

**WEARE TOWNSHIP
ZONING ORDINANCE
OCEANA COUNTY, MICHIGAN**



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CHAPTER 1

TITLE AND PURPOSE

SECTION 1.01 SHORT TITLE

This Ordinance shall be known as the "Weare Township Zoning Ordinance."

SECTION 1.02 PURPOSE

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

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

SECTION 1.03 THE EFFECT OF ZONING

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations of this Zoning Ordinance and the Zoning District in which it is located; these limitations being the minimum legislation necessary to promote and protect the general safety and welfare of the community.

- B. In case any land, building, structure, or part thereof is used, erected, altered or occupied contrary to Law or to the provisions of this Ordinance, such use of land, building or structure shall be unlawful and shall be declared a nuisance and such use of land may be required to cease and buildings or structures may be required to be vacated, torn down, or abated by any legal means and such land, building, or structure shall not be used or occupied until brought into conformance.

- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.

CHAPTER 2

DEFINITIONS

SECTION 2.01 RULES APPLYING TO TEXT

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

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

SECTION 2.02 DEFINITIONS - A

ACCESSORY BUILDING

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

ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to the principal use of the land or building.

ADULT USES

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

A. Adult Book Store

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals, videotapes, movies, or adult-related novelties which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

B. Adult Cabaret

An establishment including, but not limited to, a café, restaurant or bar which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.

C. Adult Motion Picture Theater

An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons.

D. Massage Establishment

Any establishment having a fixed place of business where massages are administered by pay, including but not limited to massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. A *Massage* is defined as a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

E. Nude Artist and Photography Studio

Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.

F. Specified Anatomical Areas: Specified anatomical areas are defined as less than completely and opaquely covered:

1. Human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

G. Specified Sexual Activities: Specified sexual activities are defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

AGRICULTURE

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

ALLEY

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

ALTERATIONS

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

ARCHITECTURAL FEATURES

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

AVERAGE GRADE

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

SECTION 2.03 DEFINITIONS - B

BANK

The rising ground bordering a watercourse, lake or reservoir.

BASEMENT OR CELLAR

A portion of a building having more than one-half of its height below grade.

BED AND BREAKFAST ESTABLISHMENT

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

BOARD, TOWNSHIP

The words, "Township Board" shall mean the Weare Township Board.

BOARD OF APPEALS, or BOARD

As used in this Ordinance, this term means the Weare Township Zoning Board of Appeals.

BUILDABLE AREA

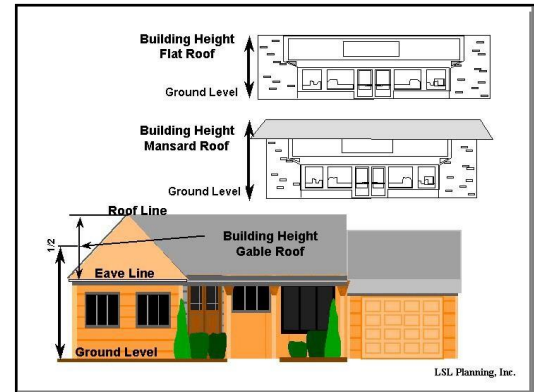
The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met.

BUILDING

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

BUILDING HEIGHT

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



BUILDING, MAIN

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

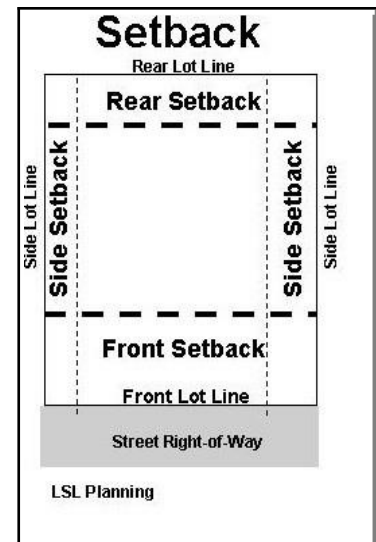
BUILDING PERMITS

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

BUILDING SETBACK LINES

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

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



SECTION 2.04 DEFINITIONS - C**CLINIC**

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

COMMERCIAL

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

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES

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

COMMISSION, PLANNING

This term shall mean the Weare Township Planning Commission.

CONVALESCENT OR NURSING HOME

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

SECTION 2.05 DEFINITIONS - D**DAY CARE**

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

A. Day Care Home, Family

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

B. Day Care Home, Group

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

DRIVE-IN ESTABLISHMENT

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

DWELLING, OR DWELLING UNIT

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

DWELLING, MULTIPLE FAMILY

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

DWELLING, TWO-FAMILY

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

DWELLING, SINGLE FAMILY (DETACHED)

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

SECTION 2.06 DEFINITIONS - E**ERECTED**

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

ESSENTIAL SERVICES

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

EXCAVATING

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

SECTION 2.07 DEFINITIONS - F**FAMILY**

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

FARM

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

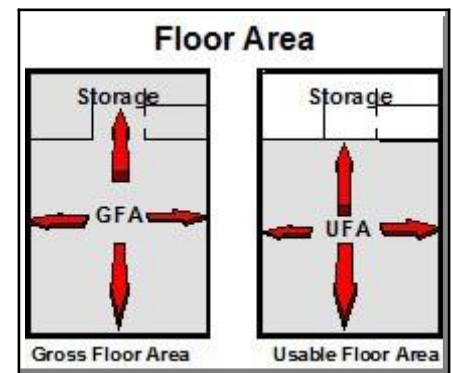
FENCE

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

FLOOR AREA, GROSS (GFA)

The sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The gross floor area of a building shall include the basement floor area only if more than one-half ($\frac{1}{2}$) of the basement height is above finish lot grade. (See Basement.)

Gross floor area shall not include attic space having headroom of seven and one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breeze ways, porches, or attached garages are not included.

**FLOOR AREA, USABLE (UFA)**

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

FRONTAGE (See Lot Width)**SECTION 2.08 DEFINITIONS - G****GARAGE**

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

SECTION 2.09 DEFINITIONS - H**HOME OCCUPATION**

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

HOSPITAL

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

HOTEL

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

SECTION 2.10 DEFINITIONS - I**INOPERATIVE VEHICLES**

Any motor vehicle which is currently not capable of being started and safely and properly operated on the highway.

INTENSIVE LIVESTOCK OPERATIONS

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

SECTION 2.11 DEFINITIONS - J**JUNK**

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

JUNK YARD

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

SECTION 2.12 DEFINITIONS - K**KENNEL**

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

SECTION 2.13 DEFINITIONS - L**LAWN**

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

LOADING SPACE

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

LOT

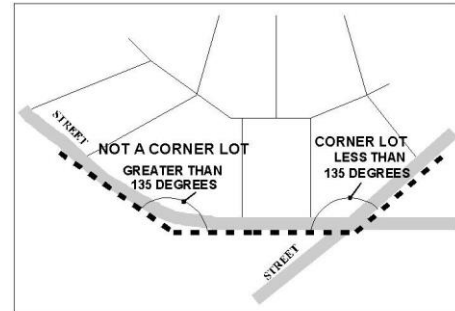
A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.

LOT AREA

The total horizontal area within the lot lines of a lot excluding road right-of-way.

LOT, CORNER

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



LOT COVERAGE

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

LOT DEPTH

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

LOT, DOUBLE FRONTAGE (THROUGH)

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

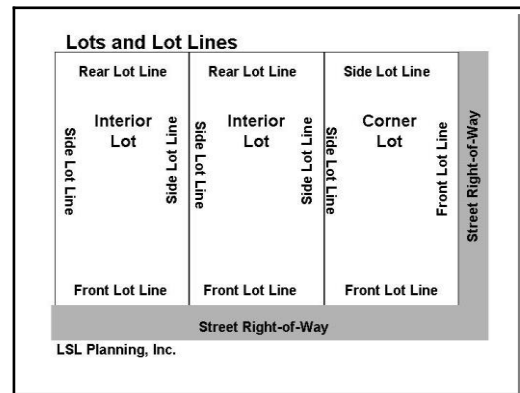
LOT, INTERIOR

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

LOT LINES

The property lines bounding the lot.

- A. **Front Lot Line.** In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such street right-of-way.



- B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line. (See Double Frontage Lot).

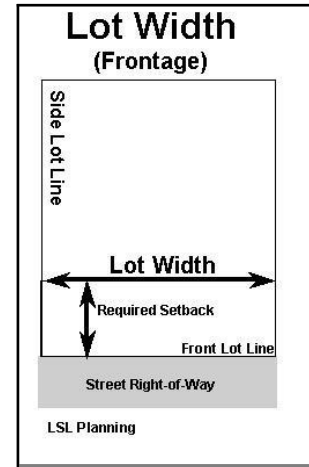
- C. Side Lot Line. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD

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

LOT WIDTH

The horizontal distance between the side lot lines, measured as nearly as possible at right angles to the side lot lines at all points between the front building setback line and the rear building setback line.



SECTION 2.14 DEFINITIONS - M

MAIN BUILDING

The building or structure in which the principal use of the lot or parcel is located. Storage buildings, garages, and other accessory uses and structures shall not be considered main buildings.

Agricultural buildings used for agricultural purposes only may be considered a principal structure by the zoning administrator.

MANUFACTURED HOME

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

MANUFACTURED HOME PARK

A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

MANUFACTURED HOME SPACE

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

MASTER PLAN

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

MOTEL

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

MOTOR HOME

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

SECTION 2.15 DEFINITIONS - N**NON-CONFORMING BUILDING**

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

NON-CONFORMING LOTS OF RECORD

A platted lot that conformed with all Township zoning requirements at the time of recording of said plat, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; or a lot outside a recorded plat that conformed with all Township zoning requirements at one (1) time, and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area, lot width, or both.

NON-CONFORMING USE

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

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

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

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

ORDINARY HIGH WATER MARK

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

SECTION 2.17 DEFINITIONS - P

PARKING LOT

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

PARKING SPACE

An off-street space of at least one hundred eighty (162) square feet exclusive, of necessary driveways, aisles, or maneuvering areas, suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

PERSONAL SERVICE ESTABLISHMENTS

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

PORCH, ENCLOSED

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

PORCH, OPEN

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

PUBLIC UTILITY

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

PRINCIPAL USE

The primary use of land or structures, as distinguished from accessory uses.

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

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

ROADSIDE STAND

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

SECTION 2.19 DEFINITIONS - S**SALVAGE YARD**

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

SETBACK

The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the required setback area on a lot or parcel.

SHORELINE

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

SIGNIFICANT NATURAL FEATURE

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

STATE LICENSED RESIDENTIAL FACILITY

A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer persons under 24-hour supervision or care.

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

STORY

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

STORY, HALF

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

STREET

- A. **PRIVATE:** A private street shall mean any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to three (3) or more existing parcels and/or main buildings or dwelling units, whether created by a private right-of-way, agreement, license, joint ownership, easement or prescription. Any and all extensions, additions, or branches of or to a private street shall be considered part of the primary private street which abuts the public street.
- B. **PUBLIC:** A public thoroughfare located within a public road right-of way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT

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

WASTEWATER TREATMENT FACILITIES

A wastewater treatment facility or plant is the site where the process of removing contaminants from municipal sewage takes place, utilizing a variety of physical, chemical and biological processes to remove physical, chemical and biological contaminants. It includes, but is not limited to, any in ground, on ground, or above ground lagoons, ponds, structures, tanks, buildings, filters, beds, spray fields, or other treatment mechanisms, along with associated accessory buildings, structures, and uses. A wastewater treatment facility shall not include necessary sewers, mains, transmission lines, or other similar transport system not located within the property boundaries of a sewage facility.

SECTION 2.20 DEFINITIONS - T**TEMPORARY BUILDING OR USE**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events.

TOWNSHIP

The term “Township” shall refer to Weare Township.

TOWNSHIP BUILDING INSPECTOR

The Township Building Inspector shall refer to the person or agency appointed by the Township Board as the Building Inspector for Weare Township. **TOWNSHIP ENGINEER.**

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

TRAVEL TRAILER

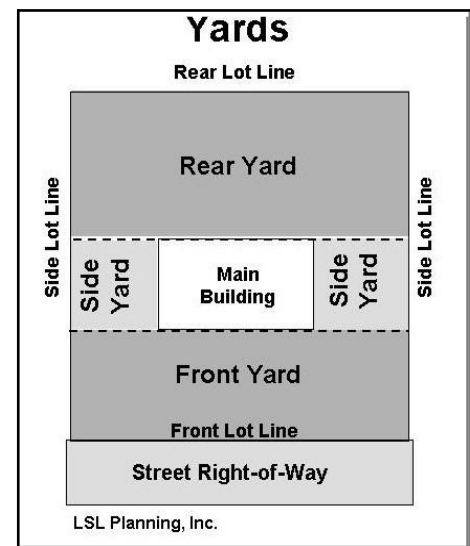
A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, not exceeding eight (8) feet in width or thirty-five (35) feet in length. It includes folding campers and truck mounted campers.

SECTION 2.21 DEFINITIONS - V**VEHICLE REPAIR**

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

VEHICLE SERVICE STATION

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



VEHICLE WASH ESTABLISHMENT

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

SECTION 2.23 DEFINITIONS - Y**YARD**

A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

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

YARD; FRONT, REAR, SIDE

A general term describing the space on a lot or parcel containing a main building, lying between the main building and the respective front, rear and side property lines.

SECTION 2.24 DEFINITIONS - Z**ZONING ACT**

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

ZONING ADMINISTRATOR

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

ZONING BOARD OF APPEALS, OR BOARD.

