATIONS CONCERNING PUBLIC NUDITY

- A. It shall be a misdemeanor for a person who, knowingly and intentionally, personally appears in a state of nudity in a sexually oriented business and/or a business which provides sexually oriented activities, or depicts specified sexual activities in a sexually oriented business and/or a business which provides sexually oriented activities.
- B. It shall be a misdemeanor for a person who, knowingly and intentionally, personally appears in a semi-nude condition in a sexually oriented business and/or a business which provides sexually oriented activities, unless the person is an employee who, while

semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two (2) feet from the floor.

- C. It shall be a misdemeanor for an employee, while semi-nude in a sexually oriented business and/or a business which provides sexually oriented activities, to solicit any pay or gratuity from any patron or customer, or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude.
- D. It shall be a misdemeanor for an employee, while semi-nude, to touch a patron or the clothing of a patron.

SECTION 14.20 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS AND LIVE PERFORMANCES.

- A. A person who operates or causes to be operated a sexually oriented business and/or a business which provides sexually oriented activities, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, other video reproduction, or live performance that depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - 1. Upon application for a sexually oriented business and sexually oriented activities license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the business license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - 2. The application shall be sworn to be true and correct by the applicant.
 - 3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator or his designee.
 - 4. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - 5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from the manager's station of the entire area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the entire area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

6. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in Subsection (5) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (1) of this section.
 7. No viewing room may be occupied by more than one person at any time.
 8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candle as measured at the floor level.
 9. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 10. No licensee shall be allowed an opening of any kind to exist between viewing rooms and booths.
 11. No persons shall make an attempt to make an opening of any kind between the viewing booths or rooms.
 12. The operator of the sexually oriented business shall, during each business day, inspect the walls between the viewing boots to determine if any openings or holes exist.
 13. The operator of the sexually oriented business shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 14. The operator of the sexually oriented business shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48") inches of the floor.
- B. A person having a duty under Subsections (1) though (14) of this Section commits a misdemeanor if he/she knowingly fails to fulfill that duty.

SECTION 14.21 EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES

- A. It shall be unlawful for an owner or operator of a sexually oriented business and/or a business which provides sexually oriented activities to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- B. It shall be unlawful for the owner or operator of a sexually oriented business and/or a business which provides sexually oriented activities to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.
- C. It shall be unlawful for the owner or operator of a sexually oriented business and/or a business which provides sexually oriented activities to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business and/or a business which provides sexually oriented activities if the following conditions are met:
 1. The establishment is a part of a commercial multi-unit center; and
 2. The exterior portions of each individual unit in the commercial multi-unit center,

including the exterior portions of the business, are painted the same color as one another.

- D. The primary signs of the business shall conform in all respects to the Grant Township Sign Ordinance.
- E. Secondary signs shall have only one (1) display surface. Such display surface shall:
 - 1. be a flat plane, rectangle in shape;
 - 2. not exceed twenty (20) square feet in area;
 - 3. not exceed five (5) feet in height and four (4) feet in width; and
 - 4. be affixed or attached to any wall or door of the enterprise.
- F. The provisions of item (1) of subsection (B) and subsection (C) and (D) shall also apply to secondary signs.

SECTION 14.22 PERSONS YOUNGER THAN EIGHTEEN PROHIBITED FROM ENTRY; ATTENDANT REQUIRED

- A. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
- B. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business and/or a business which provides sexually oriented activities at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years from entering the sexually oriented business and/or a business that provides sexually oriented activities. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
 - 1. a valid operator's, commercial operator's, or chauffeur's driver's license; or
 - 2. a valid personal identification certificate issued by the State of Michigan reflecting that such person is eighteen (18) years of age or older.
- C. Violation of this Section shall constitute a misdemeanor.

SECTION 14.23 MESSAGES OR BATHS ADMINISTERED BY PERSON OF OPPOSITE SEX

It shall be unlawful for any sexually oriented business, and/or a business which provides sexually oriented activities regardless of whether in a public or private facility, to operate as a massage salon, massage parlor or any similar type of business where any physical contact with the recipient of such services is provided for, among other things sexual gratification. Violation of this Section shall constitute a misdemeanor.

SECTION 14.24 HOURS OF OPERATION

No sexually oriented business and/or a business which provides sexually oriented activities, except an adult motel, may remain open at any time between the hours of Twelve o'clock (12:00) a.m. and Twelve o'clock (12:00) p.m.

SECTION 14.25 EXEMPTIONS

It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operation:

- A. by a proprietary school, licensed by the State of Michigan, a college, junior college, or

university supported entirely or partly by taxation;

- B. by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

SECTION 14.26 NOTICES.

- A. Any notice required or permitted to be given by the Zoning Administrator or any other Township office, division, department or other agency under this ordinance to any applicant, operator or owner of a sexually oriented business and/or a business which provides sexually oriented activities may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the license, or any notice of address change that has been received by the Zoning Administrator. Notices mailed as above shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Zoning Administrator or his designee shall cause it to be posted at the principal entrance to the establishment.
- B. Any notice required or permitted to be given to the Zoning Administrator by any person under this ordinance shall not be deemed given until and unless it is received in the office of the Zoning Administrator.
- C. It shall be the duty of each owner who is designated on the license application and each operator to furnish notice to the Zoning Administrator in writing of any change of residence or mailing address.

SECTION 14.27 INJUNCTION

A person who operates or causes to be operated a sexually oriented business and/or a business which provides sexually oriented activities without a valid business license or in violation of Section 14.13 of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business and/or a business which provides sexually oriented activities so operates is a separate offense or violation.

SECTION 14.28. SEVERABILITY

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION 14.29. CONFLICTING ORDINANCES REPEALED.

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

SECTION 14.30. EFFECTIVE DATE

The foregoing amendment to the Grant Township Zoning Ordinance was approved and adopted by the Township Board of Grant Township, Oceana County, Michigan, on the 6th day of October, 1999, after a public hearing was required pursuant to Michigan Zoning Enabling Act 110 of 2006 as amended. This amendment shall be effective upon publication.

Article 15. SAND, GRAVEL AND TOP SOIL

SECTION 15.1 SAND, GRAVEL, AND OTHER MATERIALS MINING AND RELATED LAND USE ACTIVITIES AND STRUCTURES, SCOPE, PURPOSE AND INTENT

No sand, gravel, or other materials mining or excavation that would impact one (1) acre or more shall be permitted except by special use permit issued by the Township of Grant. The application shall include a development plan and a rehabilitation plan. It shall first be submitted to the Planning Commission for review and recommendation to the Township Board. The following information shall be submitted:

A. SITE PLAN. A site plan which shall include the following information:

1. North point, scale and date.
2. Extent of the area to be excavated.
3. Location, width and grade of all easements or right of way on or abutting the property.
4. Location of all structures on the property and other structures on any adjoining property within 300' of the excavation site.
5. Location of all areas on the property subject to inundation or flood hazard; and location, width and direction of flow of all water courses and flood control channels that may be affected by excavation.
6. Processing and storage areas.
7. Proposed fencing, gates, parking and signs.
8. Ingress/egress roads, plus on-site roads and proposed surface treatment and means
9. A map showing access routes between the property and the nearest road.

B. REHABILITATION PLAN. A rehabilitation plan which shall include:

1. A statement of planning rehabilitation, including methods of accomplishment, phasing and timing.
2. A plan indicating: the final grade of the excavation; any water features included in the rehabilitation and methods planned to prevent stagnation and pollution; landscaping or vegetative planting; and areas of cut or fill. This plan, if clearly delineated may be included with the site plan. For quarry application, the final grade shall mean the approximated planned final grade.
3. A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.

C. THE METHOD OF DISPOSING of any equipment or structures used in the operation of the excavation upon completion of the excavation.

D. THE NAME, ADDRESS, AND SIGNATURE of the property owners and applicants.

E. A WRITTEN LEGAL DESCRIPTION or record of survey of the property.

F. A BOND, cash deposit of negotiable securities and public liability insurance may be required to ensure conformance to Township operational and reclamation standards.

G. REVIEW STANDARDS FOR APPROVAL. The Planning Commission and Township Board may consider the following factors in their review of the permit application:

1. The need for removal, and alternate solutions not requiring removal.
 2. The impact of the removal process and methods of removal on adjoining areas.
 3. The extent and amount of removal of valuable surface topsoil, and destruction of land uses by the removal.
 4. The increased hazards to neighbors, water, land and air.
 5. The proposed plan complies with existing applicable County, State and Federal standards and requisite permits and approvals are obtained from the various agencies and departments involved.
 6. Whether the spirit and intent of the objectives of this Zoning Ordinance would be preserved or promoted.
- H. PERMIT TO FILL. The Zoning Administrator will issue the permit to fill land, after he has determined:
1. That such filling will not cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage.
 2. That such fill material will not unreasonably cause blowing dust, grime, fumes or odors.
 3. That such fill will not decay or rot in such a manner as to cause holes or soft areas to develop in the lands so filled.
 4. That, upon completion of such fill, the property will be left in such a condition that it may be properly used for the use designated for the area in the Zoning Ordinance and maps.
 5. That such fill shall not operate to inhibit light and air to the adjoining properties.
 6. That such filling operations will not be conducted before sunrise or after 8:00 p.m. local time.
 7. That the transportation of such fill materials will be made in trucks or vehicles properly suited to such transport so that it will not be spread upon the highways and roads of the Township.
 8. That such fill will not cause any hazard or fire and combustible materials shall not become any part of the fill material.
 9. That the filling will be carried out under the terms and conditions above set forth, and that the Zoning Administrator may, if he is concerned about the applicants fulfilling the above conditions, require a performance bond in favor of the Township and conditioned upon the applicant faithfully carrying out all of the terms and conditions of the permit.
 10. The material mining permit issued is contingent upon the Township Zoning Administrator receiving all applicable State, County and Federal permits.

SECTION 15.2 SEVERABILITY.

Should any section of this Ordinance be declared unconstitutional, such declaration shall not affect the validity of the remaining sections of this Ordinance.

SECTION 15.3 ORDINANCE REPEAL.

All ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 15.4 EFFECTIVE DATE

The foregoing amendment to the Grant Township Zoning Ordinance was approved and adopted by the Township Board of Grant Township, Oceana County, Michigan, on the 17th day of April, 2000, after a public hearing was required pursuant to Michigan Zoning Enabling Act 110 of 2006 as amended. This amendment shall be effective upon publication.

SECTION 15.5 REMOVAL OF TOP SOIL OR OTHER MATERIALS FOR SALE

No removal of top soil, muck, peat, sand, gravel or other materials in the ground for sale, processing or for use other than the land from which it is removed shall be permitted except as authorized as hereinafter provided:

- A. The Township Board may authorize the removal of said materials for the above purposes upon written application by the person, firm or corporation proposing to do the removing and the execution of a written contract between the applicant and the Township that the following conditions shall be met and that the violation of any of the terms of the contract shall give the Township Board authority to revoke the permit in writing stating reasons therefore; the minimum conditions to be included in said contract are:
 - 1. That the land will be left in a condition as will allow the uses in the Zoning District where the removal takes place.
 - 2. That the land will not be covered by stagnant water or be in a swampy condition both during the soil removal or after the removal is completed and that no water will run off onto adjoining lands except by natural drainage or in a county drain under the jurisdiction of the County Drain Commission.
 - 3. That except for the area of active removal, all land shall be stabilized to prevent wind and water erosion.
 - 4. That final grades and elevations shall be fixed for all areas where materials are to be removed.
 - 5. That if the area from which materials are to be removed shall exceed 20 acres in size, a proposal for development of 10 acres or such other reasonable size units shall be required before new areas are opened for removal of materials.
 - 6. That the contract provides that in the event of a default by the remover of the terms of the contract, that the Township shall have a right to enter upon the premises, to do such work as is necessary to restore the premises to the condition provided for in the contract; to have a lien upon the premises for such work which lien may be foreclosed in Court in the manner of a real estate mortgage. The Township Board may require, in addition, that a performance bond be approved by the Township Attorney.
- B. The Township Board may impose such other requirements as are necessary to preserve the health and safety of the inhabitants of the Township; as are required by other State Laws or County ordinances; or, are necessary to preserve the goals of the Township Zoning Ordinance.
- C. The Township Board shall require the contract to be approved by the Township Attorney before the execution thereof.

