

OTTO TOWNSHIP

ZONING ORDINANCE No. 1

EFFECTIVE DATE: April 2015

Amended: April 9, 2015

**THE TOWNSHIP OF OTTO
OCEANA COUNTY**

(231-861-7098)
P.O. Box 115
Rothbury, MI 49452

ELECTED OFFICIALS as of November 6, 2012

SUPERVISOR – RHONDA CAVANAUGH-JIBSON – 231-861-2959

TREASURER – CHARLENE MARTIN – 231-861-2303

CLERK – CAROL KECK – 231-861-8937

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TRUSTEE – MARY JUSTIAN – 231-750-7704

APPOINTED OFFICIALS

ZONING ADMINISTRATOR – WALTER BRIMMER– 616-890-6863

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Co-Chair -Sandie Coulier- Buchner 231-220-7799
Secretary – Brian Urquhart -231-282-4915
Mary Justian – 231-750-7704
Jim Hughes – 231-861-0989

ESTABLISHMENT OF ZONING DISTRICTS

GENERAL: For the purpose of the Zoning Ordinance, the unincorporated areas of the Township are hereby divided into zoning districts, as shown on the zoning Map, which together with all explanatory matter thereon, is hereby incorporated, referenced and declared to be a part of this Zoning Ordinance. Said districts shall be known as:

- R- Rural
- CL- Cluster Housing
- C- Commercial
- LI- Light Industrial
- A- Agricultural/Open Space

ZONING MAP: The boundaries of zoning districts enumerated are hereby established as shown on the Otto Township Zoning Map, as amended, which accompanies this text, and which map, with all notations, references and other information of this Zoning Ordinance shown thereon, shall be as much a part as if fully described herein. One (1) certified copy of the Zoning Map, as amended, is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in the Township. A certified copy of the Zoning Map together with any amendments thereto, shall be filed with the Oceana County Planning Commission.

BOUNDARIES OF DISTRICTS: Where uncertainty exists as to the boundaries of districts, as shown on the Otto Township Zoning Map, as amended, the following rules shall apply:

- A. Boundaries indicated, as approximately following the centerlines of right of way of streets, highways, and alleys, shall be construed to follow such centerlines.
- B. Boundaries indicated approximately following Platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated approximately following Township limits shall be construed as following the Township limits.
- D. Boundaries indicated as following rivers and streams should be construed to follow the approximate centerline of such river or stream,

and in the event of change in such river or stream, should be construed as moving with the actual centerline.

- E. Boundaries indicated as parallel to, or extensions of, features indicated in subdivisions A through D above, shall be so construed. The scale of the map, as amended, shall determine distances not specifically indicated on the Otto Township Zoning Map.
- F. Where the street or property layout existing on the ground is at variance with that shown on the Zoning Map, or where due to scale or lack of details, there is uncertainty, contradiction, or conflict as to the intended location of any Zoning District boundaries shown thereon, interpretation concerning the exact location of Zone boundary lines shall be determined, upon written application to the Board of Zoning Appeals, pursuant to Article 11.

Change of Zoning Map: Any unauthorized change of the Zoning Map of whatever kind by person or persons shall be considered a violation of this Zoning Ordinance and punishable under Article 12 of this Zoning Ordinance.

Streets: & Alleys: Whenever any street, alley or other public way is vacated, the zoning districts adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

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ZONING ORDINANCE

OTTO TOWNSHIP

OCEANA COUNTY, MICHIGAN

BE IT ORDAINED BY THE TOWNSHIP OF OTTO, IN THE COUNTY OF OCEANA, IN THE STATE OF MICHIGAN, AS FOLLOWS:

ARTICLE I (1)

TITLE AND PURPOSE

- 1.01 Title: This shall be known as the Zoning Ordinance for the Township of Otto.
- 1.02 Purpose: This Ordinance shall establish minimum requirements for the public health, safety, general welfare and physical development of the municipality. This Ordinance shall not supersede any state law or any private restriction placed upon property that where this Ordinance imposes a greater restriction, the provisions of the Ordinance shall prevail. All existing Ordinances or parts of the Ordinances in conflict with the provisions of the Ordinance are hereby repealed. If any part of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect the remainder of this Ordinance.
- 1.03 New Construction: All new construction requires a zoning permit if over two hundred (200) sq. ft.

ARTICLE II (2)

DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined.

- 2.01 General: As used in this Zoning Ordinance, the words, terms, and phrases defined in this Article shall have the meaning given herein, unless otherwise specifically defined, or unless the context clearly requires otherwise, the present tense includes the future tense, the singular number shall include the plural and the plural shall include the singular; the word “shall” is mandatory, and the word “may” is permissive; the word “used” or “occupied” includes the words “intended , designed or arranged ” to be “used” of “occupied”, the word “lot” includes the words “plot” or “parcel”; for regulatory purposes the word “structure” shall include the term “use” of land and building, and vice versa.
- 2.02 Accessory Structure: Any structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal structure, or use of land.
- 2.03 Accessory Use: A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.
- 2.04 Basement: The portion of any structure located partly below the average adjoining lot grade.
- 2.05 Billboard or signboard: A structure or portion thereof situated on private premises upon which lettered, figured, or pictorial matter is displayed for advertising purposes. This definition shall not be held to include “for sale” or “for rent” signs advertising the real property upon which they stand.
- 2.06 Breezeway: A covered structure connecting an accessory building with the principal use building. For purposes of determining yard and area requirements such connected buildings shall be considered as one integral unit.
- 2.07 Building: Any structure having a roof supported by columns or walls designed or intended for the support, enclosure, shelter or protection of
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persons, animals or property. When such a structure is divided into separate parts by one or more un-pierced walls extending from the ground up, each part is deemed a separate building.

- 2.08 Building, Height of: The elevation, measured on the average finished lot grade at the front of the building, to the highest point of the roof.
- 2.09 Building Line: A line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this Zoning Ordinance.
- 2.10 Cluster Housing: Land designated by the township for housing as governed by state code.
- 2.11 Comprehensive Plan: The policies, statements, goals and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in texts, ordinances and maps which constitute the guide for future development of the Township.
- 2.12 Duplex: A two-family dwelling which is structurally unified as a single Building, which is used as a dwelling exclusively by two (2) families, each living as an independent housekeeping unit.
- 2.13 Dwelling - Single Family: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.
- 2.14 Dwelling - Two Family: A residence for, or occupied by, two families with separate housekeeping and cooking facilities for each family.
- 2.15 Essential Service: Services provided by public and private utilities, necessary for the exercise of the principal use of service of the principal structure. These services included underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, main drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduit cables, traffic signals, pumps, lift station and hydrants, but not including building.

- 2.16 Family: Any person or group of persons, related by blood or marriage.
- 2.17 Farm- Commercial: Agriculture of a primarily commercial nature. Including but not limited to: fur farms, poultry and egg farms, raising of livestock for profit, hog farms, feed lots and any other agricultural endeavor for profit.
- 2.18 Farm – Hobby: The pursuit of hobby and family-type agricultural activities. Including minimum cropland tillage and animal agriculture for personal and family use, including boarding facilities for horses.
- 2.19 Garbage and Trash: Non-useable waste materials.
- 2.20 Home Occupation: An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services subject to the provisions of *Article Three (3) Section 3.06?*
- 2.21 Junk: The term junk shall mean any manufactured goods generally unusable or inoperable in its existing state.
- 2.22 Junkyard: The term junkyard shall mean any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled vehicles or vehicle parts.
- 2.23 Kenel: Any premises on which three (3) or more dogs four (4) months old or older of age are kept or raised for compensation.
- 2.24 Lot: Land occupied or to be occupied by one building and accessory building, or utilized for a principal use and accessory thereto, together with such open spaces as are required under this Ordinance.
- 2.25 Lot Corner: A lot of which at least two (2) adjacent sides abut for full lengths upon a street, provided that the interior angle and the intersection of such two (2) sided is less than one hundred thirty-five (135) degrees.
- 2.26 Lot Depth: Horizontal distance between the front and rear lot lines.
- 2.27 Lot Width: Horizontal distance across the lot lines measured at right angles to the depth.