The Zoning Board of Appeals of Weare Township.

CHAPTER 3

GENERAL PROVISIONS

SECTION 3.01 REQUIRED AREA, SPACE, AND USE CONDITIONS AND EXCEPTIONS

- A. No lots or lots in common ownership and no yard, parking area or other space shall be so created, divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- B. A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District in which it is located, provided the lot conforms to the requirements of the Oceana County Health Department. The main building on such lot shall be located so that it meets at least eighty percent (80%) of the yard requirements of the District in which it is located. No platted lot shall be partitioned or divided into more than four (4) parcels of land.
- C. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, meet the following requirements the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. Such parcels shall be combined into such lot or lots meeting the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance. This subsection applies to those lots which are:
1. in common ownership;
 2. adjacent to each other or have continuous frontage, and;
 3. individually do not meet the lot width or lot area requirements of this Ordinance.

SECTION 3.02 HEIGHT EXCEPTIONS

- A. The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed one hundred (100) feet in height.

- B. Additions to existing buildings and structures which now exceed the height limitations of their District may be constructed to the height of the existing building to which the addition is attached if the lot is large enough to encompass a circular area with a radius at least equal to the height of the tallest structure or building.

SECTION 3.03 PRINCIPAL USE

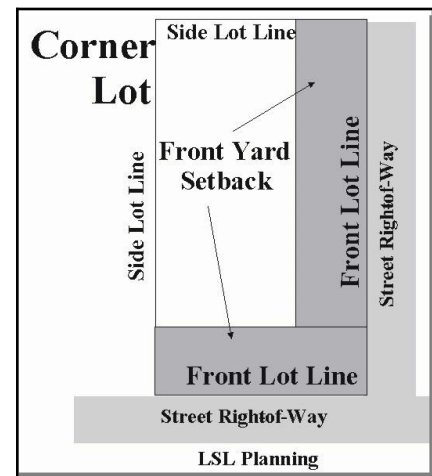
- A. No lot or parcel of land shall contain more than (1) main building or one (1) principal use.
- B. Land and buildings for multiple family dwellings, shopping areas, and other similar developments may be considered a principal use collectively if the following conditions are met.
1. The land and buildings are planned and designed as a single integral development, including joint parking, compatible architecture, shared driveways, shared signs, and other similar features.
 2. All uses, if not the same, shall be similar in function and/or operation.

SECTION 3.04 STREET ACCESS

Any lot of record created after the effective date of this Ordinance shall front upon a public street or approved private street meeting the requirements of Section 3.24 and the minimum lot width required by this Ordinance.

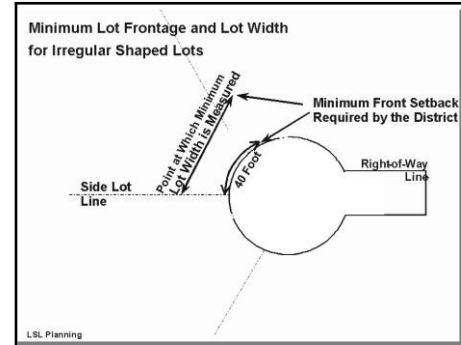
SECTION 3.05 BASIS OF DETERMINING FRONT YARD REQUIREMENTS

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



SECTION 3.06 MINIMUM LOT WIDTH FOR IRREGULAR SHAPED LOTS

The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum lot width of forty (40) feet at the front property line.



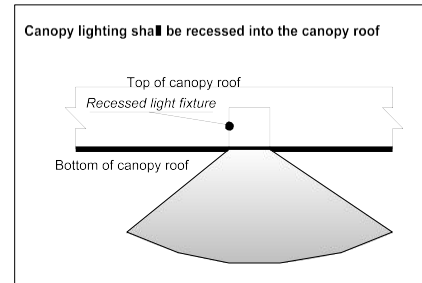
SECTION 3.07 PROJECTIONS INTO YARDS

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features:
1. may project a maximum of four (4) feet into a front or rear yard setback area; and
 2. shall not project into the side yard setback.
- B. The following requirements apply to porches, terraces, decks, balconies, window awnings, and similar structures which are open on all sides, unenclosed, and uncovered.
1. Encroachments
 - a. The features may project a maximum of ten (10) feet into a front yard setback area;
 - b. may project a maximum of fifteen (15) feet into a rear yard setback area;
 - c. shall not project into a side yard setback area.
 - d. shall not be placed closer than ten (10) feet to any front or rear lot line.
 2. If the structures are permanently enclosed on any side or covered in any manner they shall be considered part of the main building.

SECTION 3.08 ACCESSORY BUILDINGS, STRUCTURES, AND USES

- A. Accessory buildings attached to dwellings or other main buildings, including enclosed porches and garages, shall be deemed a part of such buildings and must conform to all regulations of this Ordinance applicable to such main buildings. No manufactured home, tank, junk object, or salvage materials, trailer, vehicle, or similar item shall be considered or utilized as an accessory building or storage structure.
- B. Canopy roofs, such as those for gas pump islands accessory to vehicle service stations, restaurants with drive-through facilities, banks, and other similar uses shall be permitted to encroach into any required yard, provided that a minimum setback of

ten (10) feet is maintained from any property line. The height of the canopy roof shall not exceed fourteen (14) feet and be open on all sides. The colors and design of the canopy shall be compatible with the main building. Lighting on or within the canopy shall be flush mounted. Signs shall comply with the wall sign provisions of Chapter 13 of this Ordinance.



- C. On corner lots, where the side lot line is a continuation of the front lot line of the lot to its rear, accessory buildings or uses shall be located no nearer than the front yard setback line of the lot behind the corner lots.
- D. An accessory building or use may be permitted on lot which does not contain a principal use or main building, provided the building meets the setbacks that are otherwise required by a main building in the District in which it is located.
- E. No part of an accessory building shall be used as a dwelling for residential purposes.
- F. Detached accessory buildings shall be located:
1. a minimum of ten (10) feet from any main building;
 2. at the same front yard setback as required for the main building, except that such buildings may be permitted in the front yard where the main building is set back a minimum of two hundred (200) feet from the front lot line;
 3. for buildings of less than nine hundred and sixty (960) square feet gross floor area (GFA): a minimum of ten (10) feet to any side or rear lot line; for buildings equal to or greater than nine hundred and sixty (960) square feet GFA: a minimum of thirty (30) feet to any side or rear lot line. Side yard setbacks shall be measured to the eaves of the building.
- G. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained. The outside edge of the pool wall shall not be located closer than ten (10) feet from any rear or side property line. Swimming pools shall not be located in the front yard.
- H. Accessory buildings in Nonresidential Districts and nonresidential uses in Residential Districts: not to exceed twenty-five percent (25%) of the floor area of the main building(s).

SECTION 3.09 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings placed in the Township, whether constructed on a lot or a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be:
1. new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development of 1976, as amended, or any similar successor or replacement standards which may be promulgated; or
 2. used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the lot area, lot width, residential floor area, yard, and building height requirements of the District in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the Township.
- E. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- F. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of fourteen (14) feet at time of manufacture, placement or construction.
- G. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Oceana County Health Department.
- H. The foregoing standards shall not apply to a manufactured home located in a manufactured home park licensed by the Michigan Manufactured Home Commission and approved by the Township according to the provisions contained in Chapter 7 of this Ordinance except to the extent required by state or federal law.

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

- A. Upon application, the Zoning Administrator may issue a permit for the following temporary buildings or uses. Each permit shall specify a location for such building or use and shall be valid for a period of not more than twelve (12) calendar months. Permits may be renewed by the Zoning Administrator for one (1) additional

successive period of six (6) calendar months or less at the same location and for the same purpose.

1. Temporary office building or construction yard incidental and necessary to construction at the site where located.
 2. Temporary sales office or model home incidental and necessary for the sale or rental of real property in a new subdivision or housing project. In any case, such temporary office or model home shall be removed when fifty percent (50%) or more of the lots or units have been sold or leased.
- B. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home in any Residential District.
1. Prior to issuing such permit the Zoning Administrator shall make the following determinations:
 - a. The manufactured home will be used only as a temporary use on the same lot while the individual is constructing a permanent residence.
 - b. A building permit has been issued for the construction of a permanent residence to the individual applying for the temporary manufactured home permit.
 - c. The manufactured home dwelling meets the requirements of the Oceana County Health Department and all applicable Township ordinances.
 2. Upon applying for a temporary manufactured home permit, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board. The fee shall also be collected for any extensions granted by the Zoning Administrator.
- C. In considering authorization for all temporary uses or buildings, the Zoning Administrator shall consider the following standards and may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met. The Zoning Administrator shall determine that:
1. the use or structure will not have an unreasonable detrimental effect upon adjacent properties;
 2. the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 3. the use or structure does not adversely impact the character of the surrounding neighborhood;
 4. access to the use area or structure is located at a safe location.

SECTION 3.11 FENCES

- A. Fences shall not be constructed in any public right-of-way.

- B. No fence shall contain any electrification unless necessary for agricultural purposes or for security in a Nonresidential District, or for the protection of public utility buildings or improvements.

SECTION 3.12 GREENBELTS AND LANDSCAPING

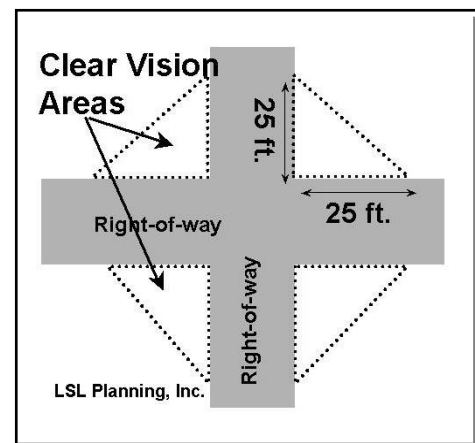
- A. In order to provide protective screening for Residential Districts or uses adjacent or near Nonresidential Districts or uses, a landscaped greenbelt may be required by the Township Board to be installed on the Nonresidential District or use property.
- B. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, or a hedge of evergreens at least four (4) feet in height, at time of planting, and situated so as to provide an effective sound and visual permanent buffer. The portion of the landscaped area not covered by plantings and trees and plants required as part of the greenbelt shall be kept in a healthy growing condition, neat and orderly in appearance. Dead or diseased plant materials shall be promptly replaced.
- C. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

SECTION 3.13 INSTALLATION OF LANDSCAPING

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

SECTION 3.14 CLEAR VISION

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.



- B. No vegetation shall be maintained in any setback area which, in the opinion of the Zoning Administrator, will obstruct the view from of vehicles entering or leaving the site from driveways or adjacent roadways. No fences over four (4) feet in height shall be permitted adjacent a driveway where visibility may be impaired at the street.

SECTION 3.15 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of essential services, may be permitted as authorized or regulated by law and other ordinances in any District. The intent of this is to exempt such actions regarding essential services from the application of this Ordinance, except for an essential service not provided by, in whole or in part, Weare Township and of benefit and use to the citizens of Weare Township.

SECTION 3.16 ILLEGAL DWELLINGS

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

SECTION 3.17 EXCAVATIONS, HOLES, OR PONDS

- A. The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued by the Building Inspector where such excavations are properly protected and warning signs posted in such manner as approved by the Building Inspector; and provided further, that this Section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.
- B. This Section shall not include excavations related to approved operations for the removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- C. Ponds created by excavations shall be setback a minimum of fifteen (15) feet to any property line. The edge of the pond shall be considered the point at which excavations begin. Ponds shall have a side slope of not less than three (3) feet horizontal to one (1) foot vertical run.

SECTION 3.18 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS

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

- A. All vehicles, if parked outside, shall not be located in any front or side yard setback area.

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

SECTION 3.19 EXTERIOR LIGHTING

All lighting of a high intensity nature, intended to illuminate broad areas, shall be directed away from, and if necessary shall be shielded to prevent the shedding of light onto adjacent properties or roadways.

SECTION 3.20 HOME OCCUPATIONS

- A. No person other than the resident occupants and two (2) employee who need not be a resident shall be engaged in the home occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The home occupation shall be operated in its entirety within the principal dwelling or attached accessory building, but shall not, in any case, exceed a total floor area equal to not more than twenty percent (20%) of the floor area of the dwelling unit.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) non-illuminated sign, not exceeding six (6) square feet in area.
- D. Any traffic generated by such home occupation shall not be so great as to cause serious adverse effects within or upon the surrounding neighborhood. Parking areas for such home occupation shall be located off the street and other than in a front yard setback area.
- E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the

normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.