SECTION 15.6 BORROWED FILL

No use of land for filling with borrowed fill of any kind shall be permitted except as authorized as hereinafter provided:

- A. The Township Board may authorize the filling of land upon written application by the person, firm or corporation proposing to do the filling and the execution of a written contract between the applicant and the township that the following conditions shall be met and that the violation of any of the terms of the contract shall give the Township Board authority to revoke the permit in writing stating reasons therefore. The minimum conditions to be included in said contract are:
1. Approval of the County Health Department and the County Drain Commissioner and any State Department having authority therefore of the plans and terms incorporated in the contract.
 2. That provision be made for the control of blowing dust, dirt, soil or debris.
 3. That provision be made so that the fill will not subside due to decay, rot, consolidation, raveling or other known reasons either during the filling operation or after completion thereof.
 4. That upon completion of the proposed fill, the land shall be left in such condition as to be useable for the uses allowed in the Zoning District wherein the fill takes place.
 5. No fill at or along bodies or streams of water shall exceed three feet higher than the elevation of the high-water mark nor shall any fill be placed in bodies or streams of water or swamps if the loss of wild life game habitat shall result and there shall be no creation of unhealthy conditions.
- B. No permit for the filling of 300 cubic yards or less for landscaping purposes in connection with the construction shall be required.
- C. The Township Board shall require the contract to be approved by the Township Attorney before the execution thereof.

SECTION 15.7 HOURS OF OPERATION

No removal or filling operation shall be permitted under the foregoing provisions shall be conducted between one hour after sunset and one hour before sunrise.

Effective Date.

The foregoing amendment to the Grant Township Zoning Ordinance (Sections 15.5 and 15.7) was approved and adopted by the Township Board of Grant Township, Oceana County, Michigan, on the 5th day of June, 2000, after a public hearing as required pursuant to Michigan Zoning Enabling Act 110 of 2006 as amended. This ordinance shall be effective upon publication.

Article 16. PRIVATE ROADS

SECTION 16.1 PURPOSE

The Township has determined that as large tracts of land are divided, sold, transferred and developed, private access roads are being created to provide access to the newly divided properties which are not subject to regulation under the Michigan Land Division Act of 1967, as amended, and other State regulations. 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 roads to assure that:

- A. Private roads are designed with width, surface and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles;
- B. Said roads are constructed of suitable materials to ensure minimal maintenance and safe passage; and
- C. Private roads will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and other significant natural features of the Township.

SECTION 16.2 DEFINITIONS

R.1 ROAD.

A dedicated right-of-way, street or other thoroughfare (but not alley) permanently established for the passage of persons and vehicles.

1. A "public road" is a road which is maintained by a governmental entity, such as the Oceana County Road Commission.
2. A "private road" is a road which is not maintained by a governmental entity. The term "private road" shall include any private easement for vehicular travel. A private drive serving a single lot, located entirely on the same lot, is not a private road; it is a "driveway".

SECTION 16.3 CONSTRUCTION

All private roads shall be constructed according to the following design requirements:

- A. When two lots are being served, the following requirements must be complied with:
 1. Any lot not having the required minimum lot width on a public road shall have such required lot width upon a private road, and for purposes of this article, the terms lots and parcel shall have the same meaning;
 2. All private roads shall have direct access to a public road;
 3. Public road access
 - a. The layout of the private road and the intersections of the private road with either a public or private road shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured;
 - b. The minimum distance between intersections of public and/or private road rights-of-way shall not be less than one hundred fifty (150) feet, as measured along the right-of-way line thereof;
 - c. At least one (1) street sign at the entry to the private road from the public road shall indicate the existence of such private road by appropriate notice so stating. A stop sign conforming to the requirements of the Oceana County Road

Commission shall also be provided at the exit point from the private road to the public roadway;

4. All private roads 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;
 5. Private roads shall have a minimum width of twenty (20) feet of traveled surface;
 6. A minimum clear width of thirty-six (36) feet shall be maintained centered in the right-of-way easement.
 7. The specifications for surface and base materials, shoulders, curbs, culverts, signs, cul-de-sacs and methods of construction of private roads shall conform to the Oceana County Road Commission standards for local roads. Private road grades shall not exceed ten percent (10%);
 8. The Township Board may require the installation of road trees or other landscaping to compensate for the removal or alteration of natural features or amenities;
 9. Existing utility easements shall not be used for private roads unless such roads will conform to the standards set forth in this ordinance;
 10. Private roads shall be inspected at the time of surfacing, whether gravel or pavement, for compliance by an agent qualified to do so and approved by the township. All inspection costs shall be paid by the applicant before final approval of the private road.
 11. All private roads shall be named and identified by the use of appropriately located road name signs. Road names shall not duplicate any existing road name in Oceana County, except where it is continuation of an existing road. All lots fronting on the private road shall have an address on the private road.
- B. When three or more lots are being serviced by said roadway, in addition to the requirements of Section 16.3 A., the private road shall be graveled by the property owners or association pursuant to the Oceana County Road Commission standards for local roads.

SECTION 16.4 APPLICATION

- A. No individual, association, corporation or entity, whether public or private, shall construct a private road without first having obtained a private road permit from the Zoning Administrator.
- B. An application for a private road permit shall contain the following:
 1. A completed private road permit application, provided by the Township;
 2. A detailed written description of the development to be served by the private road, including a description of the proposed association or other entity which shall be responsible for operation and maintenance of the private road;
 3. Seven (7) copies of a site plan, drawn to scale, prepared by a registered engineer or land surveyor, showing the precise location, grade, route, elevation, dimensions and design of the private road and any proposed extensions thereto, existing and proposed curb cuts and the location and distance to any public roads which the private road is to intersect;
 4. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road;

5. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity and television cable to be located within the private road 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 with the proposed right-of-way or within one hundred (100) feet of the private road right-of-way;
 7. The location of any other building and structures located, or to be located, within one hundred (100) feet of the private road right-of-way;
 8. The applicant(s)/owner(s) of the proposed private road right-of-way or private road shall provide the Township Board with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township Board which shall provide for and assure that the private road shall be regularly maintained, repaired and snow plowed so as to assure that the private road is safe for travel at all times and the cost thereof paid.
- C. Prior to approving a private road permit application, the Township Planning Commission shall determine, and following their determination, make recommendation to the Township Board as follows:
1. The proposed private road will not be detrimental to the public health, safety or welfare
 2. The proposed private road will not adversely affect the use of land;
 3. That the private road is constructed to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions;
 4. That the private road 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;
 5. The construction of the private road conforms to the requirements of this Section and verification of the conformance is provided by the applicant's civil engineer by submission of a set of as-built drawings and a statement certifying that the private road has been constructed in accordance with the requirements of the permit.
- D. The Township Board may require that the applicant comply with reasonable conditions relative to the design and construction of the private road.
- E. The Township Board may, as a condition of the private road construction permit, require that the applicant provide a performance guarantee.
- F. Upon application, the Township Board may modify any of the private road requirements of this Section after finding that no other reasonable alternatives are available to the applicant to comply with the requirements of this article after taking into account the following facts:
- G. Construction of a private road is to be commenced within one (1) year of issuance of the permit and the applicant is to proceed diligently to completion of the road. If construction is not commenced within such period and pursued to completion, the permit shall expire and the applicant shall reapply as provided in this Section if the applicant later decides to proceed. The period within which construction must be commenced is subject to extension by the Township Board for good cause shown and, as a condition of extension,

the Township Board may increase the amount of performance guarantee required.

- H. The Building Inspector shall not issue building permits for any building on lots served by a private road until construction of the private road as approved by the Township Board has been completed and the owner shall have submitted to the Zoning Administrator a Completion Certificate signed by a registered engineer indicating that the road has been completed in accordance with the approved plan and the requirements of this Section.

SECTION 16.5 EXISTING PRIVATE ROADS

Private roads existing prior to January 1, 2004, or the extension of private roads existing prior to January 1, 2004, shall not be subject to the requirements of this Section, except for the following:

- A. Prior to construction of any kind on an existing private road, or the extension of such private road, or on parcels, which depend thereon for access, and prior to the issuance of any building permits, the Zoning Administrator shall review an application submitted in accordance with the requirements of this Section;
- B. The Zoning Administrator, after review of the application by the Township Assessor, Fire Chief and other individuals or agencies deemed appropriate by the Zoning Administrator, shall issue a Private Road Permit, provided that the following standards are met with regard to the existing private road, or an extension thereof:
 - 1. An existing private road, or extension thereof, shall have sufficient width and grade and a surface of suitable material to provide safe passage and maneuverability of private vehicles and police, fire, ambulance and other safety vehicles;
 - 2. The extension of an existing private road shall protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands and other significant natural features of the township;
 - 3. Except as otherwise provided, if a private road is extended, if additional lots are created or a building is to be constructed such that graveling is required pursuant to Section 16.3 (F) then the entire length of the private road shall be constructed or reconstructed in accordance with the standards of the Oceana County Road Commission for local graveling of roads as described herein, for a width of twenty (20) feet, or the width of the existing right-of-way, whichever is less.
 - 4. If 50% or more of the lots or parcels on a private road which were in existence on January 1, 2004 were improved with a principal building on that date, then graveling of the private road shall be not required prior to the construction of buildings on the lots or parcels which existed on January 1, 2004. Graveling shall be required for any new parcels created on the existing private road.
- C. Building permits may be issued prior to the construction of the private road, provided a performance guarantee assuring the completion of the private road has been submitted in accordance with the requirements of this Section and other applicable sections of this ordinance.

SECTION 16.6 FEES

Fees for the permits required herein shall be set by the Township Board from time to time, by resolution.

SECTION 16.7 INDEMNITY

By making application for or securing a permit to construct a private road, the

applicant/owner agrees to indemnify and hold the township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private road or for failure to properly construct, maintain, use, repair, and replace the private road.

SECTION 16.8 EFFECTIVE DATE

This ordinance was duly adopted on November 4, 2003 at a regular meeting of the Grant Township Board. Definitions were updated and Section 16.3.B was added November 9, 2010.

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Article 17. WIND ENERGY HARVEST SITE

SECTION 17.1 WIND ENERGY HARVEST SITE

A Wind Site Assessment or Wind Energy Harvest Site (Wind Farm) may be approved by the Planning Commission as a special land use in A-5 and A-10 zoned areas only, upon compliance with the following conditions:

- A. **Definitions:** For the purposes of this section, the following terms and phrases shall be defined as provided below:
- B.1 Blade Clearance.** In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotor's swept arc.
 - H.1 Horizontal Axis Wind Turbine (HAWT).** A wind turbine designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.
 - M.1 Met Tower.** A guy-wire supported tower containing instrumentation such as anemometers that is designed to, and used for the assessment of wind resource on site.
 - N.1 Nacelle.** The structure designed to "yaw" (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components, and generator.
 - O.1 Operations & Maintenance Office (OMO).** A local facility constructed for the purpose of operating and maintaining the wind farm including the storage of spare parts and consumable materials.
 - P.1 Participating Property Owner.** A property owner who is receiving, or has received, compensation in connection with the operation, siting or development of a wind farm.
 - R.1 Rotor.** An element of wind turbine which acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 - S.1 SCADA Tower.** A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition system (SCADA).
 - S.2 Sub-station.** An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.
 - S.3 Supervisory Control and Data Acquisition (SCADA).** A control system designed to acquire data and perform both automatic and manual control function to the wind farm.
 - S.4 Swept Rotor Arc/Diameter.** The largest circumferential path traveled by a wind turbine airfoil rotor blade.
 - T.1 Total Height.** The height from grade to the highest vertical point of the swept rotor arc. In the case of wind turbine with horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
 - T.2 Tower.** The tubular structure, above grade, that supports the nacelle and rotor assembly.