- 2.28 Lot Area: The total horizontal area included in lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include part of the lot in use or to be used as the street
- 2.29 Lot Lines: Horizontal distance across the lot between side lot lines measured at right angles to the depth.
- 2.30 Front Lot Lines: In the case of a lot abutting only one street, and not abutting a lake or river, it shall mean the line separating such lot from such street. In the case of a lot abutting only one street and abutting a lake or river, the front lot line shall be the high water as it abuts the lot. In case of any other lot, the owner shall, for the purpose of this ordinance, have the privilege of electing any lot lines abutting any street as the front lot line, provided that such election shall be filed with the Zoning and Building Administrator, and will not, in the opinion of the Zoning and Building Administrator, have an injurious effect on the public health, safety, morals and development of adjacent properties.
- 2.31 Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the Register of Deeds
- 2.32 Modular Housing Unit: A dwelling constructed solely within a factory, as a single unit or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit, and meet all codes and regulations applicable to conventional single-family home construction.
- 2.33 Mobile Home: Mobile home means a structure, transportable in one (1) or more sections, which is built on permanent chassis and designed to be used as a dwelling with or without permanent foundation, connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.
- 2.34 Mobile Home Park: Any site, lot, field, or tract of land upon which two or more mobile homes are harbored, either free of charge or for revenue purposes, and shall include building, structure, or enclosure used or intended for use as part of the equipment of such mobile home park.

- 2.35 Non-Conforming Use: A use which lawfully existed for a structure or land at the time of adoption of this Ordinance, or any amendment thereto and which no longer conforms with the use regulations of the district in which it is located.
- 2.36 Non-Conforming Structure: A structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto, which no longer conforms with the use regulations of the district in which it is located.
- 2.37 Parking Space, off-Street: Any off-street parking space shall comprise not less than one hundred eighty (180) sq. ft. of parking area, plus necessary maneuvering incidental to parking or un-parking shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.
- 2.38 Person: A firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 2.39 Platted Land: Land within a subdivision within the Township that has been divided and recorded pursuant to the Land Division Act, MCL 560.101
- 2.40 Private Lakes and Ponds: Bodies of water with no public access.
- 2.41 Set Back: The minimum horizontal distance between the front line of the building, excluding steps and unenclosed porches, and the street line.
- 2.42 Story: When any portion of the basement or unused under floor is more than six (6) ft. above grade for more than fifty (50) percent of the total perimeter, or is more than twelve (12) ft. above grade at any point, such basement, cellar or unused under floor space shall be considered as a story.
- 2.43 Street: A public or private way, sq. or lane, permanently open to common and general use, which affords the principal means of access to abutting property, more than twenty (20) ft. in width. Street shall be the perpendicular measurement between right-of-way lines.
- 2.44 Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a

permanent location on the ground.

- 2.45 Transitional Use: A use of land or building located or permitted to be located on certain lots in more restricted districts along the boundary between certain districts.
- 2.46. Underground Dwelling: A dwelling that is partially or wholly surrounded by earth on no more than three (3) sides and the roof and which is to be used as an occupied dwelling according to the district regulations.
- 2.47 Unplatted Land: All land areas occupied by real property within the Township that are not “platted” pursuant to the Land Division Act, MCL 560.101 et. seq. See the definition of “platted land”.
- 2.48 Use: The specific purpose, for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming uses.
- 2.49 Variance: Any modification or variation of the provisions of the Zoning Ordinance where it is determined pursuant to the provisions of this Zoning Ordinance that, by reason of exceptional circumstances, the strict enforcement of the Zoning Ordinance would cause unnecessary hardship.
- 2.50 Yard-Front: An open space extending the full width of the lot between a building and front lot line, unoccupied and obstructed from the ground upward, except as hereinafter specified.
- 2.51 Yard-Rear: A space unoccupied except by a building or accessory use as hereinafter permitted, extending for the full width of the lot between rear line of the main building and rear lot line.
- 2.52 Yard-Side: An open, unoccupied space, situated between the side line of the main building on such lot and the adjacent side line of the lot.
- 2.53 Zones or Zoning District Boundaries: Where uncertainty exists as to the boundaries of any of the districts or zones shown on the Zoning Map, the following rules shall apply:

- A. Zone boundary lines are intended to be parallel or perpendicular to the street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said Zoning Map.
- B. Where zone boundaries are so indicated that they approximately follow street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
- C. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than twenty-five (25) ft. distant there from such lot lines shall be such boundaries.
- D. If un-subdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the Zoning Ordinance, shall be determined by the use of the Map shown thereon and scaled to the nearest foot.

Article III (3)

General Provisions

- 3.01 Non-conforming Lot: Any established parcel meeting ordinance requirements prior to the effective date of this ordinance, but no longer meeting current minimum lot size requirements, shall be construed as non-conforming lot.
- 3.02 Non-conforming Use: If the use of a dwelling, building, or structure is lawful at the time of enactment of this amendment to the zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance amendment.
- 3.03 Dwelling Units: No more than one (1) single family dwelling shall exist on each parcel.
- 3.04 Conformity: No structure, land or premises shall hereinafter be used or occupied and no building shall be erected, moved or altered except in conformity with these regulations.
- 3.05 Unsafe Structure: Nothing in the Ordinance shall prevent the strengthening or restoring to a safe condition of any structure declared unsafe by the Township or another proper governmental authority.
- 3.06 Yard Requirements: No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance. If already less than the minimum required, it shall not be further divided or reduced. Where a lot is bounded by two intersection streets, the front yard requirements shall be met on one abutting street and the side yard abutting the other street shall not be less than thirty (30) ft.
- 3.07 Unoccupied Recreation Vehicles: Not more than one unoccupied recreational vehicle belonging to the occupants of the parcel of land where stored shall be placed on or permitted to remain on any parcel of land. No RV shall be stored or parked within 25 ft. of the highway/road right of way line.

- A. Occupied temporary camping units are allowed to be placed on parcels for a period not to exceed sixty (60) days per calendar year. No more than three temporary camping units per parcel are permitted.

3.08 Temporary Uses:

- A. An individual trailer may be used as a temporary living quarters or working quarters for up to 180 days while a dwelling house is being constructed on the same premises, provided that an approved water supply and sewage disposal are installed prior to such occupancy.
- B. The Board of Appeals may renew the permit for an additional 180 days if construction is progressing on the dwelling house.

3.09 Well and Septic Requirement: Well and septic systems shall comply with District 10 Health Department's rules and regulations.

3.10 Construction near Water: Any building or structure within 100 ft. of the edge of any natural body or stream of water shall be in compliance of the Michigan Department of Natural Resources (DNR) permit regulations.

3.11 Junk: The storage, collection or placing of junk, unlicensed motor vehicles or parts thereof, discarded waste material or building materials is prohibited except as stored within a building or at a regularly operated solid waste disposal site.

3.12 Soil Excavation: Top soil shall not be stripped, excavated or otherwise removed on any premises for sale or use other than on the premises except when in connection with construction and gradation operations.

3.13 Channelization: On any developed lake there shall be no new channelization of lake front properties without proper permits and without specific permission from the Township Board.

3.14 Septic Tank and Water Supply Efficiency: No building permits shall be issued on unplatted land or lots platted prior to January 1, 1973, where the applicant fails to produce evidence that the County Health Officer had certified the water table and soil structure allows efficient use of septic tanks and water supply.