SECTION 3.21 SEASONAL USES

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

SECTION 3.22 NON-CONFORMING USES AND BUILDINGS

- A. General Conditions
1. Except where specifically provided to the contrary, and subject to the provisions of this Section, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued even though such use does not conform with the provisions of this Ordinance or any amendment thereto.
 2. Except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued even though such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

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

- (1) Whether such substantial improvement will significantly extend the probable duration of the nonconforming use.
 - (2) Whether or not the land previously occupied by the nonconforming use can be reasonably used for a use permitted in the applicable District.
 - c. Reconstruction of such buildings shall begin within one (1) year of the date on which the structure was damaged. If such construction is not commenced and proceeding diligently at the end of one (1) year, the dwelling may be rebuilt or restored provided that all yard and requirements of the District in which it is located are met, or the necessary variances obtained from the Zoning Board of Appeals.
 4. Residential nonconforming dwellings damaged by fire, wind, explosion, Act of God, or public enemy may be rebuilt or restored provided that the reconstruction takes place within the confines of the original nonconforming footprint.
- E. Nonconforming Uses: Change or Discontinuance
 1. Except as noted in F, below, the nonconforming use of a building, structure, land or premises shall not be:
 - a. Re-established after it has been changed to a conforming use.
 - b. Re-established after abandoned or discontinued for a continuous period of twelve (12) months. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - (1) Utilities, such as water, gas and electricity to the property, have been disconnected;
 - (2) The property, buildings, and grounds, have fallen into disrepair;
 - (3) Signs or other indications of the existence of the nonconforming use have been removed;
 - (4) Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - (5) Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
- F. A building, structure, land or premises used for a nonconforming use may be converted to a more conforming use which is less intensive or objectionable use, determined as follows:

1. The building or premises may be changed to a use permitted by right in the same district in which the existing nonconforming use would be permitted, if the new use is required by the Zoning Ordinance to have the same, or less, parking and if the new use will be totally enclosed within a building.
 2. The use of the building or premises may be changed to another nonresidential use which would be permitted by right in a more restricted zoning district.
- G. Any building or structure shall be considered existing and lawful and for purposes of Section 3.22, A, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a building permit has been obtained therefore, if required, or, if no building permit is required, a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
- H. Any structures or uses which fail to conform to the previous Weare Township Zoning Ordinance, were not permissible, nonconforming uses or structures thereunder, and which violate the Zoning Ordinance shall not be considered permissible nonconforming uses under this Ordinance but shall be considered impermissible nonconforming uses and subject to the enforcement provisions of this Ordinance.

SECTION 3.23 DEMOLITION PERMITS

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

SECTION 3.24 PRIVATE STREETS

A. Purpose

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

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

B. Definitions

1. "Driveway" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to fewer than three (3) lots or parcels.
2. "Frontage" means the continuous linear distance of that portion of a lot or parcel abutting upon a public or private street right-of-way. Frontage is to be measured at the minimum required front yard setback of the District in which the lot or parcel is located.
3. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
4. "Private street" means an undedicated, privately controlled and maintained right-of-way or other interest in land that provides the means of access to three (3) or more lots or parcels. The term "street" shall be synonymous with the terms road, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
5. "Road Commission" means the Oceana County Road Commission.
6. "Safe and unimpeded route of travel" shall mean a roadway of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle which may be utilized by the Township.

C. Frontage and Access

1. Any three (3) or more contiguous lots not having frontage on a public street shall have frontage upon a private street.
2. All parcels utilizing a private street shall have frontage on the private street for a distance equal to or greater than the minimum lot width required for the District in which the parcel is located.
3. All private streets shall have direct access to a public street.
4. Any two (2) contiguous lots not having frontage on a public street shall be served by a driveway constructed within a minimum lot frontage of sixty-six (66) feet upon a public street.

D. Permits

1. No individual, association, corporation, or entity, either public or private, shall construct or extend a private street without first having obtained a private street permit from the Township Board.
2. The Building Inspector shall not issue building permits for construction of any building or structure on lots served by a private street until construction of a private street meeting the requirements of this Section has been completed.
3. A driveway permit for access to any public street shall be obtained from the Road Commission.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Oceana County Drain Commissioner, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.

5. All other required State of Michigan permits shall be obtained.
6. The Township Board may elect to have all design and construction plans reviewed by the Township's attorney, engineer, or planner prior to consideration of the application for the private street permit.

E. Application

An application for a private street permit shall contain the following:

1. A completed private street permit application, provided by the Township.
2. A detailed written description of the development to be served by the private street.
3. Seven (7) copies of a site plan, drawn to scale, prepared by a registered engineer, or other individual determined by the Township Board to be qualified, showing the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private street is to intersect. Proposed street names shall also be provided, including a letter from the Oceana County Road Commission approving such name(s).
4. A survey of the right-of-way by a registered land surveyor, together with lot dimensions and required setback lines for each parcel to be served by the private street.
5. The location of all public utility easements, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
6. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.
7. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.

F. Design Requirements

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

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

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

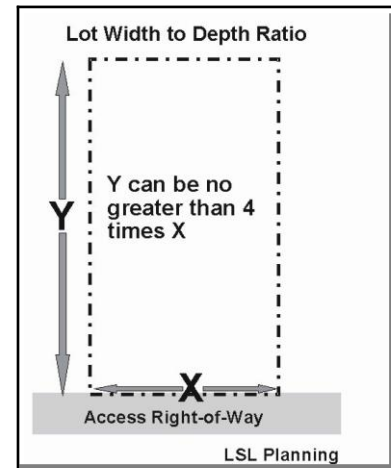
- G. Review standards; modification of certain requirements.
1. Prior to approving a private street permit application, the Township Board shall determine the following:
 - a. The proposed private street will not be detrimental to the public health, safety, or general welfare.
 - b. The proposed private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

3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners or any property owners association served by the private street.
 4. Private street maintenance or restrictive covenant agreements.
 - a. The applicant(s)/owner(s) of the proposed private street right-of-way or private street shall provide the Township Board with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein, or other documentation satisfactory to the Township Board which shall provide for and assure that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid.
 - b. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the Township Board prior to the issuance of the permit.
- I. Performance Guarantee: The Township Board may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of the Township Zoning Act and Section 15.05 of this Ordinance.
- J. Inspections/Certificate of Compliance
1. Upon completion of construction of the private street, the Township Engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
 2. The applicant(s), at the applicant(s)'s expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit and the Road Commission.
 3. If the completed private street does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall constitute a violation of this Ordinance.
- K. Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.

- L. The applicant(s)/owner(s) of the private street agree that by applying for or securing a permit to construct the private street that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, repair, and replace the private street.

SECTION 3.25 MAXIMUM WIDTH TO DEPTH RATIO

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



SECTION 3.26 SITE CONDOMINIUMS

- A. A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B. A site condominium unit shall be treated as a separate lot or parcel and may have such buildings constructed thereon and such uses conducted thereon as allowed in such zoning district provided such unit meets the District Regulations for the zoning district in which it is locate.
- C. A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the Planning Commission in accordance with Chapter 11.

SECTION 3.27 RIPARIAN ACCESS

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

- A. In all Districts there shall be at least fifty (50) feet of lake frontage, and at least two hundred (200) feet of river or stream frontage, as measured along the ordinary high water mark of the lake, river, or stream, for each single family dwelling, two-family dwelling unit, or multiple-family dwelling unit utilizing or accessing the lake, river, or stream frontage. For example, a multiple family building with four (4) dwelling units would require two hundred (200) feet of lake frontage to gain access to the lake for all of the units.
- B. The restrictions of this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all Districts, regardless of whether access to the lake, river, or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.

SECTION 3.28 STORAGE AND REPAIR OF VEHICLES

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

- A. Procedures or projects which require the vehicle to be immobile or inoperable in excess of sixty (60) days within any twelve (12) month period shall be carried out within an enclosed building.
- B. Inoperable vehicles and vehicle parts shall be stored inside a building, except for one (1) vehicle which may be stored in the rear yard in a location not plainly visible from the street or adjoining properties.

CHAPTER 4

ZONE DISTRICTS

SECTION 4.01 ZONING DISTRICTS

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

- AR Agricultural Rural Residential District
- LDR Low Density Residential District
- MHC Manufactured Housing Community District
- NC Neighborhood Commercial District
- HS Highway Service District
- LI Light Industrial District

SECTION 4.02 THE ZONING MAP

The locations and boundaries of these descriptions are hereby established on a map entitled "Weare Township Zoning Map" which is hereby adopted and declared to be a part of this Ordinance.

- A. Regardless of the existence of copies of the zoning map which may be made or published, the official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status in the Township. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map.
- B. The Official Zoning Map shall be identified by the signature of the Zoning Administrator, attested to by the Township Clerk.
- C. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Weare Township which are subject to the provisions of this Ordinance.

SECTION 4.03 DISTRICTS

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

- A. Where the boundaries are indicated as approximately following the street, alleys, or highways, the centerlines of said streets, alleys, or highways, or such lines extended shall be construed to be such boundaries.

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

SECTION 4.04 ZONING OF VACATED AREAS

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

SECTION 4.05 ZONING OF FILLED LAND

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

SECTION 4.06 ZONING DISTRICT CHANGES

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

CHAPTER 5

AGRICULTURAL RURAL RESIDENTIAL DISTRICT - AR

SECTION 5.01 DESCRIPTION AND PURPOSE

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

SECTION 5.02 PERMITTED USES

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

- A. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms, including roadside stands with less than two-hundred (200) square feet of sales area.
- B. Single family dwellings.
- C. State licensed residential family care facilities.
- D. Family day care homes.
- E. Home occupations in accordance with the requirements of Section 3.20.
- F. Public parks, playgrounds, and cemeteries.
- G. Single family site condominium projects, subject to Site Plan Review in accordance with the requirements of Chapter 11.
- H. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses, or Special Land Uses.

SECTION 5.03 SPECIAL LAND USES

Land and/or buildings in the AR District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 13:

- A. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- B. State licensed residential group care facilities.
- C. Group and commercial day care homes and facilities.

- D. Roadside stand with two-hundred (200) square feet or more of sales area.
- E. Bed and breakfast establishments.
- F. Schools, churches, libraries, and community center buildings.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- H. Radio and television transmitting buildings and related towers exceeding one hundred (100) feet in height or towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.
- I. Intensive Livestock Operations.
- J. Migrant Housing.
- K. Wastewater treatment facilities.
- L. Sanitary sewer and water mains.

SECTION 5.04 DISTRICT REGULATIONS

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

FRONT YARD	30 feet
SIDE YARD	30 feet minimum
REAR YARD	50 feet
BUILDING HEIGHT	35 feet or 2½ stories
LOT COVERAGE	15%
MINIMUM LOT AREA	3 acres
	Non-Residential Uses - 2 acres
MINIMUM LOT WIDTH	200 feet
MINIMUM DWELLING UNIT FLOOR AREA	960 square feet GFA/600 square feet GFA on ground floor

CHAPTER 6

LOW DENSITY RESIDENTIAL DISTRICT - LDR

SECTION 6.01 DESCRIPTION AND PURPOSE

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

SECTION 6.02 PERMITTED USES

Land and/or buildings in the LDR District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 11:

- A. Single family dwellings.
- B. State licensed residential family care facilities.
- C. Family day care homes.
- D. Home occupations in accordance with the requirements of Section 3.20.
- E. Public parks, playgrounds, and cemeteries.
- F. Single family site condominium projects, subject to Site Plan Review in accordance with the requirements of Chapter 11.
- G. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses, or Special Land Uses.
- H. Adult Foster Care and Homes for the Aged.

SECTION 6.03 SPECIAL LAND USES

Land and/or buildings in the LDR District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 13:

- A. Two-family dwellings.
- B. Multiple-family dwellings.
- C. Roadside stands with two-hundred (200) square feet or more of sales area.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Churches, libraries, and community center buildings.
- G. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

SECTION 6.04 DISTRICT REGULATIONS

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

FRONT YARD		30 feet
SIDE YARD	Single and Two Family Dwellings	60 feet total/30 feet minimum
	Multiple Family Dwellings	30 feet
	Nonresidential Buildings	30 feet
REAR YARD		30 feet
BUILDING HEIGHT		35 feet or 2½ stories
LOT COVERAGE		15%
MINIMUM LOT AREA	Single Family Dwellings	1.0 acre
	Two Family Dwellings	2.5 acres
	Multiple Family Dwelling	2 acres for first 4 units plus 2,500 square feet for each unit over 4. Overall net density shall not exceed four (4) units per acre
	Nonresidential Uses	2.0 acres
MINIMUM LOT WIDTH	Single Family Dwellings	150 feet
	Two Family Dwellings	200 feet
MINIMUM FLOOR AREA	Single and Two Family Dwellings	960 square feet GFA/600 square feet GFA on ground floor
	Multiple Family Dwellings	800 square feet UFA per unit plus 400 square feet per bedroom for each bedroom over 2

CHAPTER 7

MANUFACTURED HOUSING COMMUNITY DISTRICT - MHC

SECTION 7.01 DESCRIPTION AND PURPOSE

The Manufactured Housing Community District is intended to provide regulations for manufactured housing communities and to provide for additional variety in housing opportunities and choices.

SECTION 7.02 PERMITTED USES

Land, buildings and structures in the MHC District may be used for the following purposes as Permitted Uses, unless otherwise provided in this Ordinance. Site plan approval for all Permitted Uses shall be in accordance with the requirements of Chapter 11, except for manufactured housing communities, which shall be subject to the site plan provisions of Section 7.06.

- A. State-licensed manufactured housing communities, as regulated by Sections 7.04 through 7.06 of this Ordinance.
- B. Family day care homes.
- C. State-licensed residential family care facilities.
- D. Accessory buildings, structures and uses.

SECTION 7.03 SPECIAL LAND USES

Land and/or buildings in the MHC District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 13:

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- B. Group day care homes and facilities.