T.3 Tower Foundation. The tower support structure, below grade, that supports the entire weight of the wind turbine.

W.1 Wind Energy Harvest Site (Wind Farm). A Wind energy harvest site is a location where any number of commercial grid-connected wind turbines are sited for the purpose of extracting kinetic energy from the wind and supplying it, in transmission utility (“grid”).

W.2 Wind Farm Construction Application. An application to the Planning Commission seeking special land use approval to construct a wind farm (Building Permit).

W.3 Wind Site Assessment Application. An application to the Planning Commission seeking special land use approval to erect one or more anemometer towers (“Met towers”) on lands deemed necessary by the applicant for wind resource assessment.

W.4 Wind Turbine Generator (WTG). A wind turbine generator is a device designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility.

B. Application Requirements: It is the intent of this section to permit, where appropriate, Wind Energy Harvest Sites using the special land use approval process. The construction of a Wind Energy Harvest Site typically involves a two-phased process, whereby the feasibility of a wind energy harvesting site is first tested through the conducting of a Wind Site Assessment and then, if testing is successful, a Wind Energy Harvest Site is constructed. Accordingly, each of these two phases shall require separate special land use application meeting the requirements set forth below:

1. **Wind Site Assessment Application.** An applicant seeking special land use approval (Special Use Permit) for a Wind Site Assessment shall submit a site plan complying with the requirements of Article 9, and the following additional materials and information:

- a. The Wind Site Assessment site plan shall also show the following:
 - i. The proposed location, size, height and type of all anemometer (“Met”) Towers intended to assess the wind resource.
 - ii. The location of all primary and secondary buildings and any other structures on the subject assessment site property as well as any buildings and dwellings on adjacent properties within 1 ½ times the proposed Met Tower height.
 - iii. The features of the site including the location of roads both public and private, wood lots, property lines, and any other feature deemed pertinent by the Planning Commission.
- b. The name, address, and phone number(s) of the applicant, the owner of all equipment proposed to be installed, and the owner(s) of the land(s) on which the equipment will be installed.
- c. A copy of that portion of the applicant’s lease with the land owner(s) granting authority to install “Met” Tower(s) for the purpose of conducting a Wind Site Assessment, which must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of the Wind Site Assessment.
- d. A narrative description of the ambient background sound study.

- e. Proof of the applicant's public liability insurance for the Wind Site Assessment in a minimum sum of five (5) million dollars naming the property owner and the Township as insured.
 - f. Met Tower shall not be located on the site in excess of twenty-four (24) months. A renewal of said permit may be had from the Planning Commission upon proper proof of need or necessity.
2. **Wind Farm Construction Application.** (Building Permit) An applicant seeking special land use approval for Wind Farm Construction shall submit a site plan complying with the requirements of Article 9, and the following additional materials and information:
- a. A Finalized site plan, bearing the certification(s) of the all licensed engineering consultants and agencies required by law, showing in detail, all the features and information listed in the Wind Site Assessment application and showing the following additional information:
 - i. The proposed location of all wind turbines and access roadways.
 - ii. The proposed location of the OMO, and all substations(s), permanent Met Towers and/or SCADA Towers comprising the proposed Wind Farm.
 - iii. The proposed location of all underground and/or overhead cabling.
 - iv. The physical size and electrical nameplate capacity of the proposed wind turbines including the total height and the swept rotor diameter.
 - v. All landscaping, with landscaping materials identified.
 - vi. All natural vegetation and features to be preserved.
 - vii. The method, materials and color of fencing, if any.
 - viii. The method of screening or buffering, if any.
 - ix. The method and type of tower lighting, if so required.
 - b. A visual representation including scale elevations, photographs and/or digital information of the proposed Wind Farm.
 - c. A copy of the portion of the applicant's lease with the land owner(s) for the Wind Farm, which must include a provision requiring the applicant, or Wind Farm owner, to remove all equipment to a minimum depth of four (4) feet from the natural grade and restore the site upon cessation of Wind Farm operations.
 - d. The manufacturer's specifications indicating:
 - i. The rated nameplate output, in kilowatts or megawatts, of the wind turbines.
 - ii. Safety features and sound characteristics.
 - iii. Type of materials(s) used in foundation, tower, blade, and/or rotor construction.
 - iv. Manufacturer's MSDS (Material Safety Data Sheet) documentation including the type and quantity of all materials used to sustain the operation of all lubricants and coolants.
 - v. Operating overview of SCADA system employed to control and operate the Wind Farm.

- e. A sound impact study (noise report) satisfactory to the Planning Commission which included sound level information, measured in dB(A), conforming to the standard of a maximum limit fifty five (55) decibels as measured on the dB(A) scale at the property lines of the site in question. A noise report shall be submitted with any application for an anemometer tower or wind turbine generator tower. A noise report shall be prepared by a qualified professional and shall include the following, at a minimum:
 - i. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation.
 - ii. A description and map of the noise sensitive environment, including any sensitive noise receptor, i.e. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers, and other facilities where quiet is important or where noise could be a nuisance within two (2) miles of the proposed facility.
 - iii. A survey and report prepared by a qualified engineer that analyzes the preexisting ambient noise (including seasonal variation) and the affected sensitive receptors located within two (2) miles of the proposed project site. Potential sensitive receptors at relatively less windy or quieter location than the project should be emphasized and any problem areas identified.
 - iv. A description and map of the cumulative noise impacts with any problem areas identified.
 - v. A description of the project's proposed noise control features and specific measure proposed to mitigate noise impacts for sensitive receptors as identified above to a level of insignificance.
 - f. Any proposed wind turbine generator shall not produce vibrations humanly perceptible beyond the property on which it is located.
 - g. Proof that the applicant has obtained or applied for approval from all other agencies having jurisdiction, including the following:
 - i. State and/or Federal Energy Commissions.
 - ii. Federal Aviation Administration.
 - iii. County Road Commission and/or MDOT, as applicable.
 - iv. County Drain Commission.
 - v. Department of Environmental Quality.
 - vi. Other agencies having jurisdiction.
 - h. Proof of the applicant's or Wind Farm owner's public liability insurance for the Wind Farm as set forth herein.
- C. Review Procedures: A Wind Site Assessment Application and Wind Farm Construction Application shall be evaluated by the Planning Commission pursuant to the procedures detailed or in Article 8. The Planning Commission shall conduct separate and individual public hearings on an applicant's Wind Farm Construction Application.
- D. General Standards: In addition to meeting the requirements of Article 8, all Wind Site Assessments and Wind Farms shall comply with the following standards for approval:
1. All Structures shall comply with or exceed applicable standards and regulations of the

Federal Aviation Administration and any other state or federal agency having jurisdiction. If such standards and regulations are changed, then the owners of the structures governed by this ordinance shall bring such structures into compliance with such revised standards and regulations within 90 days of their effective date, unless a different compliance schedule is mandated by the controlling agency.

2. All structures constructed for a Wind Site Assessment or Wind Farm shall comply with the standards contained in applicable state and local building codes.
3. Excepting temporary Wind Site Assessment Met Towers, all towers shall be freestanding and permanently secured to a stable foundation.
4. All Towers shall be grounded to protect against unsafe conditions or damage from lightning and electrical faults.
5. No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification.
6. The placement of all Wind Turbine Generators and Met Towers and SCADA Towers shall comply with the following:
 - a. For purposes of determining whether a proposed Wind Turbine, Met Tower, or SCADA Tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the Wind Turbine(s), Met Tower(s), or SCADA Tower(s) may be located on leased parcels within such lot or parcel.
 - b. Setbacks and/or separation distances shall be measured from the nearest center of the tower base or dwelling unless indicated otherwise.
 - c. Setbacks and/or separation distances shall be measured from the nearest guy-wire support anchor of a wind resource assessment Met Tower.
 - d. Lots or parcels on which a Wind Farm, including Wind Turbine Generators, Met Tower(s), and/or SCADA Tower(s), ancillary supporting equipment and building equipment and Sub-stations, is the principal use need not comply with minimum frontage requirements.
7. The following setback and separation distances shall apply to Wind Turbines, Met Towers, and SCADA Towers comprising Wind Farms:
 - a. Any Wind Turbine within a Wind Farm shall be located not less than 800' feet or two (2) times the height, whichever is greater, as measured from the nearest surface of the dwelling to the center of the nearest wind turbine tower, from any dwelling.
 - b. Any Wind Turbine within a Wind Farm shall be located not less than one and one half times its height, from the nearest surface of a non-dwelling, principal, or secondary structure of the principal structure.
 - c. Any Wind Turbine within a Wind Farm shall be located not less than four hundred feet (400') or one (1) times its height, whichever is greater, from a front yard road right-of-way line providing property across road right-of-way is a participation parcel.
 - d. Any Wind Turbine within a Wind Farm may be located straddling the side yard

- or rear yard property lines separating two participating properties.
- e. Any wind Turbine within a Wind Farm shall be located not less than eight hundred feet (800') or two (2) times its height from road right-of-way, front yard, side yard, or rear yard property lines abutting non-participating properties, whichever is greater.
 - f. In no event shall any wind turbine, (whether within or outside a Wind Farm) exceed four hundred fifty feet (450') in height.
 - g. Any Met Tower used for Wind Resource Assessment shall be located not less than one and one half times the total tower height, as measured from the nearest guy-wire anchor point, to the nearest participating or non-participating dwelling.
 - h. Any Met Tower or SCADA Tower shall be located not less than 50 ft. from the nearest surface of a non-dwelling principal or accessory structure.
 - i. Any Met tower or SCADA Tower shall be located not less than one and one half (1 1/2) times the total tower height from the nearest front yard right-of-way line.
 - j. Any Met Tower or SCADA Tower may be located straddling the side yard or rear yard property line separating two participating properties.
 - k. Any SCADA Tower shall be located not less than one and one half (1 1/2) times the total height to the nearest participating or non-participating dwelling.
 - l. Any Wind Resource Assessment Met Tower shall be located not less than one and half (1 1/2) times the total tower height from side yard or rear yard property lines abutting non-participating properties.
 - m. Any SCADA Tower shall be located not less than one and one half (1 1/2) times the total tower height from side yard or rear yard property lines abutting non-participating properties.
8. With respect to the Operations and Maintenance Office (OMO), Sub-station(s), and Ancillary Equipment, all setback and separation distances shall be governed by the appropriate zoning and code requirements applicable to those structures.
 9. Setbacks with respect to existing electrical distribution and transmission lines shall conform to the established setbacks applicable to those lines.
 10. In the case of a Wind Farm, height restrictions and/or setbacks may be reduced or increased from the minimum setback requirements of this Section, at the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a reduction in setbacks, the feasibility of alternate locations and the proximity of existing dwellings.
 11. The OMO shall be constructed in accordance with all applicable requirements of the Township Zoning Ordinance and Building Code.
 12. All Wind Farms and the construction, installation, operation, maintenance, and repair thereof shall comply with all federal state, and local laws, ordinances, and regulations.
 13. Structures within a Wind Farm shall not be illuminated by artificial means and shall not display strobe lights unless specifically require by the Federal Aviation Administration or other state or federal authority having jurisdiction over the Wind Farm. If lighting is required, the lighting as installed shall cause only the least possible

disturbance to surrounding land uses and shall not exceed FAA minimum standards.

