

# Chester Township Zoning Ordinance

At a special meeting of the Chester Township Board held on the 5<sup>th</sup> day of April, 2002, it was moved by member Barb Joiner and seconded by member Rich Creager that Resolution 2002-04-01 establishing this Zoning Ordinance and Zone District Map for Chester Township be adopted. Unanimous approval by roll call vote, motion carries. Resolution declared adopted.

Members present: Kelly, Joiner, Creager & Redding

Members absent: Berenbrock

Janice Redding

Chester Township Clerk

Amended effective October 10, 2002.

Includes all amendments through April 2022

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## **CHESTER TOWNSHIP ZONING ORDINANCE**

AN ORDINANCE to establish zoning districts and regulations governing the unincorporated portions of Chester Township, Ottawa County, Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943, as amended, and any other applicable statutes; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and its duties and powers to provide for building permits and the collection of fees therefore; to provide for the administration of this Ordinance including the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this Ordinance; and to provide for the resolution of conflicts with other ordinances or regulations.

THE TOWNSHIP BOARD FOR THE TOWNSHIP OF CHESTER ("Township"), COUNTY OF OTTAWA AND STATE OF MICHIGAN, ORDAINS:

# **CHAPTER 1**

## **PREAMBLE**

### ***Section 100-Title***

This Ordinance shall be known as the “Chester Township Zoning Ordinance.” Herein, it is often referred to as the “Ordinance.”

### ***Section 101-Purpose***

The purpose of this Ordinance is to establish regulations and zoning districts throughout the unincorporated portions of the Township within which the use of land, the use, size type and location of structures, and the use of natural resources are regulated to promote the health, safety and general welfare of the public and of the Township. To these ends these provisions are based upon a plan designed to accomplish the following by way of example and not limitation.

- A.** Conserve and enhance the value of property.
- B.** Encourage appropriate and advantageous uses as provided by law relative to existing development and future land use needs.
- C.** Provide adequate light and open space.
- D.** Provide adequate and safe access to property and structures.
- E.** Lessen congestion on the streets and reduce hazards to life and property.
- F.** Avoid pollution and similar dangers to public health.
- G.** Preserve and conserve lakes, streams, water sources and other natural resources.
- H.** Conserve expenditures for public improvements and services.
- I.** Avoid undue concentrations of structures and population.
- J.** Insure adequate and safe vehicle parking.
- K.** Carry out the adopted Master Plan.
- L.** Otherwise provide for the purposes set forth by law.

### ***Section 102-Interpretation***

In their interpretation and application, any enforcement officer or agency, any court and any Board of Appeals member shall hold the provisions of this Ordinance to be minimum acceptable standards and requirements adopted for the promotion of the health, safety security, and general welfare of the Township of Chester.

### ***Section 103-Scope***

This Ordinance shall affect and regulate the use and occupancy of all land and every structure in the unincorporated portions of the Township. Where this Ordinance imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.

***Section 104-Zoning Effects all Structures and Land and the Use Thereof***

No structure, land or premises shall hereafter be used or occupied, no lot or parcel shall be created and no building shall be erected, moved, reconstructed, extended, or altered except in full conformity with the regulations and provisions of this Ordinance.

## **CHAPTER 2**

### **DEFINITIONS**

For the purpose of this Ordinance, certain terms used are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number and words in the plural include the singular number. The word "shall" is always mandatory and not merely directory.

#### ***Section 200- A***

##### ***Accessory Building or Structure***

A supplemental or subordinate building or structure on the same lot or parcel of land as the main or principal building or buildings, the use of which is incidental or secondary to that of the main building, but such use shall not include residential or living quarters for human beings.

##### ***Accessory Use***

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

##### ***Alley***

A public thoroughfare or service right-of-way not more than thirty (30) feet wide at the real or side lines of property and affording only a secondary means of access to abutting property.

##### ***Altered or Alterations***

Any change in the supporting members of a building such as bearing walls, columns, beams, girders and similar components.

##### ***Alternative Tower Structure***

Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

##### ***Antenna***

Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

#### ***Section 201- B***

##### ***Backhaul Network***

The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**Basement**

A portion of a building or a portion of a room located partly below and/or partly above grade, where the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

**Billboards**

A sign which directs attention to or advertises or promotes an object, product, place activity, person, institution organization, use or business that is not located on the same parcel of property as the sign.

**Board House, Boarding House or Lodging House**

Primarily a family dwelling where meals with or without lodging are furnished for compensation on a weekly or monthly basis to three or more persons who are not members of the family occupying and operating the premises, but not necessarily to anyone who may apply.

**Building**

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, chattels, or property of any kind. This shall not include vehicles whether mounted or not on wheels and situated on private property and such shall not be used for purposes of a building.

**Building, Height of**

The vertical distance from the finished grade immediately adjacent to and at the center of the front of the building, to the highest point of roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gables, hip and gambrel roofs.

**Section 202- C****Cabins**

Any building, tent, motor home, camper, trailer, travel trailer, recreational vehicle or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodgings, houses or tourist home.

**Cabin Park**

Any tract or parcel of land on which two or more cabins, as herein defined, are maintained, offered or used for dwellings or sleeping quarters for transients.

**Commercial Wireless Telecommunication Services**

Any licensed telecommunication services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobilized radio (ESMR), and similar services that are marketed to the general public. This definition shall also include government towers.

### ***Communication Tower (also referred to as Tower)***

Any public or private ground or roof mounted pole, spire, structure, tower, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, broadcast device, or similar apparatus above grade. A communication tower may or may not be regulated by the Federal Communications Commission (FCC). A Single-User Tower is a tower to which are affixed only the antennas of a single user, although the tower may be designed to accommodate the antennas and/or devices of multiple users as required by this Ordinance. A Multi-User Tower is a tower to which are affixed the antennas of more than one (1) commercial wireless telecommunication service provider or governmental entity.

### ***Section 203- D***

#### ***District***

A part or parts of the unincorporated area of Chester Township for which the zoning regulations are prescribed.

#### ***Duplex Family Unit***

Duplex Dwelling: A single building located on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from the ground or floor used as a residence by two families living separately from another.

#### ***Dwelling or Apartment***

A building or a portion thereof designated or used exclusively as a residence or sleeping place for one or more persons, including one family, two family, and multiple dwellings, apartment hotels with cooking facilities, boarding and lodging houses, and mobile homes used for such purposes, but not including motels, motor hotel, tourist rooms, travel trailers, motor homes, trailers, truck campers and tents.

#### ***Dwelling, One Family***

A dwelling occupied by but one (1) family and so designed and arranged as to provide living, cooking and eating space for one (1) family only.

#### ***Dwelling, Two Family***

A dwelling occupied by but two (2) families and so designed and arranged as to provide living, cooking and eating space for two (2) families only.

#### ***Dwelling, Multi-Family***

A building containing three (3) or more dwelling units arranged either side by side or one above the other.

## **Section 204 - E**

### ***Erected***

Includes built, constructed, re-constructed, moved upon or any physical operations on the land required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

### ***Existing Building***

An existing building is a building existing in whole or whose foundation is complete and whose construction is being diligently pursued on the date of the Ordinance or any amendment hereto that effects such building.

## **Section 205- F**

### ***FAA***

The Federal Aviation Administration.

### ***Family***

- A.** One or more persons related by blood, marriage or adoption occupying a single dwelling unit and living as a single, nonprofit housekeeping unit.
- B.** A collective number of individuals occupying a single dwelling unit under one head whose relationship is of a permanent non-transitory and distinct domestic character and cooking and living together as a single and separate housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie or organization which is not a recognized religious order nor include a group of individuals whose association is temporary and/or resort seasonal in nature nor include state licensed residential facilities as defined by the Township Zoning Act being Act No. 184 of PA of 1943 (as amended) having more than six individuals.

### ***Farm***

All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant-farmer by his/her own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous, unplatted parcel of not less than two (2) acres in area; provided, further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farm apiaries; but establishments keeping fur bearing animals or game or operating fish hatcheries, stock yards, stone quarries, or gravel or sand pits shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land.

### ***Farm Buildings***

Any building or structure other than a permanent dwelling, moved upon, maintained, used or built on a farm, which is essentially and customarily used on farms of that type for the pursuit of their agricultural activities.



### ***Farm Labor Housing***

Living quarters, including housing accommodations, rooming houses, apartments, cabins, dormitories, and mobile homes maintained directly or indirectly in connection with any farm work or place where farm work is being performed by seasonal or permanent farm workers, whether or not rent is paid or reserved for use or occupancy. Sometimes also commonly referred to as an “agricultural labor camp” or housing for migrant workers or migratory laborers. Farm labor housing is also subject to state and federal requirements.

### ***Frontage***

Land that lies adjacent to a publicly maintained road or street.

### ***FCC***

The Federal Communications Commission.

### ***Section 206- G***

#### ***Garage, Private and Commercial***

- A. A private garage is any detached building, not over one story, or ten (10) feet in height at the eaves for storage of self-propelled private passenger vehicles or trailer coaches where no servicing for profit is conducted and does not house a truck of a rated capacity of more than 1½ tons.
- B. A commercial garage is any garage other than a private garage.

### ***Grade***

The average elevation of the finished surface of ground after the development, filling, or excavation of a parcel of land.

### ***Ground Floor***

That floor or level of a structure or building whose vertical distance is closest to grade of all floors or levels of the building or structure and is not a basement and no part of which is a basement.

### ***Greenbelt***

A planting strip or buffer strip at least ten (10) feet in width, composed of deciduous and/or evergreen trees spaced not more than thirty (30) feet apart and not less than one row of dense shrubs, spaced not more than five (5) feet apart and not less than five (5) feet in height.

### ***Section 207- H***

#### ***Height***

When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

### ***Highway***

Any public thoroughfare except alleys in the Chester Township road system, including Federal, State and County roads.

### ***Home Based Business***

This is similar to a Home Occupation but can be conducted both in a single-family residential dwelling and an accessory building if approved as a special land use by the Planning Commission. Home Based Businesses include, but are not necessarily limited to, electrical, plumbing, heating, landscaping, and building contractors and excavators.

### ***Home Occupation***

An occupation, profession, or service that is clearly a customary, incidental, and secondary or accessory use of a single-family residential dwelling and that does not negatively impact the single family residential character of the neighborhood in which the Home Occupation is located and also meets all of the Home Occupation requirements of this Ordinance.

### ***Hotel***

A building where lodging with or without meals is furnished to transient or resident guests for compensation and containing more than four (4) sleeping rooms and having no cooking facilities in any individual lodging, but wherein a restaurant may or may not be located.

### ***Section 208- I***

### ***Institutional or Public Use***

Churches, schools teaching academic subjects, hospitals, parks, civic centers, libraries, or other public or quasi-public uses, but not including semi-public or private homes or facilities such as adult foster care facilities, nursing homes, convalescent homes, homes for the aged, sanitary landfills or homes for moral or psychopathic correction.

### ***Section 209- J***

### ***Junk or Salvage Yard***

A parcel of land used for the purpose of selling, exchanging, or dealing in motor vehicle or vehicle parts which requires a license for the Secretary of State pursuant to Public Act No. 300 of 1949, as amended, specifically those operations defined as Used Vehicle Parts Dealer, a Vehicle Salvage Pool, or a Vehicle Scrap Metal Processor as defined in the aforementioned State Statute. Also, any place or property where discarded, junk, or salvage materials are stored, bought, sold, exchanged, baled, cleaned, process, packed, disassembled or handled.

### ***Section 210- K***

### ***Section 211- L***

### ***Lake***

An outdoor body of water containing surface area more than one (1) acre in size, accumulated in a natural or artificially constructed basin or depression with a water source provided by the damming of the surface or by exposure to groundwater.

### ***Legal Record***

The recording of the legal description of any lot or parcel of land in the office of the Register of Deeds for the County of Ottawa and the State of Michigan as a part of a plat or subdivision or by metes and bounds.

### ***Lot***

A parcel of land, exclusive of any adjoining street, separated from other parcels by legal description or by a subdivision or record or survey map, which parcel is or may be occupied by one main building or use and its accessories, including the open spaces required by this Ordinance; the word "lot" shall include "plot" or "parcel". This definition of "lot" shall also include the portion of a site condominium project designed and intended for separate ownership and use as described in the Master Deed (usually called a Unit).

### ***Lot, Corner***

Any lot at the intersection of two streets or upon two portions of a turning street where the angle of an intersection is less than 145 degrees.

### ***Lot, Coverage***

The amount of a lot, stated in terms of percentage, covered by all buildings or structures located on the lot or parcel.

### ***Lot, Front***

When a lot abuts on only one street, road, or highway (whether public or private), the front lot line shall be deemed to be the edge of the right-of-way or the easement for that street, road, or highway. Where a lot is a corner lot, front yard setbacks are required to be met from each abutting street to the applicable structure. However, the front yard shall be the area between the front of the principal structure and the edge of the right-of-way or the easement for the street, road, or highway that the structure faces. Where a lot has frontage on a lake, for purposes of setbacks, minimum lot size, and similar requirements, the ordinary high water mark of the lake shall be deemed to be the front lot line and the portion of the lot which abuts a right-of-way or easement for a street, road, or highway shall be deemed to be the rear lot line.

### ***Lot, Interior***

A lot other than a corner lot.

### ***Lot, Lines***

The lines bounding any premises.

### ***Lot, Through***

An interior lot having frontage on two (2) streets.

### ***Lot, Width***

The length measured in linear feet between the side lot lines measured along the lot's frontage on the street or lawful private road.

**Section 212- M**

**Master Plan**

The Chester Township Master Plan, as amended.

**Medical Marihuana Dispensaries**

Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is made available to, sold, grown, processed, delivered, or distributed by or to one or more of the following:

- 1. A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
- 2. A qualifying patient (as defined by Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended).
- 3. Members of the public.

A medical marihuana dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, where medical marihuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marihuana or such medical marihuana smoking or consumption is occurring on the property of a business, association, cooperative, or commercial operation or facility.

A medical marihuana dispensary shall not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualified patients (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 *et seq.*, as amended) so long as the primary caregiver personally delivers the lawful amount of medical marihuana to the qualifying patient where the qualifying patient resides and it is done in full compliance with not only this Ordinance and any other applicable Chester Township ordinances, but also all applicable Michigan and federal laws and regulations.

**Mining or Mineral Extraction**

Mining or mineral extraction shall mean the excavation, digging, mining, removal and/or processing of peat, earth, gravel, sand, clay, top soil, stone or other soils or materials, including overburden, or the storage or transporting of such items on, to or from a mining site, or the reclamation of the site after removal or excavation of such items. For the purposes of this Ordinance, the following excavation or other activities are not included within the definition of mineral extraction or mining:

- A. Excavation approved and conducted by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or publicly operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited solely to the public utility or improvement. Notwithstanding the preceding, any excavating, removal and/or processing of minerals which occurs in conjunction with the creation of a new public road or modification of an existing public road where the existing grade is modified or disturbed to more than three (3) feet from its present elevation or where such mining in excess of 500 cubic yards will occur beyond the boundaries of the road right-of-way, shall be considered mineral extraction or mining.
- B. Excavation which by its nature is of limited scope and duration and which is undertaken primarily for the immediate use and development of the land excavated, such as for purposes

of constructing or installing buildings, septic tanks, swimming pools, graves, etc., so long as no more than 1000 cubic yards of material are mined or excavated in total.

- C. Excavation in conjunction with bona fide farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, if no material is removed from the property.
- D. Other excavations not exceeding 5000 cubic yards in total where the Planning Commission determines, in its sole discretion, that the proposed excavation is unlikely to unreasonably interfere with the enjoyment of life or property and will not expose any person or property to the types of dangers inherent in mineral extraction or mining sought to be prevented by this Ordinance. The Planning Commission's determination may be based on a review of the purpose, location, extent or duration of the proposed excavation and other factors which may bear on the potential of any excavation activity to adversely affect the public health, safety, or general welfare of the community.
- E. The transport or storage of mined materials (or materials frequently associated with mining operations) shall not be deemed "mining" or part of a "mineral extraction" if the materials transported or stored are not combined with minerals mined from the site to which the materials are transported or on which the transported materials are stored. The activity of transporting or storing mined materials that are not combined with other materials mined from the site to which the transporting occurs (or on which the transported materials are stored) shall constitute an industrial use and will not be considered mining or mineral extraction.

### ***Mobile Home***

A structure being portable in one or more sections, which is built on a chassis and designed to be used as a building with or without permanent foundation, also connected to the required utilities and include the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

### ***Mobile Home Park***

Any parcel or tract of land used for the purposes of supplying the location or accommodation for mobile homes and accessory uses and shall include all buildings used or intended to be used as part thereof, and includes that which is so defined by Act No. 419 of Michigan Public Acts of 1976 as amended.

### ***Motor Vehicle***

Any wheeled vehicle which is self-propelled or intended to be self-propelled.

### ***Motor Vehicle, Dismantled or Partially Dismantled***

Any motor vehicle from which some part or parts, which are ordinarily a component of such motor vehicle, have been removed or are missing.

### ***Motor Vehicle, Inoperable***

Any motor vehicle by reason of dismantling, disrepair or other cause whatsoever is incapable of being propelled under its own power.

## **Section 213- N**

### **Non-Conforming Use**

The pre-existing use of a building, structure, lot or parcel of land conflicting with the provisions of this Ordinance which was otherwise lawful at the time the use or structure commenced.

## **Section 214- O**

## **Section 215- P**

### **Person**

Person shall mean any human being, corporation, partnership, association, Limited Liability Company or any other entity.

### **Parks**

A park is any non-commercial recreational area.

### **Pond**

An outdoor body of water containing a surface area of one (1) acre or less, accumulated in a natural or artificially constructed basin or depression with a water source provided by the damming of the surface or by exposure to groundwater.

### **Principal or Main Use**

The primary or predominant use of the premises.

### **Private**

Not open to the public. Not publicly owned or not otherwise regulated by the State Of Michigan either by statute or by rules or regulations of one of its administrative bodies.

### **Private Driveway**

An area or portion of a lot, or of a piece or parcel of land, which is used to provide access from a public street, road, or right-of-way, to a single private residence or parcel of land, not including a private easement. A private driveway is located entirely on the parcel of land which it serves.

### **Private Road**

- A.** An easement or a right-of-way which is not dedicated for the use of the public; and which is used to provide access from a public street, road, or right-of-way to more than one building which is used for or occupied for residential, commercial or industrial purposes; and the buildings which have access to the public street, road or right-of-way are located on two or more separate lots, parcels or pieces of land. Provided, however, that a private road shall not include an access to buildings which are used for agricultural purposes.
- B.** A private road shall also include any of the following:
  - 1.** Any undedicated path, trail or road that provides or is intended to provide the primary means of ingress and egress to two or more parcels or two or more principal buildings,

dwelling units, structures or combination thereof, whether created by a private right of way agreement, joint ownership, license, lease or an easement.

2. An access serving one parcel if that parcel does not have the requisite amount of frontage on a public road as required by this Ordinance.
3. Where two or more parcels or dwellings share or utilize a common access drive, even if each parcel has required frontage on a public road.

### ***Public Utility***

Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under municipal regulation to the public, such as: transportation, water, gas, electricity, telephone, telegraph, steam; or sewage disposal and other services.

### ***Section 216- Q***

### ***Section 217- R***

#### ***Restaurant***

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

#### ***Retail Commercial Establishment***

A store, market or shop in which commodities are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages, and automobile service stations are included in this classification.

#### ***Roadside Stand***

A farm structure used, or intended to be used, solely by the owner or tenant of the farm on which it is located for the sale of only the seasonable farm products on the immediate locality on which roadside stand is located.

### ***Section 218- S***

#### ***Service Facilities or Essential Services***

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead, gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings or sanitary land fills.

#### ***Setback Lines or Setback***

- A. Lines established adjacent to highways and property lines for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.

- B. "Setback" means the minimum horizontal distance between a building or structure or the nearest portion thereof, including enclosed and unenclosed porches and decks and roof overhangs, and the property line which space shall remain open and unoccupied.

### **Signs**

A name, identification, announcement, declaration, insignia, description, display or illustration which is affixed to, or painted, or represented directly on or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, service, person, institution, organization or business or is used to identify, advertise or promote.

### **Solar Energy Collector**

A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other form of generator energy for use in or associated with a principal land use on the lot where the solar energy collector is located, or if permitted, for the sale and distribution of excess available electricity to an authorized public utility for distribution to other than the lot where located.

### **Solar Energy Collector-Building Mounted**

A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or other element in whole or in part of a building. Also includes building-integrated photovoltaic systems (BIPV).

### **Solar Energy Collector-Ground Mounted**

A solar energy collector that is not attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

### **Solar Energy Collector-Small Scale**

A solar energy collector primarily intended to provide energy for on-site uses and to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which they are erected. It may be comprised of the following: building-integrated photovoltaic (BIPV) systems, flush-mounted solar panels, ground-mounted solar energy collectors, or building-mounted solar energy systems.

### **Solar Energy Collector-Utility Scale**

A large-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity; also known as a solar array.

### **Street**

A public thoroughfare which affords a principal means of access to abutting property.

### **Structure**

Any man-made surface feature, including, but not limited to, all buildings, driveways, parking areas, decks, porches, swimming pools and game courts. Structures in the Lake Residential District only shall include septic and drain field systems, as well as impervious parking areas and driveways.



### ***Supporting Agri-Business***

A business or commercial operation engaged in primarily providing services or products for area farms or agricultural operations, including the sale and/or service of farm implements, veterinarian services, agricultural products, storage and distribution facilities, seed and feed operations, agricultural testing services, packaging or processing of agricultural goods and similar operations. Uses which provide services or products to the general public (including, but not limited to, hardware stores, restaurants, and automobile repair) shall not be considered a supporting agri-business.

### ***Swimming Pools***

Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground pools: hot tubs: spas and fixed-in-place wading pools.

### ***Section 219- T***

#### ***Tourist Home***

Primarily a family dwelling where lodging with or without meals is furnished for compensation chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.

#### ***Tower***

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

### ***Section 220-U***

#### ***Use***

The purpose for which land or a building thereon is designed, arranged, or intended to be occupied or used or for which it is occupied or maintained.

#### ***Used***

The word "used" includes "arranged, designed or intended to be used."

### ***Section 221- V***

### ***Section 222- W***

#### ***Wind Energy Conservation System***

Also commonly referred to as a wind generating tower, windmill, or wind-powered generator. It shall mean a combination of:

- A.** The surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical or electrical generating 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.

A wind energy conversion system can also include other components not listed above but associated with the normal construction, operation, and maintenance of a wind energy conversion system.”

### ***Words Requiring Special Interpretation***

Any words requiring special interpretation and not listed above will be used as defined in the Housing Law of Michigan, Act 167 of the Public Acts of 1917, as amended.

### ***Section 223- X***

### ***Section 224- Y***

#### ***Yard***

A space open to the sky and unoccupied or unobstructed by any structure or building, except by encroachments specifically permitted under action of this Ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

#### ***Yard, Front***

A yard extending across the full width of the lot between the front lot line and the nearest line of the main building. On a lake, however, it shall be a yard extending across the full width of the lot between the high-water mark of the lake and the nearest line of the main building.

#### ***Yard, Rear***

A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building. On a lake, however, it shall be a yard extending across the full width of the lot between the road and the nearest line of the main building.

#### ***Yard, Side***

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or any accessory building.

### ***Section 225- Z***

#### ***Zoning Administrator***

The person or persons appointed by the Township Board to administer this Ordinance as provided by law.

#### ***Zone District***

Zone district shall mean one of the zoning districts specified in Chapter 4 of this Ordinance.

## **CHAPTER 3**

### **GENERAL PROVISIONS**

#### ***Section 300-Scope***

Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered or used for purposes other than in full conformity with the provisions of this Ordinance.

#### ***Section 301-Use of Nonconforming Lots, Buildings and Structures***

##### **A. Nonconforming Buildings and Structures:**

1. Except as otherwise expressly provided in this Section, a nonconforming structure or building shall not be enlarged, altered, moved, modified, increased in height or mass or intensified. Prohibited alterations, enlargements or expansions include, but are not limited to, increasing or expanding the area, size, footprint, mass, height and / or volume of a building or structure that is nonconforming. If a nonconforming structure is moved or abandoned in any fashion, it shall thereafter fully conform and comply with this Ordinance in all aspects.
2. Notwithstanding the prohibitions and regulations contained in subsection A (1) above, the following alterations may be lawfully made to nonconforming structures and buildings:
  - a. Maintenance and Repairs: Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring, or plumbing. However, no structural alterations, expansions or changes shall occur.
  - b. Termination by Destruction: In the event that a nonconforming building or structure is destroyed by fire, wind, storm, flooding, tornado, ice storm or other natural calamity to an extent of more than sixty percent (60%) of the replacement cost of the existing building or structure, as determined by the Township Assessor, the building or structure shall not be rebuilt, restored or reconstructed except with a variance approval by the Zoning Board of Appeals. If the building or structure is destroyed due to an act of nature to an extent of sixty percent (60%) or less of the replacement cost of the existing building or structure, it may be repaired and rebuilt, but shall occupy exactly the same space, dimensions, footprint, height, outline and area as the original building or structure.
  - c. If a nonconforming building or structure is abandoned or removed (except by an act of nature as covered in subsection 2(b), above), it loses its lawful nonconforming status and must fully conform and comply thereafter with all applicable requirements of this Ordinance.
  - d. If a building or structure is lawfully nonconforming because one or more parts thereof violate a setback requirement but the use of the building or structure complies with the zoning district within which the property is located (as well as all other applicable requirements of this Ordinance), the building or structure may be extended or enlarged or increased in height so long as any and all portions of such expansion, extension or height increase meet all applicable setback, height and other requirements of the zoning district in which the property is located and this Ordinance.