SECTION 7.04 MANUFACTURED HOUSING COMMUNITY DESIGN REQUIREMENTS

All manufactured housing communities shall comply with the following design requirements:

A. Access and Roads

1. The community’s internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
2. Two (2) access points shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall be interpreted as satisfying this requirement.
3. All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of the American Association of State Highway and Transportation Officials (“AASHTO”).
4. An internal road that has no exit at one end shall terminate with an adequate turning area. Parking shall not be permitted within the turning area.
5. Safe-sight distance shall be provided at intersections.
6. An offset at an intersection or an intersection of more than two (2) internal roads is prohibited.
7. The following types of internal roads shall have driving surfaces that are not less than the following widths:

One-way, no parking	16 feet
Two-way, no parking	21 feet
One-way, parallel parking, one side	23 feet
One-way, parallel parking, two sides	33 feet
Two-way, parallel parking, one side	31 feet
Two-way, parallel parking, two sides	41 feet

8. All entrances to communities that have three hundred (300) or more home sites shall be a minimum of thirty (30) feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community’s internal road, and shall be constructed as follows:
 - a. All turning lanes shall be a minimum of ten (10) feet in width and sixty (60) feet in depth, measured from the edge of the pavement of the public road into the community.
 - b. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty (60) feet.
 - c. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road with a curved line that has a minimum radius of fifteen (15) feet. The intersection of the public road and ingress and egress road shall not have squared corners.

9. An orderly street name system and unit numbering system shall be established by the community owner and the plan of such system approved by the Township Fire Department. Manufactured home space numbers shall be located uniformly on each space, housing unit or identification marker, throughout the community, and street names shall be adequately marked at all internal road intersections.
10. Appropriate traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.

B. Driveways

1. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials.
2. The minimum width of driveways shall be ten (10) feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

C. Resident Vehicle Parking

1. All home sites shall be provided with two (2) parking spaces.
2. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:
 - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
 - b. The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two (2) parking spaces shall not be less than nineteen (19) feet and the length shall be not less than twenty (20) feet.
3. If the two resident vehicle parking spaces required by this section are provided off the home site, then the parking spaces shall be within thirty (30) feet of the home site and each parking space shall have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
4. If parking bays are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.

D. Visitor Parking Facilities.

1. A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking.

2. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve, as measured along a road or sidewalk.
3. If parking bays are provided for visitor parking, they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.

E. Sidewalks

1. Sidewalks shall be constructed in the community and maintained for the safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one (1) side of all internal collector roads within the community and to the public right-of-way and to all service facilities including but not limited to central laundry, central parking, and recreation areas. Sidewalks shall also be required along that portion of a community fronting along public thoroughfares.
2. All sidewalks shall be constructed in compliance with all of the following requirements:
 - a. Sidewalks shall have a minimum width of four (4) feet and shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws, an act which regulates sidewalks for handicappers.
 - b. All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission Rules and AASHTO standards.
3. An individual sidewalk with a minimum width of three (3) feet shall be constructed between at least one (1) entrance, or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or the common sidewalk.

F. Lighting

1. Access points shall be lighted. If the public thoroughfare is lighted, then the illuminated level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
2. At all internal road intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 foot candle.
3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 foot candle.
4. If a community directory is provided, then it shall be illuminated at not less than 3.15 horizontal foot candles on any entry on the directory.

G. Utilities

1. All electrical, telephone, cable television, natural gas, and other utility services shall be installed underground and specifically designed in conformance with the Manufactured Housing Commission Rules. When separate meters are installed, each meter shall be located in a uniform manner on each housing site.
2. All manufactured housing sites and all other buildings within the community shall be connected to the water system of the Township, if it is available to the community, or to another state-approved system. The community water system shall conform to Parts 2-4 of the Michigan Department of Environmental Quality (MDEQ) manufactured housing community standards.
3. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the community.
4. All manufactured housing sites and all other buildings within the community shall be connected to the sanitary sewage system of the Township, if it is available to the community, or to another state-approved system. The community's sanitary sewage system shall conform to the MDEQ manufactured housing community standards.
5. All storm sewers shall be constructed in accordance Parts 2-4 of the MDEQ manufactured housing community standards. Additional requirements for a community may be established by the Oceana County Drain Commissioner, pursuant to Section 11(3) of Public Act 96 of 1987, as amended.

H. Site Size, Spacing and Setback Requirements

1. Home Site Area. The manufactured housing community shall be developed with sites averaging five thousand five hundred (5,500) square feet per manufactured housing unit. This five thousand five hundred (5,500) square feet average may be reduced by twenty percent (20%) provided that each individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the average site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.
2. Required Distances Between Homes and Other Structures.
 - a. Home sites shall be arranged to allow for, and manufactured homes shall be located to comply with, all of the following minimum separation distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:

- (1) For a home not sited parallel to an internal road, twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes.
 - (2) For a home sited parallel to an internal road, fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersecting internal road.
 - (3) Ten (10) feet from either of the following:
 - (a) The parking space on an adjacent home site.
 - (b) An attached or detached structure or accessory of an adjacent home that is not used for living purposes.
 - (4) Fifty (50) feet from permanent community-owned structures, such as either of the following:
 - (a) Club houses.
 - (b) Maintenance and storage facilities.
 - (5) One hundred (100) feet from a baseball or softball field.
 - (6) Twenty five (25) feet from the fence of a swimming pool.
- b. Attached or detached structures or accessories that are not used for living space shall be a minimum of ten (10) feet from an adjacent home or its adjacent attached or detached structures.
- c. Any part of an accessory structure, such as steps, porches, supported or unsupported awnings, decks, enclosed carports or garages, or similar structures shall be set back the following minimum distances:
- (1) Ten (10) feet from the edge of an internal road.
 - (2) Seven (7) feet from a parking bay off a home site.
 - (3) Seven (7) feet from a common sidewalk.
 - (4) Twenty five (25) feet from a natural or man-made lake or waterway.
- d. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the two (2) long sides and the entrance side:
- (1) Support pillars that are installed adjacent to the edge of an internal road shall be set back four (4) feet or more from the edge of the internal road or two (2) feet or more from the edge of a sidewalk.
 - (2) Roof overhangs shall be set back four (4) feet or more from the edge of the internal road.

3. Setbacks From Property Boundary Lines.
 - a. Homes, permanent buildings and facilities, and other structures shall not be located closer than fifty (50) feet from the property boundary line of the community.
 - b. If homes, permanent buildings and facilities, and other structures abut a public right-of-way, then they shall not be located closer than fifty (50) feet from the boundary line. If the boundary line runs through the center of the public road, then the fifty (50) feet shall be measured from the road right-of-way line.

- I. Screening/Landscaping: Manufactured housing communities shall be landscaped as follows:
 1. If a manufactured housing community abuts an existing residential use, the community shall be required to provide landscape screening along the boundary abutting the residential use.
 2. If the community abuts a non-residential development, it need not provide screening.
 3. In all cases, however, a community shall provide landscape screening along the boundary abutting a public right-of-way.
 4. The landscaping shall consist of evergreen trees or shrubs at least three (3) feet in height at planting which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
 5. Exposed ground surfaces in all parts of the community shall be paved or covered with ornamental stone or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the community shall be graded and equipped to drain all surface water in a safe and efficient manner.

- J. Open Space Requirements
 1. Manufactured housing communities shall provide open space in accordance with the following requirements: A community that contains fifty (50) or more home sites shall not have less than two percent (2%) of the community's gross acreage dedicated to designated open space, but in no case less than twenty five thousand (25,000) square feet. At least one-half (½) of the required open space, up to two (2) acres, shall be dedicated to community recreational uses.
 2. Community recreation uses with the required open space may include, but are not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.
 3. Required setbacks may not be used in the calculation of open space area.

K. Site Constructed Buildings and Dwellings.

1. Site constructed buildings within the community such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be reviewed by the Township at the time of submission for a building permit, unless approved as part of the original plan for the community.
2. The maximum height of any community or similar building shall not exceed thirty five (35) feet, or two (2) stories in height, whichever is less. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.
3. Community or service buildings shall not be located adjacent to an adjoining parcel that is either zoned or developed for single-family residential purposes.
4. Site-built single-family dwellings may be located in a community as follows:
 - a. One (1) single-family dwelling may be permitted for the exclusive use of the community owner or manager in a community of thirty (30) acres or less.
 - b. Two (2) single-family dwellings may be permitted for the exclusive use of the community owner, manager, or caretaker in a community in excess of thirty (30) acres.
 - c. Any such single-family dwellings permitted under this Section shall comply in all respects with the requirements of single-family dwellings in the Residential District.

L. Signs

1. There shall be a maximum of one (1) sign per road frontage with an entrance which shall bear only the name of the community.
2. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Housing Commission Rules. The sign may be lighted, provided that the source of the light is not visible and is not of the flashing or intermittent type.
3. One (1) sign, not exceeding thirty two (32) square feet in area shall be permitted for the first entrance provided to the community.
4. For multiple entrances, a sixteen (16) square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.

- M. RV Storage: If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing community, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this Ordinance and shall be adequately locked, fenced and permanently buffered.

- N. Compliance with Regulations: The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan Manufactured Housing Commission, as amended from time to time.
- O. Compliance with Americans with Disabilities Act: To the extent applicable, the community shall comply in all respects with the Americans with Disabilities Act, 42 USC § 12101, *et seq.* and the administrative rules promulgated thereunder.

SECTION 7.05 MANUFACTURED HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES; OPERATION OF COMMUNITIES.

- A. Home Size: Manufactured homes within a community shall not contain less than nine hundred twenty (920) square feet, as measured by the outside dimensions, nor have an outside width of less than thirteen (13) feet.
- B. Installation: The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602A of the Manufactured Housing Commission Rules. All utility connections to homes within the community shall be performed in accordance with the requirements of Rule 603 of the Manufactured Housing Commission Rules.
- C. Skirting shall be installed around all manufactured housing units and meet all of the following requirements:
 - 1. Skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a certificate of occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the requirements established by the rules of the Michigan Manufactured Housing Commission.
 - 2. Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

- D. Storage of Personal Property
1. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any mobile home, or within carports which are open on any side.
 2. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio or equivalent type of surface associated with the home.
 3. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual mobile home site for the storage of personal property.
- E. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
- F. A manufactured home shall be used only as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.
- G. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary, prior to building official inspection and approval.
- H. New or pre-owned manufactured homes, which are to remain on-site in the manufactured housing community, may be sold by the resident, owner or a licensed dealer or broker, provided that manufactured housing development management permits the sale.
- I. The owner or operator of any community shall be responsible for all street maintenance within the confines of the community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
- J. Swimming pools, if provided, shall be in compliance with Act 368 of the Public Acts of 1978, as amended, and the rules promulgated thereunder.
- K. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
- L. Each home site shall have approved garbage containers that meet the requirements of the Manufactured Housing Commission. The containers shall be kept in sanitary conditions at all times. It shall be the responsibility of the community operator to ensure that all garbage containers do not overflow and to ensure that all areas within the community are maintained free from any trash or other discarded materials.

- M. Every unit shall be equipped with fire extinguishment equipment in good working order, with type, size and number so located as to be in compliance with Rule 702A of the Manufactured Housing Commission Rules. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with the regulations of the State Police Fire Marshal Division.

SECTION 7.06 REVIEW AND APPROVAL OF PRELIMINARY MANUFACTURED HOUSING COMMUNITY PLANS

- A. Review: Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for its review and approval.
- B. Application: All plans submitted to the Planning Commission for review under this section shall contain the following information, provided, however, that detailed construction plans shall not be required to be submitted to the Township:
1. The date, north arrow and scale. The scale shall not be less than one inch equals fifty feet (1" = 50') for property under three (3) acres and at least one inch equals one hundred feet (1" = 100') for those three (3) acres or more.
 2. All site and/or property lines are to be shown in dimension.
 3. The location and height of all existing and proposed structures on and within the subject property, and existing within one hundred (100) feet of the subject property.
 4. The location and dimensions of all existing and proposed internal drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
 5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
 7. The name and address of the property owner and developer.
 8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 9. Location of all fire hydrants, if applicable.
 10. The number of manufactured housing sites proposed.
 11. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of stormwater management facilities.
 12. Utility and other easements.
 13. Existing wetlands.
 14. Proposed sign locations.
 15. All required setbacks and separations.

- C. Fee: Fees for the review of a manufactured housing community plan shall be established by resolution of the Township Board.

- D. Decision
 - 1. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this Chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with the Ordinance and regulations, it shall be approved.
 - 2. The plan shall be approved, approved with conditions, or denied within sixty (60) days after received by the Township, unless the applicant consents, in writing, to allow a longer period of review.

CHAPTER 8

NEIGHBORHOOD COMMERCIAL DISTRICT - NC

SECTION 8.01 DESCRIPTION AND PURPOSE

This District is intended to permit local retail business and service uses which are desirable to serve the residential areas of the Township. Generally, square footage of Neighborhood Commercial uses should not exceed ten-thousand (10,000) square feet of building area.

SECTION 8.02 PERMITTED USES

Land and/or buildings in the NC District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 11:

- A. Office buildings for any of the following occupations:
 - 1. Executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
 - 2. Medical and dental offices, but not including clinics.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry-cleaning service outlets, beauty shops, fitness centers, travel agencies, and other similar uses, as determined by the Zoning Administrator.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies.
- F. Restaurants, excluding drive-through facilities.
- G. Private clubs, fraternal organizations, and lodge halls.
- H. Commercial child care centers.
- I. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- J. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses, or Special Land Uses.

SECTION 8.03 SPECIAL LAND USES

Land and/or buildings in the NC District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 13:

- A. Funeral homes and mortuary establishments.
- B. Veterinary hospitals, animal clinics, and kennels.
- C. Commercial storage warehouses.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

- E. Bulk propane storage and distribution.
- F. Automobile service center and repair garage except that vehicle body work and painting are not permitted in this section or the sale of automobiles, is not permitted in this section.