14. All Wind Turbines within a Wind Farm shall be finished in a single, non-reflective matte finished color that minimizes the visual impact of the wind farm.
15. Individual Wind Turbines within a Wind Farm, separated by one half (½) mile (800 meters) or less, shall be constructed using Wind Turbines whose appearance, with respect to one another, is similar within and throughout the Wind Farm, thus exhibiting reasonable uniformity in overall turbine size, geometry, and rotational speeds.
16. The minimum vertical blade tip clearance from grade shall be sixty-six (66) feet (20 meters) for a wind turbine employing a horizontal axis rotor (HAWT).
17. Excepting wind resource assessment “Met” towers, the use of any type of tower, other than freestanding tubular tower, is prohibited. All tubular towers shall be designed to prevent external access to electrical and mechanical components within and shall have robust access doors that are kept securely locked at all times.
18. Utility Company Interconnection (Interconnected Wind Turbine Generator): All Distribution lines from the Wind Turbine Generator to the electrical grid connection shall be located and maintained four (4) feet underground (both on the property where the Wind Turbine Generator will be located and off-site). All three cables will be encased in a steel armored shield. The Township Board (upon recommendation of the Planning Commission) may waive the requirement that distribution lines for the Wind Turbine Generator which are located off-site (i.e., are not located on or above the property where the Wind Turbine Generator will be located) be located and maintained underground if the Township Boards determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
19. Electromagnetic Interference: Each Wind Turbine Generator and Testing Facility shall be designed, constructed and operated so as not to cause any interference with television, microwave transmission and reception, navigational, or radio reception to neighboring areas. In the event that electromagnetic interference is experienced, the applicant shall provide alternate service to each individual resident or property owner affected. The replacement service shall be acceptable to the injured party. The replacement service shall be equal to, or superior to, the previous service that was interrupted.

Any additional cost of construction, equipment, maintenance or increased subscription charges shall continue to be paid permanently by the Wind Turbine Generator owners/operators until such time that the offending Wind Turbine Generator is removed.

E. Operational Standards: The operation of a Wind Farm shall conform to operational standards that reasonably protect the public from excessive danger due to weather conditions. Operational standards shall include the following:

1. All wind turbines shall be shut down for the duration of any freezing ice storm where the total ice accumulation on horizontal surfaces at ground level has exceeded ¼ inch (6 millimeters).
2. All wind turbines, having been shut down during a freezing ice storm, may only be restarted under the strict supervision of a qualified operator in attendance once the storm has subsided.

F. Discretionary Conditions: The Planning Commission, in its reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any Wind Farm, including the Wind Turbines, Met Towers, or SCADA Towers, Ancillary equipment, or Substation(s). Such other terms and conditions may include, though need not be limited to, the following:

1. The screening or buffering of structures (other than towers) with landscaping, berms, walls or any combination thereof.
2. The timely removal of unused or unsafe tower or accessory buildings or structures.
3. The prohibition on the construction or occupancy of dwellings on the lands where the Wind Turbines, Met Towers, or SCADA Towers are located, within the separation distances specified by this Section.
4. The preservation of existing trees and other existing vegetation not required to be removed for installation of a Wind Farm, including Wind Turbines, Met Towers, or SCADA Towers.
5. The reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of a Wind Farm including Wind Turbines or Met Towers or SCADA Towers or accessory buildings or structures.
6. The requirement for the wording of, and the location of appropriate signage concerning any safety and/or health issue(s) deemed necessary to inform and protect the public.
7. The requirement of a performance bond naming the Township and landowner as sureties in an amount not less than one million per megawatt of capacity through completion of construction and ten percent (10%) thereafter for decommissioning.

G. Removal/Decommissioning:

1. Should fifty percent (50%) or more of a Wind Farm discontinue producing power for a minimum of one year, the wind farm operator shall be required to provide a status report to the Township Board. A review of the status report by the Township Board may result in a request for the effected wind turbine(s) or the entire wind farm to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop operation order by the Township Zoning Administrator, Building Official, or other Township official having jurisdiction and demand being made on the performance bonds set forth in paragraph seven (7) of the preceding paragraph.
2. The Township Clerk shall be notified within 30 days of any changes in the status of a Wind Farm, including cessation of use, a change in its ownership, or a change in the terms of the underlying lease to the subject property.

H. Inspections: Upon the provision of reasonable prior notice to the site operator, the Township Zoning Administrator, Building Official, and/or his or her designated representative may inspect any property for which special land use approval has been granted pursuant to this Section to determine whether the site complies with the applicable requirements of law and the terms of the special land use approval.

I. Prohibited Structures: The following structures are prohibited as part of any commercial, grid-connected Wind Farm approval as a special land use:

1. Vertical axis wind turbines, commonly known as a "VAWT" or "Darrieus" wind turbine.
2. Wind turbines with a nameplate generation capacity of less than 500 kW (V2MW).

3. Wind Turbines (HAWT's) with a rotor design consisting of a number of airfoil rotor blades other than three.
4. Wind Turbines, permanent Met Towers, or SCADA Towers utilizing a lattice or "truss" type tower structure.

SECTION 17.2 EFFECTIVE DATE

This Amendment to the Ordinance, Section 17, shall become effective April 6, 2004.

Article 18. OPEN SPACE PRESERVATION

WHEREAS, the State of Michigan legislature has executed a Public Act 177 of 2001, which has been signed by the governor, which allows property owners to elect cluster zoning when developing their property for the purpose of preserving open space;

WHEREAS, the above referenced legislation, requires townships to incorporate same within their zoning by December of 2002, but does not specify penalty for not acting;

WHEREAS, The Township of Grant, County of Oceana, State of Michigan wishes to preserve open space pursuant to said legislation and provide for cluster zoning in its residentially zoned areas which has the effect of reducing lot size and concentrating same into one area so as to leave undeveloped, at least 50% of the lands thus affected; and

WHEREAS, The Township wishes to protect itself and its citizens for health, safety, and welfare reasons from having lot sizes that are too small to accommodate the health concerns of its citizens and to provide a minimum size and to otherwise ensure that the resulting developments otherwise comply with Township zoning:

Article 18 of Township of Grant, County of Oceana, State of Michigan Zoning Ordinance is hereby added to the zoning ordinance.

OPEN SPACE PRESERVATION

SECTION 18.1

Anything to the contrary notwithstanding, all residential zoned property within the Township, within any residential zoned district is subject to the Open Space Preservation provisions found in Public Act 177 of 2001.

SECTION 18.2

Any Land within the Township which is zoned residential may be developed (at the option of the land owner) with the same number of dwelling units that would otherwise be available under existing zoning upon less than the whole parcel but in no event more than 50% of the entire parcel.

SECTION 18.3

In determining the number of lots that would otherwise be available under existing zoning (without the benefit of the cluster zoning election) the calculation shall not include unbuildable areas of the parent parcel such as wetlands, or other unbuildable areas pursuant to the zoning ordinance. Further, same shall not count towards the determination of what constitutes the minimum space hereby preserved.

SECTION 18.4

If a property owner elects to develop property under this cluster zoning amendment, and the resulting lot sizes are reduced below current zoning allowances they shall be further reduced to accommodate same, provided that under no circumstances shall the lots be smaller than in our R-1 Residential District (one acre).

SECTION 18.5

Property developed under this amendment shall be considered as a special use for all appropriate zoned areas herein mentioned and impacted and shall comply with the requirements of the special use permitting process as contained in the township zoning ordinance. All developers wishing to make this election shall submit two (2) site plans, the first being a plan in accordance with the existing ordinance without the election, which will be

used to aid and assist in establishing the number of units available for development under the cluster zoning election. The second site plan submitted shall be as proposed under Public Act 177 of 2001 with the election.

SECTION 18.6

Anything to the contrary and notwithstanding, the size of the resulting clustered lots shall comply, at a minimum, with all lot size and setback, requirements as found in current R-1 Residential District (one acre).

SECTION 18.7

Anything to the contrary notwithstanding, that portion of the land not developed and left in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that run with land, including, but not limited to restrictions on special use permits. Permitted use of the open spaces created by this development (the land not developed and left open as a result of the reduction in lot size permitted herein) shall be limited to the following: natural animal habitats, wildlife quarters, trails that link parks, nature reserves, parks, cultural features, and historical sites and for other recreation and conservation purposes or specifically prohibited by statute or this Ordinance. Same shall be kept in a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use, open space, or similar use or condition. Land in an undeveloped state does not include a golf course, however, it may include recreational trails, picnic areas, children's play areas, or linear parks. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public. If it is not dedicated to the use of the public, deed restrictions shall be imposed.

SECTION 18.8 EFFECTIVE DATE

This Amendment to the Ordinance, Section 18, shall become effective July 28, 2005.

Article 19. PROPERTY MAINTENANCE

Grant Township Board determines that the public peace, health, safety and welfare of the citizens of Grant Township is threatened by the accumulation, storage, abandonment or discarding of garbage, rubbish, demolition and construction debris, junk, junk vehicles and parts of such vehicles, which can result in adverse soil and water pollution, fire hazard, injury to persons and public health by disease and pests, blight or potential blight where such conditions are exposed to public access in the Township and where such activity is not otherwise regulated by state law or county ordinances.

SECTION 19.1 INTENT AND PURPOSE

The purpose of this Ordinance is to regulate and control the storage and disposal of junk within Grant Township; to promote the public health, safety and welfare; to protect land and water resources; to provide for the safety of residents in the area; and, to regulate matters of legitimate township concern, by;

- A. Defining certain terms used herein,
- B. Regulating the volume and conditions under which a person may store junk on one's own land,
- C. Regulating and coordinating with other ordinances the use and operation of junk yards in the township;
- D. Providing for other miscellaneous provisions necessary for regulation of township affairs; and
- E. Providing for enforcement and a system of due process for removal of junk from one's land.

SECTION 19.2 LEGAL BASIS

This Ordinance is enacted pursuant to 1929 PA 12, being MCLA 445.451 et seq; MSA 19.731 et seq; being an act to authorize townships to license and regulate junk yards and places for the dismantling, wrecking and disposing of the junk and/or refuse material of automobiles. It is the purpose of this Ordinance to supplement state law providing for control of junkyards and the regulation of junk, as here above set forth.

SECTION 19.3 GENERAL PROVISIONS

A. Validity & Severability

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section, or part directly involved in the controversy in which said judgment shall have been rendered.

B. Provisions not affected by Heading

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof.

C. Amended Michigan Statutes

Whenever any provision of this ordinance refers to or cites a section of the Michigan Statutes and that Michigan Statute is later amended or superseded, the Ordinance shall be deemed amended to refer to the amended Michigan Statute section or the section thereof that most nearly corresponds to the superseded section.

SECTION 19.4 DEFINITIONS

Words in any gender shall be deemed to include the masculine, feminine, and neuter.

Words used in the present tense shall include future; and words used in the singular number shall include the plural and the singular, unless the context clearly indicates the contrary.

The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

The word “person” includes a firm, partnership, association, trust, company or corporation, as well as an individual.

Any word not defined herein shall be interpreted within its common and approved usage or as defined in a standard dictionary.

C.1 CONSTRUCTION AND DEMOLITION DEBRIS

Any type of solid waste consisting of waste building materials and rubble resulting from construction, remodeling, repair and demolition of houses, commercial and industrial buildings and other structures which includes but is not limited to metal, concrete, glass, brick, asphalt, roofing materials, wood tree stumps, or brush from construction sites.

D.1 DISTRESSED VEHICLE

Any motor vehicle or vehicle that has been wrecked, scrapped, ruined, junked, dismantled or damages to such an extent that an owner or an insurance company which insures the vehicle considers it uneconomical to repair the vehicle.

G.1 GARBAGE

Rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for use as food, or that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable not in an appropriately maintained composting operation, or not using generally accepted agricultural practices.

J.1 JUNK

Any manufactured goods, appliance, fixture, furniture, machinery, boat or personal property, or any part of the preceding things or any thing, whether of value or valueless, that is demolished or discarded, completely or partially dismantled, dilapidated, wrecked, scrapped, ruined, junked or so worn, deteriorated, or in such a condition as to be generally unusable or inoperable in its existing state, and shall include scrap ferrous or non ferrous material, rubber, cloth, paper, rubbish, refuse, litter, materials from demolition, waste building materials, refuse from industrial and manufacturing operations, junked, abandoned, scrapped, dismantled or wrecked (including parts of, or items held for salvaging parts) automobiles, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

It shall not include: items being held for a customer while parts are being sought for its repair, items that are classic or antique, kept and collected for their antique or collectable value, and items and junk kept at a licensed Type I, II, III landfill for purposes of disposal of solid waste, incineration, recycling and resource recovery.