- 3.15 Property Fronts: No building permits shall be issued where the applicant fails to show that the property for which a permit is required fronts for a minimum of twenty-five (25) ft. on a public highway or a permanent recorded non-obstructed easement of access or right-of-way to a public highway not less than fifteen (15) ft. in width which easement shall grant a right-of-way to public to public vehicles and/or utilities.
- 3.16 Building Relocation: No house, structure or other building shall be moved from any location in the municipality to another location in the municipality unless and until request for permission to so move is first submitted to the Zoning Officer in writing and permission for such moving is obtained from the said Zoning Officer. No house, structure or other building shall be moved from outside the municipality into the municipality unless it complies with the applicable Building Code.
- 3.17 Billboards: Within the municipality billboards, advertising signs and similar media shall be permitted as follows:
- A. Within the Commercial or Industrial zones, a sign advertising a business conducted on the premises not exceeding 500 sq. ft. and not exceeding 75 ft. in height measuring from the ground level.
 - B. Within any Commercial or Industrial zones, signs not exceeding 100 sq. ft. indicating the location of any commercial industrial municipal business or activity conducted within the city, or a community or neighborhood sign designation.
- 3.18 Parking: In all districts except as provided in this article, there shall be provided at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles, in accordance with the following requirements:
- A. Each off street parking space shall be comprised of an area of not less than one hundred eighty (180) sq. ft., exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be adequate provision for ingress and egress to all parking spaces. No parking space designated for automobiles shall have a width of less than nine (9) ft.

- B. Off-street parking facilities shall be located on the same lot with, or adjacent lot to, the lot they serve. The Board of Appeals, upon application, can permit the location of parking facilities at a greater distance if they will not impair the functional value of such parking facilities.
- C. Nothing in this article shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively, shall not be less than the sum of the requirements for the various uses computed separately.
- D. The number of off-street parking spaces required shall be as follows:
 - 1. Residential: One space for each dwelling unit or in the case of such uses as tourist homes, auto courts, etc., one space for each sleeping unit.
 - 2. Commercial: One space required for each 300 sq. ft. of floor space or fraction thereof, and/or each employee on the maximum working shift, whichever produces the greater number of spaces required.
 - 3. Industrial: One space required for each 600 sq. ft. of floor space, or for each two employees on the maximum working shift, whichever produces the greater number of spaces required.
 - 4. Places of Public Assemble: One parking space for each five (5) seats.

3.19 Required Loading and Unloading Spaces: There shall be provided and maintained on all property, the use of which requires receipt or distribution by vehicle of materials and/or merchandise, adequate off-street loading and unloading space.

3.20 Board of Appeals Direction: The Board of Appeals may, upon proper application, proportionately reduce the side yard, width and depth

requirements as to any parcel of land existing in a recorded plat or as the result of a deed or land contract existing at the time of adoption of this Ordinance providing that there is a finding that there is no adjacent unused land available adjoining the parcel for which application is made which if acquired, would permit compliance with this Ordinance.

- 3.21 Commercial and Industrial Yard Requirements: Any Commercial or Industrial lot adjoining a parcel of land classified as Rural shall maintain a rear or side yard of not less than fifty (50) ft. along the property line of the adjacent Rural classified land.
- 3.22 Mobile Homes: Mobile homes shall meet the requirements of all structures as to size and shall be fitted on permanent foundations and the crawl space properly skirted or closed after thirty days (30) as to prevent the entry of animals and the use of such space for storage.
- A. Mobile homes and manufactured housing shall have a minimum width of at least fourteen (14) ft. along its entire length. Any mobile or pre-manufactured home that is fifteen (15) years old or older must be certified by the Zoning Administrator to be structurally sound and in accordance with current safety standards for mobile homes.
 - B. The use of Mobile homes, semi-trailers, travel trailers, buses, vans or any other kind of motor vehicle for storage or livestock buildings is prohibited.
 - C. Any addition on a mobile home must conform with the current building code.

ARTICLE IV (4)

District Uses and Restrictions

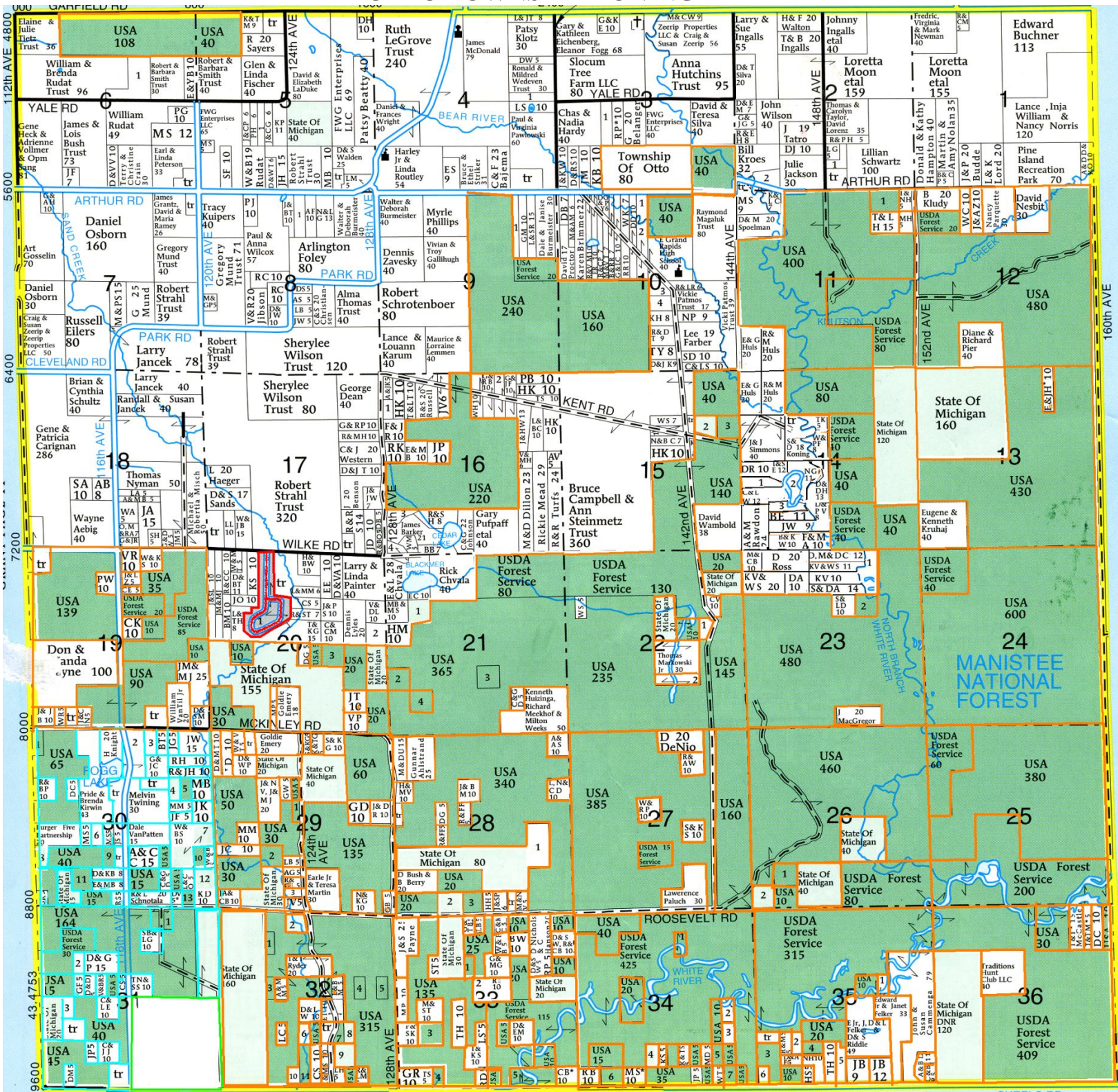
- 4.01 For the purpose of this Ordinance, the Township of Otto is divided into the following districts:

- A. Rural
- B. Cluster Housing
- C. Commercial
- D. Light Industrial
- E. Agricultural/Open Space

4.02 The map entitled Zoning Map delineating the above districts is hereby declared to be a part of this Ordinance. Except where references to dimensions are shown on said map, the district boundary lines follow lot lines, municipal boundary lines, section lines, fractional section lines or the center lines of highways, street or alley as they existed at the times of the adoption of this Ordinance.