SECTION 8.04 SITE DEVELOPMENT REQUIREMENTS

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

FRONT YARD		25 feet
SIDE YARD	Side abutting Residential Districts or uses	50 feet
	Side abutting other Districts	10 feet
REAR YARD		35 feet
LOT COVERAGE		40% (including building and parking areas)
BUILDING HEIGHT		35 feet or 2½ stories
MINIMUM LOT AREA		25,000 square feet
MINIMUM LOT WIDTH		100 feet

- B. The outdoor storage of goods or materials shall be prohibited in the front yard setback area. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties. The required front yard area, except for necessary entrance drives, shall be landscaped.

CHAPTER 9

HIGHWAY SERVICE DISTRICT - HS

SECTION 9.01 DESCRIPTION AND PURPOSE

This District is intended to service the traveling public, the transportation industry, and minor local needs. The avoidance of undue congestion on main and feeder roads, the promotion of smooth traffic flow at intersections, and the protection of adjacent properties in other zones from the adverse influence of traffic are prime considerations in the application of this District.

SECTION 9.02 PERMITTED USES

Land and/or buildings in the HS District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 11:

- A. Automobile service stations
- B. Restaurants, including drive-through facilities
- C. Retail sales which market only convenience goods such as groceries, meats, dairy products, produce, baked goods, beverages and automobile parts.
- D. Motels, hotels and transient lodging facilities (not including travel parks) and provided that with the exception of the owner, in no instance shall occupancy exceed thirty (30) days in any given calendar year.
- E. Utility-type trailer rental facilities not including the business of the storage of trailers, campers, etc.
- F. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses, or Special Land Uses.

SECTION 9.03 SPECIAL LAND USES

Land and/or buildings in the HS District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 13:

- A. Automobile service center and repair garage except that vehicle body work and painting are not permitted under this Section.
- B. Auto wash establishments
- C. Open Air Business

SECTION 9.04 DISTRICT REGULATIONS

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

FRONT YARD	30 feet
SIDE YARD	10 feet minimum
REAR YARD	50 feet
BUILDING HEIGHT	45 feet or 3 stories
LOT COVERAGE	35%
MINIMUM LOT AREA	2 acres
MINIMUM LOT WIDTH	150 feet

CHAPTER 10

LIGHT INDUSTRIAL DISTRICT - LI

SECTION 10.01 DESCRIPTION AND PURPOSE

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

SECTION 10.02 PERMITTED USES

Land and/or buildings in the LI District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 11:

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

- B. Industrial plants manufacturing, compounding, processing, packaging, treating or assembling of materials or products from previously prepared materials the following:
 - 1. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yarn and thread, and other similar products.
 - 2. Apparel and other finished products including clothing, leather goods, furnishing and canvas products.
 - 3. Lumber and wood products including mill work, prefabricated structural work products and containers.
 - 4. Paper and paperboard containers and products.

5. Biological products, drugs, medicinal chemicals and pharmaceutical preparations
 6. Glass products.
 7. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusement, sporting, and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs and advertising displays.
 8. Pottery and figurines and other ceramic products using only previously pulverized clay.
 9. Fabricated metal products, except heavy machinery and transportation equipment.
- C. Wholesale businesses, including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and lumber.
- D. Warehousing, refrigerated and general storage.
- E. Laundries, laundry services, and dry cleaning and dyeing plants, excluding retail/service outlets serving the general public.
- F. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities.
- G. Research and development facilities, including production activities, which shall be limited to fifty percent (50%) of the floor area of the main building.
- H. Trade or industrial schools.
- I. New building materials sales and storage, including building trade contractors, and related storage yards.
- J. Body shops.
- K. Utilities and communications installations such as electrical receiving or transforming stations, microwave towers, and television and radio towers.
- L. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- M. Buildings, structures, and uses accessory to the Permitted and Special Land Uses.

SECTION 10.03 SPECIAL LAND USES

Land and/or buildings in the LI District may be used for the following purposes following review by the Planning Commission as a Special Land Use as regulated by Chapter 13:

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

SECTION 10.04 SITE DEVELOPMENT REQUIREMENTS

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

- A. The first thirty five (35) feet of the front yard area, except for necessary entrance drives, shall be landscaped.
- B. All Permitted Uses and Special Land Uses shall be conducted wholly within a completely enclosed building, except for loading and unloading operations, and the on-site parking of vehicles, or as otherwise permitted by this ordinance.
- C. Outside storage of materials, equipment, or vehicles is permitted, subject to the following restrictions:
1. Materials may be stored only in the side or rear yards, except that materials may not be stored on the street side of the corner lot. In no case shall materials be stored in any required yard.
 2. All storage of materials shall be visually screened to a height of at least six (6) feet above the elevation of the nearest adjacent road or property. Such screening shall consist of either a decorative fence, wall, or greenbelt, or a combination of these materials.
 3. In no case shall the outside storage of material be stacked higher than the height of the visual screen.
 4. One (1) nongated opening, no greater than twelve (12) feet in width, shall be permitted in the screen for each two-hundred (200) feet of property frontage on a public street.
- D. Development requirements:

FRONT YARD	50 feet
SIDE YARD	Side abutting Residential Districts or uses - 50 feet
	Street side of a corner lot - 50 feet
	Side abutting other districts 20 feet
REAR YARD	35 feet
LOT COVERAGE	60% (including building and parking areas)
BUILDING HEIGHT	40 feet
MINIMUM LOT AREA	5 acres
MINIMUM LOT WIDTH	330 feet

CHAPTER 11

SITE PLAN REVIEW

SECTION 11.01 PURPOSE

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

SECTION 11.02 SITE PLANS REVIEWED

In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:

- A. All Permitted Uses within any District which includes the construction of a building addition with an enclosed floor area greater than 25 percent (25%) of the existing enclosed building floor area, and/or construction of a new building or structure with an enclosed floor area of five thousand (5,000) square feet or greater, except for single family detached and two-family dwellings, farms, including roadside stands with less than two-hundred (200) square feet of sales area, state licensed residential family care facilities, family day care homes, and home occupations.
- B. Special Land Uses in all Zoning Districts.
- C. Developments or land divisions including site condominiums containing six (6) or more lots in any district.
- D. As is otherwise required by this Ordinance.

SECTION 11.03 SITE PLAN REVIEW REQUIREMENTS

- A. Preliminary Site Plan Review
 - 1. If desired by the applicant, ten (10) copies of a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.

2. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator.
 - a. Small scale sketch of properties, streets and use of land within one half ($\frac{1}{2}$) mile of the area, including the zoning of surrounding property.
 - b. Ten (10) copies of a site plan at a scale not to exceed one (1) inch equals one hundred (100) feet (1" = 100'). The following items shall be shown on the plan:
 - (1) Existing adjacent streets and proposed streets
 - (2) Lot lines and approximate dimensions
 - (3) Parking lots and access points
 - (4) Proposed buffer strips or screening
 - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - (6) Location of any signs not attached to the building
 - (7) Existing and proposed buildings.
 - (8) General topographical features including contour intervals no greater than ten (10) feet.
 - (9) All buildings and driveways within one hundred (100) feet of all property lines.
 - c. A narrative (shown on the site plan or submitted separately) describing in general terms:
 - (1) The overall objectives of the proposed development.
 - (2) Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - (3) Dwelling unit densities by type, if applicable.
 - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
 - (5) Proposed method of providing storm drainage.
3. The Planning Commission shall review the preliminary site plan and make recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.

B. Final Site Plan Review

If desired by the applicant, ten (10) copies of a final site plan prepared by a registered professional competent in such matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan reviews shall include the following information, unless deemed unnecessary by the Planning Commission:

1. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property under three (3) acres and at least 1"=100' for those three (3) acres or more.
2. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan, unless waived by the Planning Commission.
3. The name and address of the property owner or petitioner.
4. A location sketch.
5. Legal description of the subject property.
6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
7. Property lines and required setbacks shown and dimensioned.
8. The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.
9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas.
11. The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.
12. The existing zoning and use of all properties abutting the subject property.
13. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
14. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
15. The location and size of all surface water drainage facilities.
16. Existing and proposed topographic contours at a minimum of five (5) foot intervals.
17. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

SECTION 11.04 APPLICATION AND REVIEW

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

SECTION 11.05 PLAT REQUIREMENTS

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

SECTION 11.06 ADMINISTRATIVE FEES

Site Plan Review applications shall be accompanied by a fee, as established by the Township Board. The fee shall be for the payment of administrative costs and services expended by the Township in the implementation of this Chapter and the processing of the application. A portion of the fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. No part of such fee shall be returnable.

SECTION 11.07 CHANGES IN THE APPROVED SITE PLAN

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

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

SECTION 11.08 REVIEW STANDARDS

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

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Weare Township.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- F. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
- H. All streets and driveways shall be developed in accordance with the Township Subdivision Control Ordinance, the Oceana County Road Commission, or Michigan Department of Transportation specifications, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural character of the Township.

- K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
- M. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before final site plan approval or an occupancy permit is granted.
- N. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.
- O. The general purposes and spirit of this Ordinance and the Master Plan shall be maintained.

SECTION 11.09 CONDITIONS OF APPROVAL

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

SECTION 11.10 APPEAL

Any person aggrieved by the action of the Planning Commission regarding site plan review may appeal in writing to the Township Board of Appeals in accordance with the provisions of Section 14.07.

CHAPTER 12

PARKING AND SIGN REQUIREMENTS

SECTION 12.01 SCOPE

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

SECTION 12.02 LOCATION OF PARKING

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

- A. Single and Two Family Dwellings: The off-street parking facilities required for single and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. Multiple Dwellings: The off-street parking facilities for multiple family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this Chapter. In no event shall any uncovered parking space for a Multiple Family building in an LDR District be located nearer than ten (10) feet to any main building.
- C. Manufactured Housing Communities: The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements.
- D. Other Land Uses: The off-street parking required may be located on each site or in parking lots within three hundred (300) feet of and readily accessible to each site.

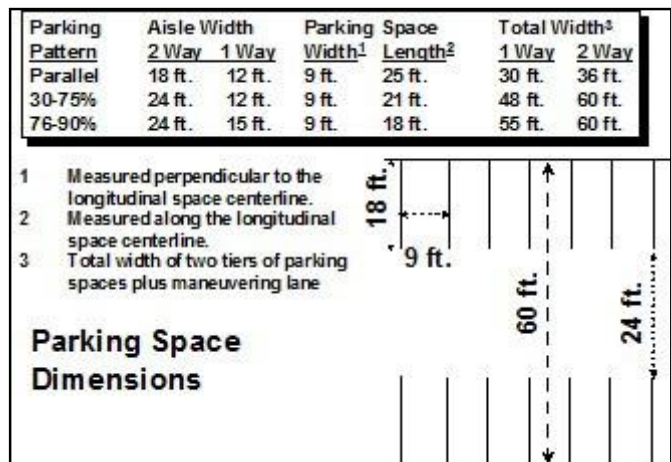
SECTION 12.03 PARKING LOT REQUIREMENTS

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

- B. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.
- C. All illumination for all parking lots in the NC and HS Districts shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day. The source of illumination in all parking lots abutting a Residential District or use shall not be higher than fifteen (15) feet above the parking lot surface.
- D. When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective side or rear yard in which said parking is located shall contain a minimum setback of twenty (20) feet excluding any parking or drives, unless a greater setback is required by any other provision of this Ordinance.
- E. Required nonresidential parking lots abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence or wall, or a landscaped equivalent.
- F. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways.
- G. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines. Such devices shall be securely anchored into the parking lot to ensure that they remain stationary.
- H. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations. The minimum parking space dimensions for a layout not provided for in the regulations shall be nine (9) feet in width, eighteen (18) feet in length, and one hundred and sixty-two (162) square feet in area.

SECTION 12.04 PARKING LOT PLANS

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot and before a Certificate of Occupancy is issued. Plans for the development of any parking lot must be



submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage, pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work and shall conform to the provisions of this Chapter.

SECTION 12.05 PARKING RESTRICTIONS

- A. In any District, it shall be unlawful to use required off-street parking areas for the storage or parking of vehicles in excess of twenty four (24) hours, except as may be permitted for a commercial use.
- B. It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.
- C. After the effective date of this Ordinance it shall be unlawful on lots or parcels of less than one and one-half (1½) acres for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking, either day or night, thereon of trucks (over one (1) ton), semi-trucks and trailers, manufactured homes, construction equipment, and/or any other similar equipment or machinery used for commercial purposes for a period exceeding forty eight (48) hours. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and equipment necessary to be parking overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.
- D. No vehicle parking, storage, or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

SECTION 12.06 OFF-STREET PARKING REQUIREMENTS

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

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Single family dwelling	2
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit, plus 1 additional space for each 2 units
Institutional	
Group day care homes and group foster care homes	1 space for each 4 clients
Churches, theaters, assembly areas, auditoriums, gymnasiums	1 space for each 4 seats or each 8 feet of pew length or 1 space for and each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary and middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	1 space for each 8 students, plus 1½ spaces for each classroom, plus amount required for auditorium or gymnasium seating

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Vehicle wash establishments (self service or automatic)	1 space for each 5 stalls
Beauty/barber shop	3 spaces for each chair
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	1 space for each 100 sq. ft. UFA or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	1 space for each 100 sq. ft. of UFA or 1 space for each 1½ persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Commercial	
Vehicle service stations	1 space for each service stall, plus 1 space for each pump island
Personal service establishments not otherwise specified	1 space for each 50 sq. ft. UFA
Furniture, appliance and household goods retail sales	1 space for each 1,000 sq. ft. UFA
Funeral homes and mortuary establishments	1 space for each 50 sq. ft. UFA
Open air businesses	1 space for each 200 sq. ft. of indoor UFA plus 1 space for each 1,000 sq. ft. of outdoor display area
Retail stores not otherwise specified	1 space for each 200 sq. ft. UFA
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses
Video rental stores	1 space for each 100 sq. ft. UFA

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Offices	
Banks, credit unions, savings and loan associations and other similar uses	1 space for each 150 sq. ft. UFA plus 3 spaces for each non-drive through automatic teller machine
Offices not otherwise specified	1 space for each 300 sq. ft. UFA
Medical and dental offices and clinics	1 space for each 75 sq. ft. of waiting room area plus 1 space for each examining room, dental chair, or similar use area

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Industrial	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	1 space for each 1,000 sq. ft. GFA plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	1 space for each 2,000 sq. ft. GFA plus those spaces required for offices located on the premises

SECTION 12.07 OFF-STREET LOADING REQUIREMENTS

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the NC and HS Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. LI District
 - 1. In the LI District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

SECTION 12.08 SIGNS - DESCRIPTION AND PURPOSE

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

- A. To protect the safety and welfare of Township residents; to conserve and enhance the character of the Township; and to promote the economic viability of commercial and other areas by minimizing visual clutter.
- B. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision or are distracting or confusing.
- C. To promote uniformity in the size, number, and placement of signs within zoning districts.
- D. To promote the identification of establishments and premises in the Township.