J.2 JUNK MOTOR VEHICLES

Any motor vehicle which is (a) distressed, (b) missing a major component part, (c) used as a storage container, and is distressed or missing a major component part, or (d) is not capable of operation because of missing or broken parts and cannot be made operational by simple mechanical or electrical repairs or simple replacement of any part(s) in order to qualify for use under the Michigan Motor Vehicle Code, 1939 PA 300, as amended and includes wreckage or any part(s) of a motor vehicle except for the following:

- A. Articles used to farm or conduct farm operations in accordance with generally accepted agricultural and management practices, under the Right to Farm Act, being 1981 PA 93, as amended.
- B. Any motor vehicle in operating condition eligible for use in accordance with the requirements of the Michigan Motor Vehicle Code, 1939 PA. 300, as amended.
- C. A motor vehicle in operating condition held as stock in trade by a regularly licensed dealer of new and used motor vehicles or equipment held as stock in trade.
- D. A motor vehicle or parts thereof located in junkyards or the places of business of wreckers duly licensed by state or county authority pursuant to state law.
- E. A motor vehicle temporarily inoperable due to minor mechanical or electrical failure but which is not a junk vehicle. The motor vehicle may remain upon the premises in the temporary inoperable condition for a period of time not to exceed an aggregate total of thirty (30) days and thereafter is subject to the provisions of this Ordinance.
- F. The lack of a current registration plate is not, in and of itself, a basis for a determination that the motor vehicle is a junk vehicle. Ed note: Does this belong???

J.3 JUNKYARD

Means a business enterprise, or a part of a business enterprise, engaged wholly, or in part, in the purchasing, handling, storage, resale, recycling, conversion, or recovery of junk, and is a business which is included in the Standard Industrial Classification Manual of 1987, prepared by the US Office of Management and Budget, classification 5093 and some enterprises in classification 5931, whether a part of a licensed landfill operation or not; but shall not include any part of a landfill as defined in the Solid Waste Management Act.

M.1 MAJOR COMPONENT PART

Means one or more of the following parts of a motor vehicle:

- A. The engine
- B. The transmission
- C. The right or left front fender
- D. The hood
- E. A door allowing ingress or egress from the vehicle's passenger compartment
- F. The front or rear bumper
- G. The right or left rear quarter panel
- H. The deck lid, tailgate, or hatchback
- I. The trunk floor pan
- J. The cargo box of a pickup
- K. The frame, or if the vehicle has a unitized body, the supporting structure or structures which serve as the frame
- L. The cab of a truck
- M. The body of a passenger vehicle
- N. The window glass

M.2 MOTOR VEHICLE

Any vehicle which, by design, is or is intended to be self-propelled, and by which any person

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or property is or may be carried or transported, except devices exclusively moved by human power and a mobile home.

P.1 PERSON

Means an Individual, Sole Proprietorship, Partnership, Association, or Corporation; Public or Private.

P.2 PUBLIC VIEW OR ACCESS

Means the ability by any passerby legally traveling upon public or private premises, or one or more adjacent property owner's unobstructed view or access to the premises upon which the junk, junk vehicle(s), garbage, rubbish, construction or demolition debris is present.

P.3 PREMISES

Means any lot or parcel of land owned or occupied by any person, vacant or improved with any dwelling, building or other structure; or public lands, or public right of way or easement.

R.1 RUBBISH

Means miscellaneous waste material resulting from housekeeping and ordinary commercial enterprises, including but not limited to, ashes, cartons, cans, bottles, metal, boxes, waste papers, glass, bedding, crockery, wood, used lumber, paper, rags, tires or machinery parts.

R.2 RUINED

Means formless, useless or valueless.

S.1 SCRAPPED

Means having no value except as scrap metal.

W.1 WRECKED

Means the outward appearance of the specific item or vehicle is deformed, damaged or defaced.

Y.1 YARD WASTE

Means leaves, grass clippings, vegetable or other garden debris, shrubbery, brush or tree trimmings that can be converted to compost humus. This term does not include stumps, agricultural wastes, animal waste, roots, sewage sludge or garbage.

SECTION 19.5 PROHIBITED ACTS

- A. No person shall cause, allow or permit the accumulation, storage, abandonment or discarding rubbish, construction or demolition debris, or garbage, not including yard waste in or upon any premises.
- B. No person shall cause, allow or permit the accumulation, storage, parking, abandonment or discarding of junk, junk vehicle(s), or unlicensed vehicles in or upon any premises, unless the junk, junk vehicle(s), or unlicensed vehicles or any part thereof, shall be contained within a fully enclosed building with an impervious floor, so that the junk, junk vehicle(s) or unlicensed vehicles are not exposed to public access or view, and not contributing to the pollution of water and soils. This provision does not apply to farm equipment or off road recreational vehicles. This provision does not apply to junkyards authorized by this ordinance.
- C. No person shall repair, redesign, modify or dismantle any motor vehicle, or parts thereof, on any public premises, or upon private premises, for a period in excess of thirty (30) days, except such as shall be accomplished in fully enclosed buildings, except as

authorized by state law, township or village ordinance.

- D. No more than one modified vehicle in fully operating condition such as a stock modified, redesigned or reconstructed vehicle for the purpose other than that for which it was manufactured may be permitted, provided no building, garage, structure or enclosure is located upon the premises in which the vehicle could be parked or stored and also that in no event shall any such stock modified, remodeled or reconstructed vehicle be parked in the front or side yard area of any residential premises so as to be subject to public view or access.
- E. The carrying out of repair, restoration, and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:
 - 1. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within a garage.
 - 2. Inoperable vehicles and vehicle parts shall be stored inside a building.
- F. It shall be unlawful to store or park semi-trailers, bulldozers, earth movers, cranes, or any other excavating or similar equipment or machinery in a residential zoning district outside of a building except when in use for construction on the lot on which the equipment is being stored.

SECTION 19.6 NUISANCE

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

SECTION 19.7 JUNKYARDS

Junkyards are permitted in the Industrial Zoning District as a Special Use subject to review and approval by the Planning Commission. Junkyards shall be kept in an orderly condition. All junk, wrecked vehicles, equipment, parts and similar materials shall be stacked in rows not higher from the ground level than seven (7) feet. No open burning shall be permitted on any junkyard premises.

Junkyard storage areas shall be setback at least one hundred fifty (150) feet and said area shall be screened from view around the entire periphery of the site by a sight-obscuring wall or fence not less than eight (8) feet in height. Such fence shall be constructed of lumber so as to leave no cracks of greater width than one-half (1/2) inch and shall be painted and kept in good repair and sightly condition.

No proposed junkyard or place for dismantling, wrecking, or disposing of junk and/or refuse material of automobiles shall be located within five hundred (500) feet from any school, church or public park.

A. CONFORMANCE TO ZONING REGULATION

Junkyards shall not do business in Grant Township unless they are:

- 1. Permitted under the Zoning Ordinance of Grant Township by a use permit, special use permit, planned unit development, or certified as a non-conforming use and/or
- 2. Licensed under authority of P.A. 12 of 1929, as amended (being MCL 445.451 et seq.) and

3. Shall meet the following conditions:
 - a. Have a Michigan Sales Tax License;
 - b. Have records of sales and other transactions which are required by, and whose business falls under the jurisdiction of P.A. 350 of 1917, as amended, (the Second Hand Junk Dealers Act, being MCL 445.401 et seq.).

C. LANDFILLS

For the purpose of this Ordinance, and for the purpose of coordinating this Ordinance with other Ordinances, the operation of a junkyard shall be considered an accessory use to a landfill, operating under the jurisdiction of the Solid Waste Management Act, P.A. 641 of 1978, as amended.

D. STANDARDS

A junkyard shall be constructed, designed and operated according to the following standards:

1. Shall be screened from view from a road or adjacent parcels by means of a rigid complete, uniformly constructed opaque fence, constructed of conventional materials, walled enclosure, earth berm, or screening, or a combination of the above. Screening from view may be achieved by distance topography, forests, etc.
2. Shall be set back from parcel boundaries or a road right-of-way at least one hundred fifty (150) feet.
3. Shall be designed and operated so that noise, under normal operational circumstances, shall not exceed standards set forth by OSHA.
4. Shall not be operated so that burning or incineration of Junk or any other material results in smoke, other emissions and effluent shall meet or exceed all applicable state and federal air pollution, surface, and groundwater quality standards.
5. Shall comply with Public Act 219 of 1966, as amended, (the Control of Junkyards Adjacent to Highways act, being MCL 252.201 et seq.) Public Act 350 of 1917, as amended (the Second Hand Junk Dealers Act, being MCL 445.401 et seq.); the Solid Waste Management Act, PA 641 of 1978, and if applicable, P.A. 12 of 1929 as amended, (Township Licensing of Junk Yards, being MCL 445.451 et seq.)
6. Shall not operate a landfill, as defined in the Solid Waste Management Act, as an accessory function to a junkyard.
7. Shall be more than one thousand (1000) feet from a school, campground, or park and,
8. Shall not be adverse to the health, safety and welfare of Grant Township.

SECTION 19.8 PROCEDURE

A. Complaint

Complaint of violations of this ordinance must be in writing on an official form to the Grant Township Zoning Administrator. Upon receipt of complaint, the Zoning Administrator, or a designated representative, shall visit the site of the alleged violations to determine the validity of the complaint.

B. Notification

A letter shall be then delivered to the owner, or to the tenant if the owner is not present, and sent by certified mail to the owner of the property if delivery is made to a tenant, indicating the violation, citing the pertinent section of this ordinance which is being violated and allowing the violator twenty (20) working days to correct the situation. The letter will clearly indicate that if the violator cannot accomplish resolution of the problem in the twenty (20) days allotted, that the violator may meet with the Zoning Administrator, or his designated representative, within the twenty (20) days to outline a plan and set a mutually satisfactory date for resolution of the problem.

The Zoning Administrator, or a designated representative, will visit the site after the date of resolution agreed to and set at such meeting to confirm compliance, and will advise the violator in writing of acceptance of the corrective action.

If the violator does not cooperate in the efforts at resolution, and has not complied with the ordinance by the end of the allotted twenty (20) days or agreed upon date, the Zoning Administrator will immediately submit a dated written request for enforcement to the Grand Township Attorney.

Upon receipt of a written request, the Township Attorney will send a final written notice of violation giving the owner/occupant to (10) days to comply with the Ordinance.

If the owner/occupant fails to comply by the date set on the final notice, the Grant Township Attorney will immediately initiate the legal enforcement procedures outlined in the Ordinance.

C. Exception

In the event of special or peculiar hardship beyond the control of any individual due to unforeseen circumstances by reason of the application of the provisions of this Ordinance, or if there are no unreasonable or adverse effects to the owners or occupants of adjoining property that contradict the spirit and purpose under which this ordinance was founded, the Zoning Administrator may grant a stay for a reasonable length of time to correct the violation

SECTION 19.9 PENALTIES

A. Violations

Any person who violates any provision of this Ordinance, or who fails to comply with any of the regulatory measures or conditions agreed to pursuant hereto, or who fails to correct conditions in violation of the Ordinance, shall be charged with a civil infraction.

B. Fines/Imprisonment

Any person, firm or corporation violating any of the provisions of the Ordinance shall be subject to a fine of not more than one hundred dollars (\$100) or imprisonment in the county jail for a period not to exceed ninety (90) days, or both such fine and imprisonment. Each day that the violation continues to exist shall constitute a separate violation of this Ordinance.

The Township may order corrective measures and enter upon the property of the violator to correct the violations of this Ordinance. Costs and expenses related to such corrections shall be paid by the violator.

If such offender shall fail to correct the violation or pay such fines imposed, or to reimburse the Township for all costs involved, the Township shall impose such costs, fees, and expenses on the property owned by the violator in the form of tax levies, or assessments.

SECTION 19.10 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication and upon being signed by

the Township Clerk.

SECTION 19.11 REPEAL

All Township Ordinances or parts of Ordinances in conflict with any of the provisions of the Section are repealed.