Zoning ID	Type	Color
CL-	Cluster Housing	Red
C-	Commercial	Light Blue
LI-	Light Industrial	Green
R-	Rural Residential	White
AG-	Agricultural/Open Space	Orange

OTTO TOWNSHIP ZONING MAP



ARTICLE V (5)

R-RURAL RESIDENTIAL

5.01 **Purpose:** The Rural District is designed for unforested use with a minimum of service, such as water supply, sewage disposal, police and fire protection, hard surfaced roads and etc. The category is intended to preserve the character of the community with the preservation of natural corridors, agriculture and environmentally sensitive area. Housing sites should be restricted to locations with soils suitable to on-site septic systems.

5.02 **Permitted Uses:**

- A. Forestry
- B. Churches
- C. Schools and Civic buildings, Public and Private
- D. Telephone Exchanges, Gas and Electric Substations
- E. Parks and Playgrounds
- F. Licensed Mobile Home Parks
- G. Licensed Public Campgrounds and Trailer Parks
- H. Licensed Animal Kennels
- I. Single Family Dwellings

- J. Agriculture uses of land including keeping of farm animals or fowls, provided the following requirements are met:
 - 1. All animals and fowl shall be penned and housed more than 200 ft. from any dwelling house other than the dwelling house occupied by the owner of the farm animals or fowls; or,
 - 2. Horses and cattle must be penned ~~and housed~~ on a parcel of land containing 5 acres or more.

- K. Building(s) necessary to permit agricultural land.

- L. Governmental buildings and facilities.

- M. Multiple family dwellings.

- N. Marinas, canoe liveries, and boat docking facilities, provided adequate sewer and waste disposal systems shall be established no less than 200 ft. from the water’s edge.
- O. Billboards and advertising sign location outside of the road right of way.
- P. Licensed migrant workers housing to be occupied not more than nine (9) months in any one (1) calendar year.

5.03 Requirements: The following requirements shall be observed in the Rural District. Except as otherwise specifically provided by this Ordinance, no building or structure or part thereof shall be erected or altered and no land use shall be permitted in any of the zoning districts which shall not meet the following yard and area requirements.:

- A. Minimum Lot Area: 1.25 acres.
- B. Minimum Floor Area
 - 1. Single-Family Dwelling shall be no less than 720 sq. ft. within the living, dining, bathroom, bedrooms and kitchen.
 - 2. Multiple-Family Dwelling shall be no less than 480 sq. ft. per unit.
- C. Yard Setbacks:

	Front Yard Min	Side Yard (total both sides)	Side Yard Min.
Platted Lots	40 ft.	25 ft.	Min. 10 ft.
Unplatted Lots	40 ft.	100 ft.	Min. 15 ft.

- D. Minimum Width:
 - 1. Platted 100 ft.
 - 2. Unplatted 165 ft.

ARTICLE VI (6)

CL-CLUSTER HOUSING

6.01 Purpose: Cluster housing is implemented to promote integrated site design of residential land use that is considerate to the natural features and topography, that protects environmentally sensitive areas, permanently preserve important natural features, prime agricultural land, and open space of the development site. The primary purpose is to create more area for open space, recreation and more social interaction.

6.02 Location: Cluster Housing district will be located in Section 20 at the intersection of Forest Glen Road and Wilke Rd. in the Forest Glen subdivision.

6.03 Permitted Use: Cluster housing only.

6.04 Requirements: The following requirements shall be observed:

A. Minimum Floor Area:

1. Single-Family Dwelling shall be no less than 720 sq. ft. within the living, dining, bathroom, bedrooms and kitchen.
2. Multiple-Family Dwelling shall be no less than 480 sq. ft. per unit.

B. Yard Setbacks:

	Front Yard Min	Side Yard	Side Yard Min.
Platted Lots	40 ft.	25 ft.	Min. 10 ft.

C. Minimum Width: 100 ft.

ARTICLE VII (7)

LI-LIGHT INDUSTRIAL DISTRICT

7.01 Purpose: The Industrial District is designed for congested use and to provide adequate areas for industrial development. It is intended to improve and expand employment opportunities within Otto Township.

7.02 Requirements: No industrial uses or structure shall be made until the Board of Appeals shall find that:

- A. No air, water, soil or noise pollution will occur.
- B. The premises shall be adequately fenced and housed. Parking lots and other area improved to ensure the protection of public health and safety of the community.
- C. Yard Setbacks: Front, rear and side yard setbacks shall be:

Front Yard Min	*Side Yard	*Rear Yard Setback
40 ft.	25 ft.	10 ft.

*A building two hundred (200) sq. ft. or less can be one-half the distance from the rear yard setback. If adjoining a parcel of land classified as Rural, the rear or side yard must have a setback of not less than thirty-five (35) feet along the property line of the adjacent Rural classified land, pursuant to Section 3.21.

7.03 Location: Industrial District shall be located in the ¼ sq. mile area bounded by Skeels Rd. on the South, 116th Ave. to the West, 120th Parallel to the East and ½ mile North of Skeels determining the Northern boundary in Section 31.

7.04 Permitted Uses:

- A. Single Family and multiple family dwellings (must be located more than two hundred (200) ft. of an existing dwelling.
- B. Hospital, clinics and other institutions for human health care.

7.05 Parking: The size and amount of off-street parking spaces shall remain in compliance with Section 3.18, part A and D.3

7.06 Signage: Signage shall remain in compliance with Section 3.17 of Ordinance

ARTICLE VIII (8)

C-COMMERCIAL

8.01 Purpose: The commercial district is intended to provide for the orderly and attractive clustering, at appropriate locations, of retail and service establishments, such as churches, halls, funeral homes, single and multiple dwellings, mobile homes which serve both the day-to-day requirements of nearby residential areas.

8.02 Requirements: The following requirements shall be observed:

A. Minimum Lot Area: One (1) acre for commercial enterprises.

B. Yard Setbacks: Front, rear and side yard setbacks shall be:

Front Yard Setback	*Side Yard Setback	*Rear Yard Setback
40 ft.	25 ft.	10 ft.

*A building two hundred (200) sq. ft. or less can be one-half the distance from the rear yard setback.

If adjoining a parcel of land classified as Rural, the rear or side yard must have a setback of not less than fifty (50) feet along the property line of the adjacent Rural classified land, pursuant to Section 3.21.

C. Maximum Building Height: No principal structure shall exceed three (3) stories or thirty-five (35) ft. in height.

D. Signage: Signage shall remain in compliance with Section 3.17 of Ordinance.

E. Site plan approval: Site plan approval must be obtained from the Planning Commission and the Township Board, including parking.

Land use activities that may cause a violation of the Township's Nuisance Act ~~5.2963~~ shall be referred to the Planning Commission for a Special Use Permit.

- F. Residential buildings will follow residential setbacks and zoning.
- G. Parking: The size and amount of off-street parking spaces shall remain in compliance with Section 3.18, part A and D.2
- F. Loading and Unloading: Space for all operations of unloading/loading on property shall remain in compliance with Section 3.18 of Ordinance.

8.03 Location: The commercial district will be located in sections 30 and 31, totaling 1.75 sq. mi., bounded by Skeels Rd. to the south.