SECTION 12.09 SIGNS - DEFINITIONS

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

- A. Construction Sign: A sign which identifies the owners, contractors, architects, and/or engineers of a building(s) or development project under construction.
- B. Commercial Establishment: A business operating independently of any other business located in a freestanding building; in a group of stores or similar establishments that are located side-by-side in a single building, sometimes call a strip mall, as a business completely separated from other businesses by walls from the ground up and separate entrances.
- C. Community Special Event Sign: A portable sign erected for a limited time for the purpose of calling attention to special events of interest to the general public and which are sponsored by governmental agencies, schools, or other non-profit groups whose purpose is of a public, charitable, philanthropic, religious or benevolent nature.
- D. Directional Sign: A sign which gives directions, instruction, or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit signs.
- E. Freestanding Sign: A sign not attached to a building or wall and which is supported by one (1) or more poles or braces or which rests on the ground or on a foundation that rests of the ground.
- F. Governmental Sign: A sign erected or required to be erected by the Township, the County of Oceana, or by the state or federal government.
- G. Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure, or site.
- H. Political Sign: A sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions.
- I. Real Estate Sign: A sign advertising the real estate upon which the sign is located as being available for sale, rent, or lease.
- J. Sign: A device, structure, fixture, or placard using graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, commodity, or activity, or displaying or depicting other information.

- K. Subdivision Identification Sign: A sign identifying or otherwise stating the name of a platted subdivision, site condominium development, multifamily development, or other residential development.
- L. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building, extending not greater than twelve (12) inches from the exterior face of the wall to which it is attached.

SECTION 12.10 SIGNS PROHIBITED

The following types of signs are expressly prohibited:

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

SECTION 12.11 SIGNS EXEMPTED

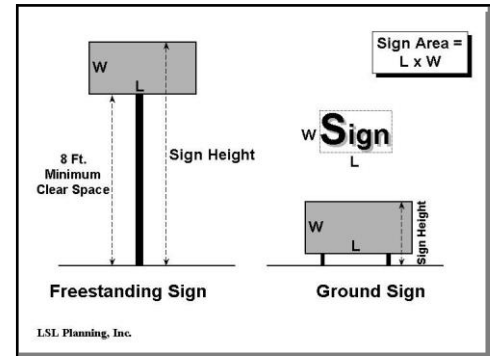
The following signs shall be exempt from the provisions of this Chapter.

- A. Governmental signs.
- B. Signs for essential services
- C. Historical markers.
- D. Memorial signs or tablets.
- E. Political signs, except that such signs shall be removed within the time stated in Section 12.14, D.
- F. Signs with an address and/or name of the owner or occupant, of not more than two (2) square feet in area, attached to a mailbox, light fixture, or exterior wall.

SECTION 12.12 MEASUREMENT OF SIGNS

- A. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo and any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.

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



SECTION 12.13 SIGN APPLICATION AND PERMITS

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

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

SECTION 12.14 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. It shall be unlawful for any person to erect, place, maintain, or continue a sign upon any lands in the Township except in accordance with the provisions of this Ordinance.
- B. All signs shall be stationary and shall pertain only to the business or activity conducted on the premises, except for political signs and community special event signs.
- C. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
- D. Political signs shall be removed within ten (10) days after the election or referendum to which the sign refers.
- E. Except for governmental signs, no sign shall be placed in, or extend into, any public street right-of-way.
- F. One (1) construction sign per site is permitted, subject to the following restrictions:
 - 1. Construction signs shall not be larger than thirty two (32) square feet and shall not exceed twelve (12) feet in height.
 - 2. Construction signs shall not be erected until a building permit has been issued for the building or project which is the subject of the proposed sign and construction activity has begun.
 - 3. Construction signs shall be removed immediately upon issuance of any occupancy permit for the building or structure which is the subject of the construction sign.
- G. Community special event signs may be permitted for a period not to exceed thirty (30) days.
- H. Directional signs shall not exceed six (6) square feet in area per sign.
- I. No wall sign shall project above the building roof line.

- J. Flashing and intermittently illuminated signs are prohibited. Any sign lighting shall be shielded from vehicular traffic and adjacent residential properties.

SECTION 12.15 NONCONFORMING SIGNS

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this Chapter is deemed to be nonconforming.
- B. Nonconforming signs may not be expanded, enlarged, or extended, but they may be maintained and repaired so as to continue their useful life.
- C. A nonconforming sign may be diminished in size or dimension, or the copy on the sign may be amended or changed, without adversely affecting the status of the sign as a nonconforming sign.

SECTION 12.16 SIGNS IN RESIDENTIAL DISTRICTS

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

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

SECTION 12.17 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

In addition to signs permitted and as regulated in all districts, the following signs are permitted in the NC Neighborhood Commercial District, HS Highway Service District, and LI Light Industrial District:

- A. One (1) freestanding sign for each lot or parcel of land, not to exceed sixty-four (64) square feet in sign area and not to exceed twenty (20) feet in height.

B. Wall Signs in Commercial Districts

1. Each commercial establishment shall be permitted to have one (1) wall sign. For each commercial establishment on a corner lot, one (1) wall sign per public or private street frontage is permitted.
 - a. Commercial establishments located in a freestanding building with one hundred (100) feet or less of freestanding building frontage shall be permitted a wall sign area not to exceed one (1) square foot of sign for each lineal foot of street frontage of such freestanding building,
 - b. Commercial establishments with more than one hundred (100) feet of freestanding building frontage shall be permitted a wall sign area not to exceed one (1) square foot of sign for each of the first one hundred (100) lineal feet of freestanding building frontage and one and one-half (1 ½) square feet of sign for each three (3) lineal feet in excess of one hundred (100) lineal feet.
 - c. Wall sign area for a commercial establishment consisting of a separate business located in a building with other businesses but with a separate and independent entrance shall be calculated in the same manner as in a freestanding building, using the building frontage of such commercial establishment.
2. The wall sign shall be attached to the same wall which is used to determine its size.

C. Wall Signs in the Light Industrial District

1. Each industrial establishment shall be permitted to have one (1) wall sign. For each industrial establishment on a corner lot, one (1) wall sign per public or private street frontage is permitted. Each industrial establishment shall have not more than one (1) wall sign per wall.
2. The size of the wall sign shall comply with the following regulations:
 - a. Industrial establishments with up to one hundred (100) lineal feet of wall fronting a street are permitted to have a sign area not to exceed thirty two (32) square feet.
 - b. Industrial establishments with more than one hundred (100) lineal feet of wall fronting a street are permitted to have a sign area of thirty two (32) square feet plus one (1) additional square foot of sign area for each four (4) lineal feet of wall exceeding one hundred (100) lineal feet.
3. Wall signs shall not face a Residential District unless the district and the building are separated by a public or private street or other Nonresidential District.
4. The wall sign shall be attached to the same wall which is used to determine its size.

SECTION 12.18 SIGNS FOR OTHER LAND USES

Signs for Special Land Uses shall comply with the sign requirements of the District in which the Special Land Use is located, except to the extent that such requirements may be altered or modified in the approved conditions for the Special Land Use.

CHAPTER 13

SPECIAL LAND USES

SECTION 13.01 SCOPE

This Chapter provides a set of procedures and standards for uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the township as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Weare Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 13.04, as applicable.

SECTION 13.02 APPLICATION AND REVIEW PROCEDURES

- A. An application shall be submitted through the Zoning Administrator, accompanied by:
 - 1. the payment of a fee as established by the Township Board;
 - 2. a completed application form, as provided by the Township; and
 - 3. a complete site plan as specified in Chapter 11.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting.
- C. The application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing the notice of such hearing in accordance with the Zoning Act. The Planning Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the Township planner, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.
- E. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- F. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.

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

SECTION 13.03 GENERAL STANDARDS

- A. An application for a Special Land Use shall be reviewed for compliance with the General Standards of this Section, the Specific Requirements of Section 13.04 and the review standards for site plans in Section 11.08.
- B. Each application shall be reviewed for the purpose of determining that the proposed special land use meets the following standards and, in addition, that each use of the proposed site will:
1. be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
 2. be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
 3. not create excessive additional requirements at public cost for public facilities and services; and
 4. not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- C. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the Special Land Use approval, pursuant to Section 13.02, G. Conditions imposed shall be those necessary to:

1. meet the intent and purpose of the Zoning Ordinance,
2. relate to the review standards of this Chapter,
3. insure compliance with those standards,
4. protect the general welfare,
5. protect individual property rights, and
6. ensure that the intent and objectives of this Ordinance will be observed.

SECTION 13.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of Section 13.03, A, are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

A. Adult Uses.

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
2. Adult uses shall comply with the following requirements:
 - a. The use shall not be located within a one-thousand (1,000) foot radius of any other such use.
 - b. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Township Building Inspector and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
 - c. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.

B. Bed and breakfast establishments.

1. The establishment shall be serviced by approved water and sanitary sewer services.
2. Such uses shall only be established in a detached single family dwelling.
3. Parking shall be located to minimize negative impacts on adjacent properties.
4. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
5. The total number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of none (9) guest rooms.
6. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
7. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half ($\frac{1}{2}$) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
8. The establishment shall contain the principal residence of the operator.
9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses.
10. Breakfast may be served only to the operator's family, employees, and overnight guests.

C. Bulk oil and gasoline distribution.

1. The minimum lot size shall be five (5) acres.
2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
3. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to any adjacent residential district or use.
4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.

D. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the LDR District.

3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
 4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
 5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
 6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
- E. Funeral homes and mortuary establishments.
1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
 2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
 3. A caretaker's residence may be provided within the main building.
 4. The proposed site shall front upon a paved state trunkline, County Primary, or County Local street. All ingress and egress shall be from said thoroughfare.
- F. Group and commercial day care homes and facilities.
1. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.
 2. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
 3. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
 4. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.
 5. A group day care shall not be located closer than one thousand five hundred (1,500) feet to any of the following:
 - a. Another licensed group day-care home.
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
 - d. Community correction center, resident home, halfway house, or other

similar facility which houses an inmate population under the jurisdiction of the department of corrections.

6. The operator of a group day care home shall maintain the property consistent with visible characteristics of the neighborhood.
7. The group day care shall not exceed sixteen (16) hours of operation during any twenty-four (24) hour period.
8. Signs shall be in accordance with Chapter 12.

G. Hotels and motels.

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

H. Junk yards.

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a County Primary or State Trunkline to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. The fence or wall shall be continuously maintained in good condition and contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards

- of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
 10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
 11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
 12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
 13. Minimum site size for such facilities shall be six (6) acres.
 14. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
 15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
 16. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

I. Kennels.

1. The minimum lot size shall be five (5) acres.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent occupied dwelling or any adjacent building used by the public.
3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible.

J. Migrant Housing (Agricultural Rural Residential District Only)

Seasonal dwellings for the housing of migrant farm workers and migrant employees of permitted food processing uses may be permitted as a Special Land Use by the Planning Commission in the AR District as an accessory use. No structure may be used for such purposes in the Township of Weare unless the Planning Commission finds all of the following conditions are met:

1. Migrant housing may be occupied for no more than ten (10) months during one calendar year.
2. Migrant housing may not be used for the housing of persons not at some time employed by the owner of the dwelling.
3. The rules, regulations, and standards of the State of Michigan governing the

licensing and operation of Migrant housing shall apply to Weare Township where any dwelling is used to house one (1) or more migrant workers. It is the purpose and intent of this provision to incorporate by reference such rules, regulations, and standards and further to apply the same to the housing of one (1) or more such migrant workers notwithstanding that such State regulations may have a greater housing unit or migrant worker threshold.

4. Seasonal dwellings shall be located at least two hundred (200) feet from any public street, at least two hundred (200) feet from any other property line, and four hundred (400) feet from any dwelling of an adjacent property owner.
5. No seasonal dwelling shall have more than one (1) story nor contain more dwelling units than are necessary to meet the needs of the owner of the premises.
6. No seasonal dwelling shall be closer than twenty (20) feet to the private roadway serving the dwelling.

