



GREENWOOD TOWNSHIP ZONING ORDINANCE

Ordinance # 2015-01

10/24/2015

This page intentionally left blank

INDEX

	Page
Article One – Preamble	1
Section 1.1	Title 1
Section 1.2	Purpose 1
Section 1.3	Scope 1
Article Two – Definitions	2
Section 2.1	Rules Applying to Text 2
Section 2.2	Definitions 3
Section 2.3	Governmental Authorities 6
Article Three – Zoning Districts	7
Section 3.1	Classification of Zoning Districts 7
Section 3.2	Boundaries of Zoning Districts 7
Section 3.3	Zoning Map 7
Section 3.4	Zoning District Regulations 7
Section 3.4B	Schedule of Zoning Regulations (Table 1) 9
Article Four – Reserved	10
Article Five – High Density Residential (R – 1)	11
Section 5.1	Purpose 11
Section 5.2	Uses 11
Section 5.3	Minimum Requirements 11
Article Six – Medium Density Residential (R – 2)	12
Section 6.1	Purpose 12
Section 6.2	Uses 12
Section 6.3	Minimum Requirements 12
Article Seven – Low Density Residential (R – 3)	13
Section 7.1	Purpose 13
Section 7.2	Uses 13
Section 7.3	Minimum Requirements 13
Article Eight – Rural Living AG (RLA)	14
Section 8.1	Purpose 14
Section 8.2	Uses 14
Section 8.3	Minimum Requirements 14
Article Nine – Agriculture (A – 1)	15
Section 9.1	Purpose 15
Section 9.2	Uses 15
Section 9.3	Minimum Requirements 15
Article Ten – Forest/Recreational (FOR)	16
Section 10.1	Purpose 16
Section 10.2	Uses 16
Section 10.3	Minimum Requirements 16
Article Eleven – Commercial/Industrial Business (B – 1)	17
Section 11.1	Purpose 17
Section 11.2	Uses 17
Section 11.3	Commercial Overlay Zone 18

Section 11.4	Minimum Requirements	18
Article Twelve – Reserved		18
Article Thirteen – Reserved		18
Article Fourteen – Planned Unit Development (PUD)		19
Section 14.1	Description & Purpose	19
Section 14.2	Objectives	19
Section 14.3	PUD Development Plan	20
Section 14.4	Development Requirements	21
Section 14.5	Acreage Requirements for PUD	21
Section 14.6	Clustered Developments	21
Section 14.7	Public Hearing	23
Section 14.8	Transmittal of Recommendations	23
Section 14.9	PUD Review & Conditions	23
Section 14.10	Approval of PUD	24
Section 14.11	Time Limitations on Development	24
Section 14.12	Required Improvements	24
Section 14.13	Plat Recording	24
Section 14.14	Modifications	24
Section 14.15	Denials	24
Section 14.16	Reconsiderations and Appeals	25
Article Fifteen – Special Uses		26
Section 15.1	Purpose & Authorization	26
Section 15.2	Special Use Approval Procedures	26
Section 15.3	Basis of Determination	27
Section 15.4	Conditions & Safeguards	28
Section 15.5	Reapplication	28
Section 15.6	Appeal	28
Section 15.7	Modifications	28
Section 15.8	Revocation	28
Section 15.9	Specific Special Use Standards	29
Section 15.9.1	Campgrounds, Primitive	
	Campgrounds, & Travel Trailers	29
Section 15.9.2	Mobile Home Parks	30
Section 15.9.3	Outdoor Recreational Facilities	30
Section 15.9.4	Sexually Oriented Business	
	Activities	31
Section 15.9.5	Soil, Gravel & Other Mineral	
	Removal	31
Section 15.9.6	Subdivisions, Condos & Site Condos	33
Article Sixteen – Communications Towers & Wind Powered Generators		34
Section 16.1	Communication Towers	34
Section 16.2	Wind Powered Generators	37
Section 16.2.1	Purpose	37
Section 16.2.2	Definitions	37
Section 16.2.3	Private Wind Powered Generator Systems	38

Section 16.2.4	Wind Site Assessment	39
Section 16.2.5	Commercial Wind Powered Generator Systems	40
Section 16.2.6	CWPG Standards & Requirements	41
Article Seventeen – Site Plan Review		44
Section 17.1	Purpose	44
Section 17.2	Uses Requiring Site Plan Approval	44
Section 17.3	Site Plan Requirements	44
Section 17.4	Review Procedures	46
Section 17.5	Standards for Site plan Review	46
Section 17.6	Regulations	47
Article Eighteen – Non-Conforming Uses		48
Section 18.1	General Regulations	48
Section 18.2	Nonconformity of Residences or Others	48
Section 18.3	White River Natural River Zoning	49
Section 18.4	Township Acquisition	49
Section 18.5	Non-conforming Lots	49
Article Nineteen – Supplementary Provisions		50
Section 19.1	Accessory Uses & Structures	50
Section 19.2	Dwellings & Mobile Homes	50
Section 19.3	Farm Buildings, Structures & Farm Animals	51
Section 19.4	Home Occupation	51
Section 19.5	Junk & Inoperable Vehicles	52
Section 19.6	Parking	53
Section 19.7	Performance Guarantees	54
Section 19.8	Private Roads	55
Section 19.9	Public Health Approval	57
Section 19.10	Public Utility Structures	57
Section 19.11	Signs	58
Section 19.12	Temporary Uses	59
Article Twenty – Administration		60
Section 20.1	Zoning Administrator	60
Section 20.2	Application & Zoning Permit	60
Section 20.3	Zoning Board of Appeals	61
Article Twenty One – Enforcement & Violations		64
Section 21.1	Enforcement	64
Section 21.2	Criminal Penalties & Civil Relief	64
Section 21.3	Attorney Fees	64
Section 21.4	Nuisance Per Se & Injunctive Relief	64
Section 21.5	Continuing Offenses	65
Section 21.6	Land Division Violations	65
Section 21.7	Building Construction Violations	65
Section 21.8	Overlapping Jurisdiction	65
Section 21.9	Administrative Liability	65
Article Twenty Two – Legal Sufficiency		66

Section 22.1	Amendments	66
Section 22.2	Repeal of Prior Ordinances	66
Section 22.3	Severability	66
Section 22.4	Savings Clause	66
Section 22.5	Effective Date	66
Adoption Clause		67
Certification Statements		67
Appendix A	Zoning Map	69
Appendix B	Excerpt from Act 110, of 2006, MCL 125.3103	71

GREENWOOD TOWNSHIP ZONING ORDINANCE

Ordinance No. 2015-01

AN ORDINANCE to establish zoning districts and regulations governing the use of lands and property in the unincorporated portion of Greenwood Township, Oceana County, Michigan, in accordance with the Michigan Zoning and Enabling Act, as amended; and to provide for the administration and enforcement of the zoning regulations to protect the public health, safety and general welfare of the residents and property in Greenwood Township.

THE TOWNSHIP BOARD OF GREENWOOD TOWNSHIP ORDAINS:

ARTICLE ONE - PREAMBLE

Section 1.1 TITLE

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

Section 1.2 PURPOSE

The fundamental purpose of this Ordinance is to promote and preserve the health, safety, and general welfare of the inhabitants of, and to reduce hazards to life and property in the Township by: (a) encouraging the use of lands and resources in accordance with their character and adaptability; (b) providing for the orderly development; (c) providing standards under which buildings and structures may be erected and used; (d) facilitating the development of an adequate system of transportation, education, recreation, sewage disposal, a safe water supply, and other public requirements; and (e) conserving public expenditures on improvements and services which may be required to conform with the most advantageous uses of land, resources and properties.

Section 1.3 SCOPE

- A. This Ordinance affects and regulates the use and occupancy of all land and every structure in the unincorporated portions of the Township. Where this Ordinance imposes greater restrictions than those imposed or required by other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.
- B. No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, or altered except in conformity with this Ordinance.
- C. In their interpretation and application, any enforcement officer, agency, court, or any Township Board, Planning Commission, or Zoning Board of Appeals member shall hold the provisions of this Ordinance as the minimum acceptable standard and requirement for the promotion of the health, safety, security, and general welfare of Greenwood Township. Whenever the requirements of this Ordinance are in conflict with other publicly adopted laws, ordinances, rules, regulations, restrictions or covenants, the most restrictive or that imposing the higher standards, shall govern.

ARTICLE TWO - DEFINITIONS

Section 2.1 RULES APPLYING TO TEXT

The following listed rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. With the exception of the actual term being defined in this Article, the headings which title an Article, section, or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.
5. A "building" or "structure" includes any part thereof.
6. The word "person" includes a firm, association, partnership, joint venture, corporation, trustee, or equivalent entity or a combination of any of them as well as a natural person.
7. The words "used" or "occupied", as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used", and/or occupied.
8. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.
9. Abbreviations may be used for the various terms such as: "ac" for acre, "Max" for Maximum, "Min" for Minimum; "nf" for non-farm; "res" for residence; "sf" for Square foot/feet, "u/ac for Units per Acre, and other common grammatical or numeric abbreviations. Zoning districts may be abbreviated by reference to the number or letters as identified in the section title.

Section 2.2 DEFINITIONS

The following words shall have the meaning prescribed following the term:

ACCESSORY USE or STRUCTURE: A use, building or structure on the same lot with, and of nature customarily incidental and subordinate to, the principal use, building or structure.

ALTERATION: Any structural change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof, or an addition to or diminution of a structure or building.

BUILDING: Anything which is constructed or erected, including a mobile home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, animals, or personal property or carrying on business activities or other similar uses.

CONDOMINIUM: A division of land, developed under Michigan's condominium act, Public Act 59 of 1978, as amended. The terms: Condominium Structure, Building Envelope, Unit, Site Condominium, and Master Deed shall have the meaning prescribed to that term as defined or used in the condominium act.

CORNER LOT: A lot located at the intersection of two or more streets where the corner interior angle formed by the intersection of the streets is 135° or less or a lot abutting upon a curved street or streets if tangents to the curve, at the two points where the lot lines meet the curve, form an interior angle of 135° or less.

CURB CUT or OPENING: A gap in the curb along a street or road or the area along a road or street that affords vehicular access to the property.

DEDICATION: Transferal of property or roads to the public for a public purpose.

DRIVEWAY SPACING: The distance between driveways along a street or road.

DWELLING: Any building, mobile home, pre-manufactured or pre-cut dwelling, structure designed and used in whole or in part as a home, residence or sleeping place, either temporarily or permanently, by one or more families, but not including motels, hotels, tents, travel trailers or coaches, tourist rooms, or cabins. A "Seasonal" Dwelling is a dwelling used or designed for occupancy for eight months of the year or less and is not registered for any homestead credit.

DWELLING UNIT: One room or suite of two or more rooms designed for use or occupancy by one family for living and sleeping purpose with housekeeping facilities.

EASEMENT: A grant of one or more of the property rights by a property owner to and/or for the use by the public, or another person or entity.

FARM and FARMING: A commercial operation of producing, raising, cultivating, and harvesting plants, animals, and other produce and farm products; including the land, buildings, structures, ponds, machinery and equipment commonly associated with those operations. But not including mineral extraction and animal rendering.

FARM ANIMALS (DOMESTICATED): Hooved animals typically found on a farm including cattle, sheep, pigs, horses, goats and similar animals, but excluding domesticated pets.

FLOOR AREA: The gross floor area of all floors of a building or an addition to an existing building, except a dwelling. For dwellings it is the improved floors and shall not include stairwells, basements, garages, mezzanines, utility or furnace rooms, porches and decks.

HOME OCCUPATION: A gainful occupation that may be carried on in the home.

HOBBY FARM: Is any lesser farm activity by an individual or family for their personal non-commercial use.

JUNK: Discarded items which are not normally associated with residential usage including scrap copper, iron, steel, brass, rope, rags, batteries, paper, rubber debris, tires, waste, discarded household appliances, dismantled vehicles or parts, unlicensed and inoperable motor vehicles and implements, and other such items which constitute health or safety hazards or menace to persons whether the items have value for reuse or resale after its original use.

JUNKYARD: A place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including wrecked vehicles, used building materials, structural steel materials and equipment and other manufactured goods that are worn, deteriorated, or obsolete.

LOT: A division of land separated from other land by description on a recorded plat or by metes and bounds description, including a site condominium; having frontage upon a public or private street and having sufficient size to comply with the requirements of the Zoning Ordinance for minimum area, setbacks, coverage, and open space.

LOT AREA: The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot.

LOT COVERAGE: That part or percent of a lot occupied by principal buildings and accessory buildings, decks and patios, or other impervious surface.

LOT WIDTH: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

MOBILE HOME: A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single family dwelling. Pre-manufactured or pre-cut structures designed for complete living accommodations of a single family are also included in this definition of mobile homes. A mobile home may contain parts that may be combined, folded, collapses, or telescoped when being towed and expanded later to provide additional cubic capacity.

MOBILE HOME LOT: A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes on a rental basis for non-transient use. A Mobile Home “SUBDIVISION” is the same, except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Land Division Act.

PARCEL: A division of land comprised of one or more lots in contiguous ownership.

RESIDENTIAL ZONE or DISTRICT: Cluster zones or districts including the R-1, High Density Residential zone; R-2, Medium Density Residential zone; R-3, Low Density Residential zone; RLA, Rural Living Agriculture and any PUD, Planned Unit Development containing any residential uses.

RIGHT-OF-WAY: The property occupied by an alley, street, highway, or other thoroughfare or easement permanently established for passage of persons or vehicles.

SEASONAL DWELLING is a dwelling used or designed for occupancy for eight months of the year or less and is not registered for any homestead credit.

SETBACKS - FRONT, SIDE, and REAR YARD: A required distance measured from the respective front, side and rear yard area lines.

SEXUALLY ORIENTED ACTIVITIES: The display, sale, lease, distribution, dissemination, exhibition or other forms of conveyance or materials, products or services, or the act of involving the human genitals in a discernable state of sexual stimulation or arousal; or acts or representations of human masturbation, sexual intercourse, sodomy, fondling or other erotic touching of human genitals, buttocks, anus or female breasts.

STREET or ROAD (PUBLIC): A publicly owned and maintained right-of-way which affords traffic circulation and principal means of vehicular access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare.

STREET or ROAD (PRIVATE): A privately owned and maintained defined right-of-way or easement which serves or is located upon more than one separately held parcel or lot, or which serves more than one lot or parcel.

STRUCTURE: Anything except a building, constructed or erected, the use of which requires permanent location or attachment to something having a permanent location on the ground.

TRAVEL TRAILER or TRAILER COACH or CAMPER: A transportable unit intended for occasional or short-term occupancy as a dwelling unit during travel, recreational, or vacation use.

UTILITY: A corporation, person, bureau, agency or other legal entity which provides gas, electrical, steam or water, distribution or transmission system, collection, communication, supply and disposal systems, sewage treatment, or sewage disposal operations or systems. The term shall include the land, buildings, equipment, machinery fixtures, as well as processes, procedures or activities being constructed, maintained or operated.

WIND POWERED TURBINE GENERATOR: A device that converts kinetic energy from the wind into mechanical energy. For the purposes of this Ordinance there are two particular types, Personal and Commercial.