ARTICLE IX (9)

AG-AGRICULTURAL/OPEN SPACE

- 9.01 Purpose: The agricultural district is intended to foster the protection of sensitive and valuable natural features.
- 9.02 Lot Size: Parcels in the Agricultural district shall not be divided into less than 1.25 total acres.
- 9.03 Permitted Uses: No permitted use of land is permitted in this AG district except the following uses:
- A. Agriculture, farming, dairying and stock raising, and all agricultural land uses, buildings, dwellings and activities. Land uses and activities that may cause a violation of Nuisance Act P.A.3232 1978, No. 637, shall be referred to the Planning Commission for a Special Use Permit.
 - B. Roadside stands for the sale of products grown on the premises, if Sufficient off-street parking space for customers is provided.
 - C. Essential services and utilities to serve the principal permitted use.
 - D. Greenhouse, orchard and plant nurseries.
 - E. Wood lots and tree farms.
 - F. Customary accessory uses provided such uses are clearly incidental to the principal permitted use.
 - G. Public recreational areas and wildlife refuges.
 - I. Soil and water conservation programs.
 - J. Single family dwellings.
 - K. Migrant housing - State regulated.
- 9.04 Requirements: The following requirements shall be observed:

A. Minimum lot area: 1.25 acres. Any parcel prior to this agreement, which meets setbacks, will be considered buildable, subject to 3.01 on this ordinance. Zoning Administrator informs parties of requirement and will notify them if the parcel is not buildable.

B. Yard Setbacks: Yard setbacks shall be:

Front Yard	Side Yard	Rear Yard
40 ft.	25 ft.	10 ft.

ARTICLE X (10)

ADMINISTRATION AND ENFORCEMENT

10.01 Administration Official and Boards Designated:

- A. The Zoning Administrator shall have the duty to administer this Zoning Ordinance and to enforce the provisions contained herein.
- B. Upon notice of a violation of the Ordinance, the municipal attorney shall determine and carry out the legal process necessary to secure prosecution or adherence to this Ordinance.

10.02 Building Permits Required: It shall be unlawful for any person to commence excavation for, or construction of any building or structure, or to make a structural change in any existing building or structure without first obtaining approval from the zoning administrator. No approval shall be issued for the construction, alteration, or remodeling of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Ordinance as well as any applicable Building Code and Sanitary Code.

10.03 Permits: Every application for an approval shall be signed by the applicant and shall designate the existing and intended use of the structure or premises or part thereof which is covered by the permit. The application shall contain other information and shall be accompanied by such drawings and plans as required by the Zoning Administrator. Structure buildings 200 sq. ft. or less in size do not require a building permit. All dimensions shown on the before-mentioned drawings (plans) relating to the location and size of the lot

or parcel involved in the permit, other than those lots which are part of a recorded subdivision, shall be based upon a survey by a licensed engineer or surveyor if a side or rear yard shall be less than 30 ft. for unplatted and 25 ft. for platted. All approvals which cause application of yard requirements contained in the Ordinance shall have said yard dimensions indicated on the permit. In cases of minor alterations, the Zoning Administrator may waive portions of the foregoing requirements which fall under his administration and obviously are not necessary for the determination of compliance with this Ordinance.

10.04 Certificates of Occupancy: It shall be unlawful to use or permit the use of any structure or premises herein altered, extended or erected until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of the Ordinance have been complied with. It shall be unlawful to use or permit the use of any structure or premises, herein changed to a different use, until the Building Inspector shall have issued a Certificate of Occupancy showing conformity with the provisions of this Ordinance. Until such Certificate has been issued, no official shall grant a required license for the use proposed. Under such rules and regulations as may be established, and in accordance with all Ordinances pertaining thereto, the Building Inspector after inspection shall issue a Certificate of Occupancy for any structure or premise otherwise legally existing if such use is permissible under the provision of this Ordinance. A duplicate copy of the application and the Certificate of Occupancy shall be filed with the local assessor.

10.05 Fee: A fee of \$30.00 payable to Otto Township shall accompany each application for building permit.

10.06 Ordinance Changes: The legislative body may change this Ordinance as provided by State Law. Any person desiring a change to the Ordinance shall present to the Township Clerk, a petition for the change along with a non-refundable fee of \$200.00.

ARTICLE XI (11)

ZONING BOARD OF APPEALS (ZBA)

- 11.01 Creation and membership: In a Township with a population under 5,000 persons, the ZBA is composed of at least three (3) regular members. The precise number of regular members comprising the ZBA must be specified by the Township Board in the Zoning Ordinance. The Board of Appeals shall interpret this Ordinance, make decisions on matters coming within its jurisdiction and instruct the Zoning Administrator as to the steps necessary to enforce its decisions.
- 11.02 Provisions: In the performance of their duties and functions, the ZBA shall be governed by the provisions of the Michigan Zoning Enabling Act 125.3101 et. seq.
- 11.03 Appeals: An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city, county or state. Such appeal shall be taken within such time as shall be prescribed by the ZBA by general rule, by filing with the officer from whom the appeal is taken and with the ZBA, along with a notice of appeal specifying the ground for the appeal, and a fee of \$250.00, non refundable, to be credited to the general fund of the Township. The officer from whom the appeal was taken shall forthwith transmit to the ZBA all papers constituting the record upon which the act appealed from was taken.
- 11.04 Authority: The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination as in its opinion ought to

be made in the premises and to that end shall all the powers of that officer from whom the appeal was taken and may issue or direct the approval. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, the ZBA shall have power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of the Ordinance shall be observed, public safety, secured and substantial justice done where in this Ordinance certain conditional uses and special exceptions are permitted upon authorization of the Board of Zoning Appeals. The Board of Zoning Appeals shall decide the appropriateness of such uses and exceptions within the extent of this Ordinance applying the standard enumerated therein for the conditional use or exception and devising such proportionate special requirements as will achieve compatibility of uses and do substantial justice.

ARTICLE XII (12)

VIOLATIONS

12.01 Violations: Any person who shall violate the provisions of this Ordinance in any way, or fails to comply with any for the regulatory measures or conditions of the Zoning Board of Appeals. This person shall be subject to a fine of no more than two hundred (\$200.00) dollars per day if these violations continue. Each day shall be considered a separate offense.

ARTICLE XIII (13)

CONDITIONAL USE PERMIT

13.01 Purpose: The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into districts, each of which is permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations, in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location, need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

13.02 Authority to Grant Permits: The Township Board, after receiving recommendation from the Township Planning Commission, shall have the

authority to grant Conditional Use Permits. Subject to such conditions as may be required by the Township Board in accordance with the requirements and limitations applicable to such conditional use as are specified in this Ordinance.

- 13.03 Application for Conditional Use Permit: Application for any Conditional Use Permit permissible under the provisions of the Ordinance shall be made to the Township Board by filling in the official Conditional Use permit application form, submitting required data, exhibits and information, and depositing a \$200.00 fee in accordance with a schedule of fees, charges and expenses as established by the Township Board, upon receipt of the application to the Township Planning Commission in accordance with the provisions of this Ordinance.
- 13.04 Date Exhibits and Information Required in Applications: An application for a Conditional Use Permit shall contain the applicant's name and address in full, a notarized statement that the applicant is the owner involved, accurate survey drawing of said property showing the existing and proposed location of all buildings and structures thereon, and types thereof, and their uses and a development plan with supporting data, exhibits, information and evidence regarding the required finding set forth in this Ordinance. In addition, the applicant shall submit a landscape plan showing the existing and proposed location of all plant materials and the types thereof, access drives and parking lot layout and the provisions for storm drainage.
- 13.05 Posting of Property and Public Hearing: Upon receipt of the application and supporting material as required by this Ordinance, the Township Planning Commission shall within 45 days hold a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the Township at least two (2) times. (Not more than thirty (30) days, not less than eight (8) days prior to the date of such hearing.) In addition, the Township Planning Commission shall cause the property which is the subject of application to be posted with a notice setting forth the type of the Conditional Use Permit for which the owner has made application and the date, time and place of public hearing, such notice shall be posted at least ten (10) days prior to the hearing. In addition, not less than five (5) not more than fifteen (15) days prior to the hearing, the Township shall send by first class mail to all owners and/or occupants of real property within 300 ft. of the boundary of the property of the property in question, a notice describing

the nature of the conditional land use requested, indicating the property which is the subject of the conditional land use request, and stating when and where the public hearing for consideration of the conditional land use request will be held.