SECTION 19.12 CERTIFICATION

I, William Wagner, Clerk of Grant Township, hereby certify that the foregoing Ordinance Section was introduced and adopted at a session of the Board of Grant Township, in Oceana County, Michigan on the 8th day of April, 2008, by a majority vote of members present, and will become effective on the 8th day of May, 2008.

Article 20. DANGEROUS ANIMALS

SECTION 20.1 PURPOSE

To amend the Code of Ordinances for the Township of Grant pursuant to state rules and regulations for the governing of and the possession of dangerous animals so as to preserve the health, safety and welfare of the residents and guests of the Township.

SECTION 20.2 DEFINITIONS

D.1 DANGEROUS ANIMALS MEANS AND INCLUDES:

- A. Any mammal, amphibian, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics would constitute a danger to human life, physical well-being, or property, including but not limited to lions, tigers, leopards, panthers, bears, wolves, apes, gorillas, monkeys of a species whose average adult weight is twenty (20) pounds or more, foxes, elephants, alligators, crocodiles, and snakes which are poisonous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup, including all constrictors.
- B. Any dog or cat having a disposition or propensity to attack or bite any person or animal without provocation is hereby defined as "dangerous animal."

P.1 PERSON includes any natural person, association, partnership, organization or corporation.

SECTION 20.3 PROHIBITION

Except as provided in Sections 4 and 5, no person shall own, keep, or harbor any dangerous animal in the Township.

SECTION 20.4 EXCEPTIONS

Any person or organization which falls into one of the following categories shall be permitted to own, harbor or have charge, custody, control, or possession of any animal described in Section 20.2

- A. The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.
- B. The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.
- C. The keeping of such animals in a bona fide, licensed veterinary hospital for treatment.
- D. Commercial establishments possessing such animals for the purpose of sale or display.
- E. The keeping of such animals, the purpose or use of which is intended to provide security for commercial or business premises.

SECTION 20.5 DANGEROUS ANIMAL REQUIREMENTS

The keeping of a Dangerous Animal as defined in Sec. 2 herein, shall be subject to the following mandatory requirements.

- A. **Leash and Muzzle.** No person shall permit a dangerous animal to go outside its kennel or pen unless such dangerous animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a dangerous animal to be kept on a chain, rope

or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dangerous animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all dangerous animals on a leash outside the animals' kennel must be muzzled by a muzzling device sufficient to prevent such dangerous animals from biting persons or other animals.

- B. **Confinement.** All registered dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered dangerous animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All such structures must be adequately lighted and ventilated and kept in clean and sanitary conditions.
- C. **Confinement Indoors.** No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the dangerous animal to exit such building of its own volition. In addition, no such animal may be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dangerous animal from exiting the structure.
- D. **Signs.** All owners, keepers or harborers of dangerous animals within the Township shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dangerous Animal". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- E. **Insurance.** All owners, keepers or harborers of dangerous animals must within ten (10) days of the effective date of this ordinance provide proof to the Township Clerk of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. At the time of initial registration the owner, keeper or harborer must present proof to the Township Clerk of required insurance. At the time of subsequent registration the owner, keeper or harborer must show proof of insurance for the present registration period and proof that there was insurance coverage throughout the period of the prior registration year. In the event the liability insurance is canceled, lapsed, or for any other reason becomes non-enforceable, the owner, keeper, or harborer shall be in violation of the provisions of this division and subject to the penalties provided herein.
- F. **Identification Photographs.** All owners, keepers or harborer of dangerous animals must within ten (10) days of the effective date of this ordinance provide to the Township Clerk two (2) color photographs of the animal clearly showing the color and approximate size of the animal.
- G. **Reporting Requirements.** All owners, keepers or harborers of registered dangerous animals must, within ten (10) days of the incident, report the following information in writing to the Township Clerk as required hereinafter.
 - 1. The removal from the Township or death of a registered dangerous animal.
 - 2. The new address of the dangerous animal owner should the owner move.

- H. **Animals Born of Registered Dangerous Animals.** All offspring born of dangerous animals registered with the Township must be registered with the Township within ten (10) weeks of birth of such animal.
- I. **Failure to Comply.** It shall be unlawful and a misdemeanor for any person, owner, keeper or harbinger of a dangerous animal registered with the Township Clerk to fail to comply with the requirements and conditions set forth in this division. Any dangerous animal found to be the subject of a violation of this division shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this chapter shall result in the revocation of the license of such animal and the permit providing for the keeping of such animal, resulting in the immediate removal of the animal from the Township.

SECTION 20.6 SEVERABILITY

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

SECTION 20.7 REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict with this Ordinance to the extent of such conflict are hereby repealed.

SECTION 20.8 EFFECTIVE DATE

This Ordinance will become effective immediately. Approved by the Grant Township board on 1/24/2011.

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Article 21. MEDIUM DENSITY RESIDENTIAL DISTRICT

Medium Density Residential Districts are intended to be used for residential purposes of single family dwellings in a concentrated setting as provide herein. These zoning districts are to be so situated and planned for each dwelling to be served by its own private sewerage disposal and water supply system according to the latest requirements or recommendations of the County Health Department.

This Zoning District is to be so situated as to be easily and most economically served by public sewage and water supply when and if available.

All new developing subdivisions, or extensions thereof in this district, shall be designated so as to provide for a blind stub from the private sewerage disposal system extending from the front of the house so as to facilitate orderly and economical hook-up to a public system if it should become necessary.

Medium Density Residential Districts are as follows:

The NW $\frac{1}{4}$ of Section 27 and the North $\frac{1}{2}$ of Section 28

SECTION 21.1 PERMITTED USES WITHIN MEDIUM DENSITY RESIDENTIAL DISTRICT:

1. One (1) family dwellings complying with existing Building Codes of Township and State.
2. Accessory buildings, such as garages, shall be erected and maintained only as accessories to the dwelling situated on the same lot or ground, and shall not involve the conduct of a business.
3. Private garages for the storage of not more than three (3) vehicles owned or used by the occupants of the dwelling to which it is an accessory. Determination of setbacks unless they come in conflict with this amendment, shall be as indicated on Appendix 3 of the current zoning ordinance. Garages attached to houses shall be considered a part of the house. Garages are not to exceed sixteen (16) feet in mean height.
4. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work so long as same is in compliance with Section 7.21 of this ordinance.
5. Uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of a home occupation.
6. There shall be no movable or portable dwellings constructed to be towed on its own chassis and designed for permanent year-round living as single-family dwelling within the medium density residential district.

SECTION 21.2 SPECIAL USES WITHIN MEDIUM DENSITY RESIDENTIAL DISTRICT.

1. Community centers not operated for profit and approved by the planning commission after a public hearing upon written consent of sixty (60) percent of the property owners within a radius of three hundred (300) feet of the site.
2. The leasing of rooms by a resident family provided that the total number of roomers does not exceed two (2) in any one (1) dwelling.
3. Planned unit development.
4. Home occupations.

5. Golf courses.

SECTION 21.3 LOT REQUIREMENTS FOR MEDIUM DENSITY RESIDENTIAL DISTRICT

1. For corner parcels or lots, the zoning administrator, as provided in the ordinance, shall determine the setbacks from the road right-of-ways, be they public or private, that shall be adhered to. For purposes of rear and side lot dimensions, the zoning administrator shall designate the front yard.
2. The front yard shall have a depth of not less than fifty (50) feet as measured from the front of the dwelling to the road right-of-way.
3. There shall be a side yard on each side of the dwelling which shall comport with the chart in Appendix 3 of the current zoning ordinance.
4. There shall be a rear yard having a depth of not less than twenty-five (25) feet from the dwelling.
5. Every building hereafter erected or structurally altered shall provide a lot area of not less than forty-three thousand seven hundred twenty-five (43,725) square feet, provided however, that where a lot has an area of less than forty-three thousand seven hundred twenty-five (43,725) square feet and was of record at the time of the passage of this ordinance, said lot may be occupied by single-family dwelling and usual accessory buildings.
4. All interior lots shall be a minimum width of one hundred sixty-five (165) feet frontage on the street and all corner lots shall be a minimum width of one hundred sixty-five (165) feet, provided, that lots on the irregular, curving streets or cul-de-sacs may have a minimum frontage of seventy (70) feet if the width of the building line is at least one hundred sixty-five (165) feet. In the case of a cul-de-sac there shall be no more than three (3) lots with a frontage of less than the designated one hundred sixty-five (165) feet.
5. No yard, court, or other open space provided about any building shall again be used as a yard or other open space for another building for the purpose of complying with the provisions of this ordinance.

SECTION 21.4 STRUCTURES WITHIN MEDIUM DENSITY DISTRICT

1. Not more than one (1) dwelling, shall be built on any parcel.
2. No dwelling or building hereafter erected or structurally altered shall exceed two (2) stories or a mean height of twenty-eight (28) feet, nor cover with its usual accessory buildings more than fifteen (15) percent of the total lot area.
3. Accessory buildings, other than garages, shall be erected and maintained only as accessories to the dwellings situated on the same lot or grounds. These accessory buildings shall have a minimum set back of seventy (70) feet. Except as permitted as a conditional use, no accessory building shall be located ahead of the back line of the residence-garage complex.
4. Detached accessory buildings to be no more than 125% of the footprint of the dwelling on the property but no more than 2400 square feet total.
5. One (1) story dwellings shall contain not less than one thousand (1,000) square feet of floor area at the ground level exclusive of the area contained in any attached garage; dwellings of a story and one-half (1 1/2) or greater height shall have minimum floor area at ground level

of six hundred (600) square feet, exclusive of any attached garage, and the living area exclusive of basement recreation room, shall be a minimum of one thousand (1,000) square feet. All dwellings within medium density residential zoning district must have a minimum width of twenty-eight (28) feet across any front, side or rear elevation.

6. That all structures shall have a minimum 4x12 pitch on the roof line and a maximum pitch of 12x12.

Appendix 1

GRANT TOWNSHIP MAP DESCRIPTIONS

DESCRIPTIONS OF ZONING DISTRICTS

Medium Density Residential Districts are as follows:

The NW $\frac{1}{4}$ of Section 27 and the North $\frac{1}{2}$ of Section 28

Residential/Resort Districts are as follows:

Sec. 16, The Subdivision known as Oceana Shores

Sec. 29, The Subdivision known as Country Pines

Sec. 33, The Subdivision known as Deluxe Oak

Sec. 4 & 9, The Subdivision known as Tahoe Shores

Sec. 33, The Subdivision known as Emil J Miks

Commercial Districts are as follows:

Sec. 6 T13N R17W, NW $\frac{1}{4}$ of NW $\frac{1}{4}$

Sec. 6 T13N R17W, That Frac part of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ lying W of US 31 Freeway

T13N, R17W, That Frac part of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ lying E of US 31 Freeway

Sec. 9 T13N R17W, SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and That Frac part of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ lying W of Rail Trail

Sec. 16 T13N R17W, NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and That Pt of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ lying W of Rail Trail

Sec. 19 T13N R17W, That Frac part of E $\frac{1}{2}$ of SE $\frac{1}{4}$ lying E of 72nd Ave. & W of US 31 Freeway

Sec. 20 T13N R17W, That Frac part of S $\frac{1}{2}$ of NW $\frac{1}{4}$ lying E of US 31 Freeway and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$

That Frac part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying E of US 31 Freeway and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$

That Frac part of SW $\frac{1}{4}$ lying E of 72nd Ave. and W of US 31 Freeway

Sec. 28 T13N R17W, That Part of W $\frac{1}{2}$ of the SE $\frac{1}{4}$ lying W of Rail Trail

Sec. 33 T13N R17W, That Part of W $\frac{1}{2}$ of E $\frac{1}{2}$ lying W of Rail Trail and N of US 31 Freeway

Sec. 33 T13N R17W, That Part of E $\frac{1}{2}$ lying W of Rail Trail and N of US 31 Freeway

Industrial Districts are as follows:

Sec. 34 T13N R17W, the N $\frac{1}{2}$ of the SW $\frac{1}{4}$.