YARD: A required open space other than a court unoccupied and unobstructed by any building or structure; also referred to as setback. Yard or setbacks do not include any part of a public or private right-of-way.

1. **FRONT YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation. There shall be maintained a front yard on each street side of a corner lot exceptions are Acker Lake, Kirkenbaur Lake, and the White River.
2. **REAR YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
3. **SIDE YARD:** An opening space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.

Section 2.3 GOVERNMENTAL AUTHORITIES

Where reference is made to the following governmental agencies, bodies, authorities, or documents, the following meanings shall apply:

TOWNSHIP is the Greenwood Township, Oceana County, Michigan.

PLANNING COMMISSION is the Greenwood Township Planning Commission or its successor.

ZONING BOARD OF APPEALS or **ZBA** is the Greenwood Township Zoning Board of Appeals.

TOWNSHIP BOARD is the Greenwood Township Board acting as the entire board.

BUILDING INSPECTOR is the Building Official or inspector duly authorized to enforce the state construction code or locally adopted construction code for Greenwood Township.

HEALTH DEPARTMENT or **ROAD COMMISSION** or **DRAIN COMMISSION** or other publicly identified agency shall be that agency so authorized by law, regulation, or ordinance to carry out its responsibilities for, or within, Oceana County.

TOWNSHIP PLAN is any planning documents and reports prepared for or by the Township.

ZONING ADMINISTRATOR is the individual, or individuals appointed and designated by the Township Board to administer and enforce this Ordinance.

ZONING ORDINANCE or **ORDINANCE** is this Greenwood Township Zoning Ordinance, as amended.

ZONING MAP is the official map of zones or districts of the Greenwood Township Zoning Ordinance which is incorporated by reference in this Ordinance.

ARTICLE THREE - ZONING DISTRICTS

Section 3.1 CLASSIFICATION OF ZONING DISTRICTS

To achieve the aims and purposes set forth in Article 1, the area of Greenwood Township is hereby divided into the following zoning Districts, the location of which are shown on the accompanying Zoning Map of the Township:

- (a) High Density Residential, R-1
- (b) Medium Density Residential, R-2
- (c) Low Density Residential, R-3
- (d) Rural Living/Agriculture, RLA
- (e) Agriculture, A-1
- (f) Forest/Recreational, FOR
- (g) Commercial/Industrial Business, B-1

Section 3.2 BOUNDARIES OF ZONING DISTRICTS

Unless otherwise designated, the boundary lines of zoning districts shall be interpreted as following section, quarter section, eighth section, plat, and subdivision lines; or property lines on legal record on the date of enactment of this Ordinance; or the centerline of highways and waterways; or the shorelines of water bodies. All questions concerning the exact location of boundary lines of any district shall be determined by the Zoning Board of Appeals consistent with the historical use of property, other relevant facts, the purpose and the traditional application of this Ordinance.

Section 3.3 ZONING MAP

The boundaries of each district are indicated upon the zoning map which is attached and made a part of this Ordinance. The Zoning Map and all notations, references and other information shown, is as much a part of this Ordinance as if fully described in this Ordinance. Some or all of the various zoning districts may be indicated on the Zoning Map by graphic patterns or colors for purposes of map clarity. Although these symbols do not cover public rights-of-way or water features, it is intended that such district boundaries do extend to the center of any public right-of-way water feature.

Section 3.4 ZONING DISTRICT REGULATIONS

- A. Uses Permitted: No building or part of a building shall be erected, altered, used or occupied, and no land or premises used or occupied, in whole or in part, for other than one or more of the specified uses in the zoning district, subject to the limitations found in this Ordinance.
- B. Schedule of Zoning Regulations: No building shall be erected, reconstructed or structurally altered or no use shall be permitted which does not comply with the zoning district regulations in the "Schedule of Zoning Regulations" as established in Table 1 and accompanying Notes, which are part of this subsection (found on pages 10 and 11). Although a summary of the Schedule of Zoning Regulations are referenced in each of the District descriptions of minimum building, land and yard requirements, they are provided for informational purposes, the regulations in the table and accompanying notes of this Sub-section shall govern.

- C. Lot Area and Yard Space: No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance; no yard or open space provided about any building for the purpose of complying with the provision of this Ordinance shall be considered as providing a yard or open space for any other building; and no yard or open space on adjoining premises shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
- D. One Principal Building or Use on a Lot: Not more than one principal building or use, with permitted accessory buildings and structures, shall be located on a lot in any lot or parcel of land, except as may otherwise be provided in this Ordinance.
- E. Permitted Uses and Special Uses; and District Regulations: For each zoning district, no use, building or land shall be used, and no building shall be erected or structurally altered, unless that use or building is permitted by right (a “Primary Use”) or permitted as a special use (a “Special Use”). All Primary Uses or Special Uses must meet the specific district regulations as established in the Zoning Districts, and as may be further regulated in the Schedule of District Regulations and general use regulations of this Ordinance. Special Uses are further regulated in Article 15.
- F. Accessory Uses: Accessory uses, buildings and structures customarily and clearly incidental to any Primary Use, or use by Special Permit, is permitted when located on the same premises as the principal building or use. Accessory uses, buildings and structures are regulated as provided in this Ordinance.
- G. Unclassified Uses: Where a proposed use of land or use of building is not contemplated or specified or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. A hearing on the matter shall be held in the same manner as a Special Use Permit hearing, including the same notification requirements. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified, then the Planning Commission may permit such use as a special use or PUD only after it determines that it will have no more adverse effect upon adjacent property greater than the effect of other uses that are permitted in the same district, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the Zoning Ordinance and Township Plan are not impaired by permitting such use at the proposed location.

Section 3.4 B

**TABLE 1
SCHEDULE OF ZONING REGULATIONS**

Zoning District	Min Lot Area	Min Lot Width	Max Density (u/ac)	Max Lot Coverage	Min Floor Area (sf)	Minimum Setbacks		
						Front	Side	Rear
R-1 High Density Residential	32,670sf	100'	1.5	7.5%	980'	40'	8'	8'
R-2 Medium Density Residential	43,560sf	165'	1.15	5%	980'	40'	10'	8'
R-3 Low Density Residential	5 ac	330'	N/A	2%	980'	100'	16'	20'
RLA Rural Living/ Agricultural	2 ac (res)*	200'	N/A	7.5%	980'	40'	16'	40'
A-1 Agricultural	40 ac – farm	600'	N/A	7.5%	980'	40'	16'	40'
	1.5ac – nf res	100'		20%				
FOR Forest/Recreational	2 ac	200'	N/A	7.5%	576'	40'	16'	40'
B-1 Commercial/Industrial Business	1 ac	200'	N/A	N/A	N/A	60'	16'	20'

**(Min Lot area w/farm animal(s) is 5 acres or more)*

NOTES to this Schedule of Regulations:

1. LOT SIZES: Minimum lot sizes are on a per unit basis [measured by the square foot (sf), or acreage (ac)]. In the RLA District all parcels or lots shall be at least 2 acres for a single family residence. Where there are any farm animals in the RLA District the minimum lot size is greater, see Section 19.3. In the A-1 District, the minimum lot size is 40 acres for any agricultural operation; however if the only use on the premises is a single family non-farm (nf) residence, then the minimum lot sizes is 1.5 acres, with a minimum lot width of 100 feet.

2. LOT WIDTH REQUIREMENTS: The minimum lot width shall be measured at the frontage along the public street and maintained throughout its depth. Except in the B-1 District, a PUD, or for a parcel exceeding 40 acres in size, no lot or parcel shall have a depth more than 4 times than its width, in accordance with the Land Division Act.

3. HEIGHT REQUIREMENTS: No building or structure may exceed 50 feet in height; unless the building or structure is set back an additional 1 foot for each 2 feet rise above the initial 50 feet in height. Except that no building, for which any part is used for dwelling purposes shall exceed 3 stories in height. In all districts, height requirements may be exceeded by chimney, silos, farm barns and storage, roof-mounted television and radio antennas, cupolas, spires ornamental projections or water towers. In industrial districts, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other necessary accessory structures are permitted, provided they are located not less than the same distance as their height from any adjoining property. A basement shall not be counted as a story for purposes of height measurement. No fence shall exceed six feet in height for a residential use, provided, however,

that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture shall not create an obstruction of visibility along the road, street, or water body.

4. **LOT SETBACKS:** All structures exceeding 30 inches above the general ground level are subject to the setback requirements. Setback are to be kept open and free at all times from obstructions for ingress and egress of firefighting and other public safety vehicles and equipment. Unless otherwise specified in this Ordinance or in a PUD, the following regulations apply:

A. Setbacks are measured from the property line, lot or unit line in a subdivision or condominium, or from the road right-of-way to the foundation wall, outermost building wall, deck or similar part of this main principal structure. Bay windows, steps, and similar architectural elements which do not extend more than 18 inches from the structure, are not included in the setback measurement. But when the majority of buildings capable of being built on one side of the street between two intersecting streets have been built, no building on that side of the street shall project beyond the minimum setback line established by the buildings already in existence. This requirement shall not reduce the buildable width of a corner lot facing on an intersecting street and which is separate and distinct from an adjacent lot and is included in a plat or is a lot of record.

B. Accessory uses are not permitted in the front yard, unless approved by special use permit. All accessory uses and/or structures shall adhere to the minimum setback requirement.

C. Lots with frontage on a water body shall have front lot setbacks for both the waterfront lot line and the road-frontage lot line.

D. Alleys shall use the rear setback requirement.

E. A minimum four foot setback shall be maintained from all public utility or municipal easements and four foot spacing shall be maintained between all unattached buildings or structures, except that a 10 foot separation shall be maintained from any principal building.

F. Commercial and Industrial uses in the B-1 District shall have a minimum side yards as follows: No side setback shall be required along interior side lot lines if all walls abutting or facing such lot lines are of fire-proof masonry construction and wholly without windows or other openings; 16 feet shall be provided when any wall facing such side lines contains windows to other openings; or 20 feet shall be provided on any lot or premises abutting Residential Districts, or any premises occupied by a dwelling.

5. **NATURAL RIVERS ZONING:** The Michigan Natural Rivers Zoning Regulations shall govern all setback and use standards for those lands and uses within the Natural Rivers District. No use may be commenced or expanded unless in compliance with those regulations.

ARTICLE FOUR - RESERVED FOR FUTURE USE

ARTICLE FIVE - HIGH DENSITY RESIDENTIAL (R-1)

Section 5.1 PURPOSE

The purpose of designating these certain areas of the township as High Density Residential Districts, R-1, is to recognize the current use of land in these districts as primarily residential in character. The R-1 District provides for those areas where single family residences of limited lot areas currently exist, and limited expansion of those areas where conditions are suitable. It is intended to provide areas protected under this Ordinance as residential living areas freedom from incompatible uses and to assure adequate light and yard areas.

Section 5.2 USES

A. Primary Uses

1. Single Family Residential development.
2. Home occupations subject to the provisions of this ordinance.

B. Uses by Special Permit

1. Churches.
2. Schools and other licensed educational institutions.
3. Township and county administrative and service buildings and structures.
4. Mobile Home Parks. (Refer to sect. 15.9.2)
5. Two Family Dwellings, subject to twice the minimum lot area.
6. Fire-control structures.

Section 5.3 MINIMUM BUILDING, LAND and YARD REQUIREMENTS

Every dwelling or structure erected on a lot or premises shall comply with the minimum building, land, and yard requirements as specified in Section 3.4 B, Schedule of Zoning Regulations.

Min Lot Area	Min Lot Width	Max Density (u/ac)	Max Lot Coverage	Min Floor Area	Front	Minimum Setbacks	
						Side	Rear
32,760 sf	100'	1.5	7.5%	980'	40'	8'	8'

ARTICLE SIX - MEDIUM DENSITY RESIDENTIAL (R-2)

Section 6.1 PURPOSES

The purpose of creating Medium Density Residential Districts, R-2 is to provide areas primarily designed for a residential use consisting of dwellings for only one family or household group, each located on individual lots or premises, adequate in size to provide for safe water and sewage disposal facilities, reasonably spaced to diminish spread of fire, and set back from the public thoroughfare to facilitate safe exit from the entrance to the premises. In addition, however, this district is designed to promote the "clustering" of these newly developed residential units, so as to provide for the preservation of open space and natural resources. The requirements are intended to protect and stabilize the basic qualities of each such district, and to provide suitable and safe conditions for family living.

Section 6.2 USES

A. Primary Uses

1. Single family residential development
2. Home occupations subject to the provisions of this ordinance.

B. Uses by Special Permit

1. Churches.
2. School and other licensed educational buildings.
3. Offices and clinics of physicians and other professional persons, provided, that no equipment is used which will create electronic interference.
4. Two-family dwellings, subject to twice the minimum lot area and subject to the maximum density requirements noted elsewhere for this district.
5. Township or county administrative and service buildings.
6. Open Space Cluster Residential Developments, in accordance with the PUD provisions.

Section 6.3 MINIMUM BUILDING, LAND and YARD REQUIREMENTS

Every dwelling or structure erected on a lot or premises shall comply with the minimum building, land, and yard requirements as specified in Section 3.4 B, Schedule of Zoning Regulations.

Min Lot Area	Min Lot Width	Max Density (u/ac)	Max Lot Coverage	Min Floor Area	Front	Minimum Setbacks	
						Side	Rear
43,560 sf	165	1.15	5%	980'	40'	10'	8'

ARTICLE SEVEN - LOW DENSITY RESIDENTIAL (R-3)

Section 7.1 PURPOSES

To provide for a traditional, rural, low density type of development in those areas not suited for other types of development, yet not in the category of lands requiring more expedient protection measures.

Section 7.2 USES

A. Primary Uses

1. Single family residential dwellings.
2. Home occupations subject to the provisions of this ordinance.

B. Uses by Special Permit

1. Churches.
2. Schools and other licensed educational institutions.
3. Township and county administrative and service buildings and structures.
4. Mobile Home Parks. (Refer to sect 15.9.2)
5. Two Family Dwellings, subject to twice the minimum lot area.
6. Other uses similar in character to the above and not specifically listed.

Section 7.3 MINIMUM BUILDING, LAND and YARD REQUIREMENTS

Every dwelling or structure erected on a lot or premises shall comply with the minimum building, land, and yard requirements as specified in Section 3.4 B, Schedule of Zoning Regulations.

Min Lot Area	Min Lot Width	Max Density (u/ac)	Max Lot Coverage	Min Floor Area	Front	Minimum Setbacks Side	Rear
5 ac	330'	N/A	2%	980'	100'	16'	20'

ARTICLE EIGHT - RURAL LIVING/AGRICULTURAL (RLA)

Section 8.1 PURPOSE

The purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for rural residential use, and to provide a buffer between more intensive residential and agricultural uses, respectively. It is not intended that this district be utilized to accommodate residential subdivisions as defined in the Michigan Land Division Act.

Section 8.2 USES

A. Primary Uses

1. Any non-intensive farm or agricultural activities including stock nurseries.
2. The sale of farm or dairy produce when raised on the farm from which it is sold.
3. Existing one and two family farm dwellings.
4. Single family, non-farm dwellings, subject to the limitations found elsewhere in this district section.
5. Home occupations subject to the provisions of this ordinance.
6. Community buildings, parks, playgrounds and other recreational areas.