- 13.06 Findings: The Township Planning Commission, following the public hearing called for above, shall review the particular circumstances and facts of each application, shall accord adequate date, information and evidence based upon the data exhibits and information supplied by the applicant, with respect to each item set forth in the general standards set forth in Section 13.07 of this Section and shall submit its report thereof to the Township Board together with its recommendation for the issuance or denial of a Conditional Use Permit and if a recommendation of the issuance of a Conditional Use Permit is made, the specific terms and conditions which must be complied with by the owner of the property.
- 13.07 General Standards: No Conditional Use Permit shall be issued unless, based upon the report supplied by the Planning Commission, the Township Board shall determine that:
- A. The parcel will, according to the plans and specifications, data exhibits and information supplied to the Planning Commission by the applicant, meet specific requirements and regulations as set forth in their ordinance applicable to said Conditional Use in the zoning district in which said use is to be located and shall be lawful under all Federal, State and Local laws, Ordinances and Regulations.
 - B. The property will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures and refuse disposal. Or the persons who will own or operate the property shall be able to adequately provide any such service on a non-public basis.
 - C. The parcel will not be hazardous or disturbing to existing or future neighborhood uses.
 - D. The property will not create additional requirements at public cost for public roads, facilities or services, or that if additional public roads, facilities or services are required, the cost to the public will be born at

least in part by the applicant as determined by the Township Board and may become a lien or assessment on the property for which the conditional use permit is sought.

- E. The property will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan then in effect.
- F. The property will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity. Also conditional use will not change the essential character of the general vicinity.
- G. The property will be a substantial improvement to the property in the immediate vicinity and to the community as a whole.
- H. The property will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property or the general welfare

13.08 Compliance Bond: In issuing a Conditional Use Permit, the Township Board may require surety or cash bond to be furnished by the owner to insure compliance with the provisions of this Ordinance applicable thereto and with the specific terms, conditions or limitations of the conditional use permit issued by the Township Board. The amount of said bond shall be determined by the Township Board, and shall not exceed twenty (20%) percent of the value of the intended improvements.

13.09 Conditions, Limitations, Requirements and Safeguards: The Township Planning Commission may recommend and the Township Board may impose such additional conditions, limitations, requirements and safeguards deemed necessary for the protection of the general welfare of the Township and for the protection of the individual property owners in the vicinity and to insure that the intent and objectives of this Ordinance will be observed.

13.10 Continued Validity of Permit: Revocation

- A. The issuance of a Conditional Use Permit by the Township Board

shall entitle the owner to continue to operate the conditional use so long as the owner remains in compliance with the terms, conditions, limitations, and safeguards set forth in the Conditional Use Permit. If such permit is granted, and does expressly grant to the Township, for the enforcement of the terms of the Conditional Use Permit.

- B. In the event the owner or occupant of the property for which a Conditional Use Permit has been issued shall violate any provision of any term, condition, limitation, regulations or safeguard contained in the Conditional Use Permit, the Conditional Use Permit shall be subject to review by the Township Board. The owner or occupant shall have thirty (30) days to remedy said violation upon legal notification from Township Board. After thirty days, the Township Board can revoke the conditional use permit, thus making the conditional use permit null and void. In the event that such Conditional Use Permit shall be or become null and void, the compliance bond, if any, given by the owner under the provisions of this Ordinance shall be forfeited.

ARTICLE XIV (14)

Illegal Burning

- 14.01 Purpose: An Ordinance to regulate the setting of fires, and to provide penalties for the violation thereof, and to provide a method for the collection of costs and expenses to the Township of Otto caused by the setting of fires.
- 14.02 Permit requirements: No person, partnership, firm, association or corporation within the limits of Otto Township shall set or cause to be set, burn or cause to be burned at any time any old building, debris from a building being torn down on any lot or parcel of ground, or burning outside an approved container or fire-pit unless such person shall first obtain from the Department of Natural Resources, a permit for such fire.
- 14.03 Violations: Any person who violates or fails to comply with any provision of this ordinance or who sets an open fire which necessitates calling the Fire Department, or any other fire personnel, shall pay to the Township all costs and charges incurred by the department. Otto Township may sue in for civil damages and recover such costs and expenses incurred by those who set such open fires.

ARTICLE XV (15)

Communication Towers

15.01 Purpose: 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 service.

15.02 Conformities: All communications towers shall conform to this section with the following exceptions:

- A. Wireless Communication/Television receivers/towers/antennas less than 96 ft. in height as measured from the base to the highest point on the tower.
- B. Amateur Ham, CB, AM or FM transmitters less than 96 ft. in height as measured from the base to the highest point on the tower.

15.03 Site Development: The following site development requirements shall apply:

- A. A communications tower may be principal or accessory use.
 - B. Where a tower is located on its own parcel, it shall be a minimum 32,000 sq. ft. with a minimum 165 ft. of road frontage.
- 15.04 Fencing: The base of the tower and wire cables supports shall be fenced with a minimum 5 ft. high fence.
- 15.05 Tower Height: The tower must be setback from all property lines a distance equal to its height.
- 15.06 Accessory structures: 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 ft. Nothing shall prevent the applicant from applying for a setback variance. Accessory structures shall not exceed 600 sq. ft of gross building areas.
- 15.07 Buffer yard requirements: Buffer yard requirements within the zoning ordinance shall be met.
- 15.08 Containment fences: Containment fences shall be constructed with appropriate gates and locks so as to eliminate and prevent unauthorized access.
- 15.09 Tower Construction Plans: 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.
- 15.10 Tower Standards: All towers must meet standards of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
- 15.11 Tower Location: 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 ft. of a

property line. Nothing shall prevent an applicant from applying for a setback variance.

- 15.12 Tower Material: Metal towers shall be constructed of, or treated with, corrosive-resistant material.
- 15.13 Tower Grounding: 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.
- 15.14 Wind Loading Standards: Towers shall be designed to hold four communications carriers and shall meet applicable uniform wind loading standards of the building code.
- 15.15 Signals and Remote Control Conductors: All signals and remote controls conductors of low energy extending substantially horizontally above the ground between the tower of antenna and a structure or between towers, shall be at least eight ft. above the ground at all points, unless buried underground.
- 15.16 Reception Interference: Towers shall be located so that they do not interfere with the reception on nearby residential areas. If such interference occurs, it shall be corrected within sixty (60) days of written notification of the interference.
- 15.17 Maintenance Space: 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.
- 15.18 Base Area: The base of the tower shall not exceed 500 sq. ft.
- 15.19 Tower Height: Height of the towers shall not exceed 120 ft. from grade within a residential district, 200 ft. from a commercial property and 300 ft. from an industrial property.
- 15.20 Artificial Lighting: Towers shall not be artificially lighted unless required by the FAA.

- 15.21 Vegetation Disturbance: Existing on site vegetation shall be disturbed to the minimum extent practical.
- 15.22 Advertising: 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.
- 15.23 Paint Scheme: 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.
- 15.24 Electromagnetic Radiation: 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.
- 15.25 Repair Restrictions: There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

ARTICLE XVI (16)

Wind Farms

16.01 **Purpose:** Wind Site Assessment or Wind energy Harvest Site (Wind Farm) may be approved by the Planning Commission as a Special Land Use, upon compliance with the following conditions:

16.02 **Definitions:** For the purposes of this section, the following terms and phrases shall be defined as provided below:

- A. **Wind Energy Harvest Site (Wind Farm):** A wind energy harvest site is a location where any number of commercial grid-connected wind turbines are sited for the purpose of extracting kinetic from the wind and supplying it, in transmission utility (“grid”).
- B. **Wind Turbine Generator (WTG):** A wind turbine generator is a device designed to extract energy from the wind and supply it in the form of electrical energy that is suitable for use by the local electrical transmission utility.
- C. **Horizontal Axis Wind Turbine (HA WY):** A wind turbine designed with a rotor mounted on a horizontal axis of rotation. The rotor thus sweeps through a vertical plane perpendicular to the motion of the wind.