7. No seasonal dwelling shall be located between the front entry wall of another seasonal dwelling and a driveway or private roadway serving the other dwelling.
 8. To ensure the health, safety, and welfare of the occupants, all construction shall conform to the most stringent of applicable local, state, and federal building codes, health codes, and other such codes and ordinances.
 9. Approval of the Special Land Use and site plan shall signify the applicant's agreement to comply with the plan and all the conditions placed upon the use and requirements at all times and shall further agree to the following:
 - a. The premises and all seasonal dwellings shall be available for the inspection of the Zoning Administrator and Building Inspector.
 - b. All premises and structures shall be regularly maintained.
 - c. Any deficiencies arising from time to time shall be corrected by the owner within fifteen (15) days notification by a township, county, state, or federal agent or official.
 - d. Any seasonal dwelling which is not occupied by migrant workers during five (5) consecutive seasons shall be removed by the owner within six (6) months of the close of the second season following.
 10. Permits: If the Planning Commission approves the application for migrant housing, it shall authorize the Zoning Administrator to issue a zoning permit and a temporary occupancy permit for the seasonal period above described. The temporary occupancy permit shall state any special conditions of use imposed by the Planning Commission.
- K. Multiple family dwellings.
1. All dwelling units shall have a minimum of eight-hundred (800) square feet per unit, or as required by Section 6.04.
 2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
 4. Buildings shall not be constructed closer than a distance equal to one and one-half (1½) times the height of the taller building.
 5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
- L. Open air businesses.
1. Minimum lot area shall be one (1) acre.
 2. Minimum lot width shall be two hundred (200) feet.
 3. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
 5. The Planning Commission may require the permittee to furnish a performance guarantee in accordance with Section 15.05 of this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of Special Land Use approval.
 6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
 7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
 8. All lighting shall be shielded from adjacent residential areas.
 9. In the case of a plant materials nursery:
 - a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
 - b. All loading activities and parking areas shall be provided on the same premises (off-street).
 - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
 10. No display area shall be located within ten (10) feet of a road right-of-way line.
- M. Public or private campgrounds.
1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
 2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
 3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet.
 4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
 5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right-of-way or property line.

6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
 7. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Oceana County.
 8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
 9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- N. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
1. No soil, sand, gravel, or other earth material shall be removed from any land within the township without special land use approval, with the following exceptions:
 - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Township;
 - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
 - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;
 - d. The earth removal involves less than five hundred (500) cubic yards;
 - e. The earth removal is for the purpose of construction of a swimming pool.
 - f. The soil removal will not be in violation of any other section of this ordinance, other Township ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.
 - g. Public improvement operations involving the Oceana County Road Commission or the Michigan Department of Transportation are exempt from this provision.
 2. In addition to the materials required by this Chapter, the application for special land use approval shall include the following:
 - a. A written legal description of all of the lands proposed for the use.
 - b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
 - (1) A north arrow, scale, and date;

- (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
 - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
 - (4) the location and nature of all structures on the lands;
 - (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
 - (6) existing elevations of the lands at intervals of not more than five (5) feet;
 - (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
 - (8) mineral processing and storage areas;
 - (9) proposed fencing, gates, parking areas, and signs;
 - (10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
 - (11) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
 - (12) areas to be used for ponding.
- c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
- d. A site rehabilitation plan including the following:
- (1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
 - (2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Township Master Plan and all applicable requirements of this Ordinance.

- e. The Planning Commission may require an environmental assessment, engineering data, or other information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
 - a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
 - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 - c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublaterals support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential or Commercial District.
5. The Planning Commission shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
6. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas.

- a. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations.
 - b. The Planning Commission may require some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
8. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
9. An applicant for a permit shall submit a performance guarantee in accordance with the requirements of this Ordinance, naming the Township of Weare as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The guarantee shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
 - a. The performance guarantee shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
 - b. The timely and faithful compliance with all of the provisions of the performance guarantee shall be a condition of any mineral removal operations. In the absence of compliance with the terms of the performance guarantee, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

- O. Restaurants with drive-through facilities.
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.
 2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
 3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
 5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
 6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- P. Retail building supplies.
1. Minimum lot width shall be two hundred (200) feet.
 2. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
 3. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
 4. All lighting shall be shielded from adjacent Residential Districts or uses.
 5. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District.
- Q. Roadside stands with two-hundred (200) square feet or more of sales area.
1. A five (5) foot fence or wall shall be constructed along the rear and sides of the area used for such use, capable of keeping trash, paper, and other debris from blowing off the premises.
 2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway.
 3. No lighting shall be provided for any such use.
 4. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

- R. Theaters, or similar places of public assembly, as determined by the Zoning Administrator.
1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
 2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use.
 3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
 4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.
- S. Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.
1. Towers for Commercial Wireless Telecommunication Services shall be required to locate on any existing approved tower within a three (3) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within a three (3) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
 2. Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.

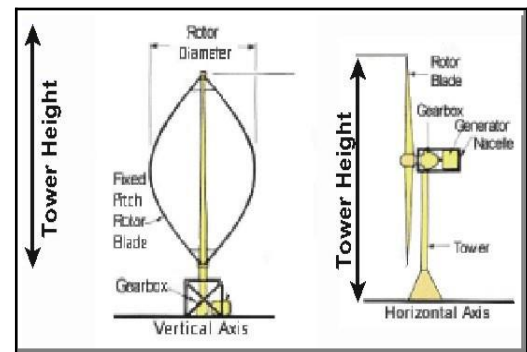
3. Towers for Commercial Wireless Telecommunication Services shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Planning Commission determines that an alternative design would better blend into the surrounding environment.
 4. Any part of the structures or equipment placed on the ground pertaining to the tower for Commercial Wireless Telecommunication Services shall comply with the following setbacks:
 - a. Residential Districts: The Planning Commission shall not approve any tower for Commercial Wireless Telecommunication Services located such that any part of which is located within two hundred (200) feet of any Residential District lot line.
 - b. Nonresidential Districts: Any part of a Commercial Wireless Telecommunication Services tower or associated equipment shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall such structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building, nor less than two hundred (200) feet from any Residential District lot line.
 - c. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
 5. The Planning Commission may require such structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
 6. Towers for Commercial Wireless Telecommunication Services shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.
 7. Towers for Commercial Wireless Telecommunication Services which are abandoned or unused shall be removed, along with any associated structures or equipment, within twelve (12) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.
- T. Truck and freight terminals.
1. Minimum lot size shall be three (3) acres.
 2. The lot location shall be such that at least one (1) property line abuts a paved state trunkline or County Primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.

3. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
 4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
- U. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
 2. Any such building shall comply with the yard setback requirements of the District in which it is located.
- V. Vehicle service stations, excluding body shops.
1. Minimum lot area shall be fifteen thousand (15,000) square feet.
 2. Minimum lot width shall be one hundred (100) feet.
 3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
 4. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and one (1) for any other street.
 5. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
 6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
 7. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.
 8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
 9. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.
 11. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission . If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.
 12. The lot shall be located so that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
 13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
 14. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
 15. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
- W. Vehicle wash establishments, either self-serve or automatic.
1. All washing activities must be carried on within a building.
 2. Vacuuming activities may not be conducted in the front yard setback area.
 3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.
- X. Veterinary hospitals and animal clinics.
- Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- Y. Wind Energy Conversion Systems (WECS):
1. Purpose: The purpose of this subsection is to establish standards and procedures by which the installation and operation of a WECS shall be governed within the Township as a special land use.

2. Definitions:
 - a. Interconnected WECS: A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.
 - b. Survival Wind Speed: The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

3. WECS Height: The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).



4. Wind Energy Conversion System (WECS): Shall mean a combination of:
 - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and
 - b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
 - c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
 - d. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
 - e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.
5. Wind Farm: Clusters of two (2) or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WECS are located. The WECS may or may not be owned by the owner of the property upon which the WECS is placed.
6. Single WECS for Commercial Purposes: A single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. The WECS may or may not be owned by the owner of the property upon which the WECS is placed.

7. WECS Testing Facility or Testing Facility: A structure and equipment used to determine the potential for the placement of a WECS.
8. Applicant: The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s) and/or transferee(s) as to any approved WECS or Testing Facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the owner of the WECS or Testing Facility, and jointly and severally with the owner and operator or lessee of the WECS or Testing Facility if different than the owner.
9. Applicability
 - a. WECS, Wind Farms, Single WECS for Commercial Purposes, and WECS Testing Facilities: Wind energy conversion systems such as a WECS, wind farm, single WECS for commercial purposes, and WECS Testing Facilities associated with the commercial application of a WECS may be allowed as a Special Land Use within the AR-Agriculture Rural Residential District, subject to the regulations and requirements of this section and the review procedures and standards/criteria of Chapter 13 of this Ordinance.
 - b. Single WECS for On-site Service Only: Single WECS applications of wind energy conversion system, including WECS Testing Facilities, to service the energy needs of only the property where the structure is located may be allowed in any zoning district as a Special Land Use, provided the property upon which the system is to be located is at least three and one-half (3½) acres in size and subject to the regulations and requirements of this section and the review procedures and standards/criteria of Chapter 13 of this Ordinance, as well as all of the following:
 - (1) The tower shall not exceed a height of eighty (80) feet.
 - (2) The blade diameter (tip to tip) shall not exceed one hundred (100) feet.
 - (3) The height of the overall WECS (with the blade in the vertical position) shall not exceed one hundred and thirty (130) feet above ground level (at normal grade).
 - (4) The distance of the structure from all property lines shall be at least two (2) times the WECS height.
10. Application Requirements: All applications for a WECS or WECS Testing Facility Special Land Use approval shall be accompanied by the following information, including a detailed site plan drawn to scale and dimensioned, displaying all of the following information in addition to that required by Section 11.03:

- a. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
 - b. Locations and height of all adjacent buildings, structures, and above ground utilities located within three hundred (300) feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or Testing Facility will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided.
 - c. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the WECS or Testing Facility, located on the lot or parcel involved, as well as within one-thousand (1,000) feet of the boundaries of the parcel or lot.
 - d. Existing and proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
 - e. Elevation of the premises accurately depicting the proposed WECS location and its relationship to the elevation of all existing and proposed structures within three hundred (300) feet of the proposed WECS.
 - f. Access driveway to the WECS and the Testing Facility together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed driveway.
 - g. Planned security measures to prevent unauthorized trespass and access.
 - h. The site plan submittal shall contain a written description of the maintenance program to be used to maintain the WECS and Testing Facility, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the types of maintenance to be performed, and removal procedures and schedules should the WECS or Testing Facility become obsolete or abandoned.
 - i. Additional detail(s) and information as required by the Special Land Use requirements of this Ordinance, or as requested by the Planning Commission.
 - j. At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the area or surrounding areas where the WECS will be placed. Each such study or report shall be provided to the Planning Commission prior to its decision regarding the Special Land Use request to the Township Board.
11. Compliance with the Township Codes: A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.

- a. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECS and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township.
 - b. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.
 - c. WECS and Testing Facility electrical equipment and connections shall be designed and installed in full compliance with the Electrical Code as adopted by the Township. A copy of manufacturer installation instructions and blueprints shall be provided to the Township.
12. Design Standards.
- a. Height: The permitted maximum total height of a WECS shall be four hundred (400) feet including the blade in vertical position.
 - (1) State and federal regulations may require a lesser height.
 - (2) As a condition of approval, the Township may require a lesser height for a WECS if reasonably necessary to comply with the standards contained in subsection G hereof or in Chapter 13.
 - (3) A WECS shall be constructed with a tubular tower, not a lattice tower.
 - b. Height of Test Tower Facility: Unless a different height is approved by the Planning Commission, the WECS Testing Facility height shall be no greater than two hundred (200) feet and shall comply with design standards.
 - c. A WECS Testing Facility which is not in use for six (6) months or more shall comply with the abandonment requirements of J, of this subsection.
 - d. Setbacks:
 - (1) No part of a WECS or WECS Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback.
 - (2) The setback for placement of a WECS or a WECS Testing Facility shall be at least one thousand five hundred (1,500) feet from each property line of the property where the structure is located and at least one thousand five hundred (1,500) from any public road right-of-way.
 - e. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property or tree. The minimum blade or rotor clearance above ground level shall be at least twenty (20) feet.

- f. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within eighty percent (80%) of design limits of the rotor.
- g. Tower Access: To prevent unauthorized climbing, WECS and Testing Facilities must comply with at least one (1) of the following provisions:
- (1) Tower climbing apparatus shall not be located within twelve (12) feet of the ground.
 - (2) A locked anti-climb device shall be installed and maintained.
 - (3) A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
- h. Signs: Each WECS and Testing Facility shall have one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
- (1) Warning high voltage.
 - (2) Manufacturer's name.
 - (3) Emergency numbers (listing more than one [1] number).
 - (4) Emergency shutdown procedures.
 - (5) FAA regulated sign with precise description with latitude and longitude and the owner's current telephone number.
 - (6) If fenced, signs shall be placed on the fence.
- i. Lighting: A lighting plan for each WECS and Testing Facilities shall be approved by the Planning Commission. The lighting plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. The plan shall include, but is not limited to, the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if allowed by the Planning Commission. Strobe effect: All efforts shall be made not to affect any resident with any strobe effect.
- j. Electromagnetic Interference: Each WECS and Testing Facilities shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.
- k. Noise Emissions:
- (1) Noise emissions from the operation of a WECS and Testing Facilities shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest property line or road.