B. Uses by Special Permit

1. Churches.
2. Schools and other licensed educational institutions.
3. Township and county administrative and service buildings and structures.
4. Two Family Dwellings, subject to twice the minimum lot area.
5. Removal and processing of topsoil, sand, gravel or other such minerals.
6. Other uses similar in character to the above and not specifically listed.

Section 8.3 MINIMUM BUILDING, LAND and YARD REQUIREMENTS

Every dwelling or structure erected on a lot or premises shall comply with the minimum building, land, and yard requirements as specified in Section 3.4 B, Schedule of Zoning Regulations.

Min Lot Area	Min Lot Width	Max Density (u/ac)	Max Lot Coverage	Min Floor Area	Front	Minimum Setbacks	
						Side	Rear
2 ac*	200'	N/A	7.5%	980'	40'	16'	40'

*(Minimum lot area with farm animal(s) is 5 acres)

ARTICLE NINE - AGRICULTURE (A-1)

Section 9.1 PURPOSE

The purpose of this district is (1) to maintain, preserve and enhance prime agricultural lands which have historically exhibited high crop yields; and (2) to allow maximum freedom of operations for agricultural pursuits and to protect such uses from encroachment of non-agricultural uses.

Section 9.2 USES

A. Primary Uses

1. Agricultural activities including stock nurseries, animal and livestock raising, etc.
2. The sale of farm or dairy produce raised on the farm from which it is to be sold.
3. Existing one and two family farm dwellings, for resident owners, those children of resident owners, or farm laborers substantially engaged in conduct of an agricultural use.
4. Single family, non-farm dwellings, subject to the limitations in this District.
5. Home occupations subject to the provisions of this Ordinance.
6. Community buildings, parks, playgrounds and other recreational areas.

B. Uses by Special Permit

1. Churches.
2. Schools and other licensed educational institutions.
3. Township and county administrative and service buildings and structures.
4. Veterinarian clinics and facilities for the care and/or boarding of animals.
5. Removal and processing of topsoil, sand, gravel or other such minerals.
6. Other uses similar in character to the above and not specifically listed.

Section 9.3 MINIMUM BUILDING, LAND and YARD REQUIREMENTS

Every dwelling or structure erected on a lot or premises shall comply with the minimum building, land, and yard requirements as specified in Section 3.4 B, Schedule of Zoning Regulations.

Min Lot Area	Min Lot Width	Max Density (u/ac)	Max Lot Coverage	Min Floor Area	Front	Minimum Setbacks Side	Rear
40 ac – farm	600'		7.5%				
1.5 ac – nf res	100'	N/A	20%	980'	40'	16'	40'

ARTICLE TEN - FOREST/RECREATIONAL (FOR)

Section 10.1 PURPOSE

The purpose of this district is to enable the use of, and limit the inappropriate encroachment onto, those lands which are either part of the Manistee National Forest and are used principally for recreation and the preservation of natural areas, or those private lands in the vicinity of the National Forest which are used for the same general purposes.

Section 10.2 USES

A. Primary Uses

1. Single family dwellings.
2. Community buildings, parks, playgrounds and other recreational areas.
3. Historic sites, scenic areas, wooded areas, and areas of unusual topographic formation.
4. Public and private beach development, not including residential development.
5. Seasonal Dwellings, subject to twice the minimum lot area requirements.
6. Home occupations subject to the provisions of this Ordinance.

B. Uses by Special Permit

1. Two Family Dwellings, subject to twice the minimum lot requirement.
2. Churches, and Schools and other licensed educational institutions.
3. Township and county administrative and service buildings and structures.
4. Veterinarian clinics and facilities for the care and/or boarding of animals.
5. Removal and processing of topsoil, sand, gravel or other such minerals.
6. Commercial operations for outdoor sports and related activities.
7. Other uses similar in character to the above and not specifically listed.

Section 10.3 MINIMUM BUILDING, LAND and YARD REQUIREMENTS

Every dwelling or structure erected on a lot or premises shall comply with the minimum building, land, and yard requirements as specified in Section 3.4 B, Schedule of Zoning Regulations.

Min Lot Area	Min Lot Width	Max Density (u/ac)	Max Lot Coverage	Min Floor Area	Front	Minimum Setbacks Side	Rear
2 ac	200'	N/A	7.5%	576'	40'	16'	40'

ARTICLE ELEVEN - COMMERCIAL/INDUSTRIAL BUSINESS (B-1)

Section 11.1 PURPOSES

The primary purpose of B-1 Business District is to provide areas for neighborhood and general retail, service, and wholesale business activities intended to serve Township residents. Large scale commercial, manufacturing and industrial uses oriented towards the county or regional market should be closely monitored through Special Use approvals to insure these activities will not disturb the rural nature and environment of the Township.

Section 11.2 USES

A. Primary Uses

1. Retail stores and shops offering chiefly new merchandise, when conducted within an enclosed building.
2. Business and personal services including barber shops, beauty parlors; shoe repair shops; dressmaking; tailoring; florist shops; photographic shops; produce sales; radio and television shops; real estate sales; insurance; and similar businesses and services.
3. Professional offices; show rooms; banks; public utilities without storage yards.
4. Public and civic buildings; social and fraternal buildings; and recreation centers.
5. Food service establishments (but not including taverns or night clubs).
6. Residences occupied by the business owner or employees, meeting the R-2 standards.

B. Uses by Special Permit

1. Gasoline and oil service stations and garages.
2. Outdoor storage and display; the storage, processing or sale of used motor vehicle parts; and junkyards.
3. Offsite commercial parking lots and billboards.
4. Used and new vehicle sales and service, including agricultural equipment.
5. Motels, hotels, and campgrounds, and recreational establishments.
6. Laundries, clothes cleaning plants, and dry cleaning establishments.
7. Food service establishments having alcohol, night clubs or entertainment.
8. Undertaking establishments; and animal hospitals and animal boarding.
9. Wholesale businesses, storage buildings, warehouses, and frozen food lockers.
10. Carpenter, electrical plumbing, heating, sheet-metal, printing, publishing and lithographic shops, when conducted in conjunction with a retail trade.
11. The manufacture, compounding, assembly, or treatment of articles, utilizing non-water intensive processes, conducted completely within an enclosed building.
12. Petroleum storage located at least 1000 feet from any residential use.
13. In-door and Drive-in movie theaters and entertainment establishments.
14. Wireless Communications, Radio and TV towers.
15. Sexually oriented businesses.
16. Other commercial and industrial uses similar in character but not listed above.

C. Commercial Driveway Spacing and Distance from Corner. There shall be a minimum spacing between adjacent driveways according to state highway regulations. A state permit is required prior to issuance of any Special Use Permit.

D. Special Permit Standards. For a Special Use request, the Planning Commission shall consider the following standards with regards to the general compatibility of the proposed use with the surrounding area and land uses:

1. Ingress and egress to the lot and the proposed buildings and structures with reference to automotive and pedestrian safety.
2. Location of parking, loading, refuse and other service areas.
3. Screening and buffering, as well as required yard areas.

Section 11.3 COMMERCIAL OVERLAY ZONE

In any non-B-1 District along M-120, in an area no more than 330 feet from the center line of M-120, any B-1 Primary Use or Special Use from the B-1 Zone may be permitted by Special Use permit:

- A. The property is located within one-half mile of any existing non-residential use along M-120 (including those properties in Newaygo County)
- B. The building occupying the special use does not exceed 5,000 square feet; buildings exceeding 5000 square feet must be approved by a majority vote of the Township Board.
- C. The use meets all other standards for the Zoning District it is located in, the special use standards in this District, and any other standards of this Ordinance.

Section 11.4 MINIMUM BUILDING, LAND and YARD REQUIREMENTS

Every dwelling or structure erected on a lot or premises shall comply with the minimum building, land, and yard requirements as specified in Section 3.4 B, Schedule of Zoning Regulations.

Min Lot Area	Min Lot Width	Max Density (u/ac)	Max Lot Coverage	Min Floor Area	Front	Minimum Setbacks	
						Side	Rear
1 ac	200'	N/A	N/A	N/A	60	16'	20'

ARTICLE 12 - RESERVED FOR FUTURE USE

ARTICLE 13 - RESERVED FOR FUTURE USE

ARTICLE FOURTEEN - PLANNED UNIT DEVELOPMENT (PUD)

Section 14.1 DESCRIPTION AND PURPOSE

The use, area, height, bulk, and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain large developments, these requirements might result in situations less in the interest of public health, safety, and welfare than if a controlled degree of flexibility were allowed. The Planned Unit Development (PUD) is intended to permit and control the development of preplanned areas for various compatible uses allowed by the Township Zoning Ordinance and for other exceptional uses not so provided. Further, it is intended that uses in a PUD shall afford each type of land use reasonable protection from encroachment or interference by other incompatible land uses, and that reasonable protection be afforded to uses adjacent to a PUD.

Section 14.2 OBJECTIVES

A PUD is permitted in any area of Greenwood Township as a special use. In reviewing a PUD the Planning Commission and Township Board shall give due consideration for maintenance of reasonable conditions regarding emission and transmission of injurious or obnoxious noise, fire or explosion hazard, liquid or solid waste disposal, vibrations, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of fire and police protection, drainage, blighting influence, effects on property values, light and air, overcrowding of persons, sanitation, general appearance of the area, surface and ground water quality and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area. The following objectives shall be met by any application for a PUD in order to realize the inherent advantages of coordinated, flexible, comprehensive, long range planning and development of such planned development:

- A. To provide desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, wetlands and similar natural assets.
- B. To encourage with regard to a residential PUD the provision of open space and the development of recreational and where included in the Plan, other support facilities in a generally central location within reasonable distance of all units.
- C. To encourage developers to use a more creative and imaginative approach in the development of residential, commercial and industrial areas.
- D. To encourage underground utilities which can be more efficiently designed when master planning a larger area.
- E. To allow phased construction with the knowledge that subsequent phases will be approved as originally planned by the Township.
- F. To promote flexibility and diversification in design in the location of structures.

- G. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
- H. To combine and coordinate architectural styles, building forms, and building relationships with the PUD.
- I. To insure quality construction commensurate with other developments within the Township.

Section 14.3 PUD DEVELOPMENT PLAN

Applicant shall submit 10 copies of a PUD development plan. The PUD plan shall set forth in general terms the proposed uses to be developed in the PUD and the following information:

- A. Legal description of the property.
- B. Small scale sketch of properties, streets and uses within one half (1/2) mile of the area.
- C. A Class B Site Plan showing any existing or proposed arrangements of:
 - 1. Streets;
 - 2. Lots and buildings;
 - 3. Access points;
 - 4. Other transportation arrangements;
 - 5. Buffer strips;
 - 6. Natural characteristics; and
 - 7. Signs, location and lighting.
- D. A narrative description:
 - 1. The overall objectives of PUD;
 - 2. Source of financing and statement of total estimated development cost of each stage;
 - 3. Number of acres allocated to each proposed use;
 - 4. Gross area in building, parking, public or private drives or streets and necessary yards and densities;
 - 5. Proposed method of providing sewer and water service as well as other public and private utilities; and
 - 6. Proposed method of providing storm drainage.
- E. Application signed by the property owner and applicant (if different) and application fee.

Section. 14.4 DEVELOPMENT REQUIREMENTS

Although the PUD may allow for uses not normally permitted in the zoning district where the PUD is located, the proposed PUD shall follow the spirit and intent of the underlying zoning district in which it is located. Where conflicts may exist between the underlying zoning district and the PUD regulations, the PUD regulations shall supersede the regulations of the district in which the PUD is located. Density increases are made possible in return for the design and amenities of the planned development subject to such increase not producing adverse traffic conditions or undue burden on public facilities.

Section 14.5 ACREAGE REQUIREMENTS FOR PUD

Any parcel in any area of the Township or any combination of parcels which exceed five (5) acres may be eligible for consideration as a Planned Unit Development.

Section 14.6 CLUSTERED DEVELOPMENTS

A proposal for a clustered residential development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient document of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. In addition, the applicant shall guarantee that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. Also, the development shall be subject to the following Open Space requirements.

- A. A development proposed under this section shall maintain a minimum of 40% of the gross area of the site as dedicated open space held in common ownership. Except for areas within regulated yard areas, any undeveloped land area within the boundaries of the site may be included as required open space.
- B. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, parking, roadways, or other approved improvements, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state.
- C. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Township, such as:
 - 1. Dedication, gift, or donation to a public entity willing to accept the conveyance;
 - 2. Recorded Deed Restrictions or covenants that run perpetually with the land; or
 - 3. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, as amended.

- D. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan. Such conveyance shall:
1. Indicate the proposed allowable use(s) of the dedicated open space.
 2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 3. Provide standards for scheduled maintenance of the open space.
 4. Provide for reimbursable maintenance to be undertaken by Greenwood Township in the event the open space is determined to be a public nuisance, or is not adequately maintained by the development, with an assessment of costs incurred upon the property owners.
- E. The following areas shall not be considered open space: public street right-of-way, any submerged land area, the yard requirements noted in Table 3.4.
- F. For developments over 50 acres in size, the following uses may be permitted in order to serve the residents of the development:
1. Retail stores and shops offering chiefly new merchandise, when conducted within an enclosed building.
 2. Business and personal services including barber shops, beauty parlors; shoe repair shops; dry cleaning agencies; printing shops; dressmaking; tailoring; florist shops; photographic shops; fruit sales; radio and television shops; real estate sales; insurance; and similar businesses and services.
 3. Professional offices; show rooms; banks; undertaking establishments; public utility buildings without storage yards; publicly owned buildings; civic, social and fraternal organization buildings; recreation centers.
 4. Food service establishments (but not including drive-ins, taverns or night clubs).
 5. Sale and service of agricultural machinery.
- G. Direct access onto a county road shall be required. The nearest edge of any entrance or exit drive shall be located no closer than 200 feet from any existing street or road intersection.
- H. Construction of internal or private roads shall be completed in accordance with the specifications outlined in section 19.8 of this Ordinance. In addition, a means of providing future maintenance for the property owners shall be provided.

Section 14.7 PUBLIC HEARING

The Planning Commission shall give notice and hold a public hearing on the PUD request in accordance with the Michigan Zoning Enabling Act. The notice shall describe the nature of the PUD use requested; indicate the property which is subject of the special land use request; state when and where the PUD use request will be considered; and indicate when and where written and oral comments will be received concerning the request.

Section 14.8 TRANSMITTAL OF PLANNING COMMISSION RECOMMENDATIONS

Following the public hearing, the Planning Commission shall transmit its recommendations, including changes, modifications or denial regarding the PUD Development Plan to the Township Board.

Section 14.9 PUD REVIEW AND CONDITIONS

- A. In considering such authorization, the Planning Commission and Township Board shall find that the purpose, objectives, and the requirements of this Ordinance are met. Reasonable conditions may be required with the approval of a PUD by the Township. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following:
1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed land use or activity.
 3. Be necessary to meet the intent and purpose of the Zoning Ordinance.
- B. The conditions imposed with respect to the approval of a PUD shall be recorded in the record of approval action and shall remain unchanged except upon the mutual consent of the Township Board and the land owner.
- C. The Township may, in its discretion, require a performance bond letter of credit, or a certified check to be filed with the Township Treasurer to insure compliance with any conditions imposed, as provided by this Ordinance.