- e. A nonconforming building or dwelling involving a use which complies with this Ordinance may be enlarged, expanded or altered as follows with the approval of the Planning Commission as a special land use subject to the following:
  - (i) The front yard setback may be reduced down to 75% of the front setback required in the zoning district involved or 20 feet, whichever is greater.
  - (ii) The rear yard setback may be reduced down to 75% of the rear setback required in the zoning district involved or 15 feet, whichever is greater.
  - (iii) The side yard setback may be reduced down to 75% of the side setback required in the zoning district involved or 8 feet, whichever is greater.
  - (iv) The building or dwelling may expand up to a height equal to the height limitation in the zoning district involved.

In determining whether to approve such special land use, in addition to the standards found in Section 1901 of this Ordinance, the Planning Commission shall also find all of the following:

- (a) The expanded building or dwelling will still be located so as not to adversely impact or increase the fire danger risk to buildings or structures on adjoining parcels.
- (b) Such special land use approval shall not undermine the purposes and intent of this Zoning Ordinance or the Township's Master Plan.
- (c) Any setback reduction will still allow free access and travel between the property line and the expanded building for purposes of building repair and maintenance, fire fighting access and air circulation.

A special land use for reduced setbacks shall not be considered or granted for a lot located within the Agricultural zoning district unless, in addition to the special land use standards listed above and also in Section 1901 of this Ordinance, the Planning Commission also finds all of the following:

- (a) That the adjoining lot next to where the lawful nonconforming structure or building is located is not being actively farmed with crops or livestock.
- (b) Lessening the setback requirement would not have an adverse impact upon any agricultural or farmlands located within 300 feet of the lawful nonconforming building or structure.
- (c) The expanded building or structure will not be so located as to be unreasonably impacted by area farm, livestock or crop smells, noises or other unpleasant effects.

**B. Nonconforming Uses:**

1. Nonconforming uses in General: Except as is expressly otherwise allowed in this Section, no nonconforming use shall be expanded, extended, increased in intensity, changed or altered.
2. Subject to the following requirements and limitations, a nonconforming use may be extended or expanded throughout any part of a lawful building which was designed for such use, and which building lawfully existed at the time the use became nonconforming. However, the building shall not be expanded beyond the size at which it existed when the use became nonconforming. Furthermore, a nonconforming use may not be expanded or

extended within any such building to a degree greater than 50 percent (50%) of the floor area at which the use first existed when it became nonconforming.

3. A building occupied by a nonconforming use shall not be structurally altered, expanded, extended or changed in any manner or moved except in connection with a change to a use permitted in the zoning district in which it is located or as expressly allowed elsewhere in this Ordinance.
4. Abandonment of a Nonconforming Use: If a nonconforming use is abandoned or substantially ceases, the nonconforming use shall not resume and the parcel or lot (and any structures or buildings involved) shall only be used thereafter for uses allowed by this Ordinance. If there is evidence of substantial abandonment of the nonconforming use of any parcel or lot upon the land or within any structure or building and the abandonment continues for a period of 18 months or longer, then any future uses thereof shall fully conform to and comply with the provisions of this Ordinance. In addition, any accessory use, structure, or signage related to an abandoned nonconforming use shall also be discontinued, and, in the case of signage, shall be removed, and all future uses thereafter shall fully conform to and comply with all regulations of this Ordinance with the following exceptions.
  - a. If no structural alterations are required to accommodate the new nonconforming use and the proposed use is equally or more appropriate in the zoning district involved than the most current nonconforming use and the new use receives Special Land Use approval. In approving such a request, the Planning Commission may impose reasonable conditions in accordance with the purposes and intent of this Ordinance.
  - b. Once a nonconforming use is lawfully changed to a use which is equally or more appropriate in the zoning district involved, it shall not thereafter be changed to a use which is less appropriate and considered more nonconforming than the most current use.
  - c. When a nonconforming use is replaced by a permitted or allowed use, it shall thereafter fully conform to and comply with all of the regulations of the zoning district in which the use is located and this Ordinance and the nonconforming use may not thereafter be resumed.
  - d. Maintenance of electrical service, public utilities, postal service, and other related services shall not, in and of themselves, be deemed to imply that a lawful nonconforming use shall continue. If one or more of the following conditions exists, it shall be deemed to constitute an intent on the part of the property owner to abandon the lawful nonconforming use:
    - e. (1) Utilities, such as water, internet, gas and / or electric to the property, have been disconnected.
    - f. (2) The property, buildings, or grounds, have fallen into disrepair or are decrepit or dilapidated.
    - g. (3) A building, structure, sign, or other indications of the existence of the lawful nonconforming use have been removed.
    - h. (4) Removal of equipment, items or fixtures that are necessary for the operation of the lawful nonconforming use.

### C. Nonconforming Lots.

If two or more lots or combination of lots or portions of lots are located adjacent to each other or have continuous frontage and are held or owned in a single ownership of record, one or more of the lots are vacant (i.e. no principal building thereon) and if all or part of such lots do not satisfy the minimum requirements for lot width, lot area, street frontage, water frontage, or other dimensions required by this Ordinance, then such lots are deemed automatically combined for zoning purposes so as to create one conforming lot or to create one nonconforming lot that is more conforming than the individual, smaller nonconforming lots. Additionally, once nonconforming lots or parcels of land are combined hereunder automatically or by deed, land contract or other written instrument, they shall not thereafter be split, re-divided or otherwise reduced in area unless all of the resulting lots or parcels of land comply with all of the lot area and dimensions requirements of the zoning districts in which such lots or parcels of land are located as well as other applicable requirements of this Ordinance. This subsection c applies whether platted lots or unplatted lots are involved.

### D. Accessory Buildings on Vacant Lots

1. A vacant lot in a zoning district which allows farming or agricultural uses may have one or more accessory buildings located on that lot even though the lot does not have a dwelling located thereon so long as each such accessory building on that lot is utilized substantially and primarily for bona fide farm or agricultural purposes or uses (subject to any applicable regulations specified in this Ordinance regarding the number or size of such farm accessory buildings).
2. Where a lot is located across a public road or public road right-of-way from another lot, the two lots are held or owned in a single ownership of record, the lots are located within 100 (One Hundred) feet of each other or no more than one platted lot away, and one of the lots contains a dwelling while the other lot is vacant, no garage or accessory building shall be constructed or utilized on the vacant lot unless approved as a special land use by the Planning Commission. The Planning Commission may attach reasonable conditions to the granting of any such special land use approval. This subsection 2 shall not apply to the following situations:
  - a. A bona fide farm or agricultural building as specified in subsection 1, above.
  - b. Any accessory building of 150 square feet or less in area and not exceeding eight (8) feet in height. In no instance shall a lot contain more than one (1) accessory building pursuant to this subsection.

### E. Decks

1. Normally, a nonconforming structure loses its lawful nonconforming status if it is replaced, reconstructed, or destroyed. However, a lawful nonconforming deck which is nonconforming due to encroachment into a required open yard or yards (i.e., violation of a setback requirement or requirements) may be replaced or reconstructed so long as the new or reconstructed deck meets all of the following requirements:
  - a. a. Is located within the exact same footprint of the original deck and does not expand beyond such original footprint
  - b. b. Has no portion located higher or taller than the corresponding portion of the original deck.
  - c. c. Does not encroach any further into a required open yard or setback area than the original deck.

d. d. Meets all building code requirements.

**F. Burden of Proof**

The burden of proof for establishing or proving the existence, type or any aspect of a lawful nonconforming structure, lot or use (as well as the size, scope, intensity, and extent thereof) is on the owner of the property involved.

**G. Expansion or Extension**

If any lawful nonconforming lot, use, structure or building is expanded, extended, changed or intensified without prior Township approval or in violation of this Ordinance, its lawful nonconforming status shall be deemed abandoned and the lot, use, structure or building shall conform and comply fully with this Ordinance.

No unlawful lot, structure, use or building shall be or become a lawful nonconforming use, lot building or structure.

***Section 302-Area or Space Required***

No lot, yard, court, parking area, or other space shall be reduced to less than the minimum required under this ordinance. No lot or other area shall be further reduced if already less than the minimum. Property and bottomlands located under a lake or stream shall be excluded from lot area or dimension calculations for purposes of determining minimum lot area and dimension requirements pursuant to this zoning ordinance. Setbacks shall be measured from the nearest line of public street right-of-way or private road easement. Lands located within a public street right-of-way or private road easement shall be excluded from lot area or lot dimensions for purposes of determining minimum lot area, lot frontage, lot width, and other dimensional requirements.

***Section 303-Corner Lot***

Any yard which abuts a street right-of-way shall meet the front yard requirements of the district in which it is located.

***Section 304-Yard, Area and Lot Relations***

- A. Recording of Deed.** Every building hereafter erected shall be located on a lot or parcel of land the description of, and the deed to which, shall be on record in the office of the Register of Deeds of this County, and no more than one (1) main or principal building with customary accessory buildings and structures shall be erected on such lot or parcel of land.
- B. Limit on Reduction of Yards or Other Open Spaces.** No lot or parcel of land shall be so reduced that the yards or other open spaces or the area thereof is less than the minimum required by this Ordinance.
- C. One Main or Principal Building Used to Determine Requirements.** In determining lot or land and yard requirements, no area shall be ascribed to more than one main or principal building or use, and no area necessary for compliance with the space requirements for one main building shall be included in the calculation of the space requirements for any other building or use.
- D. Accessory Buildings.** Accessory buildings, including garages and enclosed porches, attached to a dwelling or other main building shall be deemed a part of such building for the purpose of determining yard requirements.

- E. Detached Accessory Buildings.** A detached accessory building shall be located in the side or rear yard and no part of any required front yard shall be used for an unattached accessory building, provided, however, that:
1. Roadside stands where permitted and as defined by this Ordinance may be located in the front yards of farm dwellings.
  2. In the AG District, a detached accessory building or garage may be permitted between the street right-of-way and the main building, provided that the lot has a minimum of two hundred fifty (250) feet of depth and further provided that such accessory building is located no nearer than the required front yard setback.
  3. Accessory buildings shall be located at least 10 feet from any other structure(s) on the parcel.
  4. One (1) accessory building not exceeding 120 square feet is allowed on a lakefront lot between a dwelling on the lot and the lake subject to applicable setback regulations.
- F. One Principal Use.** No lot or parcel of platted or unplatted land shall be devoted to more than one principal use except that the following is permitted and not deemed to be in violation thereof:
1. Office building or buildings in which more than one office is located.
  2. Shopping center or shopping mall consisting of retail stores or operations, services established for the general public and/or offices all located within one structure or structures having a common wall or walls and operated as separate businesses.
  3. Retail department stores or the like which have individual backers or other individuals, companies or entities that inventory and/or lease various parts of the store and is operated as one single retail store.
  4. Any operation that is conducted as one business by one individual, partnership or corporation that includes retail sales and/or service uses permitted in the district in which it is located.
  5. Any business that conducts more than one recreational use which is permitted in the district in which it is located and is operated as one single business.
- G. Rear Yard Abuts Upon a Public Highway.** Where a rear yard abuts upon a public highway, the setback of all buildings from the right-of-way or lot lines shall be no less than the yard requirements of other buildings fronting upon such highway.
- H. Lot Abuts Upon an Alley.** Where a lot abuts upon an alley, one-half (1/2) of the width of said alley may be considered a part of such lot for the purpose of computing the area of such lot and for the purpose of computing the depth of any rear yard required under this Ordinance.

### ***Section 305-Temporary Dwellings or Living Units***

- A.** Pursuant to a New or Rebuilt House or Dwelling. In the residential and agricultural zoning districts, this Ordinance does not generally allow more than one house or dwelling to be located on the same lot or parcel (except where expressly otherwise allowed by this Ordinance in limited situations such as migrant farm dwelling units or where multi-family units have been expressly approved pursuant to this Ordinance). Notwithstanding such prohibition, a property owner may utilize one (1) temporary dwelling for a limited period of time if expressly approved in writing by the Zoning Administrator and all of the following requirements are met:



1. One of the following two situations is involved:
    - a. A house or dwelling has been destroyed by fire, tornado, wind, or other calamity, and the property owner desires to occupy a temporary dwelling on the property while the house or dwelling is being rebuilt.
    - b. The lot or parcel is vacant and the owner desires to occupy a temporary dwelling on the property while a new house or dwelling is being built.
  2. The temporary dwelling (whether it be a mobile home, trailer, or similar item) must be approved by the Zoning Administrator. All requirements and regulations of the Ottawa County Health Department must also be met with regard to sewage, water, sanitation, and other matters.
  3. Once the new or rebuilt house or dwelling has been completed, the temporary dwelling must be completely removed from the lot or parcel within 45 days of the issuance of a Certificate of Occupancy.
  4. No temporary dwelling shall be installed or brought onto the lot or parcel involved (and shall not be utilized) until and unless the Zoning Administrator has issued a written temporary dwelling permit pursuant to this Section 305(A). Whether or not to grant such a permit is the responsibility of the Zoning Administrator. No such permit shall be issued by the Zoning Administrator until and unless there has been full compliance with this Section 305(A) and all of the following has also occurred:
    - a. The property owner has filed with the Township an irrevocable letter of credit (drawn on a bank, in an amount, and with language as approved by the Township) or cash equal to 1.25 times the amount that the Zoning Administrator determines will be reasonably necessary to have the temporary dwelling removed from the lot or parcel and be properly disposed of if the property owner does not fully comply with the required removal date or other requirements of this Section 305(A) and the temporary dwelling permit.
    - b. All owners of the property involved enter into a written agreement with the Township (on a form agreement supplied by the Township) which will help implement the requirements of any temporary dwelling permit issued and the requirements of this Section 305(A).
  5. The Zoning Administrator may issue a temporary dwelling permit which will be valid for up to 18 months, but the Zoning Administrator, at his/her discretion, may also issue a temporary dwelling permit for shorter periods of time. The temporary dwelling unit shall be fully removed from the property involved prior to the date of expiration of the temporary dwelling permit and shall be properly disposed of.
  6. No more than one (1) family shall occupy the temporary dwelling.
- B. Limited Camping.** No camper, tent, travel trailer, recreational vehicle, or similar vehicle or item (outside of an approved, lawful campground) shall be used on any lot or parcel in whole or in part for any dwelling, sleeping, or residential purpose whatsoever for a period in excess of fifteen (15) days during any calendar year.

### ***Section 306-Essential Public Services***

- A.** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead, gas, electrical, steam or water distribution or transmissions systems, collection, communication, supply or disposal systems

including drains, sewers, pipe, conduits, wires, cables, fire alarm boxes, police equipment and accessories in connection therewith, but not including buildings or towers, reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for public health or safety or general welfare, shall be permitted as authorized and regulated by law and other ordinances of the Township of Chester in any use district. The erection or construction of any or all new above grade construction shall be designed and erected to conform harmoniously with the general architecture and plan of such district in which it is being erected and is allowed only as a special use by the Planning Commission.

- B. The Planning Commission may permit as a special use the erection and use of a building or tower, or an addition to an existing building or tower, by a public service corporation or for public utility purposes, in any permitted district to a greater height or of a larger area than the district requirements herein established, and permit the location in any use district of a public utility building or structure, if the Planning Commission shall find use, height, area, building or structure necessary for the public convenience and service, provided, that such building or structure necessary for the public convenience and service, provided, that such building, tower, structure, or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.
- C. Notwithstanding the above, the following structures, improvements and uses shall not be commenced or occur without approval by the Planning Commission as a special use:
  - 1. A private community water system serving three (3) or more dwellings or buildings.
  - 2. A private community sewer or sewage disposal system serving three (3) or more dwellings or buildings.
  - 3. A public sewage disposal system, plant or facility owned or operated by a governmental unit or municipality other than Chester Township.
  - 4. A public water system, plant or facility owned or operated by a governmental unit or municipality other than Chester Township.
  - 5. A wind tower or wind energy conversion system (which are only allowed within the Agricultural zoning district) pursuant to Section 1909 of this Ordinance.

### ***Section 307-Mobile Homes***

- A. No person shall park or cause to be parked any mobile home overnight on any street, alley highway or other public place, except in a licensed mobile home park.
- B. No mobile home shall at any time be parked between the established setback line and the front line of any lot or parcel of land.
- C. No mobile home shall be used or occupied unless there is a clear unoccupied space at least ten (10) feet on all sides thereof.
- D. A mobile home which is not situated in a mobile home park shall only be used or occupied if it complies in all respects with the requirements of Section 331 of this Ordinance.
- E. A mobile home may be used or occupied on any lot or parcel of land in any zoning district not licensed as a mobile home park as a temporary residence while constructing a permanent site-built dwelling or repairing such a residence damaged by fire or as a result of the elements, provided the occupant of such mobile home shall have first applied for and received a special use permit from the Planning Commission. It shall be a condition precedent to the issuance of a permit that said mobile home shall have a water supply and sewage disposal system

connected to and serving said mobile home. The water supply shall conform to the requirements of the Ottawa County Health Department. An application for a mobile home permit shall be made to the Zoning Administrator stating the location of the mobile home, a description of said mobile home, the length of time such mobile home will be parked and type of water supply and sewage disposal facilities connected to said mobile home. Upon the filing of such application the Building Inspector shall inspect the location, and if he/she shall find a water supply and sewage disposal system in conformity with the foregoing requirements, the Planning Commission may issue a special use permit and said permit shall limit the time of such parking, use and occupancy to a period of not longer than six (6) months. The payment of a fee as set forth in the Schedule of Fees shall be made to Chester Township upon the filing of an application for a mobile home special use permit. At the end of the period of time specified in said permit for such parking, use and occupancy of said mobile home shall cease and shall not be continued except upon application for an extension of the mobile home special use permit to the Planning Commission and the approval of the application by said Planning Commission. Any permit, if granted and issued by the Planning Commission, shall clearly set forth that the parking, use and occupancy of said mobile home shall terminate and cease on or before a certain date to be set and determined by the Planning Commission in a time that is reasonably necessary to complete repairs or construction. The payment of a fee, as set forth in the Schedule of Fees, shall be made to Chester Township, upon the filing of an application for a mobile home permit from said Planning Commission. The Planning Commission shall in its discretion, have the right to deny the granting and issuance of such permit. Under no circumstances shall the Planning Commission issue more than one permit covering the parking, use or occupancy of the same mobile home. No mobile home shall be parked, used and occupied on any lot or parcel of land in any zoning district for a period of longer than six (6) months under the initial permit from the Planning Commission and in addition thereto for a specified time under the extended permit granted by the Planning Commission not to exceed six (6) months. Any person or persons violating the terms of any permit for the parking, use or occupancy of a mobile home, or the parking, using or occupying of a mobile home, contrary to the provisions of this Ordinance, shall be in violation of this Ordinance.

- F. No person occupying a mobile home shall spill or drain any waste water or other liquid waste of any kind upon the surface of the ground or upon any paved area.
- G. No person allowed under Section 307 E. to place and use a mobile home shall remove or cause to be removed the wheels or tires for any mobile home except for the purpose of repair.
- H. No mobile home shall be occupied for sleeping purposes by a greater number of persons in any one twenty-four hours than said mobile home is designed and arranged to accommodate.
- I. Mobile homes legally in use as a permanent residence on the date of the passing of this Ordinance shall be considered a nonconforming use and may be continued as a permanent residence.
- J. No mobile home shall be utilized as an accessory building or structure.

### ***Section 308-Dumping of Rubbish***

- A. From the date that this Ordinance becomes effective, it shall be unlawful for any person or persons, firm, or corporation owning or occupying any lot or premises in said Township, to permit the unreasonable accumulation or unreasonable burning of any ashes, papers, rags, manure, garbage, rubbish or refuse of any kind, outside of proper and suitable containers upon any premises located within the corporate limits of Chester Township.

- B. All persons owning or occupying premises within said Township shall place all garbage rubbish, trash and refuse, in a proper and suitable container and that said container shall be emptied and the contents disposed of in a sanitary, safe and sufficient manner by the persons owning or occupying said premises within the Township of Chester.

### ***Section 309-Removal of Top Soil***

- A. The use of land for the removal of top soil from the land, except necessary grading or removal of top soil for the erection or construction of any building, shall not be permitted in any zoning district within the Township of Chester except upon application for and issuance of a special use permit by the Planning Commission. The application shall state the location of the land from which top soil is proposed to be removed, the zoning district or districts in which said land is located, the nature and extent of removal of top soil proposed by the applicant and what stabilizing will be done on said land after removal of top soil. The Planning Commission shall make or cause to be made an investigation and if it shall appear that the proposed removal of top soil from the land would be detrimental to the public health, safety or general welfare, or detrimental to the conservation of property and natural resources, or would be dangerous or detrimental to contiguous or nearby properties, or would be an improper use of land, or not in conformity with the intent and purpose of this Ordinance, such use shall be denied. In no case shall top soil be removed such that there is less than six (6) inches of top soil in any location.
- B. Upon the approval of any such permit for the removal of top soil from the land, the Planning Commission shall have the right and power, as a condition precedent to the issuance of such permit, to require applicant to agree in writing with or to furnish a bond running to the Township of Chester that such removal will not cause stagnant water to collect or leave the surface of the land at the expiration of such permit in an unstable condition or unfit for the growing of turf or for other land use permitted in the district in which such approval occurs.
- C. Upon the issuance of any such permit the Planning Commission shall further have the right and power to specify and prescribe in said permit the depth of top soil which may be removed from the lands, to required planting or other stabilizing measures to be taken upon removal of top soil and said permit shall specify a definite expiration date for such permit. After such date no further top soils shall be removed from said land unless and until a further application be made and a new permit obtained.
- D. For each permit for removal of top soil from the land, the applicant shall pay a fee as set forth in the Schedule of Fees.
- E. The sale and/or harvesting of soil shall conform to the provisions of this section.
- F. The provisions of this section are intended to be in addition to the provisions of Act 347 "Soil Erosion & Sedimentation Control Act of 1972."

### ***Section 310-Swimming Pools***

- A. A Zoning Compliance Permit and a building permit shall be obtained from the Township Zoning Administrator before the installation of a year-round above ground or in ground swimming pool. Seasonal swimming pools are required to obtain a Zoning Compliance Permit only. For purposes of this ordinance, a seasonal swimming pool is an on ground swimming pool capable of holding more than twenty-four (24) inches of water, and erected for a maximum of five (5) months during a twelve (12) month calendar year.
- B. Swimming pools shall be enclosed by a barrier or approved safety cover as required in the Michigan Building Code.

- C. All swimming pools which have a separate electrical service may be required to obtain additional permits to ensure compliance with the Michigan Building Code.
- D. All year-round in-ground or on-ground swimming pools shall comply with the setback requirements for accessory buildings for the zoning district in which the swimming pool is located. Seasonal swimming pools shall be located not closer than ten (10) feet to any side or rear property line. Front yard setbacks shall be equal to the front yard setback for the zone district in which the pool is located, but at no time closer than twenty-five (25) feet to any road right of way.
- E. Swimming pools shall be properly maintained at all times and shall not become a safety or health hazard.
- F. Spray ponds maintained by farms for agricultural purposes shall not be required to comply with the terms of this Ordinance, except for fencing as may be required by the Township Building Code.

***Section 311-Approval by Board of Appeals, Zoning Administrator or Building Inspector***

Whenever the approval of the Board of Appeals, Zoning Administrator or the Building Inspector shall be required or become necessary under any provision of this Ordinance, the said Board of Appeals, Zoning Administrator and the Building Inspector are each hereby vested with the power and discretion to refuse any such application for approval so made when it appears that the public well-being would be placed in jeopardy or that the granting of such application would not be in conformity with the regulations, intention or purpose of the Ordinance.

***Section 312-Signs***

**A. Purpose and Intent**

This Chapter is intended to regulate and limit the installation, construction and reconstruction of signs in order to protect the public peace, morals, health, safety, aesthetics and general welfare. Such signs as will not, by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be allowed except as may be otherwise provided for herein.