(2) A baseline noise emission study of the proposed site and impact upon all areas within one (1) mile of the proposed WECS location must be done by the applicant and submitted to the Building Inspector prior to any placement of a WECS. The applicant must also provide estimated noise levels to property lines at the time of a Special Land Use application.

- I. Utility Company Interconnection (Interconnected WECS): All distribution lines from the WECS to the electrical grid connection shall be located and maintained underground.
 - m. Color: A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
 - n. The applicant shall show proof of a minimum wind rating of three (3) from the proposed WECS when applying for a Special Land Use Permit.
13. Approval Standards: In addition to the other requirements and standards contained in this Chapter, the Planning Commission shall not approve any WECS or Testing Facilities unless it finds that the WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife. Under no circumstances shall a WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the lot or parcel on which the WECS or Testing Facility is located.
14. Inspection: The Township shall have the right upon issuing any WECS and Testing Facility Special Land Use permit to inspect the premises on which the WECS is located at all reasonable times. The Township may hire a consultant to assist with any such inspection of a WECS or Testing Facility at the applicant's cost.
15. Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS which the Township can review on a monthly basis.
16. Abandonment: Any WECS or Testing Facilities which is not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within sixty (60) days of abandonment.
17. Leased land: Should a lease for any property containing a WECS or Testing Facilities be terminated, the Township shall be notified within two (2) days by the lessee indicating whether the WECS or Testing Facilities will be abandoned or of an intent to renegotiate the terminated or expired contract. If at the end of sixty (60) days a renegotiated lease has not been submitted to the Township or if the subject land has not been acquired by the WECS or Testing Facilities owner any

18. Security: If a Special Land Use is approved pursuant to this Chapter, the Township Board shall require a performance guarantee in accordance with the provisions of Section 15.05 of this Ordinance, which will be furnished by the applicant to the Township in order to ensure full compliance with this subsection and any conditions of approval.
- (1) When determining the amount the required guarantee, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or the equivalent or its successor).
 - (2) The performance guarantee shall be deposited or filed with the Township Clerk after a Special Land Use has been approved but before approval of a building permit for construction of the WECS or WECS Testing Facility.
 - (3) At a minimum, the performance guarantee shall be in an amount determined by the Township to be sufficient to have the WECS or Testing Facility fully removed (and all components properly disposed of and the land returned to its original state) should the structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use approval. The performance guarantee shall be kept in full force and effect during the entire time while a WECS or WECS Testing Facility exists or is in place.
 - (4) The performance guarantee shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then-owner of the WECS or WECS Testing Facility) for at least thirty (30) years from the date of the Special Land Use approval. Failure to keep the performance guarantee in full force and effect at all times while a WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a Special Land Use approval and this Ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the Special Land Use approval.
19. Road repair: Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the applicant's expense.
20. Liability: The applicant shall insure each WECS at all times for at least \$2,000,000 for liability to cover the applicant, Township and land owner.
21. The applicant shall be responsible for compensation to persons damaged due to any stray voltage caused by a WECS.
22. At the Township's request, the applicant shall fund a financial impact study for review by the Township of the area affected by the WECS. The study or report shall be provided to the Township prior to the Planning Commission's decision regarding the Special Land Use request.
23. Escrow Account
- a. An escrow account shall be set up when the applicant applies for a Special Land Use Permit for a WECS or WECS Testing Facility.

- c. These costs can include, but are limited to, fees of the Township Attorney, Township Planner and Township Engineer, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application.
 - d. The escrow amount shall be in addition to regularly established fees.
 - e. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit.
 - f. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.
24. Each WECS and WECS Testing Facility shall also comply with all applicable federal, state of Michigan, and county requirements, in addition to Township ordinances.
25. Ornamental Wind Devices: Ornamental wind devices that are not a WECS shall be exempt from the provision of this section, so long as they do not exceed one hundred (100) feet in height. These devices may be regulated by other provisions of this Ordinance.
- Z. Intensive Livestock Operations.
1. Minimum lot area shall be forty (40) acres.
 2. The operation shall be set back a minimum of five hundred (500) feet from property lines, one thousand (1,000) feet from an adjacent Residential District or use, and five hundred (500) feet from a standing body or water or flowing stream.
 3. No harm to adjacent property owners shall result from direct runoff from the site upon which the proposed operation is located.
- AA. Sewage Treatment Facilities
1. The minimum site area shall be twenty (20) acres.
 2. All proposals shall be submitted to the Oceana County Road Commission for review. Wear on public roads; traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses are factors that may be considered.
 3. A one hundred (100) foot setback, in addition to MDEQ required setbacks, shall be maintained from all property lines and public right of way.
 4. The one hundred (100) foot setback shall be fenced, earthen bermed, and planted with evergreen trees and shrubs for screening adjacent properties. An earthen berm, of height to be determined by the planning commission, shall be laced along the setback. The greenbelt shall be maintained. The Planning Commission shall determine the appropriate landscape design.
 5. Any outside storage of vehicles or other equipment shall be enclosed with a six (6) foot tall solid screening fence or wall.

6. The facility shall emit no noxious or corrosive fumes or gases, except as permitted by the State of Michigan.
7. All lighting shall be directed downward in a manner that produces no glare on public streets or o any other parcel.

BB. Adult Foster Care Homes for the Aged

1. The location, size, design, and operating characteristics of adult foster care and homes for the aged facilities shall be compatible with the character of the surrounding neighborhood.
2. Consideration shall be given to scale, size lot coverage and density, available services and utilities, parking, traffic, and to any other relevant factors.
3. Adult foster care and homes for the aged shall comply with all applicable federal and state licensing regulations.

CHAPTER 14

ZONING BOARD OF APPEALS

SECTION 14.01 AUTHORIZATION

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

SECTION 14.02 MEMBERSHIP - TERMS OF OFFICE

- A. The Township Board of Appeals shall consist of five (5) members.
1. The first member of such Board of Appeals shall be a member of the Township Planning Commission; the second member shall be a member of the Township Board; the additional members shall be selected from the electors residing in the Township.
 2. All members shall be appointed by the Township Board. The additional members shall not be elected officers of the Township or employees of the Township Board.
 3. The additional members shall be appointed for three (3) year terms; the Planning Commission and Township Board representatives, who shall not be the same member, shall only serve while holding membership on those respective bodies.
- B. The Township Board may appoint up to two (2) alternate members for the same terms as the regular members.
1. An alternate may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more meetings.
 2. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
 3. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member

SECTION 14.03 DUTIES AND POWERS

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

- A. Appeals: The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer or body of the Township in the administration of this Ordinance.
- B. Interpretation: The Board of Appeals shall have the power to:
 - 1. Hear and decide upon request for the interpretation of the provisions of this Ordinance;
 - 2. Determine the precise location of boundary lines between zoning districts upon appeal from a decision by the Zoning Administrator upon said subject.
- C. Variances. The Board of Appeals shall have the power to authorize specific variances from the requirements of this Ordinance.
- D. The Board of Appeals shall not have the authority to approve any sign type within any zoning district which is not permitted by this Ordinance.

SECTION 14.04 MEETINGS

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

SECTION 14.05 APPLICATIONS AND HEARINGS

- A. An application to the Board of Appeals shall consist of a completed application form, provided by the Township, a fee as established by the Township Board, which shall be paid to the Township Clerk at the time of filing, and a scaled drawing with sufficient detail to indicate the nature and necessity of the request. The Board of Appeals may request additional detail on the drawing or other information which they deem necessary to make a decision on the application.
- B. Upon receipt of a complete application the Secretary shall cause notice of the hearing as required by the Zoning Act:
 - 1. The notice shall state the time, place and subject of the hearing to be served personally or by mail addressed to:
 - a. the parties submitting the application;
 - b. those persons residing within three hundred (300) feet of the property which is the subject of the application.
 - 2. All notices shall be sent to the addresses listed in the last assessment roll.
 - 3. The notices shall be sent at least five (5) days prior to the date of the scheduled hearing.

- C. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

SECTION 14.06 DECISIONS

- A. The concurring vote of a majority of the membership (three (3) votes) of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; and to effect any non-use variance in this Ordinance. The concurring vote of a 2/3 majority of the membership (i.e. four(4) votes) of the Board of Appeals shall be necessary to grant a use variance.
- B. The Board of Appeals shall return a decision upon each case within a reasonable time after the scheduled hearing has been held, unless an extension of time is agreed upon with the applicant and the Board.
- C. Any decision of the Board shall not become final until minutes of the meeting at which final action on the request was taken are officially approved and adopted by the Board of Appeals, unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.
- D. The decision of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact.
- E. Each decision entered under the provisions of this Chapter shall become null and void unless the construction or other action authorized by such decision has been started within one (1) year after the decision was made and is being carried forward to completion or occupancy of land, premises, or buildings.
- F. No application which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of changed conditions that would significantly change the nature of the request or affect the reasons for denial first ordered by the Board.

SECTION 14.07 APPEALS

- A. Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. Applications for appeals shall be filed within twenty-one (21) days after the date of the decision which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the nature and grounds for the appeal. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the

action appealed from was taken.

- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown. Notwithstanding the preceding, the Township may pursue appropriate lawsuits, enforcement proceedings, and similar matters despite the stay provision mentioned above.
- C. The Board of Appeals shall base its decision upon the record submitted to the person or body responsible for making the decision which is being appealed. No additional information or evidence shall be submitted by the appellant which was not otherwise available to the person or body making the decision from which the appeal was taken.

SECTION 14.08 REVIEW STANDARDS FOR VARIANCES

- A. Non-Use Variance: A non-use or dimensional variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that ALL of the following conditions are met:
1. Granting the variance will not be contrary to the public interest and will ensure that the spirit of this Ordinance is observed.
 2. Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the subject property is located.
 3. The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.
 4. That there are practical difficulties in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. exceptional topographic conditions;
 - c. by reason of the use or development of the property immediately adjoining the property in question; or
 - d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.

5. that granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
 6. that the variance is not necessitated as a result of any action or inaction of the applicant.
- B. Use Variance: A use variance may be allowed by the Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that ALL of the following conditions are met:
1. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located;
 2. That there are unnecessary hardships in the way of carrying out the strict letter of these regulations which are caused by exceptional or extraordinary circumstances or conditions applying to the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the vicinity in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
 - a. exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
 - b. exceptional topographic conditions;
 - c. by reason of the use or development of the property immediately adjoining the property in question; or
 - d. any other physical situation on the land, building or structure deemed by the Board of Appeals to be extraordinary.
 3. That the proposed use will not alter the essential character of the neighborhood.
 4. That the variance is not necessitated as a result of any action or inaction of the applicant.
- C. Prior to Board of Appeals hearing on a request for a use variance, the Board of Appeals may request that the Planning Commission consider such request and that the Commission forward a report to the Board of Appeals as to whether or not the property may be reasonably used for a use permitted under the existing zoning classification, and, whether or not the request may alter the essential character of the neighborhood. For this report the Planning Commission shall consider the Master Plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, and the effect of the request on the essential character of the neighborhood.

CHAPTER 15

ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Township on January 11, 1993, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 15.02 INTERPRETATION

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

SECTION 15.03 REMEDIES AND ENFORCEMENT

- A. Any building or structure which is erected, moved, placed reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance, per se.
- B. A violation of this Ordinance constitutes a municipal civil infraction.
- C. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any

amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.

- D. The civil fine for a municipal civil infraction shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses and remedies provided by law. The person violating the Ordinance shall be responsible to reimburse the Township for its reasonable attorney fees for obtaining the remedies permitted by this Section.
- E. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible.
- F. Each day during which any violation continues shall be deemed a separate offense.

SECTION 15.04 PUBLIC NUISANCE

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

SECTION 15.05 PERFORMANCE GUARANTEES

- A. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board are empowered to require a performance guarantee in the form of a bond, cashier's check, cash, or other suitable negotiable security, equal to the estimated cost of improvements associated with the project subject to the guarantee.
- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If the improvements are not completed the security shall be forfeited, either in whole or in part.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the requirement improvements. The balance if any shall be returned to the depositor.

SECTION 15.06 FEES

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

SECTION 15.07 STOP WORK ORDERS

- A. Notice to Owner: Upon notice from the Zoning Administrator that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.

- B. Unlawful Continuance: Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

SECTION 15.08 PROPERTY SURVEYS

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

SECTION 15.09 RIGHTS AND REMEDIES

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

SECTION 15.10 SEVERABILITY

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

SECTION 15.11 GENERAL RESPONSIBILITY

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of Weare Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Oceana County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

SECTION 15.12 ENACTMENT

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Weare Township. The effective date of this Zoning Ordinance is March 25, 2004.

CHAPTER 16

AMENDMENTS

SECTION 16.01 AMENDMENT INITIATION

This ordinance may be amended as provided by law. Only the township board may amend this ordinance, including the official zoning map. The township board on its own motion may initiate proposals for amendments, by the planning commission, or by petition of owner(s) of property to be affected by the proposed amendments.

SECTION 16.02 AMENDMENT PROCESS

- A. Petitioner, if applicable, submits application and fees to the zoning administrator.
- B. Zoning administrator transmits application to the planning commission, which sets a date to hold public hearing, and publishes and provides the required notices of public hearing.
- C. The planning commission holds a public hearing and makes a recommendation. A summary of the comments received at the public hearing is forwarded to the county planning commission and then to the Weare Township board and the Weare Township planning commission with the county planning commission recommendation.
- D. The township board either enacts or rejects the proposed ordinance amendment as proposed by the planning commission. If the township board considers departures from the amendment as proposed, it shall refer the same back to the planning commission for a report within a time period specified by the township board.

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