Section 14.10 APPROVAL OF PUD

Before any building permit is issued, the Township Board shall approve the proposed PUD. The Final Development Plan, as approved, shall act as a restriction upon the development. The development must conform within the Final Development Plan.

Section 14.11 TIME LIMITATIONS ON DEVELOPMENT

An approved PUD shall be under construction within one year after the date of final approval by the Township Board. If the development does not fulfill this provision, the Planning Commission may grant up to three 120-day extensions provided the developers present reasonable evidence to the effect that the PUD has encountered unforeseen difficulties but is now ready to proceed. Should any provisions of approval not be fulfilled any building permit issued shall be invalid and void.

Section 14.12 REQUIRED IMPROVEMENTS PRIOR TO ISSUANCE OF OCCUPANCY PERMIT

The Township may require that some or all improvements be constructed and completed prior to issuing an occupancy permit. In the event that said improvements are partially completed to the point that occupancy would not impair the health, safety, and general welfare of the residents, but are not fully completed, the Zoning Administrator may, upon the recommendation of the building inspector, approve an occupancy permit so long as the developer deposits a performance bond with the Township Treasurer in an amount equal to the cost of the improvements yet to be made, said improvements to be completed within one year of the date of the issuance of the occupancy permit. In the event the provisions herein are not complied with, the bond shall be forfeited and shall be used by the Township to construct the required improvements yet to be made, and/or for the enforcement of this Ordinance.

Section 14.13 PLAT RECORDING

The Township Board is specifically authorized to require the recording of the plat in connection with any such application when such would be required by the Land Division Act, as amended.

Section 14.14 MODIFICATIONS

Once approval of the PUD has been granted, changes shall require a re-submittal to the Planning Commission. If the proposed change materially alters the size, scale, use or character of the approved PUD, or appears to impact on the standards described above, the Planning Commission shall require an additional hearing and approval following the same procedures as in its original adoption. Otherwise, the Planning Commission may approve the change following submission of a revised PUD Development Plan, attaching any appropriate conditions.

Section 14.15 DENIALS

Any PUD denial, in whole or part, shall be in writing.

Section 14.16 RECONSIDERATION AND APPEALS

No application for a PUD which has been denied wholly or in part, shall be resubmitted until the expiration of one 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 Planning Commission. Notwithstanding any other provisions of this Ordinance to the contrary, any order, requirement, decision or determination made in regard to a PUD pursuant to this chapter, shall not be appealable to the Board of Appeals. All appeals of a denial or approval shall be made to the Circuit Court, within 30 days of the denial.

ARTICLE FIFTEEN - SPECIAL USES

Section 15.1 PURPOSE AND AUTHORIZATION.

Special land uses are those uses of land identified in the individual districts as "Special Uses". Special uses require individual review and restriction in order to assure compatibility with the zoning district's permitted uses, the surrounding area, public services and facilities, and adjacent land uses. The purpose of this Article is to establish procedures and criteria which shall be applied in considering a special use request. The criteria provided in this Article shall be in addition to those required elsewhere in this Ordinance. Proposed special uses which meet the standards set forth in this Article and other provisions of this Ordinance shall be approved.

Section 15.2 SPECIAL USE APPROVAL PROCEDURES.

- A. Applications for special use permits authorized in this Ordinance shall be submitted to the Zoning Administrator and accompanied by the payment of the application fee in the form of a cashier's check or money order. The application fee is non-refundable. The application shall provide a narrative description of the special use responding to the standards required for approval and as appropriate a Class A or Class B Site Plan.
- B. An application for a special use permit shall be processed in the following manner:
 - 1. The Zoning Administrator shall forward the application and supporting data to the Planning Commission. The Planning Commission shall review the application according to the terms and specifications established in this Ordinance shall set a date for a public hearing no more than 90 days after the date of completed application.
 - 2. The Applicant and/or their agent shall make a presentation of the request at the next scheduled Planning Commission meeting and also be present for any and all public hearings.
 - 3. After adequate review and study, the Planning Commission shall give required notice and hold a formal public hearing as required by law.

Refer to Appendix A (Excerpt from Act 110, of 2006, MCL 125.3103)

- 4. Following the public hearing(s), the Planning Commission shall review the request and make their recommendation to the Township Board. The Township Board shall incorporate, in a statement of conclusion, the factual basis and reasons for the grant or denial of the application in written findings of fact. If approved, the Township Board shall instruct the Zoning Administrator to issue a written Special Use Permit, with any conditions imposed. An affidavit of the approved Special Use Permit may be recorded with the County Register of Deeds, and shall be binding on the owners of the property or their successors.

5. The Special Use Permit must be signed by all interested parties. If the property is sold, the new owner must re-apply for a Special Use Permit should they wish to continue similar operations.
6. All Special Use Permits shall be reviewed annually.

Section 15.3 BASIS OF DETERMINATION

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

- A. Will be harmonious with and in accordance with the general and specific objectives of any 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. In particular, special consideration shall be given when issuing a special use permit within any A-1, FOR, or RLA district to assure that such action will not be detrimental to existing or potential farming operations, threaten or negatively impact the wetland resources or water quality or water resources, including the ground water resources of the Township. Where the use is adjacent to residential areas, the use will not disturb the character, peace, or values, nor shall it create any hazards to the residents by increasing traffic, overcrowding, or the lack of nearby public facilities.
- D. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or require outdoor storage of raw materials or discarded processed materials.
- E. Will be served adequately by essential public services and facilities or the persons responsible for the establishment of the proposed use will provide adequately any such service or facility. As such, will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.
- F. Will have sufficient, appropriate, and adequate land area for the use, its anticipated operation, and expansion; and as such will not cause the overcrowding of land or undue concentration of population or activities.
- G. Will be consistent with the intent and purposes of this Ordinance.

Section 15.4 CONDITIONS AND SAFEGUARDS

The Planning Commission may recommend such additional conditions and safeguards, including financial security, and/or filing a bond, as it deems necessary for the general welfare, for the protection of individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purposes of the district in which the special use is proposed will be observed.

Section 15.5 REAPPLICATION

No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one 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 Planning Commission.

Section 15.6 APPEAL

Any appeal of a Planning Commission's determination may be appealed to the Township Board. Any final determination of the Township Board acting on recommendation of the Planning Commission (as opposed to a final determination of the Planning Commission), shall not be appealed to the Zoning Board of Appeal, but shall only be appealed to the Circuit Court.

Section 15.7 MODIFICATIONS

Once approval of the Special Use Permit has been granted, changes shall require a resubmission to the Zoning Administrator, who shall advise the Planning Commission. The Planning Commission may require an additional hearing and further approval if the proposed change materially alters the size, scale, use or character of the approved use, or appears to impact on the standards described above.

Section 15.8 REVOCATION

The Township Board may revoke a Special Use Permit where:

- A. Violations of conditions pertaining to the granting of a permit continue to exist for more than thirty (30) days after an order to correct has been issued by the Zoning Administrator.
- B. If a Special Use Permit has been granted, but the use is not commenced within one year, it shall terminate automatically and a new application must be filed. A renewal of the permit may be requested before the end of the one year period. Such request shall be made to the Zoning Administrator who shall have the authority to grant the renewal.
- C. At a specified time or after certain conditions have been met, as may have been prescribed with the issuance of the original permit.

Section 15.9 SPECIFIC SPECIAL USE STANDARDS

To insure the proper integration of those land uses within the district in which they are located, all Special Uses and those uses permitted by right identified in this article shall comply with the standards established within their subsection. These standards are in addition to the general district requirements in the zoning district in which they are located, the general standards for Special Use Approval in this Article, and all other applicable regulations of this Ordinance.

15.9.1 CAMPGROUNDS, PRIMITIVE CAMPGROUNDS, AND TRAVEL TRAILERS

A. Campers, tents, travel trailers, trailer coaches, motor homes, and similar units shall not be used for dwelling purposes. These units may be used as temporary dwellings as follows:

1. For a total period of not more than six months when properly licensed or registered and located upon premises having approved and licensed running water and sewage facilities.
2. For an unlimited period when located within duly licensed campground or travel trailer park or campground when subject to state and local health department requirements imposed and properly connected to sewage and water facilities and in compliance with the law.
3. The owner of any premises may place not more than one unit upon his premises, and occupy the same for dwelling purposes during the actual construction of his dwelling thereon, but not exceed one year, beginning with the date of issuance of a Building Permit for a permanent dwelling.
4. The owner or lessees of any premises occupied by a dwelling may permit the parking of an occupied unit of guests or visitors on the premises for a period not exceeding a total of sixty days in any calendar year, provided, the serial number and license number of the unit, and the name of the owner are recorded with the Township Clerk and provided further, that the occupants of the unit shall have unrestricted use of the sewage disposal and water supply facilities of the dwelling.

B. The following standards shall be required for a campground:

1. All campgrounds, primitive campgrounds, and travel trailers must meet all state campground regulations, guidelines, and requirements.
2. No building or camp site shall be located within 50 feet of any property line.
3. Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a river or lake, and the Planning Commission shall find that no useful purpose would be served by the stipulated setback.
4. One identification sign, not exceeding 100 square feet in area, is permitted.

Section 15.9.2 MOBILE HOME PARKS.

Mobile home parks must comply with the conditions set forth in The Mobile Home Commission Act, Act 96 of 1987.

Section 15.9.3 OUTDOOR RECREATIONAL FACILITIES.

All recreational facilities, including Outdoor Theaters; Miniature Golf; Go-cart, and Amusement Parks and Centers shall meet the following standards:

- A. The minimum lot size for all facilities or activities conducted outdoors shall be 2 ½ acres; the minimum lot width at the building line shall be 330 feet; except that any indoor recreational facilities which use or activity is conducted completely within an enclosed building, shall have at least one acre, and B-1 setbacks, unless otherwise provided.
- B. No commercial structure shall be closer than 100 feet from any lot line and no outdoor activity shall be closer than 200 feet from any lot line. No game or billiard room shall be closer than 500 feet to any existing residential dwelling.
- C. The outdoor space used for parking shall be hard surfaced or maintained with other dust-free material, and adequately drained.
- D. All areas used for the storage of trash and rubbish shall be screened by a vertical screen consisting of structural or plant materials no less than 6 feet in height, with a view-obstructing door.
- E. The management shall provide adequate individual trash and litter containers, and the policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.
- F. Exterior lighting shall be so installed that the source of light shall not be visible from any residential use, and as far as practical reflect light away from any residential use; and in no case shall more than one foot candle-power of light cross a lot line 5 feet above the ground into a residential district.
- G. Assemblies for concerts, outdoor performances, or similar events shall have a minimum of 20 acres and shall include an operational plan specifying the event's schedule and details; plans for ingress and egress roads, parking, and storage areas; water supply, toilet facilities, and solid waste disposal as approved by the Health Department; emergency services plans; and other event details, as required by the Township.

Section 15.9.4 SEXUALLY ORIENTED BUSINESS ACTIVITIES.

It is recognized that sexually oriented business activities have serious secondary effects in the community, including increased blight, crime, and negative impacts on property values, particularly when those activities are concentrated or located within close proximity with schools, residences, public and semi-public institutions, and parks. Therefore it is necessary to regulate the potential negative impacts and to protect against the secondary negative impacts effects of sexually oriented business activities by requiring the following standards:

- A. Sexually oriented business activities shall not be approved if the proposed location is within one mile of a licensed day care center, adult foster care home, senior citizens' center, public or private K-12 school, park or church, or other sexually oriented business activities. Nor shall a sexually oriented business be approved if located within 660 feet of any existing residence. However, these may be waived if the locational standards limiting sexually oriented activities as they relate to similar uses if the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed. In granting of a waiver of locational requirements, conditions or limitations may be impose upon the establishment, location, construction, maintenance, or operations of regulated use as may be necessary for the protection of the public interest.

- B. Massage services may only be provided by individuals licensed by the State of Michigan. Licensed physicians, surgeons, chiropractors, osteopaths, and other occupational or physical therapists, or other therapeutic massage or relaxation services which do not perform sexually oriented activities and are an accessory activity to the principal use are not considered massage services and are not regulated by this section.

Section 15.9.5 SOIL, GRAVEL & OTHER MINERAL REMOVAL

- A. No use of land, streams, lakes or channels shall be made for the removal of top soil, sand, gravel or other earth material shall be permitted except by Special Use Permit where the Planning Commission shall find and require in addition to the general requirements for special uses the following:
 - 1. Soil removal is permitted in any non-residential zone, except that such activity may occur in a residential zone where the soil removal shall ultimately result in a residential development as part of the soil removal process.

 - 2. The applicant shall provide a written excavation plan, on a Class B Site Plan identifying the areas to be excavated, the type of and estimated amount of materials to be removed, areas of stockpiling of top soil, spoils, equipment locations, fenced areas and buffer vegetation, vehicle routes on the property; drainage areas and areas of standing water, soil erosion control measures, future development or excavation areas, and other items as required on a Class B Site Plan as specified by the Planning Commission.

 - 3. The minimum land area required is 5 acres. No permit shall be issued for longer

than, and no site may be excavated for more than, 3 years without a renewal of the Special Use Permit following the procedures of this Ordinance. The Planning Commission may specify a shorter period if, in the Planning Commission's reasonable opinion, extended operations will adversely impact the character of the surrounding area.

4. All Special Use Permits will be reviewed annually.

5. There shall only be one access drive to the site for each half mile along the front road right-of-way, unless the Planning Commission finds that a second drive will lessen congestion on nearby residential uses. All drives and access routes shall be reviewed and approved by the Oceana County Road Commission. Such drives within 100 feet of the entrance shall be treated to control dust with water, brine, or other approved chemical materials, or paved.

6. No excavation shall occur within 300 feet of any residence and 30 feet from any property line or road right-of-way. All fixed equipment and portable crushing, sorting, processing and other related equipment and machinery, and asphalt plants shall be setback 100 feet from any property line and 300 feet from any residence. All vegetation and natural growth located within the setback areas shall be preserved except for drive entrances. Fencing of active excavating areas shall be required where the slope exceeds 20% grade or where there is standing water. The Planning Commission may impose greater setback, buffering and fencing standards where it finds that the activity is in the immediate vicinity of a residential area or such activity will be detrimental to adjacent areas. The Planning Commission may impose a lesser setback standard where good cause is shown and the excavation is not adjacent to any residential use or is adjacent to an existing extraction operation; except that no setback shall be less than 30 feet from any public road right-of-way.

7. Hours of operation shall not exceed 6 am to 9 pm, Monday through Saturday, no operations on Sunday and legal holidays, unless required for emergency operations which are immediately reported to the Zoning Administrator by the next business day.

8. The land will not be left in such a condition so as to prevent those uses in the district in which such removal occurred. No final grade shall exceed a 3:1 slope. The applicant shall provide a written restoration plan showing the final grades and disposition of all stored materials, equipment and building, bodies of water and other natural and man-made features.

9. The removal will not cause dangerous conditions for neighboring properties. The removal will not cause stagnant water to collect or leave the surface subject to wind or water erosion.