- D. Rotor: An element of wind turbine which acts as multi bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- E. Nacelle: The structure designed to “yaw” (turn) into the wind that is mounted on top of the tower and houses the rotor support shaft, mechanical and electrical components and generator.
- F. Tower: The tubular structure, above grade, that supports the nacelle and rotor assembly.
- G. Tower Foundation: The tower support structure, below grade, that supports the entire weight of the wind turbine.
- H. Met Tower: A guy-wire supported tower containing instrumentation such as anemometers that is designed to, and used for the assessment of wind resource on site.
- I. SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition system (SCADA).
- J. Swept Rotor Arc/Diameter: The largest circumventional path traveled by a wind turbine airfoil rotor blade.
- K. Blade Clearance: In reference to a horizontal axis rotor, the distance from grade to the lowest point of the rotors swept arc.
- L. Total Height: The height from grade to the highest vertical point of the swept rotor arc. In the case of wind turbine with horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
- M. Sub-Station: An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical energy.

- N. Operations & Maintenance Office (OMO): A local facility constructed for the purpose of operating and maintaining the wind farm including the storage of spare parts and consumable materials.
- O. Supervisory Control and Data Acquisition (SCADA): A control system designed to acquire data and perform both automatic and manual control function to the wind farm.
- P. Participating Property Owner: A property owner who is receiving, or has received, compensation in connection with the operation, siting or development of a wind farm.
- Q. Wind Site Assessment Application: An application to the Planning Commission seeking special land use approval to erect one or more anemometer towers (“Met towers”) on lands deemed necessary by the applicant for wind resource assessment.
- R. Wind Farm Construction Application: An application to the Planning Commission seeking special land use approval to construct a wind farm (Building Permit).

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

- A. **Wind Site Assessment Application.** An applicant seeking special land use approval (Special Use Permit) for a Wind Site Assessment shall submit a site plan complying with the requirements of Article 16.09, and the following additional materials and information.
 - I. The Wind Site Assessment Site plan shall also show the following:

- a. The proposed location, size, height and type of all anemometers (“Met”) Towers intended to assess the wind resource.
 - b. The location of all primary and secondary buildings and any other structures on the subject assessment site property as well s any buildings and dwellings on adjacent properties within one 1-4 times the proposed Met Tower height.
 - c. The features of the site including the location of roads both public and private, wood lots, property lines, and any other feature deemed pertinent by the Planning Commission.
- II. The name, address and phone number (s) of the applicant, the owner of all equipment proposed to be installed, and the owner(s) of the land(s) on which the equipment will be installed.
 - III. A copy of that portion of the applicant’s lease with the land owner(s) granting authority to install “Met” Tower(s) for the purpose of conducting a Wind Site Assessment, which must include a provision requiring the applicant to remove all equipment and restore the site upon cessation of the Wind Site Assessment.
 - IV. A narrative description of the ambient background sound study.
 - V. Proof of the applicant’s public liability insurance for the Wind Site Assessment in a minimum sum of five (5) million dollars naming the property owner and the Township as insured.
 - VI. Met Tower shall not be located on the site in excess of twenty-four (24) months. A renewal of said permit may be had from the Planning Commission upon proper proof of need or necessity.

- B. Wind Farm Construction Application (Building Permit): An applicant seeking special land use approval for Wind Farm Construction shall submit a site plan complying with the requirements of Article 16.09, and the following additional materials and information:
- I. A finalized site plan, bearing the certification(s) of all licensed engineering consultants and agencies required by law, showing in detail, all the features and information listed in the Wind Site Assessment application and showing the following additional information:
 - a. The proposed location of all wind turbines and access roadways.
 - b. The proposed location of the OMO, and all substation(s), permanent Met towers and/or SCADA Towers comprising the proposed wind farm.
 - c. The proposed location of all underground and/or overhead cabling.
 - d. The physical size and electrical nameplate capacity of the proposed wind turbines including the total height and the swept rotor diameter.
 - e. All landscaping, with landscaping materials identified.
 - f. All natural vegetation and features to be preserved.
 - g. The method, materials and color of fencing, if any.
 - h. The method of screening or buffering, if any.
 - i. The method and type of tower lighting, if so required.
 - II. A visual representation including scale elevations, photographs and/or digital information the proposed wind farm.

- III. A copy of the portion of the applicant's lease with the land owner(s) for the wind farm, which must include a provision requiring the applicant, or wind farm owner, to remove all equipment to a minimum depth of four (4) ft. from the natural grade and restore the site upon cessation of wind farm operations.
- IV. The manufacturer's specifications indicating:
 - a. The rated nameplate output, in kilowatts or megawatts, of the turbines.
 - b. Safety features and sound characteristics.
 - c. Type of material(s) used in foundation, tower, blade and/or rotor construction.
 - d. Manufactures' MSDS (Material Safety Data Sheet) documentation including the type and quantity of all materials used to sustain the operation of all lubricants and coolants.
 - e. Operating overview of SCADA system employed to control and operate the wind farm.
- V. A sound impact study (noise report) satisfactory to the Planning Commission which included sound level information, measured in dB(A), conforming to the standard of a maximum limit fifty-five (55) decibels as measured on the dB(A) scale at the property lines of the site in question. A noise report shall be submitted with any application for an anemometer tower or wind turbine generator tower. A noise report shall be prepared by a qualified professional and shall include the following, at a minimum:
 - a. A description and map of the project's noise producing features, including the range of noise levels expected, and the basis of the expectation.

- b. A description and map of the noise sensitive environment including any sensitive noise receptor, i.e. residences, hospitals, libraries, schools, places of worship, parks, areas with outdoor workers, and other facilities where quiet is important or where noise could be a nuisance within two (2) miles of the proposed facility.
 - c. A survey and report prepared by a qualified engineer that analyzes the pre-existing ambient noise (including seasonal variation) and the affected sensitive receptors located within two (2) miles of the proposed project site. Potential sensitive receptors at relatively less windy or quieter location than the project should be emphasized and any problem areas identified.
 - d. A description and map of the cumulative noise impacts with any problem areas identified.
 - e. A description of the project's proposed noise control features and specified measure proposed to mitigate noise impacts for sensitive receptors as identified above to a level of insignificance.
- VI. Any proposed wind turbine generator shall not produce vibrations humanly perceptible beyond the property on which it is located.
- VII. Proof that the applicant has obtained or applied for approval from all other agencies having jurisdiction, including the following:
- a. State and/or Federal Energy Commission.
 - b. Federal Aviation Administration.
 - c. County Road Commission and/or MDOT, as applicable.
 - d. County Drain Commission.

- e. Department of Environment Quality.
- f. Other agencies having jurisdiction.

VIII. Proof of the applicant's or wind farm owners public liability insurance for the wind farm set forth herein.

16.04 Review Procedures: A Wind Site Assessment Application and Wind Farm Construction Application shall be evaluated by the Planning Commission pursuant to the procedures detailed in Articles. The Planning Commission shall conduct separate and individual public hearings on an applicant's Wind Farm Construction Application.

16.05 General Standards: In addition to meeting the requirements of Article 13, all Wind Site Assessments and Wind farms shall comply with the following standards for approval:

- A. All structures shall comply with or exceed applicable standards and regulations of the Federal Aviation Administration and any other state or federal agency having jurisdiction. If such standards and regulations are changed, then the owners of the structures governed by this ordinance shall bring such structures into compliance with such revised standards and regulations within 90 days of their effective date, unless a different compliance schedule is mandated by the controlling agency.
- B. All structures constructed for a Wind Site Assessment or Wind Farm shall comply with the standards contained in applicable state and local building codes.
- C. Excepting temporary Wind Site Assessment Met Towers, all towers shall be freestanding and permanently secured to all stable foundations.
- D. All towers shall be grounded to protect against unsafe conditions or damage from lightning and electrical faults.
- E. No portion of any tower or blades shall display any name, symbol, words, letters, advertising message, graphic representation or other

written or pictorial matter. Nacelles may have lettering that exhibits the manufacturer and/or owner's identification.