The intent and purposes of this Chapter include:

1. Promote the public peace, health, and safety of Township residents, property owners, and visitors;
2. Eliminate distractions that are hazardous to motorists and pedestrians;
3. Protect the public's ability to identify establishments and premises;
4. Protect the natural beauty and distinctive character of Chester Township;
5. Protect commercial, business, office and industrial districts and areas from visual chaos and clutter;
6. Provide an environment that fosters the reasonable growth and development of business and commerce;
7. Protect and enhance property values; and
8. Balance the individual rights of property owners or lessees to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

## B. Definitions

1. **Sign:** Any structure or part thereof, or any device attached to, or painted directly or indirectly on, a structure, building or parcel of land and which displays or includes any letter, model, banner, pennant, insignia, device or other representation to direct attention to a person, institution, organization, activity, service, location, place, object, product or business when the same is placed in view of the general public. Also, a name, identification, announcement, declaration, insignia, description, display or illustration which is affixed to, or painted, or represented directly on or indirectly upon a building, structure or land, and which directs attention to an object, product, place, activity, service, person, institution, organization or business or is used to identify, advertise or promote.
2. **Agribusiness Sign:** A sign that identifies an Agricultural Business and can include some advertising regarding that Agricultural Business.
3. **Awning Sign:** A sign constructed of fabric with a rigid framework which is attached, either wholly or partially, to a building.
4. **Banner Sign:** A sign constructed of fabric or any other flexible non-rigid material with no enclosing framework. Pennants and flags, excluding the American flag, are considered to be "banner signs."
5. **Billboard:** A sign directing attention to a use, activity, message, product or service which is not conducted on or directly related to the lot or parcel upon which the sign is located. Also, a sign that advertises or designates an establishment, service, merchandise, use, entertainment, activity, product or message that is not conducted, sold, produced, manufactured or furnished upon the parcel or lot where the sign is located. A directional sign is not a billboard.
6. **Community Service Group Sign:** A sign which displays the name or the logo of a governmental agency or unit or a nonprofit organization or group whose primary purpose is to promote or provide community or public service. This definition includes signs such as, but not limited to, those identifying a church or the Rotary Club, Jaycees, Lions Club or American Legion.
7. **Community Special Event Sign:** A temporary sign used to call attention to special events of interest to the general community.
8. **Construction Sign:** A sign identifying an architect, contractor, subcontractor, developer, financial institution or material supplier participating in construction on the property upon which the sign is located.
9. **Digital Sign:** A digital sign usually consists of (or has a portion comprised of) a computer or playback device connected to a large, bright digital screen such as an L.C.D., L.E.D., computer, electronic, plasma, or similar display. Such signs can utilize electronic changeable copy.
10. **Directional Sign:** Any off premise sign that provides directional way-finding information only and contains no advertising except logos or insignia. A directional sign must refer to a particular property, site, business or organization. A directional sign may or may not contain a directional arrow, pointer or similar directional symbol.
11. **On-Site Directional Sign:** A sign located on the lot or parcel where the use involved is located and that provides directions or instructions regarding that use, but which sets forth no advertising, business logo or insignia, or similar promotions or advertising (except as otherwise expressly provided in this Chapter).

12. **Farm Centennial Sign:** An on-site sign that recognizes the centennial (100 year) anniversary of a farm ownership on the same parcel or lot where the farm is located being in the same family and as certified by the Michigan Historical Commission.
13. **Freestanding Identification Sign:** A sign supported upon the ground only by its own structural support poles or base and is not attached to any building or other object or structure. A freestanding identification sign contains only identification information, but no advertising, promotion, or logo.
14. **Freestanding Business Advertising Sign:** A sign supported upon the ground only by its own structural support poles or base and is not attached to any building, object or structure and can include identification, information and advertising for a business or businesses that are located on the same parcel or lot upon which the sign is located. This includes all changeable non-digital message board signs. Multiple businesses located on the same parcel or lot are required to share only one such sign per parcel or lot.
15. **Incidental Sign:** A sign that identifies a street address, entrances and exits, safety precautions, and other incidental information, and which contains no other promotion, logo or advertisement. Examples of incidental signs include credit card signs, signs indicating the hours of business, no smoking signs, no trespassing or no hunting signs, farm symbols and warning safety signs.
16. **Institutional Sign:** A sign that identifies public institutions such as schools, churches, and government owned buildings and other structures.
17. **Mural Sign:** A design or a representation applied to, painted on, or drawn on a wall or structure.
18. **Off-site Sign:** Any sign relating to a matter not located on the lot or parcel where the sign itself is located.
19. **On-site Sign:** A sign relating in its subject matter to the lot or parcel on which the sign is located, or a sign relating to products, accommodations, services or activities located on the lot or parcel where the sign is located.
20. **Projecting Sign:** A sign attached to a building and extending in whole or in part no more than twelve (12) inches beyond the building wall.
21. **Temporary Sign:** A sign that is used only for a short period of time and is not permanently affixed to the ground or any structure.
22. **Wall Sign:** A sign incorporated in or affixed to a building wall and parallel to it.
23. **Window Sign:** Any sign that is placed inside or upon a window and intended to be visible and send a message to those from outside the building.

### **C. Signs Permitted**

The following signs are permitted in all zone districts subject to the following regulations:

1. Directional signs and on-site directional signs are permitted in all zone districts.
  - a. Shall not exceed a total combined sixteen (16) square feet in area per lot or parcel and, if freestanding, shall not exceed six (6) feet in height.
  - b. Shall be set back a minimum of five (5) feet from any lot line and public road right-of-way.
  - c. There shall be no more than one (1) directional sign per parcel or lot.

2. Real estate advertising signs are permitted in all zone districts but limited to the actual time the property is for sale or lease.
  - a. Shall not exceed sixteen (16) square feet in area and shall be set back a minimum of five (5) feet from any public road right-of-way.
  - b. All such signs must be located only on the parcel or lot that is related to the message on the sign.
3. Incidental signs not to exceed two (2) square feet in area.
4. Temporary signs, but limited to one (1) per parcel or lot for a maximum of thirty (30) days within a continuous six (6) month period.
5. Community event signs subject to all of the following:
  - a. Not to exceed twenty four (24) square feet in area.
  - b. Set back a minimum of five (5) feet from any public road right-of-way.
  - c. Displayed for not more than thirty (30) days prior to the special event and must be removed within forty eight (48) hours after the conclusion of the special event.
6. Institutional signs subject to all the following:
  - a. Limited to one per driveway.
  - b. Shall not exceed thirty two (32) square feet in area at a primary entrance drive and sixteen (16) square feet at secondary entrance drives.
  - c. A maximum of seventy five percent (75%) of the sign area can be dedicated to a changeable message.
  - d. Shall not exceed ten (10) feet in height above mean grade.
7. Home Occupation or Home Based Business Signs:
  - a. Only one (1) such sign is allowed per parcel or lot
  - b. For Home Occupations, sign is limited to four (4) square feet and attached to the dwelling.
  - c. For a Home-Based Business, sign is limited to ten (10) square feet in area and three (3) feet high above mean grade and located outside of any public road right of way.

#### **D. Commercial and Industrial Zone Districts**

The following permanent sign types, size, height and location are allowed in conjunction with lawful uses in the Commercial and Industrial zoning districts in accordance with the following regulations:

1. Awning Sign - not to exceed thirty (30) percent of the total square feet of the area of the awning.
2. Construction Sign, subject to the following:
  - a. Only one (1) construction sign is allowed per project entrance driveway.
  - b. Shall not exceed thirty two (32) square feet in area.
  - c. Shall not exceed a height of eight (8) feet above mean grade.
3. Freestanding Signs
  - a. Freestanding Identification Sign, subject to all of the following:



- i. Shall not exceed fifty (50) square feet in area for a single business nor one hundred (100) square feet in area in total for multiple businesses.
    - ii. Shall not exceed a height of ten (10) feet above mean grade.
    - iii. Shall be set back a minimum of ten (10) feet from any public or private road right-of-way or easement.
    - iv. Shall include the address of the property in letters at least six (6) inches high.
    - v. No more than one (1) such sign is allowed per lot or parcel, and it shall not be used in combination with any other freestanding permanent sign (whether another Freestanding Identification Sign or a Freestanding Business Identification and Advertising Sign).
  - b. Freestanding Business Identification and Advertising Sign, subject to all of the following:
    - i. Shall not exceed fifty (50) square feet in area for a single business nor one hundred (100) square feet in area in total for multiple businesses.
    - ii. Shall not exceed a height of ten (10) feet above mean grade.
    - iii. Shall be set back a minimum of ten (10) feet from any public or private road right-of-way or easement.
    - iv. Shall include the address of the property where the sign is located in letters at least a minimum six (6) inches high.
  - c. Only one freestanding sign is allowed per parcel or lot (i.e., the landowner must choose between a Freestanding Identification Sign or a Freestanding Business Identification and Advertising Sign). The landowner should choose the most appropriate sign for the need. If the use is a retail establishment, it is suggested that the sign should include an advertising space. If it is an office environment, advertising may not be needed on the sign and an identification sign only may be needed.
- 4. Wall Sign – All businesses shall be permitted wall sign area on all walls fronting onto public roadways or private roadways in the case of internal development buildings. Total sign area is not to exceed ten (10) percent of the total area of the ground floor wall area including windows and doors. All signs are to be used exclusively for the business carried on behind the wall space upon which the signs are attached.
- 5. Projecting Sign- not to exceed six (6) square feet in area the bottom of the sign to be at least six (6) feet eight (8) inches above mean grade.
- 6. Mural Sign-not to exceed thirty (30) percent of the square feet area of the wall upon which the sign is painted. If used in combination with a wall sign not to exceed the maximum thirty (30) square feet in combination, with the wall sign not to exceed ten (10) percent as regulated in item 4 above.
- 7. Community Service Group Sign subject to all of the following:
  - a. Shall not exceed twenty four (24) square feet in area.
  - b. Shall not exceed a height of eight (8) feet above mean grade.
  - c. Shall include the address of the property involved with a minimum six (6) inch high numbers.

- d. Shall be set back a minimum of five (5) feet from any public or private road right-of-way or easement.
- 8. Window Signs-not to exceed thirty (30) percent of the square feet of the window area that the signs are displayed through.

#### **E. Residential and Agricultural Zone Districts**

The following permanent sign types, size, and location are allowed for lawful uses in the Residential and Agricultural zoning districts in accordance with the following regulations.

- 1. Community Service Group Sign-
  - a. Shall not exceed twenty four (24) square feet in area.
  - b. Shall be set back a minimum of five (5) feet from any public road right-of-way or easement.
  - c. Shall not exceed ten (10) feet in height above mean grade.
- 2. Construction Signs subject to the following regulations:
  - a. Only one (1) such sign is allowed per construction project entrance.
  - b. Shall not exceed thirty two (32) square feet in area.
  - c. Shall be removed within thirty (30) days from the completion of the project.
  - d. Shall not exceed a height of eight (8) feet above mean grade.
- 3. Freestanding Identification Signs subject to the following regulations
  - a. Shall not exceed ten (10) square feet in area.
  - b. Shall not exceed a maximum of three (3) feet in height above mean grade.
  - c. Shall be located outside of any public or private road right of way or easement.
- 4. Wall Sign for Home Occupations shall not exceed four (4) square feet in area.
- 5. In addition to the above, and limited exclusively to the Agricultural Zone District, the following signs are permitted:
  - a. Farm wall signs – Such signs shall not exceed thirty two (32) square feet in area and shall be mounted directly onto an on premise farm structure. Only one (1) such sign is allowed per structure. Rooftop signs are prohibited.
  - b. Farm centennial sign – Only one (1) such sign is allowed per farm premise. No such sign shall exceed ten (10) square feet in area or five (5) feet in height above mean grade.
  - c. Agribusiness signs – The sign area and height shall comply with the conditions of the Special Land Use for the property involved.

#### **F. Signs Prohibited**

A sign not expressly permitted is prohibited, including, but not limited to:

- 1. Abandoned signs, which shall be removed within ninety (90) days of the cessation of the business, use or activity.
- 2. Gas or air-filled balloons intended to draw attention to a business or other commercial activity.

3. A rotating or moving sign in which the sign itself or any portion of the sign moves in a revolving or similar manner.
4. Signs or advertising on vehicles that are parked or located for the primary purpose of displaying the advertising copy.
5. Festoons, pennants, nongovernmental flags, banners, inflatable figures, and streamers except as expressly permitted in this Chapter.
6. Snipe signs (such as any unlawful sign posted on a tree, utility post, traffic sign, etc.).
7. Signs imitating or resembling official traffic or governmental signs or signals.
8. Portable freestanding or temporary signs, except where expressly permitted in this Chapter.
9. Any sign that obstructs free access to or egress through or from a required door, window, fire escape, or other required exit from a building or structure.
10. Any sign that makes use of the words "Stop," "Look," or "Danger," or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse drivers.
11. Digital, electronic, L.E.D., L.C.D. or trivision signs or sign faces.
12. Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings that are not larger than one-half (1/2) square foot.
13. Off-site signs, unless expressly permitted in this Chapter.
14. Animated signs.
15. Signs that are otherwise unlawful under county, state or federal law.
16. Signs that constitute a trespass or are installed on the property of another without permission.
17. Banners, pennants, flags, and similar type signs attached to trucks and similar devices parked continuously on a lot in a prominent location placed to take advantage of the advertising on the device to the passing public for more than forty-eight (48) hours.
18. Rooftop and roof-mounted signs.
19. Obscene signs which contain statements, words, or pictures of an obscene, pornographic or immoral character.
20. Billboards.

#### **G. Measurement of Signs**

1. Unless otherwise specified within this Ordinance for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any circle, triangle, parallelogram or other geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or 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 for supporting the sign. Frames and structural members not bearing a copy or display materials shall not be included in computation of sign area.
2. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the total area of all sign facts, except if two faces are placed back-to-back

and are of equal size, and are no more than two feet apart at any point, then the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the sign face.

3. 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. This is also referred to as "mean grade."
4. For buildings with separated and distinct multiple tenants, sign areas for wall signs, projecting signs, and awning signs shall be determined by computing only that portion of the front wall area of the building applicable to that tenant.

## **H. Sign Permit**

A sign permit from the Township is required for all signs over four (4) square feet in area. The landowner shall apply for a sign permit on forms provided by Chester Township. No such sign shall be installed or modified prior to a sign permit being issued by the Township. The application for a sign permit shall be accompanied by the payment of a fee or fees in accordance with a fee schedule as determined by the Chester Township Board and as amended from time to time.

## **I. Sign Illumination**

1. Except as provided in subsection B below, all signs are permitted to be either internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of the light from shining directly onto traffic or other property.
2. Digital, L.C.D., L.E.D., electronic, trivision, and computer-illuminated signs or sign faces are prohibited.

## **J. Design, Construction and Location Standards**

1. All signs, including all sign support posts and other structural members, shall be properly maintained and kept in good repair and condition at all times and shall not be allowed to become unsightly or a safety hazard through disrepair or as a result of exterior wear and tear.
2. Signs shall be constructed to withstand wind and vibration forces as required by the building code applicable within Chester Township.
3. Signs shall not be placed in, on, or over any private road easement or any public road right-of-way, or alley, except as may be otherwise permitted by the Ottawa County Road Commission or Michigan Department of Transportation as applicable.
4. A light pole, utility pole, or other support structure not specifically designed and approved as sign support structure shall not be used for the placement of any sign unless specifically approved for such use.
5. A street sign or publicly owned directional sign shall not be used for the placement of any privately owned sign.
6. A sign shall not be erected or kept where by reason of its position, shape, color, or other characteristics, interferes with, obstructs or is confused with an official traffic sign, signal, or device.
7. A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.
8. No sign shall contain flashing, moving, or animated parts or lights or have the appearance of having flashing, strobe, moving, or animated parts or lights.

9. Except as otherwise expressly provided in this Chapter, all signs shall meet the same setbacks as is required for buildings and structures.

### **Section 313-Exterior Lighting**

- A. All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- B. All outdoor lighting shall be directed toward and confined to the ground areas of lawns or parking lots.
- C. All lights used for the illumination of business establishments or for the illumination of business buildings or areas surrounding them, or for the illumination or display of merchandise or products of business establishments, shall be completely shielded from the view of vehicular traffic using streets abutting such business properties. Floodlights used for the illumination of said premises or of any sign thereon, whether or not such floodlights are attached to or separate from the building, shall not project above the highest elevation of the front wall of the building.

### **Section 314-Multi-Family Housing**

- A. Multi-family housing, including duplexes, may be permitted in the High Density Residential Zone District upon approval of the Township Board and the Planning Commission.
- B. All multi-family housing, including duplexes, shall be required to be served by a public sewer system.
- C. Multi-family housing shall include, but not be limited to, apartment houses, nursing homes, and condominiums providing living quarters for three (3) or more families.
- D. The following criteria shall be considered prior to granting approval:
  - 1. Setbacks to conform to those required for the district in which said multi-family housing is to be located.
  - 2. Area and bulk requirements
    - a. Minimum lot area per dwelling unit - 3500 square feet but in no case shall total lot area be less than 84,000 square feet.
    - b. Maximum building height - 2 ½ stories or 35 feet.
    - c. Minimum floor area per dwelling unit:

Efficiency Apartment	360 sq. ft.
One-Bedroom Apartment	500 sq. ft.
Two-Bedroom Apartment	700 sq. ft.
Three-Bedroom Apartment	900 sq. ft.
  - 3. Off street parking shall be provided at a rate of two (2) parking spaces for each dwelling unit. The parking area and all driveways shall be paved and properly drained. Driveway access to public streets shall conform to the requirements of the Ottawa County Road Commission. All off-street parking areas shall have a setback of five (5) feet from all property lines.

4. Sanitary sewage disposal system and water supply shall be approved by the Ottawa County Health Department.
5. All multi-family developments shall comply with all site plan requirements listed in Chapter 12.

### ***Section 315-Dismantled or Inoperable Motor Vehicles***

- A. No person shall park, store or permit to be parked any dismantled, partially dismantled, unlicensed or inoperable motor vehicle upon any private premises in Chester Township, except for those that qualify under the exemptions listed in Ordinance 2003-08-01.
- B. This Section shall apply to the owner of the premises wherein such a vehicle is parked or stored, as well as the owner of the vehicle.

This Section shall not apply to any vehicle parked or stored within a wholly enclosed garage or other wholly enclosed structure, or farm equipment.

### ***Section 316-Mining and Mineral Extraction Uses and Operations***

- A. **Purpose and Intent.** The purpose of this Section is to provide for the use of lands that have significant gravel and/or sand deposits and which, if mined for such deposits under the regulations of this Chapter and this Ordinance, would not constitute a hazard to the public health, safety, and welfare. The regulations are intended to result in: mining and excavation operations that will not be detrimental to the public health, safety, and welfare; and operations that will be conducive to and result in the reclamation of the land so that it will be suitable for other purposes, including single-family residential purposes. Further, it is the intent of these provisions to preserve the natural resources of the Township.
- B. **Zoning Districts.** Mining and mineral extraction shall be allowed in any zoning district if approved by the Planning Commission as a special use.
- C. **Site Plans.** A site plan for the proposed mining or mineral extraction operation (together with a reclamation plan) in compliance with Chapter 13 shall be filed with the Township and shall be reviewed and approved, approved with conditions, or denied by the Planning Commission as part of the special use review process.
- D. **Standards.** In order to approve a special use for mining or mineral extraction, the Planning Commission must find that no very serious consequences would result from the mining or mineral extraction operation, use or activities. In making that determination, all of the following factors may be considered if applicable:
  1. The relationship of extraction and associated activities with existing land uses;
  2. The impact on existing land uses in the vicinity of the property involved;
  3. The impact on property values in the vicinity of the property involved and along the proposed hauling route serving the property involved, based on credible evidence;
  4. The impact on pedestrian and traffic safety in the vicinity of the property involved and along the proposed hauling route serving the property involved;
  5. The impact on other identifiable health, safety, and welfare interests in Chester Township; and
  6. The overall public interest in the extraction of the specific natural resources on the property involved. When considering this factor, the Planning Commission shall determine:

- a. Whether the mineral or minerals involved are available from other locations nearby or closer to the site or sites where the materials are needed.
  - b. The degree and extent of the public interest in the extraction of the materials at issue.
  - c. Whether the public interest in the specific material(s) is very high or relatively low.
  - d. Market conditions related to the resource at issue in the specific location or area involved.
  - e. The demand for the materials at issue.
- E. Conditions.** If the Planning Commission approves a special use for a mining or mineral extraction use, activity, or operation, the Planning Commission can attach reasonable conditions to such approval regarding the following areas and topics:
- 1. Hours of operation.
  - 2. Noise.
  - 3. Dust control.
  - 4. Blasting hours.
  - 5. Traffic.
- F. Compliance with the Chester Township Mineral Mining Licensing Ordinance.** Every mining and mineral extraction operation, activity, or use shall also fully comply with the Chester Township Mineral Mining Licensing Ordinance, as amended.

### ***Section 317-Unsafe Buildings or Structures***

The Building Inspector has the authority to order the strengthening or repair of any building, which is unsafe or hazardous.

### ***Section 318-Commercial and Industrial Zones***

- A.** In any Commercial or Industrial District, each premises used shall provide:
- 1. Adequate inside toilets complying with all requirements of the Michigan State Building Code and Ottawa County.
  - 2. An ample supply of fresh clean water publicly inspected and approved by the County Health Officer or his authorized representative.
  - 3. No exterior lighting the direct rate of which shall extend beyond the property lines of such commercial or industrial use or the lighting or reflection of which shall cause a nuisance to other property owners.

### ***Section 319-Driveway Permit***

Prior to the granting of a permit for any construction within Chester Township, where access to a public street will result, a driveway permit from the State Highway Department and/or the Ottawa County Road Commission shall be submitted to the Building Inspector.

### ***Section 321-Moving of Buildings***

The moving of a building to a different location shall be considered as the erection of a new building and all provisions, regulations, and requirements relative to the erection of a new building

shall be applicable thereto, and a performance bond may be required prior to such moving as provided in the Township Building Code.

### ***Section 322-Parking of Vehicles***

Parking or storage of commercial trucks and/or vehicles exceeding a rated capacity of one and one-half (1½) tons and/or semi-tractors is prohibited in all Residential Districts.

### ***Section 323-Personal Property Sales***

- A. Personal property sales shall include garage sales, yard sales, basement sales, or any other sales of a similar nature of personal property, and shall be allowed as an accessory use to a dwelling provided:
1. It has duration of not longer than three (3) days.
  2. It does not occur within one hundred twenty (120) days of the last personal property sale held on or at the same location or parcel of property.
  3. All articles of property that are offered for sale shall be totally enclosed within a lawful structure or building between the hours of 7:00 P.M. and 8:00 A.M.
  4. All articles of property that are offered for sale after the sale has been completed as allowed herein shall be removed from display so as not to be seen from the outside of any lawful structure, and further any sign or signs that may exist advertising said personal property sale, shall be removed and taken down.

### ***Section 324-Razing of Buildings***

No building shall be razed until a building permit has been obtained from the Building Inspector who is hereby authorized to require a performance bond. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Building Inspector may reasonably require and this Ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

### ***Section 325- Essential Public Services***

The following uses are permitted in any residential district as special uses: Municipal, State, Federal or Educational administration or service buildings, if found to be essential to service the neighborhood or community; provided, however, that such use shall be permitted only upon special use permit from the Township Board after finding that such use will be in conformity with the character of the adjacent neighborhood and that they are essential to serve the neighborhood or community and cannot feasibly be located in a zone where they would otherwise be permitted. The Township Board shall establish requirements for setback, side yard, parking, screening, and other conditions necessary to conform the same to the character of the adjacent neighborhood.

### ***Section 326-Traffic Visibility***

On any corner lot, no fence, structure or planting over twenty-four (24) inches in height above the curb line, except deciduous trees, shall be erected or maintained within twenty (20) feet of the intersection of right-of-way lines so as to interfere with traffic visibility across the corner of said lot. No structure or planting which is deemed a traffic hazard shall be permitted in any district. No unshielded light of more than seventy-five (75) watts may be located nearer than thirty (30) feet to a public street unless said light source is not visible from the public street. All light sources



of more than seventy-five (75) watts used to illuminate signs, parking areas or premises shall be diffused or shielded so that the direct source is not visible from any public street.

### **Section 327- Walls & Fences**

All fences shall conform to the following regulations:

- a. The post side of the fence will face into the subject site
- b. Must be properly maintained
- c. Must be located fully within the owner's property line
- d. Must not create any traffic visibility obstructions

Fences and non-retaining walls not more than three (3) feet in height, and retaining walls of any height are permitted in the yards of all zones, provided said fence(s) shall not be more than fifty (50) percent solid.

Solid non-retaining walls and solid fences of not more than six (6) feet in height are permitted only in side or rear yards in any zone.

A well-maintained wire protective fence is permitted in the front yard in the Industrial District with Planning Commission approval.

All fencing in the Agricultural District utilized for the keeping of livestock is exempt from this section. Electrified fencing, single-strand wire fencing, and barbed wire fencing shall be prohibited unless utilized for the keeping of permitted livestock and/or used in conjunction with a bona fide farming operation.

In the Lake Residential District, fences shall be placed no closer to the lake than the normal high water mark.