10. Should a property that has a Special Use Permit issued be sold, the new owner must re-apply to have a Special Use Permit issued in their name if they wish to continue similar operations.

- B. The Planning Commission shall prepare and have executed such agreements as are necessary to insure the performance of conditions attached to the special use permit, including the approved Site Plan, and require a bond of at least \$10,000 conditional upon the faithful performance of such agreements.

Section 15.9.6 SUBDIVISIONS, CONDOMINIUMS, and SITE CONDOMINIUMS.

Traditional platted subdivisions, condominium subdivisions, site condominiums, including condominiums for mobile homes, campgrounds, recreational sites, and commercial or industrial building sites shall meet the following standards:

- A. The owner shall submit a proposed subdivision development plan or condominium plan for Township Planning Commission and Township Board approval as required by law.
- B. For condominiums, concurrent with filing the development plan, the owner shall file copies of any proposed master deeds and bylaws and other proposed restrictive covenants, use and occupancy restrictions, maintenance agreements, and other documents delineating control of the development, general and limited common elements of a condominium project, for review by the Township Attorney. The Township Attorney shall make its recommendation prior to Township Board action. The Township may also require other engineering plans or documents required a part of Site Plan approval.
- C. One condition of the final plan approval shall be the filing with the Township and recording with the County Register of Deeds the master deed and subdivision plan or other deed restrictions which shall include all conditions and stipulations as approved for the development. All changes in the master deed shall be filed with the Township.
- D. Unless specifically waived for good cause shown the Township shall require the owner to:
 - 1. Enter into an agreement with the Township for the imposition of a special assessment for the cost of sewer, water or other public facilities within all easements and/or right-of-way.
 - 2. Satisfy all requirements for private roads and streets under this Ordinance.
 - 3. Grant easements to the Township or County for purposes of operating utilities and other public facilities.
 - 4. Comply with the lot size, lot width, setback standards of the underlying district.
 - 5. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites or recreational sites shall be marked with permanent monuments to identify the corners of each building site.

ARTICLE 16 – COMMUNICATIONS TOWERS AND WIND POWERED TURBINE GENERATOR SYSTEMS

Section 16.1 COMMUNICATIONS TOWERS

Changing technology in the field of communications has resulted in the reliance upon more versatile and convenient forms for communications. Business, individuals and government have all developed a strong dependence upon the ability to quickly contact others. These regulations are intended to balance the need for providing telecommunications services including wireless data and other forms, with federal and state law and the community's need to insure that the placement of these facilities will not burden natural development and to encourage the co-location of communications services.

- A. All communications 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, AM or FM transmitters less than 75 feet in height as measured from the base to the highest point on the tower.

- B. The following site development requirement shall apply:
 - 1. A Communications Tower may be principal or accessory use.
 - 2. Where a tower is located on its own parcel, it shall be a minimum 32,000 square feet with a minimum 200 feet of road frontage.
 - 3. The base of the tower and wire cable supports shall be fenced with a minimum five foot high fence.

- C. Performance Standards
 - 1. The tower must be setback from all property lines a distance equal to its height.
 - 2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to the property line than 30 feet. Nothing shall prevent the applicant from applying for a setback variance.
 - 3. Accessory structures shall not exceed 600 square feet of gross building areas.
 - 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 for the tower construction shall be certified by a registered structural engineer and provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
7. All towers must meet standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
8. 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 30 feet of a property line. Nothing shall prevent an applicant from applying for a setback variance.
9. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
10. Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
11. Towers shall be designed to hold four communications carriers and shall meet applicable uniform wind loading standards of the building code.
12. All signals and remote control conductors of low energy extending substantially horizontally above the ground between the tower or antenna and a structure or between towers, shall be at least eight feet above the ground at all points, unless buried underground.
13. Towers shall be located so that they do not interfere with reception on nearby residential areas. If such interference occurs, it shall be corrected within sixty (60) days of written notification of the interference.
14. Towers shall be located so that there is room for vehicles doing maintenance to maneuver on the property being owned or leased by the applicant.
15. The base of the tower shall not exceed 500 square feet and the tower compound shall be designed to handle up to four communications carriers.
16. Height of the towers shall not exceed 120 feet from grade within a residential district, 200 feet from a commercial property and 300 feet from an industrial property.
17. Towers shall not be artificially lighted unless required by the FAA.
18. Existing on-site vegetation shall be disturbed to the minimum extent practical.
19. There shall be no advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

20. The antenna shall be painted to match the exterior treatment of the tower. The paint scheme should be designed to minimize the off-site visibility of the antenna.
21. 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 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.
22. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or for temporary repair and service activities are excluded from this restriction.
23. All parking areas and drives must be paved or have any other dust free surface.
24. Where the property adjoins any residentially zoned property or land use, the developer shall plant 2 alternating rows of evergreen trees with a minimum height of 5 feet on 20 foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than 10 feet to any structures.
25. The tower and all existing structures and improvements shall be removed by the property owner or lessee within six months of being abandoned. A performance bond shall be maintained with Township Board by the property owner or lessee for the removal of the tower and will be determined at the time of application and shall be subject to revision at subsequent permit renewals.

D. A Special Use Permit shall be required for any Telecommunications Tower:

1. Located in a Residential district, except the co-location of telecommunications equipment on an existing tower is permitted provided it satisfies all of the applicable standards of this section. No tower in a residential zone may exceed 120 feet.
2. Where any communications tower in excess of 100 feet is located within two miles of any public or private airport or landing strip or ½ mile of any helipad.
3. Where the distance to the nearest tower is less than 5 miles (to prevent the concentration of towers in an area and to encourage co-location on existing towers).
4. Where the height of the tower:
 - a. Exceeds 150 feet in any B-1 zone or exceeds 200 feet in any other zone; or
 - b. Requires FAA lighting in any zone; or

- c. Is less than minimum setbacks required in this Section and where the Planning Commission finds from a certified statement from the tower manufacture that the tower is designed to fall or fail within the requested setback standards.
- E. The collocation of communications equipment on a communications tower shall be reviewed by the Planning Commission, under the Class B Site Plan Review provisions and the relevant standards of this section.

16.2 FOR WIND POWERED GENERATORS

16.2.1 PURPOSE

The township has received and expects to receive requests to place Wind Powered Generator systems, both private and commercial, within the township. These standards are intended to achieve a balance between 1) the public need for clean renewable energy, 2) practical latitude for specific uses of land by the land owner, 3) farm land preservation and 4) protecting the public health, safety, and general welfare.

16.2.2 DEFINITIONS

AMBIENT: The sound pressure level exceeded 90% of the time or L90.

ANSI: American National Standards Institute.

BONDS: Bonds must be provided from the State of Michigan Treasury Department's list of acceptable bond companies and approved by the affected agencies.

COMMERCIAL WIND POWERED GENERATOR (CWPG) SYSTEMS: A wind powered generator system designed and built to provide electricity to the electric utility grid.

dB(A) : Sound pressure level in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

DECIBEL: The unit of measure to express the magnitude of sound pressure and sound intensity.

IEC: International Electrotechnical Commission. A global organization that prepares and publishes international standards for all electrical, electronic, and related technologies.

ISO: International Organization for Standardization. A network of the national standards institutes of 156 countries.

MET TOWER: A freestanding tower containing anemometer instrumentation to provide wind and meteorological information.

OPTIONS: The use of lower noise equipment and greater minimum setbacks where the Planning Commission deems it feasible and in the best interest of the Township.

PRIVATE WIND POWERED GENERATOR (PWPG) SYSTEM: An on-site privately owned wind powered generator system designed and built to provide electricity primarily to the land owner.

ROTOR: An element of the wind generator that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA TOWER: A freestanding tower containing instrumentation such as anemometers that provides present moment wind data for use by Supervisory Control and Data Acquisition (SCADA) system.

SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind generating system casting shadows on the ground and stationary objects.

SOUND PRESSURE: Average rate at which sound energy is transmitted through a unit area in a specific direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

WIND POWERED GENERATOR (WPG) SYSTEM: A system that converts wind energy into electricity through the use of a wind turbine generator and include the turbine, blades, and tower as well as related electrical equipment. This does not include the wiring to connect to the grid.

WIND SITE ASSESSMENT: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind powered generator system.

16.2.3 PRIVATE WIND POWERED GENERATOR (PWPG) SYSTEMS

PWPG systems shall be considered a Special Use in all zoning districts. Prior to installation of a PWPG system, an application for Special Use Permit and site plan shall be filed in accordance with Sections 15 & 17 hereof and will include documentation that sound pressure level, construction code, and safety requirements have been met, proof of applicant's public liability insurance, and exception consent documents properly registered with the Oceana County Register of Deeds.

- A. **Property Set-Back:** The distance between a PWPG system and the owner's property line or nearby occupied dwellings shall be a minimum of 1.5 times the height of the tower including the top of the blade in the vertical position. Exceptions for neighboring property are allowed with the written consent of those property owners. **Sound Pressure Levels:** PWPG systems shall not exceed 55dB (A) at the property line closest to the system or nearby occupied dwellings. This sound pressure level may be exceeded during

short-term events such as utility shortages and/or severe wind storms. If the ambient sound pressure level exceeds 55dB (A), the standard shall be ambient dB(A) plus 5dB(A). Exceptions for neighboring property are allowed with the written consent of those property owners.

- B. Construction Codes, Towers, & Interconnection Standards: PWPG systems shall comply with all state construction and electrical codes and local building permit requirements. PWPG systems shall comply with Federal Aviation Administration requirements, and the Michigan Tall Structures Act (Public act 259 of 1959, MCL 259.481 et seq.). Interconnected PWPG systems shall comply with Michigan Public Service Commission and Federal Regulatory Commission standards. Off grid systems are exempt from this requirement. Safety: PWPG systems shall have automatic braking, governing and a feathering system to prevent uncontrolled rotation and over speeding. All wind towers shall have lightning protection. The minimum vertical blade tip clearance from grade shall be 20 feet for any system using a horizontal axis rotor.

16.2.4 WIND SITE ASSESSMENT AND MONITORING FOR PRIVATE AND COMMERCIAL WPG (CWPG) SYSTEMS

- A. Installation of MET towers for assessment of a PWPG system or CWPG system site shall require an application for Site Plan and Special Use Permit in accordance with Section 15 & 17 hereof. The application shall include a copy of the applicant's lease with the land owner granting authority to install the MET tower and requiring the applicant to remove all equipment and restore the site after completion of the assessment and proof of the applicant's public liability insurance. The set-back from non-leased property shall be 1.5 times the height of the tower. Guy wires shall be no closer than 10 feet from non-leased property lines and adequately marked or fenced. Leased property can contain more than one parcel and the requirement shall apply to the combined properties.
- B. Prior to installation of an anemometer 60 feet or higher, an application for Site Plan and Special Use Permit shall be filed in accordance with Sections 15 & 17 hereof and will include a copy of the applicant's lease with the land owner granting authority to install the MET tower and requiring the applicant to remove all equipment and restore the site after completion of the wind assessment, and proof of the applicants public liability insurance.
- C. SCADA and MET towers shall also comply with the property set-back requirements. The set-back shall be 1.5 times the height of the SCADA and MET tower. An operations and maintenance office building, substation, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building. Exceptions for neighboring property or public rights of way are allowed with written consent of those property owners, provided that the lease lasts the useful life of the tower.

16.2.5 COMMERCIAL WIND POWERED GENERATOR (CWPG) SYSTEMS

- A. CWPG systems shall be a Special Use in the Rural Living Agricultural and require a Site Plan and Special Use Permit application, signed by the property owner and developer, in accordance with Sections 15 & 17 hereof. The application shall also include the following:
1. Insurance: Proof of the applicants' public liability insurance.
 2. Lease Documents: Proof of lease of the property.
 3. Consent Documents: Copies of any written waivers granted by neighboring property owners properly registered with the Oceana County Register of Deeds.
 4. Sound Pressure Level: Copy of modeling and analysis report.
 5. Certifications: Certification that the applicant has complied with all applicable state and federal laws and regulations.
 6. Visual Impact: Visual simulation of how the completed project will look from four viewable angles.
 7. Environmental Impact: Copy of the Environmental Impact analysis.
 8. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
 9. Power Line Location: Location of buried on-site and off-site buried and overhead power distribution lines to the township line.
 10. Shadow Flicker: Copy of the shadow flicker analysis and steps for mitigation.
 11. Manufacturers' Material Safety Data: Documentation shall include the type and quantity of all materials used in the operation of all equipment, including but not limited to, all lubricants and coolants, operation of braking systems, and ice control.
 12. Road Maintenance: Plan to protect and maintain all roads used during construction, repair, and replacement, and a bond in an amount agreeable to the Greenwood Township Board and the Oceana County Road Commission for maintenance and repair of such roads.
 13. Decommissioning: A plan for decommissioning and a bond to cover the estimated cost of removal and restoration of the site in the event of abandonment.
 - 14.** Compliant Resolution: Description of the compliant resolution process.

16.2.6 CWPG SYSTEM PROJECT STANDARDS AND REQUIREMENTS

- A. Property Set-Backs: The distance between a CWPG system and the property lines of adjacent non-leased properties including rights of way shall be a minimum of 1.5 times the height of the tower including the top of the blade in its vertical position. Where property is leased on both sides of a private right of way a tower may be placed no closer than one rotor radius from the closest edge of the private right of way. Leased property may include more than one piece of property and the requirement shall apply to the combined properties. Setback shall apply to occupied dwellings. There is no set-back on lot lines of adjacent leased properties. Exceptions for neighboring property are allowed with the written consent of those property owners.
- B. Sound Pressure Level: The sound pressure level of a CWPG system shall not exceed 55dB(A) measured at the property lines nearest the CWPG system between leased and non-leased properties. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55dB(A), the standard shall be ambient dB(A) plus 5 dB(A). Exceptions to this requirement are allowed with the written consent of property owners. As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the CWPG system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the CWPG system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a type II sound meter. Documentation of the sound pressure levels shall be provided to the planning commission and township board within 60 days of the operation of the project. Sound pressure level readings may be required by the Planning Commission or Township Board for compliant resolution.
- C. Construction Codes, Towers, and Interconnection Standards: CWPG systems shall comply with all applicable state construction and electrical codes and local building permit requirements. Systems shall comply with FAA requirements and the Michigan Tall Structures Act (P.A. 259 of 1959, MCL 259.481 et seq.) The minimum FAA lighting standards shall not be exceeded; lighting must be shielded to the extent possible to reduce glare and visibility from the ground. CWPG systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.
- D. Safety: All CWPG systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site. Emergency contact information shall be kept current with the Zoning Administrator. A minimum 4sq.ft. sign, shall be placed at the road entrance to warn visitors of the potential danger and will contain emergency contact information. The minimum vertical blade clearance from grade shall be 50 feet for a system using a horizontal axis rotor.