- F. The placement of all Wind Turbine Generators and Met Towers and SCADA Towers shall comply with the following:
 - I. For purposes of determining whether a proposed Wind Turbine, Met Tower, or SCADA Tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even through the Wind Turbine(s), met Tower(s), or SCADA Tower(s) may be leased parcels within such lot or parcel.
 - II. Setbacks and/or separation distances shall be measured from the center of the tower base or dwelling unless indicated otherwise.
 - III. Setbacks and/or separation distances shall be measured from the nearest guy-wire support anchor of a wind resource assessment Met Tower.
 - IV. Lots or parcels on which a Wind Farm, including Wind Turbine Generators, Met Tower(s), and/or SCADA Tower(s), ancillary supporting equipment and building equipment and substations, is the principal use need not comply with minimum frontage requirements.
- G. The following setbacks and separation distances shall apply to Wind Turbines, Met Towers, and SCADA Towers comprising Wind Farms:
 - I. Any Wind Turbine within a Wind Farm shall be located not less than 800 ft. or two (2) times the height, whichever is greater, as measured from the nearest surface of the dwelling to the center of the nearest wind turbine tower, from any dwelling.
 - II. Any Wind Turbine within a Wind Farm shall be located not less than one and one half times its height from the nearest surface of a non-dwelling, principal structure.

- III. Any Wind Turbine within a Wind Farm shall be located not less than four hundred ft. (400) or one (1) times its height; whichever is greater, from a front yard right-of-way of a participating parcel.
- IV. Any Wind Turbine within a Wind Farm may be located straddling the side yard or rear yard property lines separating two participating properties.
- V. Any Wind Turbine within a Wind Farm shall be located be located not less than eight hundred (800) or two (2) times its height from road right-of-way, front yard, side yard or rear yard property lines abutting non-participating properties, whichever is greater.
- VI. In no event shall any wind turbine, (whether within or outside a wind farm) exceed four hundred fifty ft. (450) in height.
- VII. Any Met Tower used for Wind Resource Assessment shall be located not less than one and one half times the total tower height, as measured from the nearest guy-wire anchor point, to the nearest participating or non-participating dwelling.
- VIII. Any Met Tower or SCADA Tower shall be located not less than 50 ft. from the nearest surface of a non-dwelling principal or accessory structure.
- IX. Any Met Tower or SCADA Tower shall be located not less than one and one half (1 ½) times the total tower height from the nearest front yard right-of-way line.
- X. Any Met Tower or SCADA Tower may be located straddling the side yard or rear yard property line separating two participating properties.
- XI. Any SCADA Tower shall be located not less than one and one half (1 ½) times the total height to the nearest participating or non-participating dwelling.

- XII. Any Wind Resource Assessment Met Tower shall be located not less than one and one half (1 ½) times the total tower height from side yard or rear yard property lines abutting non-participating properties.
- XIII. Any SCADA Tower shall be located not less than one and one half (1 ½) times the total tower height from side yard or rear yard property line abutting non-participating properties.
- H. With respect to the Operations and Maintenance Office (OMO), Substation(s), and Ancillary Equipment, all setback and separation distances shall be governed by the appropriate zoning and code requirements applicable to those structures.
- I. Setbacks with respect to existing electrical distribution and transmission lines shall conform to the established setbacks applicable to those lines.
- J. In the case of a Wind Farm height restrictions and/or setbacks may be reduced or increased from the minimum setback requirements of this Section, at the discretion of the Planning Commission. Pursuant to this provision, the Planning Commission shall consider the technical needs of the applicant for a reduction in setbacks, the feasibility of alternate locations and the proximity of existing dwelling.
- K. The OMO shall be constructed in accordance with all applicable requirements of the Township Zoning Ordinance and Building Codes.
- L. All Wind Farms and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances, and regulations.
- M. Structures within a Wind Farm shall not be illuminated by artificial means and shall not display strobe lights unless specifically require by the Federal Aviation Administration or other state or federal authority having jurisdiction over the Wind Farm. If lighting is required, the lighting as installed shall cause only the least possible disturbance to surrounding land uses and shall not exceed FAA minimum standards.

- N. All Wind Turbines within a Wind Farm shall be finished in a single, non-reflective matte finished color that minimizes the visual impact of the wind farm.
- O. Individual Wind Turbines within a Wind Farm, separated by one half (1/2) mile (800 meters) or less, shall be constructed using Wind Turbines whose appearance, with respect to one another, is similar within and throughout the wind farm, thus exhibiting uniformity in overall turbine size, geometry, and rotational speeds.
- P. The minimum vertical blade tip clearance from grade shall be sixty-six (66) ft. (20 meters) for a wind turbine employing a horizontal axis rotor (HAWT).
- Q. Excepting Wind Resource Assessment Met Towers, the use of any type of tower, other than freestanding tubular tower, is prohibited. All tubular towers shall be designed to prevent external access to electrical and mechanical components within and shall have robust access doors that are kept securely locked at all times.
- R. Utility Company Interconnection (Interconnected Wind Turbine Generator): All distribution lines from the wind turbine generator to the electrical grid connection shall be located and maintained four (4) ft. underground (both on the property where the wind turbine generator will be located and off-site). All three cables will be encased in a steel armored shield. The Township Board (upon recommendation of the Planning Commission) may waive the requirement that distribution lines for the wind turbine generator which is located off-site (i.e., are not located on or above the property where the wind turbine generator will be located) be located and maintained underground if the Township Board determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- S. Electromagnetic Interference: Each wind turbine generator and testing facilities shall be designed, constructed, and operated so as not to cause any interference with television, microwave transmission and reception, navigational, or radio reception to neighboring areas. In the event that electromagnetic interference is experienced, the applicant

shall provide alternate service to each individual resident or property owner affected. The replacement service shall be acceptable to the injured party. The replacement service shall be equal or superior to the previous service that was interrupted. Any additional cost of construction, equipment, maintenance or increased subscription charges shall continue to be paid permanently by the wind turbine generator owners/operators until such time that the offending wind turbine generator is removed.

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

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

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

- A. The screening or buffering of structures (other than towers) with landscaping, beams, walls or any combination thereof.
- B. The timely removal of unused or unsafe tower or accessory buildings or structures.
- C. The prohibition on the construction or occupancy of dwellings on the lands where the Wind Turbines, Met Towers, or SCADA Towers are located, within the separation distances specified by this section.

- D. The preservation of existing trees and other existing vegetation not required to be removed for installation of a Wind Farm, including Wind Turbines, Met Towers, or SCADA Towers.
- E. The reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of a Wind Farm including Wind Turbines, Met Towers, SCADA, accessory buildings or structures.
- F. The requirements for the wording of, and the location of appropriate signage concerning any safety and/or health issue(s) deemed necessary to inform and protect the public.
- G. The requirement of a performance bond naming the township and landowner as sureties in an amount not less than one million per megawatt of capacity through completion of construction and ten percent (10%) thereafter for decommissioning.

16.08 Removal Decommissioning:

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

16.09 Inspections: Upon the provision of reasonable prior notice to the site

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

16.10 Prohibited Structures: The following structures are prohibited as part of any commercial, grid-connected wind farm approval as a special land use:

- A. Vertical axis wind turbines, commonly known as a “VAWT” or “Darrieus” wind turbine.
- B. Wind turbines with a nameplate generation capacity of less than 600 kw (V2MW).
- C. Wind Turbines (HAWT’s) with a rotor design consisting of a number of airfoil rotor blades other than three.
- D. Wind Turbines, permanent Met Towers, or SCADA Towers utilizing a lattice or “truss” type tower structure.

ARTICLE XVII (17)

Sand Mining

17.01 Current Ordinance: No Ordinance at this time.

ARTICLE XVIII (18)

Spring Water

18.01 Current Ordinance: No Ordinance at this time.

ARTICLE XIX (19)

Mass Slaughtering Operations

19.01 Current Ordinance: No Ordinance at this time.