### **Section 328-Keeping of Animals**

- A.** The keeping of household pets, including dogs, cats, fish, birds, hamsters, and other animals which are generally regarded as household pets is permitted as an accessory use in any residential district and in the Agricultural District if not kept for a commercial or business use or purpose. However, no such pet shall be kept or maintained in such a fashion as to constitute a nuisance, safety, or health hazard to the owners or occupants of adjacent properties. Furthermore, the keeping of such pets may also be subject to the regulations of other applicable Chester Township ordinances.
- B.** The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, and chicken hens shall be permitted with the following restrictions, except in connection with commercial agricultural activities subject to the Michigan Right to Farm Act to the extent covered by, and being conducted in compliance with, applicable Generally Accepted Agricultural Management Practices:
  1. In the Low Density Residential Zoning District and the Lake Residential Zoning District:
    - a. A minimum lot size of (two) acres shall be required for the first animal unit and 1 acre shall be required for each additional animal unit. A maximum of (five) animal units shall be permitted per lot.
    - b. A combination of animals up to an equivalent of the animal units permitted for the lot size shall be allowed.

- c. All accessory buildings used to house, feed, or shelter the animals and all grazing or exercise areas shall not be located within 60 feet of any property line.
  - d. All accessory buildings used to house, feed, or shelter the animals and all grazing or exercise areas shall not be located within 100 feet of any creek, stream, lake, major drain, or other body of water.
  - e. Roosters shall not be permitted.
2. In the Low Density Residential Zoning District and the High Density Residential Zoning District:
- a. on lots of two (2) acres or more in area, the keeping of horses, pigs, sheep, cattle, chicken hens or other similar animals shall be permitted as provided in Section 328B1 of this Ordinance.
  - b. On lots of less than two (2) acres in area, the keeping of horses, pigs, sheep, cattle or other similar animals are prohibited. The keeping of chicken hens shall be limited to no more than six (6) animals.
    - (1) All accessory buildings used to house, feed, or shelter the animals and all grazing or exercise areas shall not be located within ten (10) feet of any property line.
    - (2) All accessory buildings used to house, feed, or shelter the animals and all grazing or exercise areas shall not be located within one hundred (100) feet of any creek, stream, lake, major drain, or other body of water.
    - (3) Where chicken hens are kept or allowed outside, a fence of such construction as to keep said animals from leaving the lot shall be provided and regularly maintained.
    - (4) Roosters shall not be permitted.
- C. For this Section 328B1, one (1) animal unit shall be equal to either:
- 1. One (1) horse, donkey, mule, cow, pig, sheep, goat, llama, alpaca, emu, ostrich, or similar animal; or
  - 2. Six (6) chicken hens other than those listed above.

**Section 329-Underground Single-Family Dwellings**

- A. An underground single-family dwelling is permitted, notwithstanding any section to the contrary, within only the Agricultural District and any residential district as a special use approved by the Planning Commission provided the following conditions are met:
- 1. A site plan is filed and approved by the Planning Commission.
  - 2. The requirements of the State Construction Code as adopted and enforced by the Township and all other ordinances of the Township are met.
  - 3. The parcel upon which it is placed has an area not less than two and one half (2½) acres and a minimum width throughout its entire length of three hundred thirty (330) feet.
  - 4. There is at least one side of the dwelling that is completely exposed and above grade and/or ground level immediately adjacent thereto when construction and landscaping are completed.
  - 5. No point within the building shall be more than fifty (50) feet by way of travel from an exit opening directly to the outside of the dwelling.

6. All entrances to the dwelling on any side of the dwelling that is not completely exposed must be designed to be visually unobstructed for a distance of at least thirty (30) feet from the dwelling.
7. There must be a finished living area of not less than one thousand two hundred (1200) square feet.
8. The property above and surrounding the dwelling within fifty (50) feet must be finished grade prior to occupancy.
9. All requirements of the district in which it is located must be met in addition to the requirements hereof.
10. The dwelling must have an architect's or engineer's seal on the plans for the construction of the roof or any part that will be supporting earth above and shall be specifically designed for that purpose.
11. All surface measurements necessary to determine yard dimension and any other dimension requirement of a dwelling shall be taken from the point at which the perimeter walls of the underground dwelling would exist on the surface if they were vertically extended above the surface of the ground.

### ***Section 330-Private Roads and Driveways.***

**A. Purpose.** The Township desires to provide uniform and minimum standards for private driveways, which provide access from public roads or right-of-ways to private property located in Chester Township, Ottawa County, Michigan. However, the regulations of this section shall only apply to those private driveways which are established or created after the effective date of this ordinance. Compliance with the regulations of this section for those private driveways established or created prior to the effective date of this Ordinance is encouraged but is not required by the terms of this section. To be established or created prior to the effective date of this section, there must be some significant and substantial improvements to the parcel or piece of land on which the private driveway is situated, together with actual use of the private driveway for a period of at least 60 days.

### **B. Private Roads.**

**1. Applicability.** Private roads are permitted in the Planned Unit Development District only. The regulations of this Section 330 do not apply to any private roads which existed as of the date of adoption of this Section 330.

#### **2. Purpose and Intent**

The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, maintenance, extension, relocation and use of private roads, so as to assure the following:

- a. That private roads are designed with sufficient width, surface and grade to assure safe passage and maneuverability of private vehicles and of commercial, fire, police, and ambulance and other safety vehicles.
- b. That private roads are constructed of suitable materials so as to insure minimal maintenance and safe passage.
- c. That private roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands and the natural environment of the Township.

d. That private roads shall be properly maintained in a safe and usable condition.

**3. Procedure for Permitting of Private Roads.**

a. An application to establish, construct or extend a private road shall be submitted as part of the application for PUD approval required by Chapter 11 of this ordinance. In addition to the requirements of Chapter 11 for PUD approval, the application shall contain or be accompanied by the following information:

- (1) A scaled drawing sealed by a registered engineer or surveyor showing the precise location, route, elevations, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect. This drawing shall include a profile (cross section) of the proposed road.
- (2) The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private road right-of-way or within twenty (20) feet either side thereof.
- (3) A road maintenance agreement, access easement agreement and deed restrictions as required in this Section shall also accompany the application.

**b. Review by Planning Commission**

(1) The Planning Commission shall review this information in conjunction with the Township Fire Chief to determine compliance with the standards and requirements for private roads as contained herein and may consult with the Township Attorney, Engineer or Planner. The application shall be reviewed as part of the Preliminary Development Plan and Final Development Plan for PUDs as required by Chapter 11.

If the Planning Commission finds that the application meets the requirements of this Section, and the requirements of Chapter 11, the application shall be approved and a Construction Permit issued for the construction of the private road. This Construction Permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval.

This Construction Permit is not a Private Road Permit and does not authorize the construction of any buildings on the private road. The Construction Permit is valid for a period of one year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new Construction Permit shall be required before construction can begin.

(2) If the Planning Commission denies the application, the written reasons for denial shall be provided to the applicant at the time of review of the Final Development Plan for PUD application.

(3) Final Compliance Requirements - Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator:

- (a) A letter from a registered professional engineer or surveyor that the road has been constructed in compliance with the approved private road plans, and
- (b) Documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Ottawa County Register of Deeds office.

- (c) The Zoning Administrator shall also conduct an inspection of the private road to ensure that all other requirements of this Section have been met.
- (d) A driveway permit from the Ottawa County Road Commission or Michigan Department of Transportation as the case may be.
- (e) **Private Road Permit Issuance.** Upon approval of items required for final compliance, the Zoning Administrator shall issue a letter of compliance which shall constitute the Private Road Permit.

- 4. Permits for Buildings on Private Roads.** A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private road unless
- a. the private road has been completed in accordance with an approved Private Road Permit, or
  - b. the applicant for the building permit or the owner(s) of the private road right-of-way have provided the Township with an irrevocable letter of credit in an amount determined by the Township to ensure construction of the private road in accordance with the approved private road construction permit and have also provided a road base adequate to support access by emergency vehicles while the dwelling is being constructed.

The letter of credit shall be valid for a period of one year from the date of the issuance of the building permit. The Township shall have the right to draw on the funds if the private road is not completed to the satisfaction of the Township prior to the expiration of the letter of credit.

A building permit however shall not be issued unless a road base adequate to support emergency vehicles has been provided

- 5. Minimum Standards for Private Roads.** The following standards shall apply to all private roads within PUDs, except the provisions of this section may be modified upon recommendation of the Planning Commission and approval of the Township Board upon their determination that the intent of Chapter 11 will be met. When determining whether to permit modifications of this section, the criteria of Section 1103 shall be used.
- a. A private road shall be located within a private road easement. Such easement shall not be less than 66 feet in width at any point. At any dead-end of such easement, the easement shall widen such that there is a minimum radius of 60 feet.
  - b. A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located. For lots on a cul-de-sac the frontage requirement shall be recommended by the Planning Commission and approved by the Township Board, but in no case shall be less than 33 feet.
  - c. A private road or a system of private roads serving one PUD shall intersect and connect to a public road.
  - d. No dead-end private road shall extend for a distance of more than 2,640 feet from the nearest public street right-of-way, as measured along the centerline of the private street, unless:
    - (1) There is another approved, connecting private road providing direct access back to the same public road and which is separated from the initial private street by at least 150 feet; or

- (2) The private road intersects with another public or approved non-dead-end private street which provides a second means of access to the private road.
- e. The private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name of the private road meeting Ottawa County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road.
  - f. Stop signs shall be provided at the intersection of the private road with the public road.
  - g. The area in which the private road is to be located shall be cleared and kept clear of vegetation for a minimum width of 28 feet. The private road may be located anywhere within the private road easement, allowing for the required shoulder, provided that the balance of the right-of-way shall remain unencumbered to allow for future expansion.
  - h. All private roads shall be constructed on a base of at least six inches of compacted gravel with a suitable sand sub-base.
  - i. A private road shall have a minimum roadway width (driving surface) of 22 feet with a minimum shoulder width of three feet on each side.
  - j. A private road shall be paved with asphalt or concrete. Such paving shall meet the standards of the Ottawa County Road Commission pertaining to paving thickness.
  - k. The road surface shall have a minimum slope of 2% from the centerline of the road to the outside edge of the road shoulder.
  - l. All private roads shall widen at any dead end so there is at least a 40 feet radius driving surface turnaround. In the event of severe topography, mature trees or other similar natural feature which prevents the reasonable installation of the turnaround a different turnaround design may be approved.
  - m. A private road shall not exceed a grade of 10 percent; provided that a minimum of 50 feet of flat gradient measured from the shoulder line shall be provided at the approach of a private street to another private street or public street, with a maximum of 0.5% sloped away from an intersecting street if it has the right of way. Intersections shall not be allowed on grades steeper than six percent.
  - n. A private road shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer that it complies with applicable Ottawa County Road Commission and State of Michigan requirements.
  - o. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three inches in height.
  - p. The private road right of way shall be no closer than 50 feet from any property line abutting the parcel containing the private road.
  - q. A private road that intersects a public street shall be at least 150 feet from a public or private road which intersects the same street as measured between the centerlines of the roadways.

## **6. Private Road Maintenance Agreement**

The applicant(s) and/or owner(s) of the proposed private road shall provide to the Township a recordable or recorded road maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (non- public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. These documents shall include provisions for the following:

- a. A method of financing such road and/or easements in order to keep the road in a reasonably good and usable condition.
- b. A method of apportioning the costs of maintenance and improvements and an enforcement mechanism to ensure that such maintenance and improvements are carried out.
- c. A notification that no public funds of the Township of Chester will be used to build, repair, or maintain the private road.
- d. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
- e. Each of the owners of property utilizing the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners and ensuring that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by family, guests, invites, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
- f. If the private road entrance is secured by a locked gate or other similar mechanism, the applicant shall arrange for emergency vehicle access with the Township Fire Chief.
- g. The agreement shall provide that it is enforceable by the Township at its option. The agreement shall also provide that, if the private road is not maintained to the requirements of this Ordinance, all of the owners of lots utilizing or benefited by the private road shall be deemed to have consented to the creation of a special assessment district by the Township in order to maintain or upgrade the private road.

### **C. Private Driveways**

1. After the effective date of this Ordinance, all private driveways shall conform to the following regulations:
  - a. Each private driveway, and the lot or parcel of land which are served thereby shall comply with the requirements of the Chester Township Zoning Ordinance and the Land Division Act (MCLA 560.101, et seq.), as both may be amended from time to time.
  - b. A private driveway may serve or provide access to no more than one lot, or one piece or parcel of land. A private driveway may not serve more than one (1) single family structure, or, more than one (1) duplex residential structure.
  - c. Any private driveway which is longer than one hundred and fifty (150') feet must first be approved by the Fire Chief and Zoning Administrator of Chester Township. The applicant shall submit a site plan which depicts the lot, or piece or parcel of land to be served by the private driveway; the location, width and length of the private driveway; and any unusual features of the land or lot (such as topography, wetlands, etc.).
  - d. No private driveway shall be located on the lot or parcel of land served thereby closer than five feet (5') to the nearest side lot line of any parcel or lot. No culvert, or portion thereof, installed for the private driveway shall be located closer than five feet (5') to

the nearest side lot line of any parcel or lot. No culvert, or portion thereof, installed for the private driveway shall be located closer than five feet (5') to the nearest side lot line of any parcel or lot.

- e. Every private driveway shall have a cleared width of at least twenty feet (20'), and the traveled portion of the driveway shall be at least twelve feet (12') in width. The traveled portion of the driveway shall have gravel, aggregate or other material suitable for safe passage of emergency vehicles which shall be a minimum of six inches (6') in depth.
- f. All private driveways and private roads shall have a minimum overhead clearance of fourteen feet (14').
- g. All private driveways shall meet the Ottawa County driveway standards.

### ***Section 331-Standards and Requirements for All Dwellings***

- A. All buildings, structures, pre-manufactured homes, modular homes, mobile homes, or anything else located outside a mobile home park shall only be used as a dwelling for human habitation if it complies with all of the following standards and requirements:
  - 1. Prior to the issuance of a building permit for any dwelling to be constructed on site, or for the issuance of a building permit for foundation for any dwelling which is not constructed on site, an application for zoning approval must be submitted to the Township Zoning Administrator. The application must include all materials necessary for the Zoning Administrator to make a determination of whether the proposed dwelling complies or will comply with the requirements of the Zoning Ordinance, other applicable Township Ordinances, and all other applicable requirements of the State Construction Code. (MCLA 125.1501, et seq.). The applicant shall also complete and submit a site plan which provides detailed information as to the size of the lot or parcel on which the dwelling is to be constructed or located, and to demonstrate compliance with all applicable setback requirements. The Zoning Administrator shall review the application once it is completed, and shall notify the Township Building Inspector of approval for issuance of a building permit.
  - 2. A dwelling must satisfy the minimum dwelling size for the zoning district in which it will be located. In no event, however, shall a dwelling have less than twelve hundred (1200) square feet of finished, habitable floor area.
  - 3. The minimum width of any dwelling shall be twenty-two (22) feet, and that minimum width must be maintained for at least sixty-seven (67%) of the total length of the dwelling. The width shall be measured between the two walls having the greatest length.
  - 4. A dwelling must comply in all respects with either the State of Michigan Construction Code, MCLA 1501, et seq.; or, a locally adopted and enforced nationally promulgated construction code; or the Mobile Home Construction and Safety Standards contained at 24 C.F.R. 3280, as amended.
  - 5. A permanent foundation shall be constructed on site and it shall have the same perimeter dimensions as the perimeter dimensions of the dwelling. The foundation shall be constructed in manner and of materials which comply with the State Construction Code. Pre-manufactured homes, modular homes, and mobile homes shall be constructed in a manner and of materials which comply with the State Construction Code. Pre-manufactured homes, modular homes, and mobile homes shall be installed in accordance with the manufacturer's set up instructions and a copy of the set up instructions shall be provided to the Township Building Inspector upon request. Pre-manufactured homes,



modular homes, and mobile homes shall be secured to the foundation by an anchoring system or devices which comply with the rules of the Michigan Mobile Home Park Commission or the State Construction Code, whichever is stricter. The foundation for a mobile home shall consist of a continuously poured pad which is at least six inches (6") in depth, and reinforced with 6" X 6" welded wire mesh. A mobile home shall be skirted with three rows of cement blocks, or other material that complies with the building code. All wheels shall be removed from a mobile home and there shall be no exposed towing mechanism, undercarriage or chassis.

6. The dwellings shall meet or exceed all applicable roof snow load and roof strength requirements.
7. Any dwelling without a basement, except for a slab foundation constructed on grade, shall have a crawl space below the entire floor of the dwelling which is at least four (4) feet in depth. The crawl space shall include a vapor barrier that consists of at least two (2) inches of concrete on the floor of the crawl space. Drains shall be installed in crawl spaces which adequately prevent the accumulation of water in the crawl space. Alternative plans for the crawl space may be approved by the Township Building Inspector if they comply with the building code enforced in the Township.
8. Any additions to a dwelling shall be constructed of similar materials and workmanship as the original structure. Permanent attachment to the principal structure shall include the construction of a foundation for the addition. No load bearing walls, posts or beams shall be attached to a mobile home.
9. If there is a height difference of more than eight (8) inches between the sill of any door and the grade, then the dwelling shall have steps or porch areas permanently attached at such point.
10. Each dwelling shall have at least two hundred (200) square feet of enclosed storage area, excluding closets. The enclosed storage space may consist of a basement, garage, shed or other structure.
11. All dwellings must have a double-pitched roof of not less than four (4') feet of rise for each twelve (12') feet of run. The roof shall be covered with asphalt, fiberglass, or shake shingles, or other roofing material that complies with the building code or the regulations of the Mobile Home Construction and Safety Standards, 24 C.F.R. 3280. All dwellings must have a roof overhang of at least six (6) inches on all sides, or alternatively, window sills or roof drainage systems which concentrate roof drainage at collection points along the side of the dwelling.
12. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
  - a. The compatibility of design appearance shall be determined by the Township Zoning Administrator and Building Inspector upon review of the plans submitted for the dwelling. Any person aggrieved by the decision of the Zoning Administrator/Building Inspector may appeal to the Zoning Board of Appeals. The determination of aesthetic compatibility shall be based upon the standards set forth in this Section and on the character, design and appearance of residential dwellings located outside of mobile home parks within five hundred (500) feet of the subject dwelling.
  - b. The requirement of aesthetic compatibility is not intended to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

13. All dwellings shall have a minimum of two (2) doors which provide ingress and egress.
14. Water and Sewer: No dwelling shall be occupied unless it contains an inside toilet complying with the requirements of the Chester Township Building Code and an ample supply of fresh, clean water, publicly inspected and approved by the County Health Officer or his authorized representative.
15. Size of Dwelling
  - a. Every single-family dwelling situated in this District shall have a floor area of at least one thousand two hundred (1,200) square feet. The minimum floor area of the dwelling does not include the area of any garage, enclosed porch, basement or any accessory structure or building.
  - b. Every single-family dwelling situated in this District which is a multiple story construction, shall have at least seven hundred (700) square feet of floor area on the lowest story (excluding basements), and a total floor area of at least one thousand two hundred (1,200) square feet. The minimum floor area of the dwelling does not include the area of any garage, enclosed porch, basement or any accessory structure of building.
  - c. No two family dwelling shall be hereafter erected, altered or moved on any land or premises in this district which provides less than seven hundred (700) square feet of floor area at the first floor level completely above final grade immediately adjacent to the dwelling for each family dwelling space, exclusive of attached garages, basements, unenclosed porches or other accessory structures.

### ***Section 332-Lake or Stream Access and Keyhole Development***

- A.** In all zoning districts, there shall be at least one hundred twenty feet (120') of lake or stream frontage as measured along the normal high water mark of the lake or stream for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.
- B.** Any multiple-unit residential development that shares a common lake or stream front area or frontage shall not permit lake or stream use or access to more than one (1) single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each one hundred twenty feet (120') of lake or stream frontage in such common lake or stream front area, as measured along the normal high water make line of the lake or stream.
- C.** Any multiple-unit residential development shall have not more than one (1) dock for each one hundred twenty feet (120') of lake or stream frontage, as measured along the normal high water mark of the lake or stream. All such docks and docking or mooring shall also comply with all other applicable township ordinances.
- D.** The above restrictions shall apply to all lots and parcels on or abutting any lake or stream, regardless of whether access to the lake or stream shall be by easement, park, common-fee ownership, single-fee ownership, condominium, arrangement, license, or lease.
- E.** In all zoning districts, no lake or stream access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake or stream shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional or nonresidential or nonagricultural uses or purposes unless such use is authorized pursuant to a special use approval or a planned unit development (PUD) approval and the use complies with the regulations of this zoning district.

- F. Lake or stream access and use regulations contained in this Section 332 shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
- G. In addition to the above limitations, no easement, private park, common area, lot or abutting or adjoining a lake or stream shall be used to permit access to the lake or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use or as a planned unit development (PUD).
- H. The minimum water frontage requirements of this Section 332 shall be doubled if the property involved is not served with public sewer or if more than fifty percent (50%) of the water frontage of the property involved is comprised of or adjoins a wetland as defined by Michigan law.
- I. If a property is located within a zoning district where the minimum lot width requirement is greater than one hundred twenty feet (120'), the minimum water frontage requirements noted in this Section 332 shall be increased so as to equal the minimum lot width requirements of the zoning district in which the property is located.
- J. No canal or channel shall be created from, out of or into any lake.
- K. In the event this Section 332 conflicts with any other section of this Ordinance, this section shall control.

### ***Section 333-Land Divisions***

#### **A. Definitions**

1. For the purpose of this section, certain terms and words used herein shall have the following meaning:
  - a. **Adjacent Land Transfer:** In cases where a non-conforming lot is being divided, and the remainder of the parcel is to be attached to an adjoining parcel. As no additional parcels are created, a Special Use Hearing is not required. Planning Commission review is required.
  - b. **Applicant:** A person, firm, association, partnership, corporation or combination of any of them that holds an ownership interest in land whether recorded or not.
  - c. **Divide or Division:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than one year or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Section 108 and 109 of the State Land Division Act.
  - d. **Exempt Split or Exempt Division:** The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads; through existing adequate roads or easements, or through acres owned by the owners of the parcel that can provide such access.
  - e. **Forty Acres or the Equivalent:** Either forty (40) acres; a quarter-quarter section containing not less than 30 acres or a government lot containing not less than 30 acres.
  - f. **Township:** Chester Township

**g. Township Board:** The elected and acting Board of Trustees of Chester Township.

**B. Prior approval requirement**

1. Land in the Township that is located in a Residential Zoning District shall not be divided without the prior review and approval of the Assessor, Zoning Administrator or other official designated by the Township Board in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempt from this requirement:
  - a. A parcel proposed for subdivision through a recorded plat pursuant to applicable Township Ordinances and the State Subdivision Control Act;
  - b. A lot in a recorded plat proposed to be divided in accordance with applicable Township Ordinances and the State Subdivision Control Act;
  - c. An Exempt Split as defined in this Section

**C.** Land in the Township that is located in an Agricultural Zoning District shall not be divided without prior review and approval of the Planning Commission.

**D. Application for approval**

1. A Land Division application shall be filed with the Zoning Administrator or other official designated by the Township Board for review. The Zoning Administrator or other official, designated by the Township Board shall determine if the property in question is located in a Residential Zoning District or an Agricultural Zoning District:
  - a. If the property is in a Residential Zoning District, the Zoning Administrator or other official designated by the Township Board shall review the application for approval.
  - b. If the property in question is located in an Agricultural Zoning District the Zoning Administrator or other designated by the Township Board shall forward the application to the Planning Commission for review and approval subject to the provisions as listed in Chapter 9 of this Ordinance.
2. Approval of a proposed land division must be obtained either from the Zoning Administrator or other official designated by the Township Board for property in a residential district; or by the Planning Commission for property in an agricultural district before making any division either by deed, land contract, lease for more than one year or for building development.
3. Approval of an Adjacent Land Transfer must be obtained from the Planning Commission for cases where a non-conforming lot is being divided, and the remainder of the parcel is to be attached to an adjoining parcel, before making any division either by deed, land contract, lease for more than one year, or for building development.
4. Approval of a Division that results in the creation of a non-conforming lot requires the issuance of a Special Use Permit, before making any division either by deed, land contract, lease for more than one year, or for building development.

**E.** All of the following information shall be provided to the Zoning Administrator or other official designated by the Township Board:

1. A complete application on such form as provided by the Township
2. Proof of ownership of the property in question.
3. A survey map of the land proposed to be divided, showing the dimensions and legal descriptions of the existing parcel and the parcels proposed to be created, the location of

all existing structures, and the accessibility of the parcels for vehicular traffic and utilities from existing public roads and legal description of any proposed easements.