- E. Visual Impact: All CWPG systems shall use tubular towers and blades which are finished in a single, non-reflective matte finished color. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have the lettering that exhibits the manufacturers' and /or owners identification.
- F. Electromagnetic Interference: CWPG systems shall not be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before that installation. No system shall be installed in any location within line of sight of an existing microwave communications link where the system's operation is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- G. Environmental Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of Act 451 of 1994 including Part 31 Water Resources Protection, Part 91 Soil Erosion and Sedimentation Control, Part 301 Inland Lakes and Streams, Part 303 Wetlands, Part 323 Shoreland Protection and Management, and Part 353 Dunes Protection.
- H. Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. Sites requiring special scrutiny include bird refuges and other areas birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why a study does not need to be conducted. Power lines shall be placed underground, when feasible, to prevent avian collisions and electrocutions. All above ground lines, transformers, or conductors shall comply with Avian Power Line Interaction Committee (APLIC) published standards to prevent avian mortality.
- I. Shadow Flicker: The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify problem areas

where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

- J. Decommissioning: The applicant shall submit a decommissioning plan approved by the township. The plan shall include: 1) the anticipated life of the project. 2) estimated cost of decommissioning and salvage value in current dollars, 3) bonding to cover the cost of decommissioning, restoration, and maintenance and repair of roads, 4) anticipated manner in which the project will be decommissioned and the site restored.
- K. Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint or violation of this Ordinance. During construction and operation the applicant shall maintain and make available to nearby residents and the Zoning Administrator a telephone number where a project representative can be reached during normal business hours.

ARTICLE SEVENTEEN - SITE PLAN REVIEW

Section 17.1 PURPOSE

It is the purpose of this article to require site plan approval for all buildings, structures, and uses requiring a land use permit to achieve, through the site plan review process, safe and convenient traffic movement; harmonious relationships of buildings, structures and uses; the conservation of natural features and resources; and to insure compliance with this Ordinance.

Section 17.2 USES REQUIRING SITE PLAN APPROVAL

All land uses requiring a zoning permit shall include a site plan as regulated in this article.

- A. Class A Site Plans. Class A site plans shall only require review and approval by the Zoning Administrator. The following buildings, structures, and uses require only a Class A site plan approval: (i) Single family residential uses and any alterations, and customary accessory uses; (ii) agricultural buildings; signs; small commercial and industrial uses and the expansion or alteration to existing commercial activities which do not increase the ground floor area of the building or use by more than 15%; (iii) Special Uses related to (i) and (ii) above; and (iv) other uses not identified as requiring a Class B site plan.
- B. Class B Site Plans. Class B site plans shall require review and approval by the Planning Commission. The following buildings, structures and uses require a Class B site plan, unless otherwise provided: (i) Uses requiring Special Use approval, subdivisions, condominiums, and similar multiple family residential uses, and Planned Unit Developments (PUD); (ii) all new commercial or industrial uses which exceed 5000 square feet in size in any non-agricultural zone, and 10,000 square feet in any Agricultural zone; (iii) expansions or alterations of existing commercial or industrial uses by more than 15% of the ground floor area; (iv) parking areas containing 20 or more parking spaces; and (v) any other use as specified by the Planning Commission where the detail provided by an applicant is not sufficient to make a reasonable determination of the use.

Section 17.3 SITE PLAN REQUIREMENTS

- A. Class A Site Plans requiring only Zoning Administrator approval shall contain a sketch plan which need not be to an exact scale but should accurately reflect the lot layout and location of all structures, buildings, uses and features regulated by this Ordinance and as required by the Zoning Administrator. The sketch plan shall give dimensions to and from the property line to all structures, buildings, and uses. It shall show natural and manmade features, including surface water, drainage facilities, roads, driveways, utilities, and existing and proposed vegetation on the lot. The Zoning Administrator may require other information as necessary under Subsection (B) to determine compliance with this Ordinance.
- B. A Class B Site Plan shall not be required for a Special Use related to any single family or two family related use or to an agricultural use or structure that does not exceed 10,000

sq. feet. All Class B Site Plans shall include the following:

1. The names and addresses of the property owner, petitioner, and individual or firm responsible for preparation of the site plan.
2. A locational sketch drawn to scale showing the general area within a half mile radius of the boundaries of the development area including respective zoning abutting the subject property.
3. The date, north arrow, and scale. The scale shall not be less than 1" = 20' for property under three acres and at least 1" = 100' for those three acres or more.
4. All lots and/or property lines are to be shown with dimensions, including building setback lines.
5. The location and height of all existing and proposed principal structures on and within 100' of the subject property's boundaries.
6. The location and dimension of all existing and proposed structures, buildings, and features on the property. This shall including driveways, sidewalks, curb cuts or openings, signs, exterior lighting, curbing, parking areas (showing dimensions of typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use or purpose; pavement and right-of-way widths of all abutting roads, streets, alleys or easements; the location, height and type of fences, walls and landscaping and other accessory uses; the size and location of existing and proposed utilities, including proposed connection to public or private sewer or water supply systems; location and size of all surface waters and drainage facilities; and existing and proposed vegetation, specifically identifying that being removed.
7. A survey of the property prepared by a registered engineer, landscape architect, or architect or other licensed individual. The site plan shall also show topographic information showing contour intervals at two foot intervals when the average slope for the parcel is 10% or under, or at five foot intervals where slopes exceed a 10% grade. Planning Commission may waive the survey and topographic requirements when a accurate scaled drawing is provided which clearly shows all dimensions between all structures, and all property lines, road or easement right-of-ways, and water bodies. The drawing shall show all land improvements or changes within 30 feet of any property line and right-of-way.
8. A narrative description of the proposed use or development, anticipated market to be served, traffic impact, environmental impact, or the development impacts on the Township. Specific reference to hydrological and groundwater information protection measures shall be provided.
9. Photographs, renderings and/or elevations of the project, building and uses.

10. Any other information necessary to establish compliance with this Zoning Ordinance and other ordinances of Greenwood Township.

Section 17.4 REVIEW PROCEDURES

- A. A Class A site plan only requiring Zoning Administrator's approval shall be submitted to the Zoning Administrator who shall review the site plan for conformance with this Ordinance in the standards in sub-section (5), below. The Zoning Administrator may require reasonable conditions to insure compliance with this Ordinance. The Zoning Administrator shall keep one copy of the approved site plan for the Township's records. A denial of the site plan shall be in writing stating the reasons for denial. Appeal of a denial by the Zoning Administrator may be made to the Zoning Board of Appeals, within 30 days of a written denial.
- B. A Class B site plan requiring Planning Commission approval shall be submitted to the Zoning Administrator who shall keep one copy of the proposed site plan and deliver the remaining copies to the Planning Commission. The Planning Commission shall study the site plan and may attach such conditions as are necessary to insure compliance with this Ordinance. If the site plan is disapproved, the reasons for disapproval shall be stated. Upon approval of the site plan, two copies shall be signed and dated by the Chairman of the Planning Commission. One signed site plan shall be kept filed in the Township's individual property records and the other returned to the applicant within 30 days of a written denial.

Section 17.5 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Zoning Administrator or Planning Commission shall determine whether the site plan is consistent with this Ordinance, in accordance with any township plan and more specifically with the following:

- A. That the movements of vehicular and pedestrian traffic within the site and in relation to the access to streets will be safe and convenient.
- B. That the layout in the site plan is harmonious with and not injurious or objectionable to existing and projected uses in the immediate area.
- C. That the site plan shows the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads and parking.
- D. That the site plan is adequate to provide for health, safety and general welfare of the persons and property on the site and in the neighboring community.
- E. That all buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Areas with access on or water frontage shall consider the proposed water supply and

sanitation requirements and the ability of these systems to prevent disease, contamination and unsanitary conditions; the susceptibility of the proposed facility and its contents to high water damage and the effect of such damage on the individual owner; the relationship of the proposed use to land use and drainage plans and programs for the area; and the compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

Section 17.6 REGULATIONS

The Zoning Administrator shall not issue a zoning permit for any land use until an approved site plan has been provided and has been approved by the Zoning Administrator.

- A. No grading, removal of trees or other vegetation, land-filling, or construction of improvements shall commence for any development which requires site plan approval until an approved site plan has been properly signed.
- B. The site plan and conditions approved shall be followed continuously by the owner/developer, its successors, or assigns. Cessation or deviation from the conditions and plan shall invalidate the approved land use and any permits or licenses issued by the Township in reliance thereon, and constitute a violation of this Ordinance.
- C. The Zoning Administrator or Planning Commission may request adequate security for the performance of any conditions as provided in this Ordinance. Where necessary, the Planning Commission may insist that the conditions for approval be signed by the applicant and recorded with the County Register of Deeds.
- D. Site Plan approval shall be automatically terminated in 6 months from the date of approval if no building permit has been granted. If site plan approval is granted and no construction on the principal structure has commenced, excluding site preparation, the site plan is automatically terminated unless the applicant obtains an extension for good cause shown. If the site plan was part of a Special Use Permit, PUD, Site Condominium, or other special approval, the validity of the site plan shall be an equal length with that approval.
- F. Any material or substantial error in the site plan shall void site plan approval and terminate any other approval so authorized based on the site plan.
- G. Appeals of a decision of the Zoning Administrator or Planning Commission may be made to the Township Board within 30 days of the Zoning Administrator and/or Planning Commission's decision.

ARTICLE EIGHTEEN - NON-CONFORMING USES

Section 18.1 GENERAL REGULATIONS

It is the intent of this Ordinance to seek the removal of all nonconforming uses. However, the lawful use of any dwelling, building or structure and of land or premises as existing and lawful at the time of enactment of this Ordinance may be continued at the discretion of the owner thereof even though such use does not conform within the provisions of this Ordinance. Such use, premises, or structure may be altered, changed, reconstructed or replaced subject to the following regulations:

- A. A non-conforming use may not be altered or extended in any way which would increase its nonconformity. But the extension of a use to any existing portion of a structure primarily arranged or designed for such nonconforming use shall not be deemed an extension.
- D. If a nonconforming use is discontinued for a period of more than one year, it shall be presumed to be abandoned and any further use of the structure and premises shall only be in conformity with the provisions of this Ordinance. However, where the discontinuance is due to a bona-fide sale or active change in tenants or occupants and such use shall remain the same, such discontinuance shall not be construed to be an abandonment.
- E. Any nonconforming building, which has been condemned for a continuous period of 90 days shall be torn down or removed by owner within 60 days of notification, or the Township Board may have the building torn down or removed and expenses or cost be assessed to property involved.
- F. Nothing in this Ordinance shall prevent a nonconforming use or structure from being sold, transferred or assigned so long as the action will not increase the degree of nonconformity or change the use or structure to another nonconforming use or structure.

Section 18.2 NONCONFORMITY OF RESIDENCES OR OTHER PERMITTED OR SPECIAL USES

Where any use is classified as a permitted use or use by special use permit in the District in which it is located, or in any district where a single family home is occupied and used as a single family home, and such use is nonconforming by reason of substandard lot area, lot coverage, setback, height, lot width, road frontage or parking; or other characteristic of the structure, such structure may be continued so long as it remains otherwise lawful, provided:

- A. The structure is not enlarged or altered in any way to increase its nonconformity relative to the lot size, lot width, height, setback, ground coverage, floor area, or parking requirements.
- B. Should such structure be totally destroyed, the structure may be reconstructed, provided it is in conformity with the minimum setback provisions of that District. Except that a single family home may be rebuilt on the existing foundation if no further changes,

additions or improvements are made from the previous structure.

- C. Should such structure be moved for any reason or for any distance, it shall then conform to the setback provisions of that District.

Section 18.3 WHITE RIVER NATURAL RIVER ZONING

The lawful use of any land or structure in the State of Michigan White River Natural River Zone, existing on the effective date of this Ordinance may be continued although the use does not conform to this Ordinance. Repairs, maintenance and remodeling, as well as reconstruction because of damages caused by flood, fire or other means shall be governed by the White River Natural River Zoning Rules of the Michigan Department of Natural Resources.

Section 18.4 TOWNSHIP ACQUISITION

The Township may acquire, by purchase, condemnation or otherwise, private property or an interest in private property for the removal of nonconforming structures and uses. All or a portion of the cost and expense of acquiring the private property may be paid from the general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the Township. The elimination of the nonconforming uses and structures in any zoning district is to be declared to be for a public purpose and for a public use. The Township Board, upon a recommendation of the Planning Commission or Zoning Administrator, may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain as provided by law.

Section 18.5 NONCONFORMING LOTS

In any district in which single-family residences are permitted, a single-family residence and customary accessory structures may be erected on any lot-of-record. If a parcel contains two or more nonconforming lots which are contiguous and would make one or more conforming zoning lot, then only one structure would be permitted per conforming parcel. The spirit of this provision is to limit density in areas of historically small lots to provide protection of open space, agricultural lands, and environmentally sensitive lands, as well as to insure for proper isolation for wells, septic systems, drainage and similar public health conditions.

ARTICLE NINETEEN - SUPPLEMENTARY PROVISIONS

Section 19.1 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures which are customarily and incidental to the principal or permitted use are allowed in all districts. Accessory uses shall include garages, agricultural buildings, parking lots, signs, mechanical equipment and appurtenances, all structures, including those less than 100 square feet, free standing or movable equipment, in ground swimming pools and above-ground swimming pools over four feet in depth; decks and porches whether attached or detached to the main building; fences; radio and television towers and antennas, dish antenna (over 1 meter in size); solar panels and wind generators; sidewalks and driveways; and similar structures. All accessory uses attached to the principal structure, including breezeways, shall be considered a part of the main building in determining yard requirements. Detached accessory uses and structures are only permitted in the rear or side yards. Accessory uses in the Residential zones are permitted in the front yard by Special Use Permit; provided they meet the minimum setback requirements of that zone. The following structures are excluded from these regulations: art work, utility and flag poles, light posts, clothes lines, mailboxes, portable prefabricated structures and similar incidental, ornamental, and utility-type structures.

Section 19.2 DWELLINGS AND MOBILE HOMES

The following regulations shall apply to all residential dwellings not located within a mobile home park:

- A. All structures shall be completed as to finished exterior walls, roof, doors, windows and trim within 2 years from commencement of construction.
- B. Mobile homes and manufactured housing shall have a minimum width of at least 14 feet along its entire length. No mobile home or pre-manufactured home or structure shall have been constructed more than 15 years earlier than the date of installation, unless such dwelling is first certified to be structurally sound and in accordance with current safety standards for mobile homes. Where a mobile home is not placed on a permanent foundation, it shall be fully skirted immediately after placement.
- C. Only one dwelling shall be permitted per parcel of land and no dwelling shall be permitted at the rear of an existing building or structure.
- D. No subterranean, underground, or bermed dwelling may be constructed unless it complies with all building code standards, and county or state health code requirements. These dwellings shall be certified as to having floor space requirements shall not include unfinished areas; having yard dimensions that exclude any portion of ground which is covering any portion of the dwelling; not being susceptible to flooding from surface or subterranean sources; and is not situated on a site which could likely cause erosion.
- E. Adult Foster Care Facilities. A private one family residence licensed by the State of Michigan as an adult foster care (AFC) family home (housing up to six AFC occupants)

or Adult Foster Care Small Group home (housing up to twelve AFC occupants) are permitted in any residential district. AFC Small Group homes shall meet the following standards to insure adequate space to meet the requirements for a larger adult foster care facility: minimum lot size of 2 acres, with a minimum of 200 feet of lot width; each dwelling unit shall have at least 2,000 square feet of living area; there shall be one parking space for every three licensed occupants and one space for each employee. All but three spaces shall be located in the side or rear yards; and the facility shall maintain its state license as a small group home.