Mobile Home Overlay District is as follows:

Sec. 16 The Subdivision known as Oceana Shores

Appendix 1

GRANT TOWNSHIP MAP

Appendix 2 Schedule of Permitted and Special Uses Charts

A notation of "P" means that the use listed is permitted as a matter of right in the corresponding zoning district. Some restrictions may apply according to district.

A notation of "SU" means that the use listed is permitted as a special use in the corresponding zoning district subject to review and approval by the Planning Commission under the provisions of Article 10, Special Uses.

A blank space means the use is not allowed.

	Residential				Agricultural		Industrial	Commercial
	Res/Resort	R-1	R-2	Med. Den.	A-5	A-10		
Accessory Buildings & Structures	P	P	P	P	P	P	P	P
Adult Foster Care Facility		SU	SU		SU	SU		SU
Animal Boarding Facilities or Kennels					SU	SU		SU
Auto Body Shops Without Outdoor Storage					SU	SU	SU	SU
Automobile Service Stations Without Repair Facilities					SU	SU	SU	SU
Banks, Savings & Loans, Credit Unions								P
Bed & Breakfast/Leasing of Rooms	SU	SU	SU	SU	SU	SU		SU
Campgrounds and Rustic Resorts					SU	SU		SU
Cemeteries					SU	SU		
Churches, Schools, Vocational Centers		SU	SU	SU	SU	SU		SU
Clinics and Hospitals					SU	SU	SU	SU
Commercial Animal Feed Lots (Factory Farms)					SU	SU		
Communication Towers		SU	SU	SU	SU	SU	SU	SU
Community Centers (non-profit)	SU	SU	SU	SU	SU	SU	SU	SU
Concrete and Asphalt Plants/Gravel Processing					SU	SU	SU	SU
Contractor's Showrooms							P	P

	Residential				Agricultural		Industrial	Commercial
	Res/Resort	R-1	R-2	Med. Den.	A-5	A-10		
Farms	SU	SU	SU	SU	P	P	SU	SU
Funeral Homes/ Crematoriums								SU
Golf Courses					SU	SU		P
Greenhouses and Nurseries			SU		P	P		SU
Home Occupations	SU	SU	SU	SU	SU	SU	SU	SU
Hotels/ Motels								SU
Hunting and Wildlife Preserves					SU	SU		
Junkyards, Salvage Yards, Auto Impound Yards							SU	
Landing Fields					SU	SU		
Manufacturers & Assembly - Light (Not requiring regular truck traffic)							SU	SU
Manufacturers & Assembly - Heavy (Requiring regular semi-truck traffic)							SU	
Medical Offices, Clinics								SU
Migrant Housing as Regulated by the Michigan Department of Agriculture		P	P		P	p		
Mobile Home Parks as Regulated by the Michigan Mobile Home Commission	Overlay District							
Multiple-Family Dwellings			SU		SU	SU		
Other Uses Deemed compatible in Zoned District	SU	SU	SU	SU	SU	SU	SU	SU
Outdoor sales establishments, including car sales, farm implement sales, mobile home sales, lumber yards					SU	SU		P
Professional Offices and Professional Service Establishments								P
Recreation Facilities					SU	SU		SU
Restaurants with or without drive-through facilities								P

	Residential				Agricultural		Industrial	Commercial
	Res/Resort	R-1	R-2	Med. Den.	A-5	A-10		
Retail Establishments					SU	SU		P
Roadside Farm Stands and Markets		SU	SU	SU	P	P		SU
Single-Family Dwellings	P	P	P	P	P	P	SU	SU
Temporary Outdoor Sales	P	P	P	P	P	P	P	P
Transfer, Recycle Stations							SU	
Two-Family Dwellings		SU	SU		P	P	SU	SU
Veterinary Clinics					P	P		P
Warehouses, mini-storage					SU	SU	P	SU

This chart is not meant as limitation of appropriate Special Uses in regard to any given district, but rather consists of examples based upon past experience within the Township. Applicants are urged to consult the Township Zoning Administrator, or an attorney and/or development consultant to determine whether their particular project could be considered a Special use.

Adopted October 2014 at a regular Grant Township Board Meeting.

Appendix 3 Dimensional Regulations

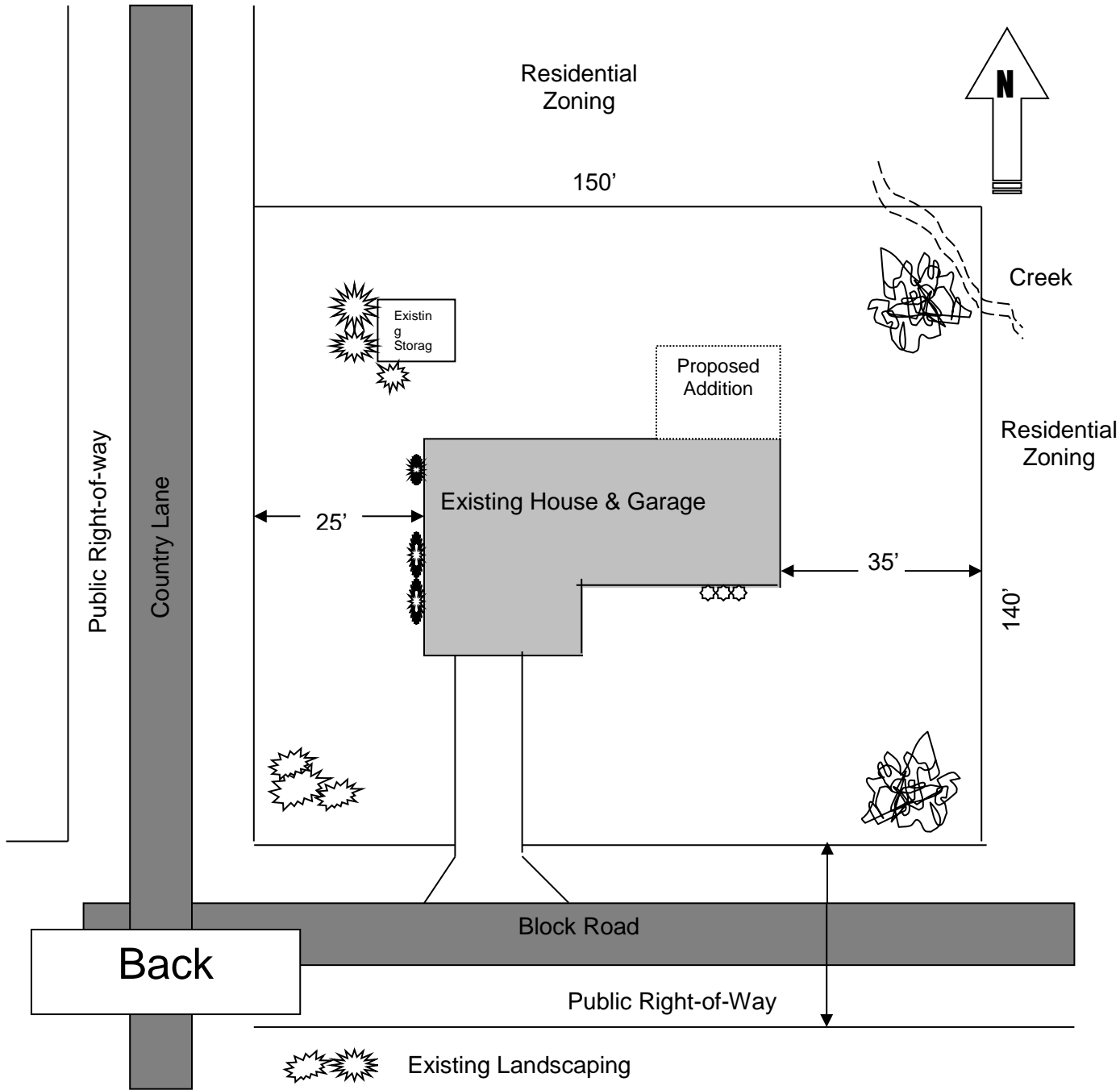
ZONING DISTRICT	MINIMUM LOT WIDTH	MINIMUM LOT AREA &/OR DEPTH	SETBACKS (see note 1)			DWELLING		ACCESSORY BUILDINGS	SIGNS	PARKING SPACES	
			FRONT	SIDE	REAR	AREA	WIDTH				
In no case may any lot exceed a 1:4 ratio				(see notes 1, 2 & 5) 50 feet from road right-of-way of state highway or county roads 25 feet from road right-of-way of private roads	25 feet (See note 3)	25 feet	960 Square Feet	28 Feet	See Section 7.4A (See note 4)	See Section 7.24	See Section 7.5
Agricultural	A-5	330 Feet	5 Acres								
	A-10	330 Feet	10 Acres								
Residential	R-1	165 Feet	1 Acre 265 Feet								
	R-2	165 Feet	2 Acres 265 Feet								
Residential-Resort	100 Feet	125 Feet	25 feet from road right-of-way of interior roads (See note 5)								
Medium Density Residential	165 Feet	1 Acre 265 Feet	50 feet from road right-of-way	25 feet (See note 3)	25 feet	1,000 Sq. ft. See Section 7.15G	28 Feet See Section 7.15G	See Section 21.4 (See note 4)			
Commercial & Industrial	165 Feet	20,000 Square feet	(see notes 1 & 5) 75 Feet for Buildings 30 Feet for Other Uses	50 feet	20 feet	N/A					
PUD	Refer to Article Five for Applicable Standards and Regulations										

See notes on next page.

NOTES

1. In the case of a lot fronting on a right-of-way on two or more sides, or other cases in which the above definitions do not apply, both sides shall be designated front yard for setback from road right-of-way purposes. The Zoning Administrator shall designate rear and side lot lines based on the following considerations; a) Location and orientation of existing or proposed buildings on the lot in question in relation to existing buildings on property in the same general neighborhood; b) Location and effect of vegetation, water or other natural features affecting location of buildings or structures on the lot in question.
2. Where a property abuts a body of water, no building shall be built closer than 100 feet from the high water mark.
3. In the case of nonconforming lots of record, the Zoning Administrator may reduce the side yard setback minimum to 10 feet.
4. Accessory buildings less than 100 feet square may be located within 10 feet of a rear lot line.
5. Where a front yard setback line that is less than the minimum setback required in a zoning district has been established by buildings located within 200 feet of the side lot lines of a vacant lot, the required front yard setback for the vacant lot may be reduced to the average setback established by those buildings.