4. In lieu of a survey map, the applicant may waive the thirty (30) day statutory requirement for a decision on the application until such survey map and legal description are filed with the Township and the applicant may submit a tentative preliminary parcel map, drawn to scale, for preliminary review, approval or denial.
  5. The Zoning Administrator or other official designated by the Township Board in the case of property in a Residential Zoning District, or the Planning Commission in the case of property in an Agricultural Zoning District, may waive the survey map requirement where the tentative parcel map is deemed to contain adequate information to approve a proposed land division considering size, nature of the application and undeveloped character of the area where the divisions are proposed.
  6. An accurate legal description of all proposed divisions shall be required at all times.
  7. A history of prior land divisions of which the proposed property was a part.
  8. Proof that all taxes or special assessments have been paid in full.
  9. Detailed information regarding the transfer of divisions rights if applicable.
  10. The land division application fee as established by the Township Board.
- F. All land divisions shall result in buildable parcels that shall comply with all requirements of the State Land Division Act, all Township Zoning requirements of the zoning district in question, and all County Health Department requirements for on site sanitary waste disposal and water.
- G. Procedure for review of applications for division on property in a Residential Zoning District:
1. Upon receipt of a land division application, the Zoning Administrator shall determine if the application is for land division within a Residential Zoning District or an Agricultural Zoning District. If the application is for land division in an Agricultural Zoning District the application shall be submitted to the Planning Commission for Special Use Authorization. If the application is for land division within a Residential Zoning District the Zoning Administrator or other official designated by the Township Board shall approve or approve with reasonable conditions to assure compliance with an applicable ordinance and the protection of health, safety and welfare of citizens of the Township or disapprove the land division application within thirty (30) days after receipt of the application and shall notify the applicant of the decisions and the reasons for any denial. If the application does not conform to this ordinance's requirements and the State Land Division Act, the Zoning Administrator or other official designated by the Township Board shall return the application to the applicant for completion and re-filing in accordance with this ordinance and the State Land Division Act.
  2. Any person or entity aggrieved by the decision of the Zoning Administrator or other official designated by the Township Board may, within thirty (30) days of said decision, appeal the decision to the Township Board or such other Board designated by the Township Board. The appeal shall be considered and resolved by a majority vote of said at its next regular meeting, provided that twenty (20) days written notice of the date and time of the meeting has been provided to the applicant.
- H. A decision approving a land division in a Residential or Agricultural Zoning District is valid for ninety (90) days, after which time it shall be considered void, unless a deed is recorded with the County and filed with the Township.

- I. The Zoning Administrator or other designated official shall maintain an official record of all approved and completed land divisions.
- J. Consequences of noncompliance with land division approval requirements:
  - 1. Any parcel created in violation of this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this Ordinance shall subject the violator to the penalties and enforcement actions set forth in Chapter 21 of this Ordinance, and as may otherwise be provided by law.

### ***Section 334-Moving Of Structures***

The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met. A performance bond or other security acceptable to the township may be required by the Township Board prior to such moving.

### ***Section 335-Principal Use***

Only one (1) principal use shall be made of a lot, except as otherwise specifically permitted. A single-family dwelling shall constitute a principal use and only (1) single-family dwelling shall be permitted on a lot. Only accessory uses to the one (1) principal use are permitted in addition to the one- (1) principal use.

### ***Section 336-Travel Trailers***

No travel trailer, camper, motor home or any similar vehicle shall be stored on any lot unless there is a principal building that meets the requirements of this Ordinance except as specifically provided in this Ordinance.

### ***Section 337-Division of Parcels or Lots***

No lot or parcel (platted or unplatted) shall be created, divided, split, or subdivided unless each such lot parcel and said action meets all of the requirements of this Ordinance and all other applicable Township ordinances.

### ***Section 338-Lot Width-To-Depth Ratio***

- A. In all zoning districts, the depth of all lots created of record after the adoption of this Ordinance shall not exceed four (4) times the width of the lot. For purposes of this Section, the measurement for lot width shall be taken along the frontage on the public street. The measurement for depth, for purposes of this Section, shall be taken from the street or road frontage to the point of the lot located farthest from the street or road frontage.
- B. Except as provided in paragraph C, the 1:4 width to depth ratio shall apply to all lots (including remnant parcels or lots), regardless of the size of the lot or lots involved.
- C. The Planning Commission may allow the 1:4 lot width to depth ratio to be exceeded if the following conditions are found to exist:
  - 1. The purpose for the exception in the lot width to depth ratio is strictly for preservation of productive agricultural land or other significant natural features.
  - 2. The public health, welfare, and safety of Township residents are not jeopardized by the adjusted width to depth ratio.

- D. The Planning Commission may impose additional conditions to the subject parcel to ensure that development is consistent with the Master Plan. This may include limiting the future development options on such parcel.

### ***Section 339-Lot Width***

- A. The minimum lot width required in each zoning district shall be maintained across the entire length/depth of the lot or parcel, except as provided in Subsection (B), below.
- B. All lots shall have frontage on an improved public street for a distance equal to or greater than the minimum lot width specified for the district in which the lot or parcel of land is located. Lots abutting a cul-de-sac shall be permitted to have less street or road frontage (but in no case less than thirty-three (33) feet of such frontage), provided, however, that a special land use is obtained and further provided that the lot width at the front setback line (or the rear setback line in the case of waterfront lots) and beyond shall satisfy the minimum lot width requirement of the district in which the lot or parcel of land is located.
- C. For all lots or parcels abutting or having frontage on a lake or stream, each lot or parcel shall have frontage on the lake or stream, as measured at the normal high water mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.
- D. For the purpose of this section, the measurement of lot width and frontage shall exclude all road rights-of-way.
- E. Lot width shall be measured along the road or street frontage.

### ***Section 340-Ponds and Artificial Bodies of Water***

No pond or artificial body of water, excluding ponds for koi, goldfish or any other decorative landscape pond containing an impermeable liner or Swimming Pools as defined by this Ordinance, shall be dug, created or expanded unless approved by the Planning Commission as a Special Use, subject to the following:

- A. The pond shall be installed for recreation, pleasure, or agricultural uses only. The creation of any ponds for the purpose and result of peat, earth, gravel, clay, top soil, stone or other soils or material extraction shall be regulated under the Chester Township Mineral Mining Licensing Ordinance.
- B. A pond may be located in any zoning district and may be considered as a principal or accessory use.
- C. At a minimum, a pond shall comply with all the yard requirements for the zoning district in which it is located, except that any pond used as a farm manure lagoon shall not be located less than three hundred (300) feet from any lot lines or road right-of-way lines. The Planning Commission may increase the minimum setbacks for ponds when in its discretion such is determined to be necessary to minimize potential public health and safety concerns or nuisance conflicts with adjoining properties.
- D. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of five (5) feet.
- E. Ponds shall contain a minimum depth of twelve (12) feet.
- F. No pond shall exceed 5,000 cubic yards in area.

**G.** If the Planning Commission determines in the course of its approval of a pond that the protection of the general public requires that the pond be enclosed, the Planning Commission shall require that the pond be enclosed by a wall, fence, or other type of enclosure. The wall, fence, or other enclosure shall:

1. Be not less than four (4) feet above the grade line;
2. Be designed so that a child cannot pass through, or under, or climb over the fence, wall, or other enclosure except through a gate or doorway.

All gates or doors leading to a pond, except a door in any building forming part of the enclosure, shall be kept closed and locked when the pond is not in actual use or when the proprietor is absent or away. The gates and doors shall be fitted with a positive latching device which automatically latches when the gate or door is closed.

**H.** Application for approval of a Special Use Permit for a pond shall include:

1. The name of the person who is or will be the owner of the pond.
2. The location of the proposed or existing pond.
3. The safety precautions to be taken to protect persons using or who might be endangered by the pond.
4. The size, depth, slope and water capacity of the pond.
5. Source of water and method of water discharge.
6. The method of filtration and treatment of the water, if required.
7. A plot plan, drawn to scale, of the land on which the pond is to be located, showing the following:
  - a. Lot lines.
  - b. Location of the pond.
  - c. Location of any wall, fence, or enclosure around the pond.
  - d. Location of gates or doors in the fence, wall, or enclosure.
  - e. Location of all buildings on the premises and their relation to the pond.
  - f. Location of any topsoil, sand or other material excavated from the land and their intended use.
8. A description and sketch of the construction of the pond itself and of any wall, fence, or enclosure.

**I.** A pond may be located so as to be shared by more than a single lot or parcel by extending across common property lines, provided that the perimeter of such pond meets all required yard or other setback requirements from all property lines and structures. The applicant and/or owners of a pond that is shared by more than a single lot or parcel shall provide to the Township a maintenance agreement, recorded at the Ottawa County Register of Deeds, which shall provide for the perpetual private (non-public) maintenance of the pond to a necessary and reasonable standard to serve the parties having an interest in the pond. The maintenance agreement shall minimally contain the following provisions.

1. A method of appropriating the costs of maintenance and improvements in order to keep the pond in a reasonably good and usable condition. For the purposes of this section, "maintenance" and "improvements" shall include but not be limited to the prevention of



bank erosion, lateral stabilization, clean out of the build-up of sediment, proper water filtration and treatment and safety precautions.

2. A provision that the owners shall refrain from prohibiting, restricting, limiting or in any manner interfering with the normal use by any other owner. Normal use shall include use by family or guests.
- J. No pond shall be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting, or nearby lands.
- K. In the case of farm manure lagoons, no special use permit shall be issued unless the applicant demonstrates compliance with the permitting requirements of either the Michigan Department of Agriculture, the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality or other successor agency, for discharge into surface and/or groundwater.
- L. All ponds shall meet the standards of the Ottawa Conservation District or successor agency.

### ***Section 341-Water and Sanitary Sewer Service***

- A. No structure for human occupancy shall be erected, altered, or moved and used in whole or part for dwelling, business, industrial or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial and industrial waste. Such installations and facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department, the Ottawa County Health Department, and the Subdivision Regulations, Building Code and other applicable ordinances of Chester Township.
- B. No structure for human occupancy, located within the High Density Residential District, shall be erected, altered or moved and used in whole or part for dwelling, business, industrial or recreation purposes unless served with sanitary sewer collection and treatment provided by Ottawa County and/or Chester Township. Neither Ottawa County nor Chester Township shall be required to pay costs associated with extension of sanitary sewer lines to provide service.

### ***Section 342-Unclassified Uses***

Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, then the Planning Commission may permit such use a special use only after it determines that it will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the Zoning Ordinance and Master Plan are not impaired by permitting such use at the proposed location.

### ***Section 343-Special Setback Provisions for Waterfront Properties***

In all zoning districts, no building or structure shall be erected, installed, or maintained within one hundred (100) feet of the ordinary high water mark of a lake, pond, stream, creek, river, major county drain, or similar body of water, except that one (1) accessory structure not exceeding one hundred twenty (120) square feet may be installed and utilized within the required waterfront setback so long as it is located at least twenty-five (25) feet from the ordinary high water mark.

Notwithstanding the preceding setback requirements, the Zoning Administrator may reduce the one hundred (100) foot setback to no less than a setback of fifty (50) feet from the ordinary high water mark of any body of water for those lots which were lawfully created prior to July 1, 2005 (*i.e.*, such a lot must have been lawfully of record with the Ottawa County Register of Deeds records) if the Zoning Administrator determines that all of the following standards are met:

- A. Such reduction is reasonably necessary to allow the construction of a dwelling (if all other Zoning Ordinance and other requirements are met) on the lot;
- B. The reduction in the setback shall not unreasonably impact the body of water involved and the neighboring properties; and
- C. Such reduction would meet the intent and spirit of this Ordinance and the Township's Master Plan.

The Zoning Administrator may attach reasonable conditions to any reduction of setbacks approved by the Zoning Administrator as specified above. The decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals.

### ***Section 344-Prohibition on Medical Marihuana Dispensaries***

No medical marihuana dispensary shall be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the Township. Furthermore, no person shall frequent, patronize, or obtain or purchase any marihuana from any medical marihuana dispensary within the Township.

### ***Section 345-Home Occupations and Home Based Businesses***

**A. Home Occupations.** Home Occupations occur entirely within a single-family residential dwelling and include such businesses and vocations as hair salons, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, the giving of instruction in voice or musical instruments, private tutoring, consulting and counseling services, direct sales and distribution, building trades contractors, and computer related work. Home Occupations are allowed within the Low Density Residential, High Density Residential, Lake Residential, and Agricultural zoning districts and are subject to the following requirements:

1. The Home Occupation use shall only be incidental to the primary single-family residential use.
2. No equipment or process shall be used in a Home Occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off of the lot involved. In the case of electrical interference, no equipment or process shall be used that creates visual or audio interference in or with any radio or television receivers off of the lot involved, or causes fluctuations in line voltage off of the lot.
3. In no event shall the use of a dwelling for a Home Occupation alter the single-family residential character of the dwelling or area. No external alterations, additions, or changes to the dwelling that will change the residential character of the dwelling structure shall occur.
4. Any need for additional parking generated by the conduct of such Home Occupation must be accommodated in areas off of the public road right-of-way. and in areas other than the required front yard.

5. The Home Occupation is permitted to operate within a single family dwelling and shall utilize no other floor or area than the main floor of the dwelling and shall utilize no more than fifteen (15) percent of the main floor area of the dwelling, or one hundred twenty (120) square feet, whichever is less.
6. No merchandise or articles for sale shall be displayed outdoors on the lot utilized for the Home Occupation.
7. The allowance of Home Occupations, as provided herein, is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential character of residential districts and areas, in terms of use and appearance, to be changed by the occurrence of Home Occupations.
8. Only goods produced as part of the Home Occupation, or goods clearly incidental to the operation of the Home Occupation, may be sold on the lot, and the goods shall not be visibly on display outside or on any sign or other device advertising such goods for sale.
9. Signage: In all zone districts one (1) single non-illuminated name plate sign, not exceeding two (2) square feet in area and attached to the principal structure, shall be permitted.
10. The Home Occupation shall involve only members of the immediate family who reside on the lot plus not more than one (1) non-resident.
11. All activities shall be carried on indoors. No accessory building or structure shall be used for the Home Occupation use. No outdoor activities or storage shall be permitted.
12. Similar, but not listed, Home Occupations may be approved by the Zoning Administrator or, at the discretion of the Zoning Administrator, by the Planning Commission at a public meeting, but only after finding that the requested Home Occupation is sufficiently similar to a listed Home Occupation use and after consideration and findings based upon the following standards:
  - (a) Whether the Home Occupation is incidental and secondary to the use of the premises as a single-family residential dwelling.
  - (b) Whether the nature of the Home Occupation is substantially in keeping with the single-family residential use of the property and neighborhood.
  - (c) Whether the likely effects of the Home Occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other, similar Home Occupations that are specifically permitted.
  - (d) Whether the Home Occupation could have measurable adverse effects upon adjacent and nearby lands and the uses thereof permitted.
  - (e) Whether the Home Occupation, in all aspects, complies with items 1-12 above.

**B. Home Based Businesses.** Home Based Businesses are similar to Home Occupations, but can occur both within the single-family residential dwelling and not more than one accessory building located on the same lot as the single-family residential dwelling if approved as a special land use. Home Based Businesses include electrical, plumbing, heating, landscaping, building contractors, and excavators. Home Based Businesses are allowed within the Low Density Residential, High Density Residential, Lake Residential and Agricultural zoning districts if approved as a Special Land Use by the Planning Commission. In addition, all of the following requirements must be met:

1. Home Based Businesses must meet all of the requirements for a Home Occupation specified in Sections A.1 through A.2.

2. The minimum lot area shall be at least two (2) acres in the Agricultural and Low Density Residential zoning districts and fifteen thousand (15,000) square feet in the High Density and Lake Residential zoning districts.
  3. In all zone districts a single non-illuminated free-standing identification sign, not to exceed ten (10) square feet in area, a maximum of three (3) feet high and located outside of any public road right-of-way shall be permitted. Such signs are limited to the lot on which the Home Based Business is located.
  4. The Home Based Business shall only be incidental to the primary single-family residential use.
  5. The Home Based Business shall employ only members of the immediate family residing on the lot and not more than one (1) other person. A second non-resident employee may be approved if sufficient evidence can be provided to the Planning Commission (and is part of the submittal for special land use approval) that demonstrates that for purposes of human safety, to maintain the livelihood of the business that otherwise could not be maintained without the second person, or to fill a void in business operations caused by a departure of an employee, the additional employee is necessary.
  6. No toxic or hazardous materials may be used or stored on the premises to support such Home Based Business except in a safe manner and in full compliance with federal, state, and local requirements as to use, handling, storage, transport, and disposal of any such materials.
  7. The applicant shall include, in the submittal for the special land use, an exit plan to illustrate the steps to be executed to cease operation of the Home Based Business use. The exit plan shall include the removal of signage, removal of outdoor storage of supplies and materials, removal and restoration of special driveways and parking areas, removal of any exterior lighting, exterior overhead wiring or wireless communication equipment previously installed for the Home Based Business.
  8. All structures used for such Home Based Businesses shall be set back a minimum distance as required by the zone district for the principal uses or accessory uses as applicable.
  9. All machinery and other equipment, associated with the Home Based Business must, at all times, be located within a completely enclosed accessory building, accessory to the residential dwelling which is on the same parcel as the business. If outdoor storage of supplies and materials is permitted as part of the Special Use request all such storage of supplies and materials must be screened with a greenbelt landscaping consisting of two staggered rows of evergreen trees planted ten (10) feet on center and a minimum of six (6) feet high at the time of planting. Such landscaping shall be shown in detail on the site plan submittal as required in Zoning Ordinance Section 1901-A.
- C. Existing Home Based Businesses.** Any Home Based Business that existed within the Township as of October 6, 2012 shall be deemed to be a lawful nonconforming use and shall be allowed to continue at the same scope (without having to obtain a special land use approval), but only if the Home Based Business fully complies with the requirements of Sections B.1 through B.7 above and such compliance occurs on or before October 6, 2012. Any Home Based Business that existed as of October 6, 2012 and which does not fully comply with Sections B.1 through B.7 on or before October 6, 2012, shall not be deemed a lawful nonconforming use but rather shall be an unlawful use and shall stop immediately and be abated. Any new Home Based Business, or any expansion or alteration of an existing Home

Based Business, after the adoption of this Ordinance, as dated herein, may be allowed only after following the procedures of, and in compliance with, this Ordinance.

### **Section 346-Small Scale Solar Energy Collectors and Systems**

#### **A. Applicability**

This Chapter applies to any system of small-scale solar energy collector systems. This Chapter does not apply to solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than five (5) feet above the ground, nor does this Chapter apply to utility-scale solar energy collector systems. Nothing in this Chapter shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement.

#### **B. General Requirements**

1. **APPLICATIONS.** In addition to all other required application contents as required by this Ordinance, equipment and unit renderings, elevation drawings, and site plans depicting the location and distances from lot lines and adjacent structures shall be submitted for review. No small-scale solar energy collector system shall be installed or operated except in compliance with this Chapter.
  2. **GLARE AND REFLECTION.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto streets or private roads.
  3. **INSTALLATION**
    - a. A solar energy collector shall be permanently and safely attached to the ground or structure. Solar energy collectors, and their installation and use, shall comply with building codes, electrical codes, and other applicable Township and State requirements.
    - b. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
    - c. The applicant shall certify that the construction and installation meet or exceed the manufacturer's construction and installation standards.
  4. **POWER LINES.** On site power lines between solar panels and inverters shall be placed underground.
  5. **FIRE RISK.** Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
  6. **ABANDONMENT AND REMOVAL.** A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the Township every six (6) months after the twelve (12) months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the development of the system within one (1) year of abandonment.
- C. Building Mounted Solar Energy Collectors** -These systems may be established as accessory uses to principal uses in all Zoning Districts subject to the following conditions.

1. **MAXIMUM HEIGHT.** Building-mounted solar energy collectors shall not exceed the maximum height of the Zoning District.
  2. **OBSTRUCTION.** Building-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
- D. Ground-mounted Solar Energy Collectors-**These systems may be established as accessory uses to principal uses in all Zoning Districts subject to the following conditions.
1. **LOCATION**
    - a. **Rear and Side Yards.** The unit may be located in the rear yard or the side yard but shall be subject to the setbacks for accessory structures.
    - b. **Front Yard.** The unit may be located in the front yard only if located no less than one hundred fifty (150) feet from the front lot line.
  2. **OBSTRUCTION-**Ground-mounted solar energy collectors shall not obstruct solar access to adjacent properties.
  3. **MAXIMUM SIZE.**
    - a. **Residential uses.** There shall be no more than one percent (1%) of the lot area up to one thousand five hundred (1,500) square feet of collector panels on a ground-mounted solar energy collector system.
    - b. **Agricultural, Commercial, and Industrial uses.** There shall be no more than ten thousand (10,000) square feet of collector panels on a ground-mounted solar energy collector system.
  4. **MAXIMUM HEIGHT.**
    - a. **Residential uses.** The maximum height shall be fourteen (14) feet, measured from the natural grade below the unit to the highest point at full tilt.
    - b. **Agricultural, Commercial, and Industrial uses.** The maximum height shall be sixteen (16) feet, measured from the natural grade below the unit to the highest point at full tilt.
  5. **MINIMUM LOT AREA.** A lot must have at least eighty-two thousand, five hundred (82,500) square feet in lot area to establish a ground-mounted solar energy collector system.
  6. **SCREENING.** Screening shall be required in cases where a ground-mounted solar energy collector unit impacts views from adjacent residential properties. Screening methods may include the use of material, colors, textures, screening walls, and landscaping that will blend the unit into the natural setting and existing environment.

### ***Section 347 Farm labor housing***

Farm labor housing is allowed as either a primary or accessory use in the Agricultural zoning district and also as a primary use in the High Density Residential zoning district. In addition, the following specific standards, requirements and conditions shall also apply:

- A.** Farm labor housing is required to comply with the Michigan Public Health Code being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto.
- B.** Occupants of the farm labor housing must be employed for farm or agricultural labor. Members of a qualifying occupant's immediate family may also reside in the farm labor housing with the

working occupant even if those family members are not employed for farm or agricultural labor.

- C. Mobile homes may be used to provide such housing, but must meet the size limitations of the State of Michigan and as provided in subsection G hereof. There shall be no more than 5 mobile homes per lot.
- D. Farm labor housing shall not be placed or installed within 100 feet of any property line (including the street or road right-of-way or easement). These limitations as to distance from a property line shall not apply to an area presently and lawfully used for farm labor housing at the adoption of this Section 347, but in no case will an existing area used for farm labor housing be allowed to expand closer to any property line, which is within 100 feet.
- E. Farm labor housing may be permitted on a lot which contains a minimum of five (5) acres and which complies with all other requirements of this Section 347. For a principal use, such lot shall be adjacent to a lot being actively farmed and both lots shall be under the same or substantially similar ownership.
- F. Farm labor housing (and occupancy) within the Agricultural zoning district shall not exceed 175 persons per lot (as the lot existed as of November 1, 2021). However, the 175 person occupancy limit per lot contained in this Subsection F may be varied by the Planning Commission to allow more farm labor workers inhabitation or occupancy on a particular lot via a special land use approval utilizing the special land use standards contained in Section 1901 of this Ordinance together with the application of all of the following additional standards:
  - 1. The landowner is actively engaged in substantial commercial farming within Chester Township.
  - 2. Whether the consolidation of new or expanded farm labor housing on the lot which is the subject of the special land use request would help preserve prime and productive farm land on another lot or lots elsewhere within the Township owned by the same landowner involved which would or could otherwise be developed for farm labor housing.
  - 3. Whether the lot which is the subject of the special land use request is located on a county public road accessible during all seasons and will the proposed farm labor housing be readily and safely accessible not only for its occupants (and their transportation uses), but also for the fire department and emergency services.
  - 4. Will consolidating new or expanded farm labor housing and allowing more farm labor workers to inhabit or occupy the lot for which the special land use is being requested result in a more efficient, safe and reasonable location for such occupancy of farm labor workers than would multiple new or expanded farm labor housing facilities on other separate lots owned by the landowner involved within the Township.
  - 5. Such consolidation is reasonably necessary for the operation of one or more farms within Chester Township.

\* \* \*

In deciding whether a special land use will be approved for farm labor housing on a lot to exceed 175 persons, the Planning Commission shall also consider:

- (i) Whether the farm labor housing facilities will be partially or fully screened from view by trees or topography from all adjoining or nearby public roads and houses on other lots.
- (ii) Any recommendations made by the Chester Township Fire Chief or Fire Department.

(iii) Any potential noise that may be caused by the occupants of the farm labor housing facility or vehicles or equipment associated with such housing.

- G.** Minimum dwelling size requirements and density for farm labor dwellings shall fully comply with any applicable federal and State of Michigan laws and requirements.
- H.** Farm labor housing in the High Density Residential zoning district shall also comply with Sections 314 and 553 of this Ordinance.
- I.** This Section 347 shall not apply to a situation involving a single family in one lawful single-family dwelling on a lot where one or more members of the family are farm or migrant laborers.
- J.** This Section 347 applies where two or more farm labor families reside (whether seasonally, temporarily or permanently) on the same lot. Where two or more farm labor families reside (whether seasonally, temporarily or permanently) on the same lot, it constitutes a multi-family use and activity.
- K.** Should any regulation or provision of this Section 347 be more strict or restrictive for the Agricultural zoning district than the comparable or similar requirement for multi-family housing in the High Density Residential zoning district as specified elsewhere in this Ordinance involving setbacks, density or similar requirement, the less strict regulation requirement governing such multi-family usage and activities in the High Density Residential zoning district shall also apply to such farm labor housing in the Agricultural zoning district so long as all of the other requirements and regulations of the multi-family use in the High Density Residential zoning district are complied with for the property within the Agricultural zoning district as well.
- L.** If any farm labor housing (1) is abandoned, (2) is used for more than 36 months for any purpose other than farm labor housing, or (3) is vacant for over 36 months, then the housing or dwelling and related structures shall be fully removed or converted to conventional multi-family housing which fully complies with all then-applicable requirements of this Ordinance and the building codes.