Section 19.3 FARM BUILDINGS AND STRUCTURES, AND FARM ANIMALS

The provisions of this Ordinance are intended to comply with the Michigan Right to Farm Act. No activity regulated by the Right to Farm Act shall be affected by this Ordinance. This Ordinance shall not apply to regulating the number of farm animals, and farm buildings and structures customarily erected and used in agricultural activities in the Township, except as follows:

- A. No buildings shall be erected less than 50 feet from any abutting highway right-of-way line, and not less than the district requirements for any side or rear property line. Farm dwellings shall comply with all zoning district regulations.
- B. Hobby Farms and Domesticated Farm Animals are prohibited in the R-1 and R-2 Districts. In all other Residential Zones they are regulated as follows:
 - 1. Any R-3 or RLA parcel housing domesticated farm animals shall require a minimum of 5 acres for the first animal and 1 acre for each additional animal.
 - 2. All animals at all times must be in an enclosed or fenced in area behind the front yard setback.
 - 3. The Planning Commission may require additional side or rear setbacks for any building or animal area when adjacent to residential uses.

Section 19.4 HOME OCCUPATION

- A. Any gainful occupation may be carried out in the home; provided as follows:
 - 1. A Zoning Permit is applied for by the homeowner and issued by the Zoning Administrator.
 - 2. The occupation or profession shall be carried on only by a member of the family residing on the premises.
 - 3. No sign other than that permitted by this Ordinance for a home occupation may be permitted in connection with a home occupation.

4. A Special Use permit shall be required for any home occupation requiring outdoor storage or outdoor activities in any district. In Residential Zones a home occupation located in a detached accessory building shall require a Special Use permit.
 5. For any Special Use approval, the Planning Commission shall consider the following standards:
 - (a) The occupation does not change the nature of the dwelling's residential use;
 - (b) The effect of the home occupation on the surrounding neighborhood;
 - (c) The environmental effects of the home occupation;
 - (d) The nature of surrounding neighborhood;
 - (e) Potential traffic congestion as a result of the home occupation; and
 - (f) Provision for parking for traffic or clientele from the home occupation.
- B. Farming shall not be considered a home occupation, except that other occupations or professions conducted within the farm residence shall comply with this Section.

Section 19.5 JUNK AND INOPERABLE MOTOR VEHICLES.

- A. **Trash and Junk.** It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, refuse, litter or junk on any lands in the Township, except in a lawful junk yard, licensed sanitary landfill, transfer facility, or recycling center, as regulated unless such materials are placed in watertight storage receptacles designed for the temporary accumulation of trash.
- B. **Inoperable Motor Vehicles.** No junk motor vehicles, dismantled, partially dismantled or inoperable motor vehicle, whether licensed or not shall be stored or placed or be allowed to remain on any lot or parcel of land for more than 30 days, unless it is kept in a fully enclosed garage, solid or screened fenced in area of at least 6 feet in height, or completely inside a junkyard in compliance with this Ordinance. In any non-residential zone no more than three unlicensed vehicles may be stored in the rear or side yard, provided they are operable.
- C. **Motor Vehicle Repair.** Normal and customary maintenance work on motor vehicles in the residential districts shall be permitted, but such work shall not be carried out on vehicles used primarily for racing, or for business or commercial purposes.
- D. **Special Use Permits for Junk and Salvage Yards.** The following standards shall be

required for any junk yard permitted by Special Use Permit:

1. The lot size shall be no less than 10 acres.
2. A solid fence or screening at least eight feet in height shall be erected so that no junk can be seen from the road right-of-way, or from any commercial, industrial, or residential district. The Township may require the planting of trees, grass and shrubs to minimize the appearance of the development. There shall be no stocking of material above the height of the screening except for movable equipment used on the site. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
3. All enclosed areas shall be set back at least 100 feet from any street right-of-way or property line and 1,000 feet from any residential district. Buildings shall be set back at least 100 feet from the road right-of-way and 50 feet from side and rear lot lines.
4. No open burning shall be permitted. All permitted industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building. Except that the use of a portable crushers or similar equipment may be used for less than 30 days in an unenclosed area.

Section 19.6 PARKING

- A. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities in each district for all occupants, employees and patrons of said property.
- B. In all non-residential zones and for any Special Uses in all districts, a plan showing the required parking and loading spaces including the means of access and interior circulation shall be provided at the time of application for a zoning permit for the erection or enlargement of any building.
- C. Requirements for all parking spaces and parking lots.
 1. Each parking space shall be not less than 200 square feet nor less than 10 feet wide exclusive of drive way and aisle space.
 2. Any lighting fixtures used to illuminate any off-street parking areas shall be so arranged as to reflect the light away from any adjoining residential lots.
 3. No parking space shall be closer than 10 feet from the property line.
 4. Off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to parking areas of one or two-family dwellings.

5. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with vehicular movement.
 6. 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 section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.
- D. Minimum required parking spaces (the greater of those where a choice exists):
1. Residential uses: two spaces for each family or dwelling unit.
 2. Business and General Assembly uses: 1 space for each three occupants or maximum capacity of persons per establishment.
 3. Manufacturing: one for every two employees or 1/1000 square feet.
- E. The Planning Commission may modify the parking standards, where it finds the requirements for off-street parking are unnecessarily too large for the particular use.

Section 19.7 PERFORMANCE GUARANTEES.

- A. The Planning Commission, Township Board, Zoning Board of Appeals, Zoning Administrator, or any other person charged with administering this Ordinance may require a performance bond, irrevocable letter of credit, cash bond, or certified check in an amount equal to the estimated cost of providing road, lighting, parking, access, utility, sewage, water, sidewalk, landscaping, and/or drainage, or other related improvements associated with the project and required under this Ordinance; except that a Performance guarantee cannot guarantee the entire project or development. Such performance guarantee shall be deposited with the Township Treasurer at the time of the issuance of the permit authorizing the activity of project to ensure faithful completion of the improvements indicated on the approved site plan. If conditions set forth in the approved site plan, PUD, Special Use Permit, or other authorizations are not faithfully completed, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Article have not been met, the amount of the performance guarantee shall be used by the Township to complete the required improvements, and to enforce the Zoning Ordinance, including bearing the costs of legal proceedings to enforce the provisions of this Ordinance, pay all reasonable fees, costs, attorney fees, and to restore the premises to conform to this and other laws, ordinances, codes, rules, and regulations applicable. If all conditions have been met, the balance, if any, shall be returned to the applicant.

- B. The Township shall consider the following factors in determining the necessity and the amount of a performance bond, letter of credit, or certified check:
1. The size, nature and scale of the proposed development;
 2. The extent to which construction will involve and/or effect public services, including drainage improvements and maintenance, sewer and water services, and other public improvements;
 3. The possible impact upon the Township, its residents and surrounding property owners, should construction of the project not be completed in accordance with the approved plans;
 4. The total cost of the development, or a particular phase of the development which might be subject to the bonding requirement; and
 5. Such other factors as might be relevant in determining the potential cost or expense to the Township should the developer fail to comply with the approved plan.

Section 19.8 PRIVATE ROADS

Private roads and streets (“private roads”) shall be approved by the Township Board following Planning Commission recommendation. All private roads shall be established in the form of a recorded easement and shall be designed to the following standards:

- A. The private road shall be located within a defined private road easement, as follows:
1. Such easement shall not be less than 30 feet for any road serving 3 or fewer lots, parcels, or condominium units (referred to as “parcels”). At the easement end, it shall be widened to a minimum radius of 50 feet.
 2. The private road easement shall have access to a public road.
 3. No private road shall be closer than 300 feet to the intersection of two public roads.
- B. The private road shall have a name approved by the Oceana County Road Commission. A road sign meeting Road Commission standards shall be erected and maintained by the private road owner(s) where the private road adjoins any public road.
- C. The application for a private road shall include:
1. Engineering Plans of the roadway as required by this section, showing the road grade and any drainage facilities and storm water controls.

2. A driveway permit for the private road's curb cut onto the public street issued by the Road Commission.
 3. A Maintenance Agreements for the private road, binding all owners.
 4. The name and a legal description of the private road and a current survey.
- D. The road maintenance agreement shall provide for:
1. A method of financing and apportioning the costs of regular maintenance, improving and repairing the road in reasonably good and usable condition.
 2. A notice that no public funds will be used to build, repair, or maintain the private road. Provided, however, if necessary repairs and maintenance are not made within six months of Township notice, the Township may require the road to be brought up to county public road standards. The costs of those improvements can be assessed to the owners of all parcels of land on the private road, plus an administrative fee in the amount of up to 25% of the total costs.
 3. Easements to the public for public utilities and access by emergency and other public service vehicles.
 4. A provision that any property owners using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any other owners. Normal ingress and egress and use includes uses by family, guests, invitee(s), vendors, trades persons, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
 5. A statement that no private road shall be incorporated into the public road system unless built to the specifications of the County Road Commission for a public road and adopted by the Township and/or County Road Commission.
- E. The private road shall meet the following minimum design standards for the traveled width and roadbed:
1. If serving up to 3 parcels, it shall have a road bed of at least 22 feet in width.
 2. If serving over 25 parcels, it shall meet public road standards for graveled public roads.
 3. No private road shall exceed one half mile in length without an alternate means of access to a public road.
 4. All private roads shall have a minimum 18 inch base of which 6 inches shall be

minimum road grade gravel; and a 3 foot shoulder on each side. The shoulder base may consist of at least a 4 inch gravel base with a 12 inch sand sub-base. Culverts shall be required if necessary.

5. All private roads shall have a full 12 foot clearance over the roadbed for emergency vehicle access, and shall not exceed a 7% grade.
- F. The private road shall be constructed to control storm water runoff, permit effective drainage, and prevent storm water from running off onto adjacent property.
- G. The easement shall be continuously maintained to the standards of this section and in such a way that it will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township and such that it is accessible and usable to emergency vehicles in all types of weather.
- H. The provisions of this section may be modified for Planned Unit Developments, and access drives internal to any individual parcel which has direct public street access and is under the control of one person. This drive cannot provide access to any abutting parcel of land.
- I. The applicant shall bear the cost of engineering and Township's attorney review.
- J. A common driveway shared by no more than two parcels is exempt from these regulations. However, shared driveways must have an easement of at least 33 feet wide; a 12 inch sand or gravel base, of which six inches shall be road grade gravel; a road bed of 19 feet wide; 12 foot height clearance; adequate culverts where necessary; and a maximum 7% grade.

Section 19.9 PUBLIC HEALTH APPROVAL

All dwelling and buildings used in whole or in part for human occupancy or frequency shall have sufficient potable water and an approved sewage permit issued by the Health Department. A Zoning Permit shall not be issued without the applicable permits from the Health Department.

Section 19.10 PUBLIC UTILITY STRUCTURES

No utility, acting alone or with others, either by direct employment or contract, may erect, construct, alter, or maintain a utility, or conduct any stage of process or utility, without first obtaining a permit from the Township Board.

- A. Such utility shall first apply to the Planning Commission, in accordance with the procedures and process required for a Special Use Applications. After a public hearing, the Planning Commission shall make a recommendation to the Township Board. The Township Board shall review the application and the recommendations of the Planning Commission. The Township Board may grant or deny the permit, or may set such conditions as it deems just and necessary for the protection of the health, safety, and

welfare of its residents, as it sees fit prior to the issuance of such permit.

- B. Where any permit contains conditions, the applicant shall agree in writing to same and be bound by same as well as its successors, assigns, heirs, agents, employees, or contractors. Upon violation of any permit issued or any conditions imposed, the Township Board shall immediately order cessation of the offensive operation, and the utility's appearance before the Township Board to give evidence why the permit should not be canceled.

Section 19.11 SIGNS

Signs in all zones shall comply with the following regulations:

- A. No signs and/or outdoor advertising devices are permitted when advertising a product, use, service, activity or other message, unless it is on the same parcel or lot, and is related to the permitted or Special uses.
- B. In any residential zone, no sign may be more than two square feet in area, except that home occupation signs may not exceed four square feet. In the B zone and other non-residential zones no signs may be more than 64 square feet in size.
- C. Off-site advertising billboards are permitted only in the B zone by Special Use Permit. No billboard shall be larger than 64 square feet and located no closer than 1000 feet from any other billboard. Along M-120 billboards shall not exceed 128 square feet. The use of off-site directional signs is permitted for non-commercial uses, agricultural uses, and community activities. Seasonal use for up to twelve weeks per year is permitted for commercial activities. There shall be no more than two directional signs per use and no directional sign shall be larger than 16 square feet.
- D. Except for address and traffic control signs, no sign shall be in a public or private road right-of-way. Nor shall any sign be placed so as to obstruct the vision of the traveling public from the roadway. No sign shall be illuminated by any flashing device, and no sign shall be attached to any tree or shrub.
- E. Specifically exempt from these requirements are "For Sale," "For Lease," and "For Rent" signs while the premises is for sale or lease; political signs used in conjunction with an election or impending public action or decision and are removed within 10 days of the decision or election; directional signs for public, cultural, religious and institutional uses and are no larger than 16 square feet; and temporary signs up to 32 square feet, issued by the Zoning Administrator for a period of no more than 14 days per year.

Section 19.12 TEMPORARY USES

- A. No structure of a fixed or portable construction, shall be erected or moved onto a lot and used for or stored for temporary purposes unless it meets the minimum standards in this Ordinance and is issued a temporary use permit.

- B. Temporary accessory structures for uses incidental to construction work may be authorized by permit by the Zoning Administrator after issuance of a building permit for the proposed structure. The temporary permit shall specify the location of the temporary accessory structure and shall terminate six months after the date of its issuance. The Zoning Administrator may renew the permit for additional six month periods if construction of the principal structure has been progressing in a reasonable manner. The temporary facility and all debris shall be removed within 15 calendar days after completion or abandonment of the work, or expiration of the temporary permit, whichever occurs first.

- C. The Planning Commission may authorize other activities for temporary use after following the public hearing and review procedures for a Special Use Permit.

ARTICLE TWENTY - ADMINISTRATION

Section 20.1 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered by a Zoning Administrator. The Zoning Administrator shall hold office at the pleasure of the Township Board, and shall be appointed by the Township Board for such term, compensation, and conditions as the Township Board determines to carry out the terms of this Ordinance. In the event the Zoning Administrator is personally interested in the construction of any building or structure subject to the provisions of this Ordinance, the Township Board shall designate some other person to examine the plans, to inspect such building or structure and to issue the necessary permits, approvals and certificate(s).