APPENDIX 4
Sample Site Plan



Site Plan Requirements

Appendix 5

Lot Illustrations Regulations

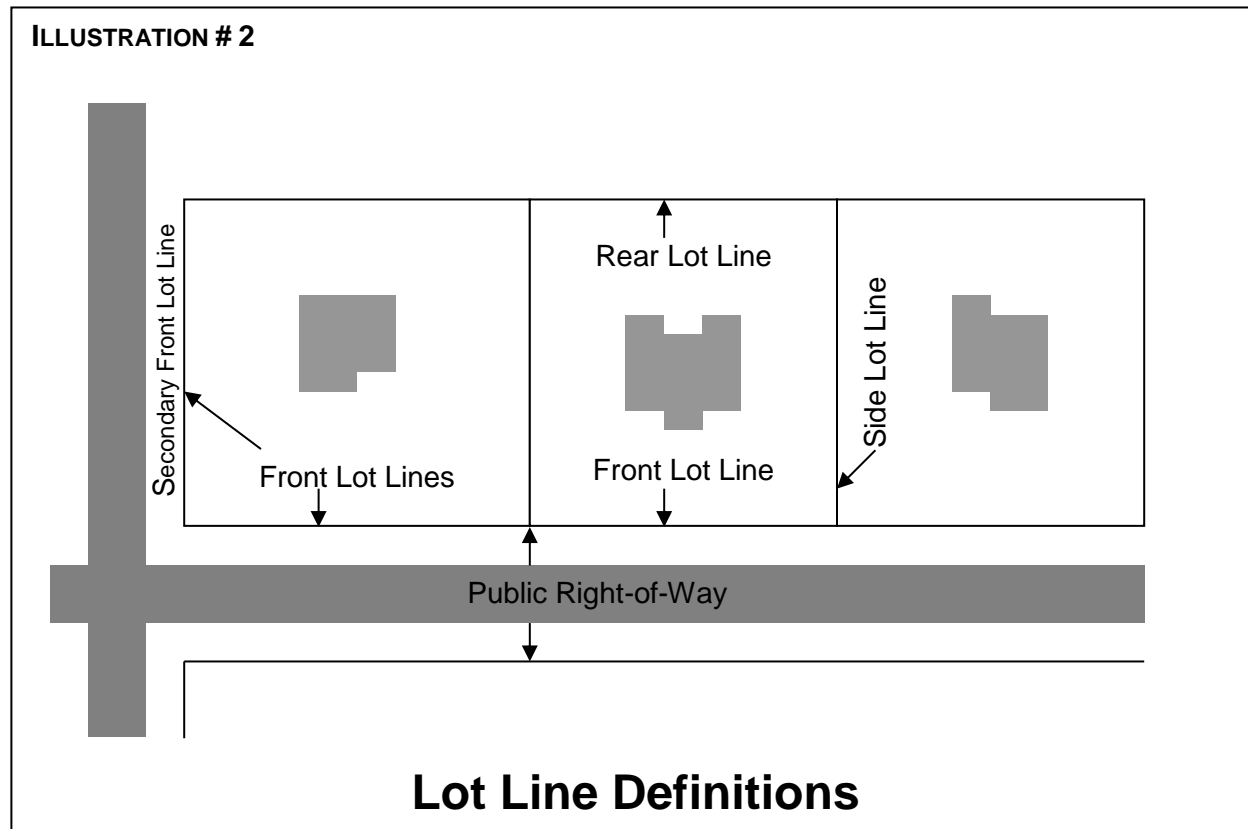
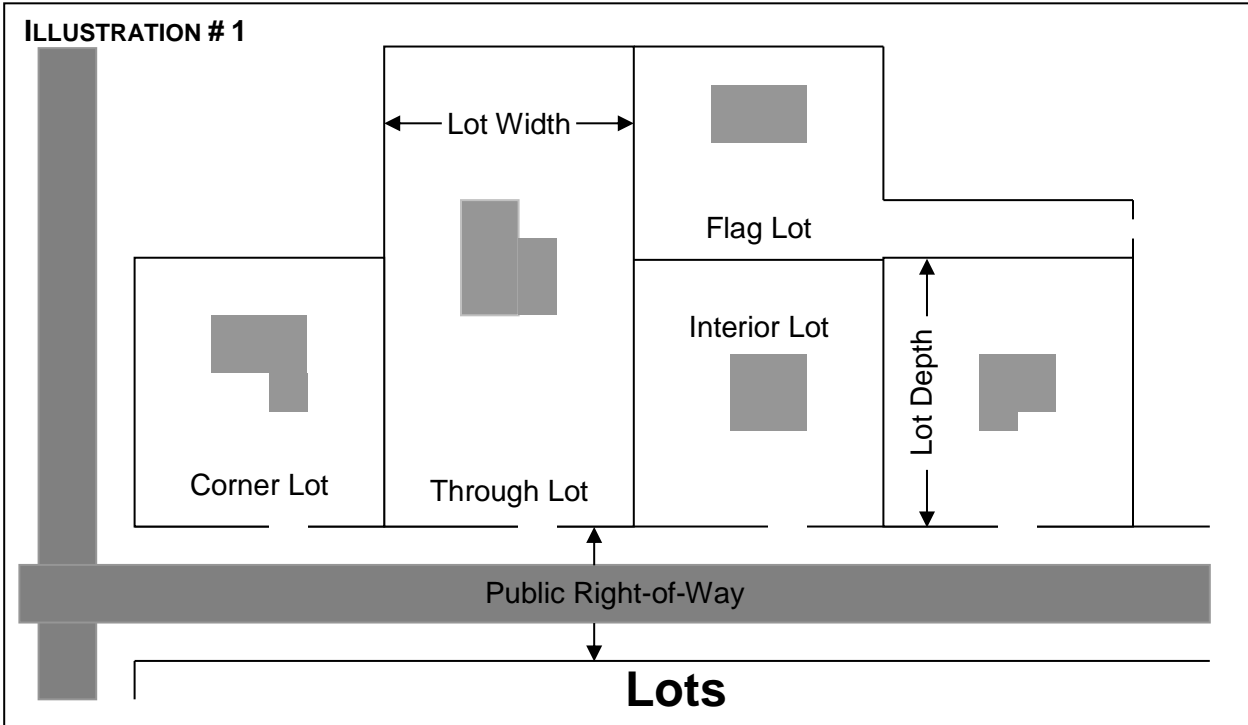
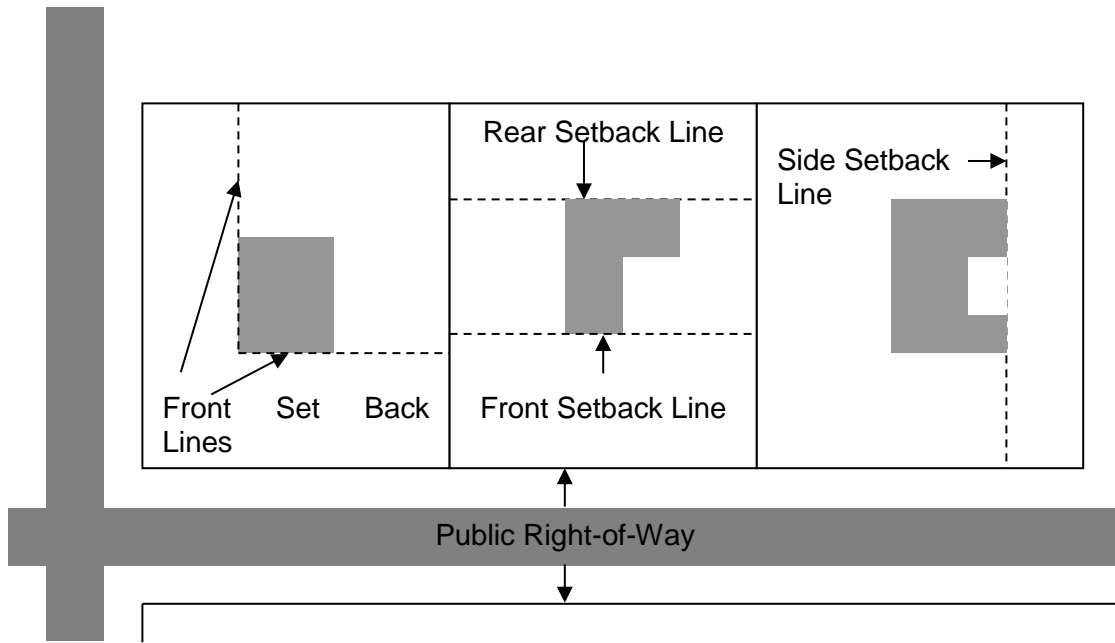
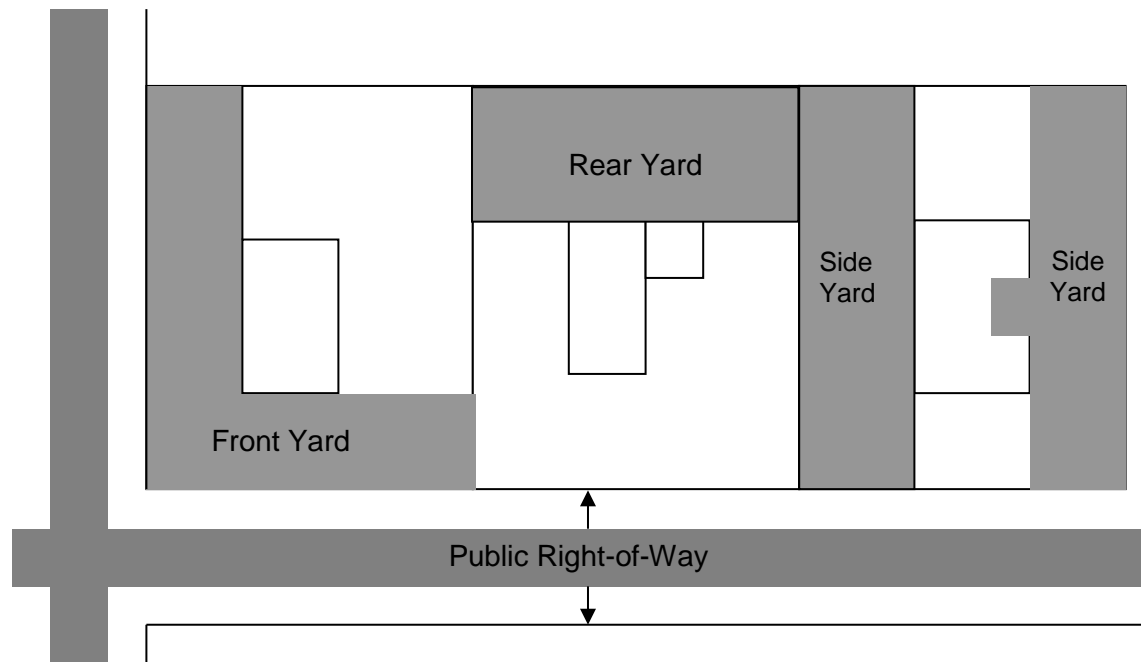


ILLUSTRATION # 3



Setback Definitions

ILLUSTRATION #4



Yard Definitions

Appendix 6 Public Notification Chart

**Table 2
Public Notice Requirements**

Zoning Activity	Section 103 Newspaper Notice* & Applicant/Abutting Resident Notice**	Additional Requirements
Zoning Ordinance Adoption/Amendments/Rezoning/Conditional Rezoning when 11 or more properties are involved (Section 202(3))	Not less than 15 days before the public hearing; but, individual notice to the applicant and other persons within 300 feet is not required (Section 202(3)) Notices must include the places and times at which the proposed text and any maps may be examined. (Section 306(3))	Notice to each electric, gas and pipeline public utility company, telecommunication service provider, railroad, and airport manager that registers its name with the clerk of the legislative body for the purpose of receiving public hearing notices (Section 306(2))
Amendments/Rezoning/Conditional Rezoning when 10 or fewer properties are involved (Section 202(2))	Not less than 15 days before the public hearing	Addresses of all properties subject of the request must be listed in the public hearing notice (Section 103(4)(b)).
Site Plan Reviews (Section 501)	<i>No separate public hearing is required</i>	
Special Land Uses – notice that an application has been received and a public hearing can be requested (Section 505(2))	Not less than 15 days before the public hearing	Addresses of all properties subject of the request must be listed in the public hearing notice (Section 103(4)(b)).
Special Land Uses – notice of a public hearing (Section 502(3))	Not less than 15 days before the public hearing	Addresses of all properties subject of the request must be listed in the public hearing notice (Section 103(4)(b)).
Planned Unit Developments (Section 503(7))	Not less than 15 days before the public hearing	Addresses of all properties subject of the request must be listed in the public hearing notice (Section 103(4)(b)).
Open Space Preservation Clusters (Section 506)	<i>This is a use by right, no public hearing is required</i>	
Appeals to ZBA (Section 604(5))	Not less than 15 days before the public hearing	Only the applicant notice, as per Sections 103(2), and 103(3), and the notice published in a newspaper of general circulation within the local unit of government, as per Section 103(1), not less than 15 days before the hearing, are required on a general appeal or interpretation question.
Ordinance Interpretations to ZBA (Section 604(5))	Not less than 15 days before the public hearing	Same as appeal to ZBA above.
Variations by the ZBA (Section 604(4))	Not less than 15 days before the public hearing	Addresses of all properties subject of the request must be listed in the public hearing notice (Section 103(4)(b)).

NOTES:

* in a newspaper of general circulation in the local unit of government.

** by mail, deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service, or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the property, and to one occupant of each structure within 300 feet of the property. This individual notice is required unless specified otherwise in the Table.

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