## **CHAPTER 4**

### **ZONING DISTRICTS AND MAPS**

#### ***Section 400-Division into Zoning Districts***

For the purposes of this Ordinance, Chester Township is divided into the following zoning districts:

- Low Density Residential District
- High Density Residential District
- Lake Residential District
- Neighborhood Commercial District
- Regional Commercial District
- Industrial District
- Agricultural District
- Recreational Park District
- Mobile Home Park District
- Planned Unit Development

#### ***Section 401-Zoning Map***

The area assigned to said districts and the boundaries thereof shown upon the map entitled "Zoning Districts Map" are hereby established, and said map and all proper notation, references and other information shown thereon are hereby made a part of this Ordinance.

#### ***Section 402-Boundaries of Zoning Districts***

Unless otherwise provided in the Ordinance, the boundaries of zoning districts shall be interpreted as follows: along section lines, or lines of customary subdivision of such sections, or the centerlines of highways, street, alleys or open areas; or property lines on record at the office of the Register of Deeds of the County of Ottawa on the date of enactment of this Ordinance; or the extension of any said lines.

## **CHAPTER 5**

### **LOW DENSITY RESIDENTIAL DISTRICT**

The Low Density Residential District is intended to preserve and promote single family dwellings as a predominant land use on lots capable of sustaining private septic systems and wells.

#### ***Section 501-Uses Permitted***

No building or part thereof shall be erected, altered or used, or land used, in whole or in part, for other than one or more of the following specified uses:

- A.** Detached single family dwellings.
- B.** Farming on every land area of two (2) acres or more.
- C.** Accessory uses.
  - 1. Accessory buildings and uses customarily incident to any of the above uses when located on the same premises and not involving the conduct of any retail business.
  - 2. Home Occupations or Home Based Businesses as provided in Section 345 of the Chester Township Zoning Ordinance.

#### ***Section 502-Special Uses***

No land and/or buildings in the Low Density Residential District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 19-Special Uses.

- A.** Parks
- B.** Tourist Cabins
- C.** Churches and Schools.
- D.** Essential Public Services.
- E.** Home Based Businesses

#### ***Section 503-Site Development Requirements.***

Special Uses are subject to the following Site Development Requirements:

- A.** Site Plan Review is required for all Uses in accordance with Chapter 13, Section 1300B.
- B.** Parking is required in accordance with the requirements of Chapter 16.
- C.** Signs are permitted in accordance with the requirements of Section 312.
- D.** Site development requirements shall be met as noted in the following chart:

Minimum Lot Size	2 acres
Minimum Lot Width	150 feet
Front Yard Setback	50 feet
Side Yard Setback	20 feet
Rear Yard Setback	40 feet for dwellings; 20 feet for accessory buildings

Maximum Height	2 ½ stories/35 feet
Maximum Lot Coverage	30%

## **CHAPTER 5A**

### **HIGH DENSITY RESIDENTIAL DISTRICT**

#### ***Section 550-Purpose***

The High Density Residential District is intended for future and existing high density detached single family housing development. It is intended to provide areas for residential living on smaller lots that are served by public sewer and near social and commercial services.

#### ***Section 551-Permitted Uses***

No land and/or buildings in the High Density Residential District shall be used, developed, erected, altered, or converted, in whole or in part, except for the following purposes by right:

- A. Detached single family dwellings.
- B. Private Parks, not located on a lake.
- C. Publicly owned and operated parks.
- D. Accessory uses.
- E. Home Occupations as provided in Section 345 of the Chester Township Zoning Ordinance.

#### ***Section 552-Special Uses***

No land and/or buildings in the High Density Residential District shall be used, erected, developed, altered or converted, except for the following purposes when approved as a special use in accordance with the requirements of Chapter 13 and Chapter 19, Special Land Uses:

- A. Tourist Homes
- B. Temporary Dwellings
- C. Hotels and Motels
- D. Churches and Church-run Schools
- E. Multi-Family Housing, subject to Section 314
- F. Essential Public Services
- G. Home Based Businesses

#### ***Section 553-Site Development Requirements.***

- A. All lots must be served by public sewer.
- B. All Special Uses in this district are subject to the following Site Development Requirements:
  - 1. Site Plan Review is required in accordance with Chapter 13, Section 1300B.
  - 2. Parking requirements as set forth in Chapter 16.
  - 3. Signs requirements as set forth in Section 312.
- C. The following shall be applicable for all buildings, parcels and lots in this district:

All structures except accessory buildings up to 120 sq. ft.:

Minimum Lot Size	15,000 Sq. Ft.
------------------	----------------

Minimum Lot Width	100
Front Yard Setback	30 feet*
Side Yard Setback	15 feet*
Rear Yard Setback	15 feet*
Maximum Height	2 ½ stories/35 feet
Maximum Lot Coverage	30% for all buildings plus 20% for any impervious structure that is not a building, as defined by this ordinance.

Accessory buildings up to 120 sq. ft.:

Front Yard Setback	N/A
Side Yard Setback	5 feet
Rear Yard Setback	5 feet

\*These setbacks may be reduced to 10 feet for nonconforming lots and structures in this district in existence prior to date.

## **CHAPTER 5B**

### **LAKE RESIDENTIAL DISTRICT**

#### ***Section 570-Purpose***

The purpose of the Lake Residential District is to protect the integrity and uniqueness of Crockery Lake and the watershed surrounding it, along with future man-made lakes and their watersheds.

#### ***Section 571-Permitted Uses***

No land and/or buildings in the Lake Residential District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A.** Detached single family dwellings.
- B.** Accessory uses on parcels with a dwelling thereon.
- C.** Home Occupations as provided in Section 345 of the Chester Township Zoning Ordinance.

#### ***Section 572-Special Uses***

No land and/or buildings in the Lake Residential District shall be used for the following purposes, except when approved as a special use in accordance with the requirements of Chapter 19.

- A.** Tourist Homes.
- B.** Private Parks, not located on a lake.
- C.** Publicly owned and operated parks.
- D.** Essential Public Services.
- E.** Home Based Businesses

#### ***Section 573-Site Development Requirements***

Special Uses are subject to the following Site Development Requirements:

- A.** Site Plan Review is required for all Uses in accordance with Chapter 13, Section 1300B.
- B.** Parking as required in accordance with the requirements of Chapter 16.
- C.** Signs are permitted in accordance with the requirements of Section 312.
- D.** The lake access and keyhole regulations of Section 332 shall be fully applicable.
- E.** Site development and other requirements shall be met as noted on the following charts:

All structures (except lawful accessory building up to 120 sq. ft.):

<b>With public septic system</b>		<b>Without public septic system</b>	
Minimum Lot Size	15,000 Sq. Ft.	Minimum Lot Size	2 acres
Minimum Lot Width	120	Minimum Lot Width	240

All structures (except lawful accessory building up to 120 sq. ft.):

**With public septic system**

**Without public septic system**

Front Yard Setback – nonlake lot <sup>1,2</sup>	40 feet	Front Yard Setback – nonlake lot <sup>1,2</sup>	40 feet
Front Yard Setback - lake lot <sup>1,3</sup>	50-100 feet	Front Yard Setback - lake lot <sup>1,3</sup>	50-100 feet
Side Yard Setback <sup>4</sup>	15 feet	Side Yard Setback <sup>4</sup>	15 feet
Rear Yard Setback – nonlake lot	25 feet	Rear Yard Setback – nonlake lot	25 feet
Rear Yard Setback – lake lot <sup>5</sup>	25 feet	Rear Yard Setback – lake lot <sup>5</sup>	25 feet
Maximum Height	2 ½ stories/35 feet	Maximum Height	2 ½ stories/35 feet
Maximum Lot Coverage	30%	Maximum Lot Coverage	30%
Setback from the ordinary high water mark of a lake, stream, pond, or major drain <sup>3</sup>	50-100 feet	Setback from the ordinary high water mark of a lake, stream, pond, or major drain <sup>3</sup>	50-100 feet

1 On a lakefront lot or parcel, pursuant to the definition contained in Section 224, the front yard is generally the yard between the lake and the building.

2 The front yard setback for nonlake lots may be reduced to no less than 25 feet for nonconforming lots in this district in existence prior to the adoption of the Zoning Ordinance with the written approval of the Zoning Administrator utilizing the standards contained in Section G of Chapter 13 of this Ordinance (whose decision may be appealed to the Zoning Board of Appeals).

3 Pursuant to Section 343, a 100-foot setback from the ordinary high water mark of a body of water applies, but the setback may be reduced to no less than 50 feet if such setback reduction is approved by the Zoning Administrator pursuant to Section 343 (whose decision may be appealed to the Zoning Board of Appeals).

4 The side yard setback may be reduced to no less than 10 feet for nonconforming lots and structures in this district in existence prior to the adoption of this district with the written approval of the Zoning Administrator utilizing the standards contained in Section Section G of Chapter 13 of this Ordinance (whose decision may be appealed to the Zoning Board of Appeals).

5 With a lakefront lot, the rear yard is generally the yard located between the building and the road.

6 Only one such accessory building is allowed to be located between a house and a lake per Section 304(E).

All structures (except lawful accessory building up to 120 sq. ft.):

**With public septic system**

**Without public septic system**

	<u>Accessory buildings up to 120 sq. ft.:</u>		
	Front Yard Setback	Same as other buildings	
	Rear Yard Setback	5 feet	
	Side Yard Setback	5 feet	
	Setback from the ordinary high water mark of a lake, stream, pond, or major drain <sup>6</sup>	25 feet	

F. Unless expressly provided for otherwise in the above-mentioned chart or this Chapter 5B, the minimum development and other requirements of Sections 502, 503, 504, and 505 shall be applicable.



## **CHAPTER 6**

### **MOBILE HOME PARK DISTRICT**

#### ***Section 600-Use Regulations***

Only mobile home parks, licensed by the State of Michigan, are permitted in this district.

#### ***Section 601-Mobile Home Developments***

Mobile home parks are permitted in the Mobile Home Park District provided they are in conformance with all applicable State laws, rules and regulations governing mobile home developments, including PA 419 of 1976, as amended, and this Ordinance.

#### ***Section 602-Minimum Area and Maximum Densities***

Each mobile home park shall be owned and operated as one (1) entity or on a condominium basis. Mobile home developments shall contain a minimum of fifteen (15) acres.

#### ***Section 603-Buffer Zones***

All mobile home developments shall provide and maintain a fifty (50) foot setback from any street that borders the mobile home park or development and a thirty (30) foot buffer zone from any mobile home and any boundary line of the Mobile Home Park or development. When a buffer strip adjoins any residential zoning district, the following shall be provided:

- A.** The buffer strip shall be graded with a continuous berm at least three (3) feet above the grade elevation at the common property line and depth of the buffer strip shall be at least twelve (12) feet. The berm need not be provided when adjacent to a mobile home park district and need only be provided if there is existing residential usage at the time of construction.
- B.** All portions of the buffer strip shall be planted with grass, ground cover, shrubbery, or other suitable plant material.
- C.** A minimum of one (1) deciduous tree plus one (1) additional deciduous tree shall be planted for each thirty (30) lineal feet of required buffer strip length. Required trees shall be planted at approximately thirty (30) foot intervals.
- D.** A minimum of one (1) evergreen tree plus one (1) additional evergreen tree shall be planted for every ten (10) lineal feet of required buffer strip length.
- E.** A minimum of three (3) intermediate shrubs shall be planted for every ten (10) lineal feet of required buffer strip length.

#### ***Section 604-Minimum Lot Area***

The mobile home park shall be developed with sites having five thousand five hundred (5,500) square feet per mobile home unit being served. The five thousand five hundred (5,500) square feet may be reduced by twenty (20) percent provided that the 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 site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space.

**Section 605-Minimum Mobile Home Size**

No mobile home in any mobile home development shall contain less than six hundred (600) square feet of living area.

**Section 606-Yard Requirements**

The front yard of each mobile home development lot shall be no less than twenty (20) feet as measured from the nearest edge of the street pavement to the nearest wall of the mobile home. The rear yard of each lot shall be no less than ten (10) feet. No mobile home shall be within twenty (20) feet of any other mobile home.

**Section 607-Corner Lots**

Where a lot is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence or structure over thirty (30) inches in height and no plantings whatsoever shall be located on any corner lot within the required front yards. No driveway for the parking of motor vehicles shall run the length of any front yard on the two (2) front yards on a corner lot.

**Section 608-Street Requirements**

If two (2) way traffic is to be accommodated, the street pavement width shall be no less than twenty-four (24) feet. One (1) way traffic on a street is not permitted.

**Section 609-Parking**

Parking shall be provided in off-street parking bays or on site with two (2) parking spaces for each mobile home and one visitor parking space for every three (3) mobile home sites. Each parking space shall be no less than 9.5 feet by 20 feet in area.

**Section 610-Access from Major Streets**

Each mobile home development shall have a minimum of two (2) access streets provided there are more than 100 mobile homes. If two (2) access streets are required, they must be at least one hundred fifty (150) feet apart.

**Section 611-Signs**

A maximum of one identification sign is allowed at each access point to the mobile home development. Each such sign shall not exceed thirty-six (36) square feet in area and shall not be illuminated by any light source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the combined total area of both sides when combined shall not exceed seventy-two (72) square feet.

**Section 612-Sales Prohibited**

The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home development provided the development permits the sale.

### ***Section 613-Underground Utilities***

All public and private utilities shall be installed underground.

### ***Section 614-Site Improvements***

Each mobile home shall be provided with a continuous pad of four (4) inches thick concrete running the full length and width of the mobile home or pier at least forty-two (42) inches deep below grade. Each pad shall be equipped with anchors or tie-down equipment meeting the requirements of an approved Construction Code anchoring system. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view and shall meet the requirements of the rules of the Mobile Home Commission.

### ***Section 615-Sidewalks***

Paved sidewalks shall be provided on one side of main collector streets within the mobile home development. The sidewalks shall be a minimum of three (3) feet in width and be adjacent to each street.

### ***Section 616-Streets and Parking Areas***

All street and parking areas in a mobile home development shall be hard surfaced with either Huron concrete or Bituminous concrete.

### ***Section 617-Refuse Disposal***

Each mobile home development shall provide an effective system of garbage and rubbish storage, collection, and disposal in accordance with the rules and regulations of the Michigan Department of Public Health.

### ***Section 618-Lighting***

Each mobile home development shall be provided with sufficient lighting to meet the rules of the Mobile Home Commission.

### ***Section 619-Ground Cover***

All exposed ground surfaces in the mobile home development shall be in accordance with the Ottawa County soil erosion criteria.

### ***Section 620-Drainage***

In the event a storage drain system for water leaving the mobile home park is necessary, construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the Ottawa County Drain Commissioner. All proposed storm drainage construction plans for such systems for water leaving the site shall be approved by the Ottawa County Drain Commissioner or the Department of Public Health and shall be in accordance with all the rules and regulations thereof.

### ***Section 621-Storage Areas***

No storage of any personal property except licensed operable motor vehicles shall be stored outside or under any mobile home. Storage sheds may be utilized for any such storage but need not be supplied by the owner of the mobile home development.

### ***Section 622-Recreation Vehicle Storage***

The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the mobile home park, shall be in accordance herewith. The storage of the vehicles or items in the mobile home development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.

### ***Section 623-Open Space***

Each mobile home park shall include an open space area equal in size to no less than twenty-five thousand (25,000) square feet or two (2) percent of the gross acreage, whichever is greater. All open space areas shall be centrally located, well drained, and accessible to all residents of the mobile home park.

### ***Section 624-Height***

No building or structure shall exceed a height of thirty (35) feet.

### ***Section 625-Site Development Plan***

Prior to the granting of a building permit, a site development plan meeting the requirements of Chapter 13 shall be submitted to and approved by the Zoning Administrator showing that it meets all the requirements of the Zoning Ordinance and the requirements of the Mobile Home Commission.

## **CHAPTER 7**

### **NEIGHBORHOOD COMMERCIAL DISTRICT**

#### ***Section 700-Purpose***

This district provides for limited provision of goods and services for residents of Conklin and the surrounding area, while minimizing traffic congestion and land use conflicts. The population of this general area and the small lot sizes will not support major shopping services and more intensive commercial uses. It is recognized that certain light industrial uses can be compatible with the general character of the Neighborhood Commercial Zone and nearby residential areas if developed with appropriate standards to ensure compatibility. Given the limited industrial planned and zoned areas in Chester Township, providing development opportunities in Neighborhood Commercial Districts for certain uses which may have industrial characteristics would help to fulfill one of the Industrial goals of the Township Master Plan which is to "Require safe light industrial areas that are designed to blend well with surrounding residential areas". Such uses would be allowed as Special Uses subject to specific developmental standards.

#### ***Section 701-Permitted Uses***

No land and/or buildings in the Neighborhood Commercial District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A.** Residential apartments located on the 2nd or 3rd floors.
- B.** Retail sales including food, drug store, hardware, liquor, gifts, antiques, clothing, furniture, variety goods, dry cleaning and laundry pick up outlet, florist, jewelry, shoes, books, and news stands which operate entirely within an enclosed building.
- C.** Personal service establishments.
- D.** Banks and restaurants without drive thru service.
- E.** Executive or administrative offices or departments of professional and commercial activities.
- F.** Theaters, offices, showrooms and workshops of plumbers, electricians, decorators and similar trades, photograph and photo supply shops, workrooms and studios, amusement and recreation buildings, and public utility buildings and structures
- G.** Garages with 1 or 2 bays, gasoline filling stations, tire sales and repair shops, automotive parts and supply stores, and bicycle sales and repair establishments.
- H.** Open air markets for the sale of fruits and vegetables at retail.
- I.** Lodges, clubs, and fraternities.
- J.** Plant nursery or greenhouse (provided outdoor display areas are enclosed by an opaque fence not less than 4 feet in height.
- K.** Veterinary clinic with no boarding and no livestock served on site.
- L.** Public libraries.
- M.** Educational Facilities.
- N.** Churches and other houses of worship.
- O.** Off street parking areas.

- P. Other service and retail commercial uses determined by the Planning Commission to be substantially similar in nature to the listed permitted uses.

### **Section 702-Accessory Uses**

Accessory buildings and uses customarily incident to any of the above permitted uses.

### **Section 703-Special Uses**

No land and/or buildings in the Neighborhood Commercial District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 19.

#### **A. Essential Public Services**

#### **B. Feed store**

#### **C. Indoor recreation establishments**

#### **D. Light industrial uses as listed below subject to the specific development and operation standards of Section 703E herein and the standards of Section 1901D.**

1. Warehouses and mini-warehouse/self storage facilities including outside storage.
2. Vehicle body shops provided all work is performed within an enclosed building and the outside storage of vehicles is screened from the view of nearby properties.
3. Research and development facilities.
4. Crating and packing service.
5. Lumber yards and other building supply establishments.
6. Machine shops and tool and die establishments.
7. Sign painting and servicing shops.
8. Motor vehicle detailing establishments.
9. Building contactors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses.
10. Assembling from previously prepared materials.
11. Print shop.
12. Furniture assembly and repair.
13. Wood working shop.
14. Production, repair and servicing of electronic equipment.

#### **E. Development and Operating Standards**

All uses allowed by Section 703D shall comply with the following requirements:

1. The Special Land Use requirements of Section 1901 D herein.
2. The Performance Standards of Section 854 herein.
3. Loading areas shall be located so that trucks and other vehicles do not need to maneuver on a public road to access the loading area.

4. All refuse containers shall be placed within a three sided solid enclosure which is at least two feet higher than the container and such container shall be located so as to not create a nuisance to nearby residential properties when the container is being unloaded.
5. All buildings. Including accessory buildings shall be setback at least 50 feet from all lot lines.
6. Any material related to the use except operable vehicles which is stored or kept outside shall be screened by a solid fence or wall at least six feet in height and no material shall be stacked higher than the fence. Outdoor storage areas shall be located behind the front building line.
7. The Planning Commission may impose additional requirements or conditions in accordance with Section 1901 B herein.

**Section 704-Site Development Requirements**

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Uses in accordance with Chapter 13, Section 1300B.
- B. Parking is required in accordance with the requirements of Chapter 16.
- C. Signs are permitted in accordance with the requirements of Section 312.
- D. Site development requirements shall be met as noted on the following charts:

All structures except accessory buildings up to 120 square feet:

Minimum Lot Size	6000 ft.
Minimum Lot Width	50 ft.
Front Yard Setback	N/A
Side Yard Setback	N/A
Rear Yard Setback	20 ft.
Maximum Height	2 ½ stories
Maximum Lot Coverage	50%

Accessory buildings up to 120 square feet:

Front Yard Setback	N/A
Side Yard Setback	5 feet
Rear Yard Setback	5 feet

**Section 705-Buffer Strip Requirements**

A buffer strip shall be provided along that property line of a Neighborhood Commercial Zoning District abutting a Low Density Residential, High Density Residential, or Lake Residential Zone or any parcel containing a dwelling unit as follows:

- A. The landscape area shall be a minimum of 15 feet wide as measured from the property line.

- B.** For each 25 linear feet abutting the adjacent property, three trees shall be planted within the greenbelt. Such trees shall be a mixture of evergreen, canopy and ornamental trees.
- C.** Required quantities of plant materials may be reduced by 50 percent for that area abutting the lot line if a fence or wall six feet in height or earthen berm at least three feet in height is used for all or part of the landscape area.
- D.** The Planning Commission may require a six feet high solid fence or wall to be provided if it is determined that this would provide a better measure of protection than landscaping for the adjacent residential use or property.
- E.** The Planning Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this article. In doing so, the Commission shall consider the following criteria:
  - 1. The amount of space on the site available for landscaping.
  - 2. Existing landscaping on the site and on adjacent properties.
  - 3. The type of use on the site and size of the development.
  - 4. Existing and proposed adjacent land uses.
  - 5. Whether additional landscaping is necessary to mitigate the adverse effects on adjoining land uses, to reduce headlight glare, reduce noise or to otherwise achieve the objectives of the Section.



## **CHAPTER 8**

### **REGIONAL COMMERCIAL DISTRICT**

#### ***Section 800-Purpose***

This district provides locations for large sites for heavy commercial uses, including those requiring outdoor storage of goods and materials.

#### ***Section 801-Permitted Uses***

No land and/or buildings in the Regional Commercial District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any principal use permitted by right in the Neighborhood Commercial District, except for residential apartments located on the 2nd or 3rd floors.
- B. Commercial Laundry.
- C. Veterinary clinic with boarding and/or livestock served on site.
- D. Warehouses.
- E. Garages with more than 2 bays.
- F. Restaurant, bank, or other business with drive-through facilities serving patrons in their automobile.
- G. Commercial garage; truck and equipment repair facility.
- H. Contractors establishment, provided all operations and storage are completely within an enclosed building or opaque fence enclosure not less than 6 feet in height.
- I. Retail lumberyard provided areas with uncovered or open storage of materials shall be completely enclosed by an opaque fence not less than 6 feet in height.
- J. Stone monument works.
- K. Wholesale and retail sales requiring outdoor storage or display not elsewhere identified in this Ordinance.
- L. Outdoor antique and flea market.
- M. Automobile retail sales and leasing.
- N. Electric, plumbing, or non-automotive mechanical repair service
- O. Other commercial uses determined by the Planning Commission to be substantially similar in nature to the listed permitted uses

#### ***Section 802-Accessory Uses***

Accessory buildings and uses customarily incident to any of the above permitted uses.

#### ***Section 803-Special Uses***

No land and/or buildings in the Regional Commercial District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 19.

- A. Agri-Business
- B. Airfields or Landing Strips

- C. Assembly
- D. Automobile, truck, or other vehicle washing facility
- E. Bulk fuel distribution and supply yards when located at least five hundred (500) feet from residentially zoned property
- F. Contractors' and excavators' equipment yards, warehousing area, and offices including, but not limited to, plumbing, electrical, mechanical, heating and ventilation, and well drilling contractors
- G. Correctional Facilities
- H. Dumps, Junk yards, Salvage yards
- I. Essential Public Services
- J. Fabrication
- K. Feed store
- L. Hotels and motels
- M. Incinerators intended for burning of any waste material or refuse
- N. Indoor recreation establishments
- O. Machine shop
- P. Manufacturing
- Q. Non-Agricultural packaging
- R. Outdoor motion picture theater
- S. Outdoor recreation establishments
- T. Outdoor storage or display of materials or merchandise for sale in connection with any permitted use or special land use in the district
- U. Printing
- V. Removal of top soil; Sand mining
- W. Telecommunication towers
- X. Transportation, including motor freight terminals, garages, and equipment maintenance facilities, freight forwarding, packaging, and crating services; and the sale, rental, or leasing of motor vehicles and transportation equipment

***Section 804-Site Development Requirements***

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Uses in accordance with Chapter 13, Section 1300B.
- B. Parking is required in accordance with the requirements of Chapter 16.
- C. Signs are permitted in accordance with the requirements of Section 312.
- D. Site development requirements shall be met as noted on the following charts:

All structures except accessory buildings up to 120 sq. ft.:

Minimum Lot Size	30,000 sq. ft.
Minimum Lot Width	120
Front Yard Setback	50 feet
Side Yard Setback	15 feet
Rear Yard Setback	50 feet
Maximum Height	2 ½ stories/35 feet
Maximum Lot Coverage	50%

Accessory buildings up to 120 sq. ft.:

Front Yard Setback	N/A
Side Yard Setback	5 feet
Rear Yard Setback	5 feet

### **Section 805-Buffers**

Where the Regional Commercial District is adjacent to any Residential District, there shall be provided and maintained a buffer zone of no less than ten (10) feet in width. Each buffer shall be located adjacent to the Residential District and shall be planted with a strip of deciduous or evergreen trees spaced not more than twenty (20) feet apart, each tree being not less than ten (10) feet in height. There shall also be provided at least one (1) dense row of evergreen shrubs not less than two (2) feet in height and spaced not less than five (5) feet apart.