Section 20.2 APPLICATION AND ZONING PERMIT

- A. Application. Before proceeding with the erection, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this Ordinance, including any necessary excavation or clearing, the owner or agent shall first obtain a Zoning Permit from the Zoning Administrator. Applications shall be made in writing upon forms provided by the Township. It shall be the duty of all architects, contractors and other persons having charge of erection or movement to determine that a Zoning Permit has been issued before undertaking any such work; and all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises.
- B. Issuance of Zoning Permit. If the Zoning Administrator finds the application conforms to the requirements of this Ordinance, he shall mark all copies approved over his signature and date. If such permit is refused, the Zoning Administrator shall state in writing the basis for denial. If approved, one copy shall be filed with the Township and the other delivered to the applicant. The permit shall be prominently displayed on the construction site during the progress of the work authorized. Said permit shall be valid for twelve months from the date of issue, but may be renewed subject to the terms of the Ordinance then in effect. The Zoning Administrator, with the approval of the Township Board, shall have the power to revoke any Zoning Permit in case of failure or neglect to comply with any provisions of this Ordinance, or in case of false statement or misrepresentation made in the application. The owner of the premises or agent shall be notified of such revocation.
- C. Fees. Before any application for Special Use Permit, Variance, rezoning or amendment is considered or any Zoning Permit is issued, a fee as set by Township Board Resolution shall be paid to the Zoning Administrator. The fee may also include an additional amount of money to be held in escrow to reimburse the Township for administrative expenses. The fee shall be deposited with the Township Treasurer in a Township Zoning Fund and shall be used solely for the administration of this Ordinance or as directed by the Township Board. Any unused amount held in escrow shall be refunded back to the applicant. No consideration on a zoning action, or Zoning Permit shall be valid until the required fee has been paid. No separate fee shall be required for accessory buildings or structures when applied for at the same time as the principal buildings of the premises. No fee shall be required for accessory buildings or structures with a construction size of

less than 120 square feet. The fee schedule is available upon request from the Zoning Administrator or the Township Supervisor.

Section 20.3 ZONING BOARD OF APPEALS

The Zoning Board of Appeals (“ZBA”) shall be constituted, perform its duties, and exercise its powers as provided by the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, and by the provisions of this Ordinance. Meetings are held at the call of the chairman and at such other times as the ZBA in its rules of procedure may specify. The chairman, or in the chairman's absence, the acting chairman, may administer oaths and compel the attendance of witnesses. It shall have the power in passing upon appeals to vary or modify any provisions of this Ordinance or decision of the Zoning Administrator or other administrative agent, so that the spirit of this Ordinance is observed, safety, sanitation and protection is secured, and substantial justice done. The ZBA shall maintain a record of its proceedings which shall be filed with the Township Clerk.

- A. Interpretation and Appeals. The Zoning Board of Appeals (ZBA) shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of the Zoning Maps. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator or other administrative officials enforcing this Ordinance; and all matters referred to it by this Ordinance.
1. Such appeal may be taken by any aggrieved person or any officer, department, board or bureau of the Township, County or State. The basis of every such determination shall be stated.
 2. Such appeal shall be taken within 30 days of the written decision, by mailing of a copy of the decision, ruling or order being appealed by filing with the officer from whom the appeal is taken and with the ZBA. 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.
 3. An appeal stays all proceedings in furtherance of the action appealed, unless the officer certifies, with specific facts, that a stay would in such officer's 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 ZBA or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.
 4. The ZBA shall fix reasonable time for the hearing of the appeal and give due notice to the parties and decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of any such administrative matter under this Ordinance.
 5. The ZBA may reverse or affirm, wholly or partly, or may modify the order,

requirements, decision or determination. To that end, it shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. The ZBA may impose conditions with an affirmative decision pursuant to the Township Zoning Act, as amended.

6. The decision of the ZBA shall be final. Any person with an interest affected by the decision may appeal that action to Court pursuant to statute and Court Rule.

B. **Variations Generally.** Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals (ZBA) may vary or modify any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured and substantial justice done. The ZBA may, upon the concurring vote of a majority of the Board order the issuance of variations from the terms of this Ordinance. There are two kinds of variations considered by the ZBA: "Dimensional Variations" or "Land Use Variations". In addition to the other requirements and standards stated in this Article, the following general conditions and reviewing authority shall apply in the granting of any variations:

1. The ZBA may specify, in writing such conditions to secure substantially the objectives of the regulations or provisions to which such variation applies. The breach of any such condition shall automatically invalidate the permit granted.
2. No application for a variation which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.
3. Each variation granted shall become null and void unless the provisions of the variation have been utilized by the applicant within one year after the granting of the variation.

C. **Dimensional Variations.** A Dimensional Variation from any standard in this Ordinance may be granted in the discretion of the Zoning Board of Appeals (ZBA) to modify the area, yard, height, floor space, frontage, setback, or other similar numerical restriction, upon showing substantive evidence establishing "practical difficulties," in carrying out the strict letter of this Ordinance. The ZBA shall find all of the following factors in determining "practical difficulties":

1. Exceptional or extraordinary circumstances or conditions applying to the property in question, regarding the intended use, that do not apply generally to other properties in the same zone.
2. The variation is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone. The possibility of increased financial return shall not alone be deemed sufficient to warrant the granting of a variation.
3. Any variation granted will not be substantially detrimental to adjacent property,

not alter the essential character of the neighborhood, not materially impair the intent and purposes of this Ordinance or the public interest, and is in harmony with the purposes and intent of this Ordinance.

4. The condition or situation of the property or the intended use is not of so general or recurrent in nature as to make reasonably practicable a general regulation for such condition or situation.
5. The plight of the landowner is due to the circumstances unique to his property not created by the landowner, or applicant's own action.
6. Whether, in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing the variance.

D. Land Use Variances. A Land Use Variance is a variance in the use of land or building in contravention of any of the use requirements of this Ordinance. The ZBA may, in its sole discretion, grant a land use variance only upon a finding of all of the following:

1. "Practical difficulty" as identified in the sub-section above.
2. That "unnecessary hardship" exists, by demonstrating with substantial evidence, that the property cannot reasonably be used in any manner consistent with the zoning district.
3. The following factors shall not be considered in determining "unnecessary hardship": the denial of a dimensional variance, nonconforming use of neighboring lands, the existence of buildings or structures, or the permitted use of land, structure, buildings within the zoning district.

E. Additional Variance Findings. The ZBA shall, after finding "practical difficulties" or "unnecessary hardship" exists, also find that the proposed use:

1. Will be harmonious with and in accordance with the general goals and specific objectives of any Township Plan.
2. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended uses of the district.
3. Will be the minimum variance necessary to make possible the reasonable use of the land, building or structure.
4. Will not be issued if the district allows the use by special use permit, unless the special use permit has been granted conditioned on the variance.
5. Will become a nonconforming use or structure and shall be subject to the nonconforming use provisions regulating the continued use.

ARTICLE TWENTY ONE - ENFORCEMENT AND VIOLATIONS

Section 21.1 ENFORCEMENT

The Township Board shall have sole discretion to direct the Township Attorney to initiate a civil or criminal complaint or other legal action to enforce this Ordinance. The Zoning Administrator is authorized by the Township Board to inspect zoning complaints and report his or her findings to the Township Board. The Zoning Administrator is also authorized by the Township Board to make his or her recommendations to the Township Board regarding litigation.

Section 21.2 CRIMINAL PENALTIES AND CIVIL RELIEF

Any legal entity, person or agent in charge of any structure of land who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of this Ordinance or any amendment thereof, shall be fined upon conviction of not more than one hundred dollars (\$100.00), together with the actual costs of prosecution, and/or shall be punished by imprisonment for not more than ninety (90) days in the County Jail, or both. Each and every day during which an illegal moving, erection, construction, reconstruction, alteration, maintenance use or other violation of this Ordinance continues shall be deemed as separate offenses. In addition to criminal sanctions, the Township and or any owner or owners of real estate within the zone in which such structure or land is situated may institute any appropriate action or proceeding to prevent, enjoin, abate, remove or terminate any said unlawful structures, construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

Section 21.3 ATTORNEY FEES

In addition to other sanctions provided herein or elsewhere in this Ordinance, persons determined to be in violation of this Ordinance shall be required to pay and reimburse the Township for its actual costs of prosecution or litigation, including court costs and actual reasonable attorney fees.

Section 21.4 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 Greenwood 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 21.5 CONTINUING OFFENSES

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

Section 21.6 LAND DIVISION VIOLATIONS

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

Section 21.7 BUILDING CONSTRUCTION VIOLATIONS

No person shall perform any construction without first obtaining a Zoning Permit.

Section 21.8 OVERLAPPING JURISDICTION

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

Section 21.9 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.

ARTICLE TWENTY TWO - LEGAL SUFFICIENCY

Section 22.1 AMENDMENTS

Amendments or supplements to this Ordinance may be made in the same manner as provided in the Michigan Zoning Enabling Act, as amended, for the enactment of the original Ordinance.

- A. Procedures for Rezoning Amendments. If an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning to the general public, owner of the property in question, to all persons within 300 feet of the premises as required under the Michigan Zoning Enabling Act.
- B. Court Ordered Amendments. An amendment made for the purpose of conforming to a provision of this Ordinance to a Judgment or Order of the Court may be adopted and published by the Township Board without referring the amendment to any other board or agency, as provided by law or court order.

Section 22.2 REPEAL OF PRIOR ORDINANCES

The former Greenwood Township Zoning Ordinance (adopted April 11, 1994), and all amendments to that Ordinance are repealed.

Section 22.3 SEVERABILITY

Sections of this Ordinance are deemed severable. Should any section, paragraph, or provision be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance in whole or part, other than the part declared unconstitutional or invalid.

Section 22.4 SAVINGS CLAUSE

The adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses committed in violation of the prior Greenwood Township Zoning Ordinances, as amended. Nor does the repeal affect any act done or offense committed, or any liability, penalty, forfeiture or punishment acquired. Any use commenced during the former Greenwood Township Zoning Ordinance (adopted April 11, 1994, as amended), which was contrary to the terms of that Ordinance and which continues under this Ordinance is not a "nonconforming use" under this Ordinance. Such use shall have no vested or "grand-fathered" rights and may be subjected to abatement or other action under this Ordinance.

Section 22.5 EFFECTIVE DATE

This Ordinance shall become effective on October 24, 2015.

ADOPTION CLAUSE

This Ordinance was offered by the Township Clerk Cora Conley at the Greenwood Township Board meeting held on September 14, 2015. The vote being as follows:

Yeas: Clerk, Cora Conley; Treasurer, Sandra Gustman; and Trustees, Ronald Stroven and Stacey Budde.

Nays: None.

Absence: Tom Deater

ORDINANCE DECLARED ADOPTED.

CERTIFICATION STATEMENT








I certify that this Greenwood Township Zoning Ordinance, Ordinance 2015-01, is a true copy of the original Ordinance adopted at a regular meeting of Greenwood Township Board on September 14, 2015 with a Notice of Adoption published in the Oceana's Herald-Journal on September 24, 2015, and effective on October 24, 2015.

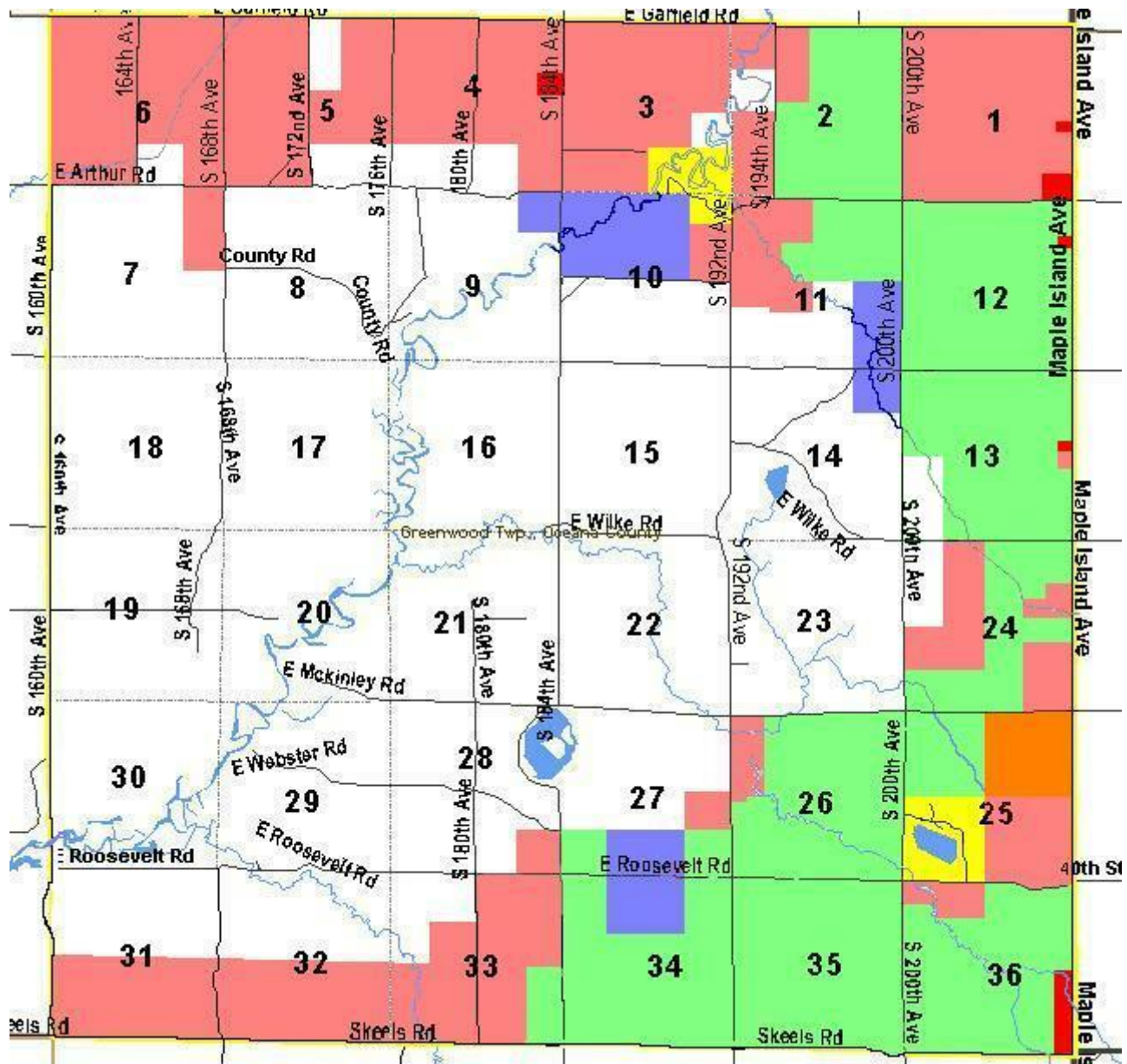


*Cora Conley
Clerk Greenwood Township*

This page intentionally left blank.

**Appendix A: GREENWOOD TOWNSHIP ZONING MAP
OCEANA COUNTY, MICHIGAN**

Commercial/Industrial		Low Density Residential	
High Density Residential		Agricultural	
Medium Density Residential		Rural Living/Agricultural	
Forest/Recreational			



This page intentionally left blank

Appendix B:

125.3103 Notice; publication; mail or personal delivery; requirements.

Sec. 103. (1) Except as otherwise provided under this act, if a local unit of government conducts a public hearing required under this act, the local unit of government shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing.

(2) Notice required under this act shall be given as provided under subsection (3) to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (3) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

(3) The notice under subsection (2) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

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

(a) Describe the nature of the request.

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

(c) State when and where the request will be considered.

(d) Indicate when and where written comments will be received concerning the request.

History: 2006, Act 110, Eff. July 1, 2006; - Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008.