## **CHAPTER 8A**

### **INDUSTRIAL DISTRICT**

#### ***Section 850-Uses***

##### **A. Permitted Uses.**

1. The Industrial Districts intended primarily for industrial uses and processes. Only the following uses are permitted:
  - a. Manufacturing
  - b. Fabrication
  - c. Assembly
  - d. Packaging
  - e. Printing
  - f. Reproduction
  - g. Equipment Services
  - h. Transportation, including motor freight terminals, garages, and equipment maintenance facilities, freight forwarding, packaging, and crating services; and the sale, rental, or leasing of motor vehicles and transportation equipment
  - i. Storage
  - j. Processing of natural resources
  - k. Bulk fuel distribution and supply yards when located at least five hundred (500) feet from residentially zoned property.
  - l. Warehousing and wholesaling
  - m. Farm implement sales, service and rentals
  - n. Contractors' and excavators' equipment yards, warehousing area, and offices including, but no limited to, plumbing, electrical, mechanical, heating and ventilation, and well drilling contractors.
2. All of the above permitted uses shall meet the performance standards as contained in Section 804.
3. In addition, the following uses are also permitted upon the conditions herein stated:
  - a. Retail sales accessory to a permitted principal use
  - b. Agricultural uses
  - c. Service stations

##### **B. Special Uses-**

1. Junk and salvage yards
2. Other industrial uses are permitted when authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall consider the following standards and criteria:
  - a. The performance standards as contained in Section 804.

- b. The nature of the proposed use and the availability and proximity of public sewer and water service, storm drainage facilities, and major streets.
- c. The general compatibility of the proposed use with adjacent properties and the surrounding area.

**Section 851-Yard Requirements**

- A. Front Yards** Every lot or premises in this district upon which an industrial building shall be hereafter erected upon a street or highway shall have a front yard of not less than one hundred (100) feet in depth. Other types of building in this district shall have a fifty (50) foot setback.
- B. Rear Yards** Every lot or premises in this district upon which an industrial or commercial building shall be hereafter erected shall have a rear yard of not less than fifty (50) feet in depth.
- C. Side Yards** Every lot or premises in this district upon which an industrial or commercial building shall be hereafter erected shall have a side yard on each side thereof not less than twenty-five (25) feet in depth.
- D. Side Yards on Corner Lots** The width of a side yard on a corner lot abutting on a street or highway shall not be less than the minimum front yard required on an adjoining lot fronting on such side street or highway but this shall not reduce the usable width for building purposes of any lot of legal record at the time of the passage of this Ordinance to less than thirty (30) feet measured at the foundation ground level.

**Section 852-Industrial Lot Requirements**

Every lot or parcel of land in this district shall have a minimum lot width of at least ninety (90) feet on an improved public road, a minimum lot depth of at least one hundred eighty (180) feet and a minimum lot size of 25,000 square feet.

**Section 853-Greenbelt**

A greenbelt shall be required for any commercial or industrial use which abuts any Residential District on either side yard or rear yard or any existing residential use on the rear. In all instances, this may be provided as part of the side or rear yard requirements. If waived in writing by adjacent residential property owners, the greenbelt may be omitted or a fence substituted for the greenbelt.

**Section 854-Performance Standards**

Before the issuance of any building or occupancy permit in this District, the applicant shall sign an agreement with the Township Board that the use of the property will meet the following performance standards and that any violation of these standards in subsequent operations will be corrected:

- A. Fire and Explosion Hazards.** All buildings storage and handling of flammable materials, and other activities shall conform to County and Township building and fire ordinances and to any applicable State and Federal regulations or requirements. No use of building shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street.
- B. Smoke, Fumes, Gases, Dust and Odors.** There shall be no emission of any smoke, radiation, fumes, gases, dust, odors, or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to cause property

damage or hazards to public health or to be detrimental to the property rights of other property or to be obnoxious to the general public.

- C. Liquid or Solid Waste.** No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond or lake. All methods of sewage disposal and industrial waste treatment and disposal shall be approved by the Township and by the County and Michigan State Health Departments.
- D. Vibration.** There shall be no vibration which is discernible to the human sense of feeling beyond the boundaries of the immediate site on which such use is conducted.
- E. Noise.** There shall be no noise emanating from the operation which will adversely affect an adjoining permitted use.
- F. Glare.** There shall be no direct or sky-reflected glare harmful to the human eye at the property line of the lot occupied by such use.

### ***Section 855-Site Plan***

Any proposed industrial use is subject to the site plan requirements listed in Chapter 13.

## **CHAPTER 9**

### **AGRICULTURAL DISTRICT**

#### ***Section 900-Description and Purpose***

This zoning is intended for large tracts used for farming or which are idle. It is not intended for any use except agricultural, low-density, single-family residential use and other specialized rural uses requiring large tracts of land. This restriction is necessary to prevent development from proceeding without proper planning. If development and sub-dividing are to occur, they should be preceded by rezoning and proper planning.

#### ***Section 901-Permitted Uses***

- A.** Any use permitted in a Residential District (except as restricted by Section 902(c).
- B.** Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms.
- C.** "U-pick" Operations
- D.** The sale of farm products which are grown primarily on the land which is under the control of the person selling and producing such products. The sale of farm products may also include those farm products which are grown off the premises where the sale is occurring provided the products are produced by the person selling the products.
  - 1. The sale of farm products outside of a building or similar enclosure, such as from a vehicle, a table or shelves, a produce stand or other similar open air sales operation are exempt from the regulations set forth in Section 901 D.2 below except that off street parking spaces shall be provided to avoid parking of patron vehicles on adjacent streets and the operation shall comply with the sign regulations of this Zoning Ordinance.
  - 2. The following regulations shall apply to those uses which engage in the sale of farm products from a building or other similar enclosure with a roof and walls such as a tent.
    - a. If patrons must enter a building or enclosure to shop for the farm products one parking space for every 300 square feet of useable floor area shall be provided. Such spaces need not be paved but shall be located so vehicles do not need to back into the public road. A minimum of three off street parking spaces shall be provided.
    - b. Structures which are to be used for the sale of farm products shall be setback a minimum of 50 feet from the front lot line except that temporary enclosures which are 100 sq. ft. or less in size are not subject to this setback requirement.
    - c. A use selling farm products where patrons must enter a building or enclosure to shop for the farm products shall be reviewed by the Zoning Administrator prior to establishing such use.

An accurate drawing illustrating the location of the lot lines, building or enclosure, parking area, access drive and other relevant features of the site and the use shall be submitted to the Zoning Administrator who shall review the drawing and make such recommendations as are necessary and practical to ensure that the use is designed to ensure the safety of patrons on the site and entering and leaving the site.
    - d. Those portions of a building or enclosure which are open to patrons shopping for farm products shall be subject to review and approval by the Chester Township Building Official prior to using such buildings in order to ensure the safety of the public.

- e. Compliance with the sign regulations of Chester Township.
- E. Home Occupations as provided in Section 345 of the Chester Township Zoning Ordinance.

### **Section 902-Special Uses**

All special uses are subject to site plan review.

- A. Uses which utilize farm land, farm buildings, or farm equipment for rural recreation/amusement enterprises in conjunction with an active farm. Such uses require a fee charged to the user and include, but are not limited to: crop mazes, hay rides, horse rides, petting farms, bicycle and foot trails, and similar uses excluding commercial off road vehicle trails. The following regulations shall apply:
  - 1. Sufficient off street parking spaces shall be provided to avoid parking of patron vehicles on adjacent streets. Such parking need not be paved.
  - 2. Such uses shall not be subject to the site plan review submittal requirements of Chapter 13 of this Ordinance. The applicant, however, shall submit an accurate drawing illustrating the location of any buildings, parking area, access drives, the location and layout of the proposed activity and other information as deemed necessary by the Planning Commission.
  - 3. The Planning Commission may consult with the public safety officials and the Township Building Official as necessary before approval of the activity.
  - 4. Those portions of buildings or similar enclosures where patrons are allowed to enter shall be subject to review and approval by the Chester Township Building Official in order to ensure the safety of the public.
  - 5. Compliance with the sign regulations of Chester Township.
- B. Country clubs, golf courses, riding stables, and publicly-owned athletic grounds.
- C. Single Family Dwellings.
  - 1. Any proposed land division for the purposes of a single family dwelling on a lot less than forty (40) acres in area must receive a special use permit from the Chester Township Planning Commission and shall meet the following standards:
    - a. Generally, the lot to be created shall not consist of productive or Prime Agricultural land as determined by the USDA-Natural Resources Conservation Service, unless the lot to be created would have minimal amounts of productive or Prime Agricultural land thereon. The following types of land shall be presumed not to be productive or Prime Agricultural land:
      - (1) Woodlands or forests.
      - (2) Areas of steep slopes.
      - (3) Property that has not historically been used for farming or agricultural uses.
      - (4) Lands immediately adjacent to housing developments or other developments.
      - (5) On-site physical conditions that make the property unsuitable for farming.
    - b. The lot shall include at least two (2) acres of area and not less than one hundred sixty-five (165) feet of width located on a public street. The lot line designated for minimum width must be uninterrupted by lot lines or boundaries of other lots.



- c. Completion of an Agricultural Impact Statement that addresses the goals and objectives of the Township Master Plan.
  - d. The lot and dwelling shall be located so as to maximize the setback from crop or animal production activities, intensive livestock operations, regulated wetlands, and other potentially incompatible land uses.
  - e. In the best interest of preserving productive agricultural land or environmentally sensitive lands, which may include areas such as wetlands, land abutting lakes or streams, stream corridors, and other deemed as such by the Planning Commission, the special use application may be applied to lots forty (40) acres in area or greater to allow for lot design flexibility in land divisions.
  - f. All land divisions shall conform to Section 338.
2. All lots shall have no less than one hundred and sixty-five (165) feet of frontage on an improved public road.
  3. All remnant parcels that are less than the required forty (40) acre minimum lot size shall meet all the requirements of the Agricultural Zone District special use permit criteria and all other applicable sections of the Zoning Ordinance. Consideration of remnant parcel design and location shall be part of the special use permit application.
  4. All land divisions and land division applications shall conform to the requirements of Section 333.

**D. Commercial Warehouses**

Agricultural buildings existing at the time of the effective date of this amendment (02/04/1999) may be used as commercial warehouses so long as the following specific conditions are met as well as the general conditions required for approval of all Special Land use requests:

1. The proposed commercial warehouse use must be located totally within an existing agricultural accessory building.
2. The building in question must have been used for agricultural purposes for at least five years from the effective date of this amendment (05/13/1999).
3. The building in question is no longer being used for agricultural purposes.
4. No outside storage of equipment or materials shall be permitted.
5. No retail or wholesale business shall be conducted on the premises or within the building
6. Any renovation of the existing agricultural building shall not promote on site commercial business as determined by the Planning Commission.
7. Any sign advertising the existence of the commercial warehouse must comply with the sign requirements for any other agriculturally related business.

**E.** Facilities for treatment of animal wastes or offal.

**F.** Mineral extraction and processing.

**G.** Wind Energy Systems as regulated by Section 1910 herein.

**H.** The drawing of surface waters or groundwater for consumption other than on the property where the water is originally located. This would include canning operations, bottled water operations and the transportation of water originating within Chester Township to a place located outside of the Township.

- I. Commercial Wireless Telecommunications and other Towers.
- J. Home Based Businesses
- K. Supporting Agribusinesses
- L. Churches & church-run schools

### ***Section 903-Height Regulations***

No residential building shall exceed thirty-five (35) feet or two and one-half (2 ½) stories in height, whichever is lesser.

### ***Section 904-Yard Requirements***

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards, lot area and building coverage requirements are provided and maintained in connection with building, structure, or enlargement.

- A. Front Yard** There shall be a front setback of not less than fifty (50) feet.
- B. Side Yard** For all buildings there shall be side setbacks of not less than forty (40) feet.
- C. Rear Yard** There shall be a rear yard of not less than one hundred (100) feet for dwellings and forty (40) feet for accessory buildings.
- D. Lot Requirements for Agricultural Districts.**

1. Lot Requirements The minimum size of any lot or parcel in this District shall be forty (40) acres. The minimum width of each lot or parcel must be at least six hundred, sixty feet (660 feet). Further, in order to satisfy the minimum width requirement of this section, the lot line designated for minimum width of the lot must be uninterrupted by lot lines or boundaries of other parcels or lots and shall front on a public road.

### ***Section 905-Minimum Floor Area***

Every single-family dwelling situated in this District shall have a floor area of at least One thousand, Two Hundred square feet (1,200 sq. ft.). The minimum floor area of the dwelling does not include the area of any garage, unenclosed porch, basement or any accessory structure or building.

Every single-family dwelling situated in this District which is a multiple story construction, shall have at least seven hundred (700) square feet of floor area on the lowest story (excluding basements), and a total floor area of at least one thousand two hundred (1,200) square feet. The minimum floor area of the dwelling does not include the area of any garage, unenclosed porch, basement or any accessory structure or building.

### ***Section 906- Farm Labor Housing***

Farm labor housing is generally regulated by Section 347 of this Ordinance. Also, housing for migratory workers shall be constructed and maintained in accordance with the provisions of Act 289, PA of 1965, as amended, regardless of the number of workers.

## **CHAPTER 10**

**Saved for future use**

## **CHAPTER 11**

### **PLANNED UNIT DEVELOPMENT DISTRICT**

#### ***Section 1101-Intent***

The purpose of Planned Unit Development regulations is to encourage and allow more creative and innovative design of land development than is possible under district zoning regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing development proposals. Ideally, this flexibility results in a development that contains more amenities through preservation of open space, rural views, and other natural and cultural resources. The result is ultimately a development that is more desirable than one produced in accordance with conventional zoning ordinance and subdivision controls.

Through proper planning and design, each Planned Unit Development should achieve the following objectives:

- A.** To allow a mix of uses, structures, facilities, housing types and open space that are compatible with existing and planned uses on nearby properties.
- B.** To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and preserves natural resources such as wetlands, flood plains, natural drainage patterns, wildlife habitat and other natural site features.
- C.** To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.
- D.** To provide for single or mixed use developments which respect the goals and objectives of the Chester Township Master Plan.

#### ***Section 1102-PUD Authorization and Permitted Uses***

- A.** A Planned Unit Development zoning district may be approved by the Township Board in any location within Chester Township except within those areas recommended for Agricultural Preservation in the Chester Township Master Plan. The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this ordinance. An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute part of the Zoning Ordinance.
- B.** Any land use permitted by the Chester Township Zoning Ordinance may be permitted by the Township Board within a PUD as a principal or accessory use subject to adequate provisions for the public health, safety, and welfare within the PUD, except Manufactured Home Communities may only be permitted in areas recommended in the Master Plan for Manufactured Home Communities and zoned Mobile Home Park.
- C.** Private roads are permitted in a Planned Unit Development subject to the requirements of Section 330 herein.

#### ***Section 1103-Qualifying Conditions***

- A. Minimum PUD Area Size.** In order to be eligible for PUD rezoning, the area proposed for rezoning to PUD shall consist of a minimum of two contiguous acres.
- B. Unified Control.** The proposed development shall be under unified ownership or control, so that one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of single ownership or control in the form

of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as approved.

### ***Section 1104-Development Requirements for All Uses***

The lot area, lot width, building height, setback, and yard requirements, general provisions, landscaping, signs, lighting and parking regulations and other development standards which would otherwise be applicable to the type of land use being requested for the PUD shall be determined by the Township Board following a recommendation from the Planning Commission in order to achieve the objectives of this Chapter. Criteria which shall be used in making these determinations shall include the following:

- A.** Number and type of dwelling units.
- B.** Type and amount of non-residential uses proposed.
- C.** Proximity and impact of the PUD on adjacent existing and future land uses.
- D.** Preservation of existing vegetation or other natural features on site.
- E.** Topography of the site.
- F.** Provision of public and or community water, sanitary sewer and storm sewer or approval of the Ottawa County Health Department for on-site well and septic systems.
- G.** Access for emergency vehicles to all buildings.
- H.** Provisions for pedestrian circulation, recreational amenities, and open space.

### ***Section 1105-Development Requirements for PUD's with Residential Uses***

For Planned Unit Developments which will devote all or a portion of the site to residential use, the following requirements shall apply in addition to the requirements of Section 1104.

In areas Master Planned Manufactured Home Community, if a Planned Unit Development is proposed rather than a Manufactured Housing Community, the Development Requirements for Low Density Residential or High Density Residential shall apply at the discretion of the Planning Commission.

#### **A. Number of Dwellings Permitted**

1. An area which is requested for rezoning to PUD shall only be developed in accordance with the density recommended by the Township Master Plan. The permitted number of dwellings for the proposed PUD area shall be based on the density recommendations of the Master Plan designation of the property as set forth in the following Density Table.

The Township Board, following a recommendation from the Planning Commission, may choose to allow fewer dwellings than permitted by the Density Table if, in the opinion of the Board, a reduction in the number of dwellings proposed would better achieve the intent and objectives of the PUD district.

**Density Table**

<b><u>Master Plan Category</u></b>	<b><u>Zoning District</u></b>	<b><u>Maximum Average Density</u></b>
Low Density Residential	Low Density Residential	.5 units per acre (1 unit per two acres)
Lake Residential	Lake Residential	.5 units per acre (1 unit per two acres) w/o public or community sewer ;1 unit per 15,000 square feet with public or community sewer
High Density Residential	High Density Residential	Single family detached : 2.9 units per acre (1 unit per 15,000 square feet); duplex: 1.45 units per acre (1 unit per 30,000 square feet); multi-family: 12 units per acre (1 unit per 3,500 square feet)

**2. Formula to Determine Number of Dwellings**

The number of dwellings which may be constructed within a PUD shall be determined as follows:

- a. Determine gross site area. The gross site area may include road right of way if included in legal description.
- b. Subtract all of the areas identified as Primary Conservation Areas in Section 1104E.  
 The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.
- c. Subtract one-half of acreage devoted to a golf course.
- d. Subtract acreage devoted to non- residential uses.
- e. Multiply this acreage by the Maximum Average Density from the Density Table to determine the number of dwellings permitted.

**3. Additional dwellings**

Additional dwellings above that allowed by Section 1104 A.1. and 2. above may be permitted at the discretion of the Township Board following a recommendation by the

Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the PUD. Items which could be added to a PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

- a. Provision of recreational facilities such as playground areas with play equipment, ball fields, bike paths, constructed lake, community building or similar recreation facilities with the exception of golf courses.
  - b. Additional landscaping to preserve or enhance the rural view along the roadway.
  - c. Enhancement of existing wetlands, or creation of lakes or ponds which are not designed solely to function as retention or detention facilities, but are designed primarily as recreational or visual amenities, subject to applicable regulations.
  - d. Provision of additional unique open space or mature stands of trees which would be of recognizable benefit to Township residents and residents of the PUD.
  - e. Provision of a public or private community water and/or sanitary sewer system.
4. If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the Maximum Average Density permitted in the Density Table by the gross acreage of the site excluding only the acreage proposed for any non-residential uses. The acreage proposed for recreational uses shall be included in the gross site acreage. In no case shall the number of dwelling units exceed that permitted by this subsection.

#### **B. Dedicated Open Space Requirements.**

A PUD with residential uses shall provide and maintain the following minimum amount of Dedicated Open Space in accordance with the standards of this Chapter:

1. For land master planned for Low Density Residential, 40 percent of the gross site area devoted to residential use shall be preserved as Dedicated Open Space.
2. For land master planned for High Density Residential and Lake Residential, 15 percent of the gross site area shall be preserved as Dedicated Open Space.
3. Areas Not Considered Dedicated Open Space. The following land areas shall not be classified as Dedicated Open Space for the purposes of this Section:
  - a. The area within any public or private road easement or right-of way.
  - b. Any easement for overhead utility lines unless adjacent to qualified open space.
  - c. Only fifty percent of the area of any existing floodplain, lakes, streams, other surface water bodies, wetlands and slopes which are 20% or greater shall be counted as Dedicated Open Space.
  - d. The area within a platted lot or site condominium lot.
  - e. Proposed detention and retention ponds.
  - f. Community drain fields if such areas are not completely underground.
  - g. Any area devoted to a golf course.

### **C. Standards for Dedicated Open Space.**

The following standards shall apply to the Dedicated Open Space provided in the development:

1. If the site contains a lake, stream or other body of water, the Township Board following a recommendation from the Planning Commission may require a portion of the Dedicated Open Space to abut the body of water.
2. A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to preserve the rural view.
3. Open space areas shall be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths where practical.
4. Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practical.
5. Dedicated Open Space may consist of ball fields, tennis courts, children's play area, swimming pools and related buildings, community buildings, and similar recreational facilities. These uses however shall not utilize more than 50 percent of the Dedicated Open Space.
6. The Dedicated Open Space shall be available and useable for all residents of the PUD, subject to reasonable rules.
7. The Dedicated Open space shall be designed to be used primarily by residents of the PUD but this shall not prohibit non-PUD residents from utilizing these accessory uses provided rules for such use are set forth in the Open Space Agreement required by Section 1104 D. herein.

- D. Guarantee of Dedicated Open Space.** The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all Dedicated Open Space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the Open Space PUD plan, unless an amendment is approved by the Township Board. The residents of the PUD by virtue of an association or other similar entity shall at all times maintain an ownership interest in the Dedicated Open Space.

The agreement must be acceptable to the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The agreement shall:

1. Indicate the proposed allowable use(s) of the Dedicated Open Space.
2. Require that the Dedicated Open Space be maintained by parties who have an ownership interest in the Dedicated Open Space, unless the Planning Commission recommends and the Township Board approves a maintenance agreement by parties other than those who have an ownership interest.



3. Provide for scheduled maintenance of the Dedicated Open Space including necessary pruning, mowing, replacement of dead or diseased vegetation, and harvesting of trees and new plantings.
4. Provide for scheduled maintenance of any structures or facilities located within the Dedicated Open Space.
5. Provide for maintenance to be undertaken by Chester Township in the event that the Dedicated Open Space is inadequately maintained, or is determined by the Township to be a public nuisance. Any costs incurred by the Township shall be assessed to the owners of the property within the PUD.

**E. Four Step Design Requirements**

A site plan for a residential PUD shall be prepared according to the following process. Approval of a PUD site plan shall be based on how closely the site plan conforms to this design process as well as conformance to the standards for approval of a PUD contained in Section 1107 of this Ordinance.

The applicant shall prepare two plans: a Natural Features & Development Area Map and a Preliminary Site Plan using the design process required by this section.

<b>STEP 1</b>	<b>Prepare a Natural Features &amp; Development Areas Map</b>
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1. The Natural Features & Development Area Map shall illustrate the Primary Conservation Areas and those other areas on the site which are to be preserved as Dedicated Open Space on the site.  
  
 Primary Conservation Areas, for purposes of this Ordinance, shall be defined as existing wetlands, creeks, streams, ponds, lakes or other water bodies, floodplains and slopes over 20%.  
  
 The Dedicated Open Space illustrated on this map shall comply with the requirements for open space per Section 1104 B and 1104 C of this Ordinance.  
  
 Only one-half of the Primary Conservation Areas shall be counted toward the required amount of Dedicated Open Space.
2. Label other natural site features such as woods, stands of trees, specimen trees, farmlands and fields, meadows and hedgerows, farm buildings and fences.
3. The Dedicated Open Space as required by Section 1104 B of this Ordinance shall be clearly labeled on the map. The areas outside the Dedicated Open Space shall be illustrated on the map as the Development Area which is the only area where house sites may be located.
4. Next, determine the number of houses permitted for the site by Section 1104 A of this Ordinance.

<b>STEP 2</b>	<b>Locate House Sites on Natural Features &amp; Development Area Map</b>
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5. On the same Natural Features and Development Area Map illustrate the tentative location of house sites. House sites shall only be located within the Development Area identified in Step 1. A house site shall not be located within the Primary Conservation Areas or other areas illustrated as Dedicated Open Space.

The location of house sites should be done according to the following design standards:

- a. Houses are encouraged to be placed so that the predominant view from the house is of open space and not of dwellings on the opposite side of the street.
- b. Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way.
- c. In order to maintain scenic views and rural character, dwellings placed directly on hilltops shall be discouraged if the dwelling is unscreened from the view of nearby properties and roads. Dwellings which have the appearance of three stories as viewed from nearby public streets, such as a two-story walkout, shall also be discouraged as such dwellings can detract from the rural view.

<b>STEP 3</b>	<b>Locate Conceptual Roads on Natural Features &amp; Development Area Map</b>
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6. On the Natural Features & Development Area Map illustrate the conceptual location of streets which shall be designed to serve the house sites identified in Step 2. Trails shall also be illustrated on this plan.

The location of streets should be designed according to the following design standards:

- a. Avoid crossing wetlands and wildlife habitat areas with streets.
- b. Street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows or playing fields.
- c. Streets with houses on only one side are encouraged to allow residents a view of open spaces within the development.
- d. Every effort should be made to connect each street with another to minimize dead ends, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- e. Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets or adjoining neighborhoods.
- f. Streets serving new developments should be designed to connect with adjoining properties.
- g. PUD developments shall, where feasible and appropriate, provide a trail system that provides pedestrian and bicycle linkage throughout the development, that take advantage of the open space areas. Linkage to

future neighborhoods and developments that may occur adjacent to the development **is** encouraged.

<b>STEP 4</b>	<b>Prepare Preliminary Site Plan</b>
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7. Next, prepare a separate plan to be known as the Preliminary Site Plan in accordance with the requirements of Section 1107 C herein. Draw lot lines for each house site and the road rights-of-way within the Development Area. Illustrate the boundaries of the Development Area on the Preliminary Site Plan.

The lots should be designed according to the following design standards:

- a. Lots shall be of a size and width necessary to obtain approval from the Ottawa County Health Department. If permitted by the Ottawa County Health Department, septic drain fields may be located within the Dedicated Open Space areas outside the lot lines.
  - b. As part of the Preliminary Site Plan, the applicant shall provide documentation from the Ottawa County Health Department that the soil types in the buildable areas are acceptable for on site well and septic systems.
8. The Natural Features Map plan prepared according to Steps 1 and 2 above along with the Preliminary Site Plan prepared according to Steps 3 and 4 shall be submitted to the Planning Commission for preliminary site plan review according to the procedures of this Ordinance.

**F. Setbacks Abutting Agricultural Uses**

Where an area requested for a residential PUD zoning abuts an active farm the Planning Commission may recommend and the Board may approve a requirement that a buffer zone of 250 feet be provided along that portion of the PUD abutting the farm to mitigate any adverse effects of the farm operation on future residents of the PUD and to protect the farm operation from the impacts of non-farm residents. This buffer zone could include but would not be limited to greater setbacks for dwellings and yards, the provision of earthen berms or landscaping or a combination of these and other methods.

**Section 1106-Dedicated Open Space Requirements for Non-Residential Uses**

The intent of this section is to ensure that each PUD project which proposes non-residential uses such as commercial shall provide Dedicated Open Space for the commercial portion in the form of civic space such as a central green for sitting, viewing or small outdoor events, or provide objects or areas of interest such as a fountain or plaza or provide rain gardens or other bio-retention areas for the purpose of storm water detention which shall also function as a visual amenity.

Open space areas shall be arranged and designed to contribute to the attractiveness and function of the proposed development and shall, insofar as reasonably possible, be interspersed throughout the site.

At least one Dedicated Open Space area shall be a central green, plaza or square which is to function as a focal point for the non-residential portions of a PUD and shall serve as an area where social, civic or passive activities can take place. This area shall contain at least 3,000 square feet or be of sufficient size and design to serve as a visual and functional civic amenity for

sitting, viewing, dining, or other similar outdoor activity and which, in the opinion of the Planning Commission, satisfies the intent of this section.

### **Section 1107-Public and Private Street Connections to Adjacent Property**

- A.** Public or private streets may be required to be extended to an adjacent property line by the Township Board following a recommendation from the Planning Commission which shall be based on both of the following criteria:
1. The road extension is a logical method to achieve the safe and efficient movement of vehicles and pedestrians between residential areas and to reduce the amount of vehicle trips which would otherwise need to utilize the public street system to access adjoining residential areas. In making this determination, the Planning Commission shall consider the likelihood of the adjacent property being developed, whether the natural site features on the adjacent property preclude or present difficulty in extending the public or private road, and if the adjacent site is already developed so as to prevent the extension of the public or private road.
  2. The road extension would not result in future traffic from off-site creating unsafe situations for the residents of the project proposed by the applicant.
- B.** If such a connection is required the applicant shall construct the road to the adjacent property line at the time that the private road is built OR the applicant shall illustrate an easement for the future road on the approved PUD site plan and record an agreement to construct the road connection within the easement when the adjacent property develops and the Planning Commission determines the necessity of the road connection.

Upon completion of the connection, the applicant shall grant an access easement to the adjoining properties to allow for the uninterrupted movement of people and vehicles.

### **Section 1108-Procedures**

An application for a Planned Unit a Development rezoning shall comply with the following procedures.

- A. Preapplication Conference.** Before submitting an application for a PUD, an applicant may meet with the Planning Commission or Township Zoning Administrator, Planner or Engineer to submit information regarding a proposed PUD and to confer with the Planning Commission, or staff, about the proposed application and the PUD.
- B. Application for PUD Approval.** An application for PUD rezoning and site plan review along with ten sets of the Preliminary Site Plan and Natural Features and Development Area map shall be submitted to the Zoning Administrator in accordance with the submittal schedule established by the Planning Commission along with the fee as set by resolution of the Township Board. The application shall at a minimum contain the following information:
1. The applicant's name, address and phone number.
  2. Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
  3. The name, address and phone number of the owner(s) of record if different from the applicant.
  4. The address of the property.
  5. Legal description of the property.

6. Current zoning.
7. Project description.
8. Size of the parcel in acres.
9. Signature of the applicant and owner of the property.

**C. Preliminary Development Site Plan.** The preliminary site plan shall be drawn at a scale of not more than one inch equals 100 feet and shall contain the following information unless specifically waived by the Planning Commission:

1. Existing adjacent streets and proposed streets, public or private, as well as development within 100 feet of the site. Private roads shall be subject to the requirements of Section 330 herein.
2. Proposed access points.
3. Significant natural features and other natural characteristics on the site and within 100 feet of the site, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural features.
4. Existing buildings.
5. General topographical features including existing contours at intervals not greater than ten feet.
6. Proposed method of providing public or private utilities including storm water drainage.
7. Proposed lots with lot line dimensions and the area of all lots or site condominium units.
8. Small scale sketch of properties, streets, and zoned uses of land within one-half mile of the site.
9. Information required by section 1104 E.

**D. Environmental Impact Assessment.** The Planning Commission may require an environmental impact assessment as part of the Preliminary or Final Site Plan.

**E. Review of Preliminary Development Plan.** The Planning Commission shall review the Preliminary Development Plan and Natural Features and Development Areas map and make recommendations to the applicant regarding the PUD, together with any recommended changes or modifications thereof.

**F. Final Development Plan.**

After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant for PUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Site Plan Review as contained in Section 1300 of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.

The Final Development Plan shall contain all of the information required for Site Plan review unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the PUD plus the following:

1. All of the drawings, narrative, studies, assessments, and other information, and materials comprising the Preliminary Development Plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the Final Development Plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.

2. Projected time for completion of the entire PUD; proposed phasing, if any, of the PUD and the projected time for completion of each phase.
3. Any other information reasonably required by the Planning Commission in connection with its review of the PUD and consideration of the rezoning of the lands in accordance with the PUD plan.

**G. Planning Commission Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing on the Final Development Plan and the application for rezoning in accordance with the plan. The giving of public notice for the public hearing shall be as required by Chapter 15 of this Ordinance.

**H. Consideration of Final Development Plan by Planning Commission.** After the public hearing, the Planning Commission shall make recommendations concerning the Final Development Plan and the modifications in the Final Development Plan and the rezoning, to the Township Board.

**I. Standards for Approval.** In making a recommendation to approve a PUD, the Planning Commission must find that the proposed PUD meets the following standards:

1. Granting the PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
2. The PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the PUD as approved.
3. The PUD will be generally compatible with the Master Plan of the Township and consistent with the intent and objectives of Chapter 11.
4. The PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not significantly change the essential character of the surrounding area.
5. Protects all floodplains and wetlands from filling except as approved for essential services or recreation amenities.
6. Preserves and maintains mature woodlands, fields, pastures, meadows and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
7. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way.
8. Protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that fronts directly on to existing roadways.
9. Pedestrian walkways may be provided so that pedestrians can walk safely and easily throughout the site.
10. The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.
11. The project can be adequately served by public utilities such as police and fire protection or public or on-site community water or sanitary sewer.
12. The proposed PUD shall be in compliance with all applicable federal, state, county, and local laws and regulations.

13. If a project is to be completed in phases, the project shall be designed so that each phase is complete in and of itself, in terms of services, facilities and open spaces, and so that each phase contains all the features necessary to insure the protection of natural resources and the health, safety and welfare of the users of the PUD and the occupants of the surrounding area.

**J. Final Consideration of PUD by Township Board.** The Township Board shall review the Final Development Plan and the recommendations submitted by the Planning Commission. The Township Board may conduct a public hearing and provide notice in the manner set forth in Section 1500 of this Ordinance.

Following the public hearing the Township Board shall determine whether the final development plan complies with the standards of Section 1107 I. , conditions and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township.

Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the Final Development Plan and grant the rezoning request.

**K. Conditions of Approval.** The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

1. They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed project under consideration; residents, and landowners immediately adjacent to the proposed project; and the community as a whole.
2. They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
3. They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the property owner. The Township Board shall maintain a record of conditions which are imposed.

**L. Rezoning.** If the Township Board approves the Final Development Plan and the proposed application for rezoning, it may rezone the property in accordance with the Michigan Zoning Enabling Act as amended. The Zoning Ordinance amendment shall be forwarded to the Township Clerk for inclusion in the Township Ordinance Book.

Publication of the rezoning ordinance or publication of a summary of the provisions thereof shall be accomplished in the manner provided by law. Following approval of the PUD rezoning

the Official Zoning Map of Chester Township shall be changed to reflect the PUD zoning for the parcel.

### ***Section 1109-Amendments to Approved PUD***

- A.** An approved Final PUD Development Plan and any conditions imposed upon Final PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant as required by this section.
- B. Minor Amendments.** A minor change may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

1. Reduction of the size of any building and/or sign.
  2. Movement of buildings and/or signs by no more than 10 feet.
  3. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
  4. Changes in floor plans which do not alter the character of the use.
  5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  6. Changes required or requested by the Township for safety reasons.
  7. Changes which will preserve the natural features of the site without changing the basic site layout.
  8. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.
- C.** The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval regardless of whether the change may qualify as a minor change. In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.
    1. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

### ***Section 1110-Performance Guarantees***

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission.



### ***Section 1111-Time Limitations on Development***

Each PUD shall be under construction within one year after the date of approval of the Final Development Plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met following a review and recommendation of the Planning Commission, the Township Board may, in its discretion, grant an extension not exceeding one year, provided that the PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD.

If the PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for the PUD or any part thereof shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

### ***Section 1112-Appeal/ Variance***

The Zoning Board of Appeals shall not have jurisdiction to accept appeals or to grant variances with respect to an approved Planned Unit Development.

## **CHAPTER 12**

### **OPEN SPACE PRESERVATION PROVISIONS**

#### ***Section 1200-Applicability***

The provisions of this Chapter are intended to carry out the provisions of Public Act No. 177 of 2001, being MCLA 125.286h. In order for a landowner to exercise the open space preservation option of that statute, the land involved must be rezoned to a planned unit development (“PUD”) zoning designation. Accordingly, the PUD provisions of Chapter 11 of this Ordinance shall apply except to the extent that an express provision of this Chapter modifies the PUD process.

#### ***Section 1201-Definitions***

For purposes of this Chapter 12, the following definitions shall apply:

“Lands zoned for residential development” shall mean any land located in the Low Density Residential District pursuant to this Ordinance.

#### ***Section 1202-Process***

Only land located within the Low Density Residential District is eligible for the open space preservation option provided for in MCLA 125.286h. Should the owner of a property within the Low Density Residential District desire to take advantage of such option, the landowner must apply for a PUD rezoning approval pursuant to the procedural requirements of Chapter 11 of this Ordinance. Once the land is rezoned for PUD, it will be deemed a “Residential—Open Space Preservation PUD.” All of the normal minimum lot size, setback, road frontage, lot width, width to depth ratio and other dimensional and area requirements contained in Chapter 11 hereof governing the development of land within the Low Density Residential District shall apply except to the extent that such standards are varied pursuant to this Chapter or the Township Board approves such a variation pursuant to the PUD approval process.

#### ***Section 1203-Miscellaneous Provisions***

- A.** Pursuant to a Residential—Open Space Preservation PUD hereunder, the land may be developed with the same number of dwelling units on a portion of the land specified in the Residential District that could have otherwise been developed on the whole property pursuant to this Ordinance, but within not more than 50 percent of the developable land area. The Township Board shall have discretion, pursuant to the PUD process, to require that more than 50 percent of the total land area be set aside in a permanently undeveloped state. Furthermore, the Township Board shall have discretion as to which portion or portions of the land involved shall be set aside in a permanently undeveloped state and which portion or portions of the land shall be developed.
- B.** The Township Board shall have the authority to determine the number of dwelling units which could have otherwise been developed on the land in the Residential District under existing ordinances, laws and rules without the land owner taking advantage of the open space preservation option hereunder.
- C.** For purposes of determining the overall area upon which dwelling units could be developed under existing ordinances, laws and rules, the following shall be deemed land not developable and shall be excluded from the formula of otherwise developable land area under existing ordinances:
  1. Wetlands as defined by Michigan law

2. Land located under a lake, pond, river or stream
3. Land with slopes exceeding 15 percent

At the time of application, the landowner shall submit two site plans in conformance with the site plan requirements of this Ordinance. The first site plan shall show how the land could be developed (including the number and location of dwelling units) under the existing zoning pursuant to the existing ordinances, laws and rules. The second site plan shall show the land owners' request for residential development with the same number of dwelling units on a portion of the land specified in this Ordinance (but not more than 50 percent) which could otherwise be developed under existing ordinances laws and rules.

After a Residential--Open Space Preservation PUD has been approved by the Township, the Township shall indicate to the property owner whether the land proposed to be permanently undeveloped and in an undeveloped state shall be accomplished by means of a conservation easement, plat dedication or restrictive covenant. No PUD approval shall become effective until the land owner has submitted appropriate language to the Township pursuant to the preservation device specified by the Township, such language has been approved by the Township and all of the then-owners of the lands involved fully execute the document approved by the Township and record the same with the county register of deeds records.

If the land has frontage on a lake the number of dwellings or residential units having frontage on or access to such lake pursuant to a Residential – Open Space Preservation PUD shall be no greater than the number of dwellings or residential units which would have been allowed to have frontage on or access to such lake under the prior zoning designation. Furthermore, the lake access regulations of Section 332 of this Ordinance shall be fully applicable and the required frontage for each new lot, parcel, or condominium unit shall be the same as under the prior zoning designation.

## **CHAPTER 13**

### **SITE PLAN DEVELOPMENT**

#### ***Section 1300 - Site Development Plan Review***

##### **A. DESCRIPTION AND PURPOSE**

It is the purpose of this Chapter to require site development plan review and approval for buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained in this Chapter are intended to promote:

1. Safe and convenient traffic movement, both within a site and in relation to access streets;
2. Harmonious relationships of buildings, structures, and uses, both within a site and with adjacent sites;
3. Conservation of natural amenities and resources; and
4. Compliance with the provisions of this Ordinance and all other applicable Township, state, and federal laws.

##### **B. USES REQUIRING SITE DEVELOPMENT, PLAN REVIEW AND APPROVAL.**

1. The following buildings, structures, and uses require site development plan review and approval by the Planning Commission (and where otherwise designated in this Ordinance, by the Township Board):
  - a. All special uses.
  - b. All commercial uses.
  - c. All industrial uses.
  - d. Parking areas in commercial and industrial districts.
  - e. Parking areas with more than four (4) spaces.
  - f. Planned Unit Developments.
  - g. All plats and subdivisions.
  - h. All site condominium projects or developments.
  - i. All residential developments (including plats, site condominiums and simple land divisions) containing four (4) or more lots.
  - j. Any expansion, alteration or changes and/or to any of the above-mentioned uses.

##### **C. SITE DEVELOPMENT PLAN REVIEW PROCEDURE**

1. Following the filing of a proposed site development plan, the Building Inspector and/or Planning Consultant shall review the plan with other appropriate Township departments and/or Ottawa County governmental agencies for design sufficiency. The Building Inspector or Planning Consultant shall submit a report to the developer informing him/her of any site development plan deficiencies, which shall be corrected prior to review by the Planning Commission. The Building Inspector shall submit the site development plan with a report and recommendation to and for review by the Planning Commission. If approval is conditioned with changes, the applicant shall agree in writing to the changes prior to the issuance of any building permits.

2. When an applicant receives site development plan approval, he/she must develop the site exactly as approved by the Planning Commission.
3. If rezoning of the land is required to allow the proposed development or use of the property as provided for in the site development plan, a concept approval of the site development plan by the Township Planning Commission shall be considered contingent upon rezoning of the subject property by the Township Board; such concept site approval shall not be construed as any assurance of such rezoning nor shall it be binding on the applicant if the rezoning is approved.
4. Before a site plan is marked "approved", it shall be revised to reflect any conditions, changes, or corrections required to obtain approval.
5. All requirements of this Ordinance, and any other applicable Township ordinance, standard, specification or regulation shall be complied with even if not specifically included in an approved site development plan.
6. Three (3) complete sets of "as-built" drawings certified by the project engineer or architect must be submitted by the applicant at the time of application for an occupancy permit.

#### **D. ADMINISTRATIVE PLAN REVIEW**

1. Minor changes to a site development plan or new site development plan may be approved administratively by the Zoning Administrator provided the plan complies with all applicable requirements of this Ordinance and all other Township regulations or state law. The Zoning Administrator may approve a site development plan for the following:
  - a. Minor changes to an approved site development plan which involve the addition or relocation of any of the following items:
    - (1) Sidewalks
    - (2) Refuse containers
    - (3) Lighting
  - b. Decrease in building size from an approved site development plan.
  - c. Moving a proposed building on an approved site development plan no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.
  - d. An increase in a building size that does not exceed five thousand (5,000) square feet or five (5) percent of the gross floor area, whichever is smaller.

#### **E. REQUIRED SITE DEVELOPMENT PLAN INFORMATION**

1. GRAPHIC MATERIALS REQUIRED FOR PLANS - Every application for a site development plan approval shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made and legal features on and near the site in question. Site development plans shall show on the first page the following information:
  - a. Name of applicant and property owner
  - b. Name of development (if any)
  - c. North arrow
  - d. Legend

- e. Location. A location map that shows the location of the project in the broad context of the Township.
  - f. Scale. Development site plans shall be drawn to a readable scale, such that all features required to be shown on the plans are readily discernible. The Building Inspector shall make the final determination whether the plans submitted are drawn to the appropriate scale.
  - g. All of the features required to be shown on plans in the following Section 19.5(2) and Section 19.5(3) may be included on one set of plans so long as the features are distinctly discernible.
2. EXISTING NATURAL, MAN-MADE, AND LEGAL FEATURES - Site development plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place, including but not limited to those listed below. In addition, the plans shall show those features denoted in the following by an asterisk (\*) if they are located within fifty (50) feet of the lot where the development is to take place. The use made of adjoining properties shall all be specified.
- a. Existing natural features:
    - (1) Tree line of wooded areas.
    - (2) Individual trees twelve (12) inches in diameter or more, identified by common or scientific name.
    - (3) Orchards or other agricultural groves by common or scientific name.
    - (4) Streams, ponds, drainage ditches, swamps, boundaries of floodways, and floodplains.
    - (5) If more than five (5) acres of land are to be developed, base flood elevation data.
    - (6) Contour lines (shown as dotted lines) with no greater than two (2) foot contour intervals. (As indicated in subsection 18.5(3) (o) below, proposed contour lines shall be shown as solid lines.
  - b. Existing manmade features:
    - (1) Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.
    - (2) Streets, private roads, sidewalks, and other walkways, all designated by surface material.
    - (3) Curbs, gutters, curb inlets and curb cuts, and drainage grates.
    - (4) Other storm water or drainage facilities, including manholes, pipes, and drainage ditches, including sizes and materials.
    - (5) Underground utility lines (sizes and materials), including water, sewer, electric power, telephone, gas, and cable television.
    - (6) Above ground utility lines and other utility facilities.
    - (7) Fire hydrants.
    - (8) Buildings, structures, and signs.
    - (9) Location of exterior light fixtures.

- (10) Location of dumpsters.
- c. Existing legal features:
  - (1) The zoning of the property, including zoning district lines where applicable.
  - (2) Property lines (with dimensions identified).
  - (3) Street right-of-way lines.
  - (4) Utility or other easement lines.
- 3. PROPOSED CHANGES IN EXISTING FEATURES OR NEW FEATURES - Site development plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:
  - a. Lot dimensions, including lot widths.
  - b. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets, or street right-of-way lines.
  - c. Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing exterior building materials, building heights, and proposed wall sign or window sign area.
  - d. Areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
  - e. Streets, labeled by classification and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Public roads in subdivisions shall also be shown and clearly labeled as such.
  - f. Curbs and gutters curb inlets and curb cuts, and drainage grates.
  - g. Other storm water or drainage facilities (proposed sizes and materials), including manholes, pipes, drainage ditches, retention ponds, etc.
  - h. Sidewalks and walkways, showing widths and surface material.
  - i. Bridges.
  - j. Outdoor illumination with lighting fixtures sufficiently identified to demonstrate orientation and extent of illumination.
  - k. Underground utility lines (proposed sizes and materials), including water, sewer, electric power, telephone, gas, and cable television. Water and sewer pipe line sizes shall be labeled.
  - l. Above ground utility lines.
  - m. Fire hydrants.
  - n. Dumpsters.
  - o. Proposed contour lines resulting from earth movement (shown as solid lines) at no greater than two-foot contour intervals (existing lines should be shown as dotted lines).
  - p. Scale drawings of all signs requiring permits pursuant to the provisions of this Ordinance, together with an indication of the location and dimensions of all such signs.

- q. Vehicle accommodation areas (including parking areas, handicapped parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways.
  - r. Proposed landscaping or construction of other devices to comply with the screening and buffering requirements of this Ordinance. Plans shall label shrubbery by common or scientific name, show the distance between plants, and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, and show the circles of the mature crowns.
4. DOCUMENTS AND WRITTEN INFORMATION IN ADDITION TO PLANS - In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be required:
- a. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.
  - b. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided.
  - c. Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.
  - d. Bonds, letters of credit, or other surety devices.
  - e. Time schedules for the completion of phases in staged development.
  - f. The environmental impact assessment of the development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.
  - g. A fiscal impact analysis of the development on the Township and other governmental units (e.g., schools, public safety, roads, etc.).
  - h. A traffic impact analysis of the proposed development on the Township and other governmental units.
  - i. Calculations for drainage and storm water design detention/retention.
  - j. Such other documents or materials as may be required by the Township.
5. NUMBER OF COPIES OF PLANS AND DOCUMENTS - With respect to all plans and other documents required by this Article, the developer shall submit the number of copies that the Building Inspector deems necessary to expedite the review process and to provide necessary permanent records.

#### **F. REVIEW BY PLANNING COMMISSION**

The Township Planning Commission shall review the site development plan to determine compliance with the provisions and spirit and intent of this Ordinance. If approved, a Certificate of Zoning Compliance shall be issued to the applicant by the Zoning Administrator or Building Inspector.

#### **G. CRITERIA FOR SITE DEVELOPMENT PLAN APPROVAL**



1. The Planning Commission shall use the following criteria in evaluating a site development plan submittal:
  - a. Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
  - b. Whether there are ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures.
  - c. The extent to which natural features and characteristics of the land will be preserved; the regard given to existing trees, natural groves, watercourses, and similar natural features that would add attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems; the dedication and/or provision, where appropriate, of scenic easements and natural buffering; and other techniques for preservation and enhancement of the physical environment.
2. No site development plan shall be approved unless the Planning Commission shall determine that the site plan is consistent with this Ordinance and the Master Plan and more specifically, that all of the following requirements are met:
  - a. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.
  - b. That the site plan is harmonious with, and not injurious or objectionable to, existing and projected uses in the immediate area.
  - c. That the site plan shows the use will adequately be served by necessary improvements, including, but not limited to, sewage collection and treatment, storm drainage, roads and parking.
  - d. That the site plan is adequate to provide for the health, safety and general welfare of the persons or property on the site and the neighboring and surrounding community.
  - e. That the proposed use and configuration of buildings and improvements will not injurious to the environment.

## **H. MODIFICATION OF APPROVED SITE DEVELOPMENT PLAN**

Once site plan approval has been granted by the Planning Commission, major changes to the approved site plan shall require a resubmission and payment of fee.

## **I. POSTING OF FINANCIAL GUARANTEE**

The Planning Commission may require an, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping, and drainage improvements associated with the project. 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 ensure faithful completion of the improvements indicated on the approved site plan. If conditions set forth in the approved site plan are not faithfully completed, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Building Inspector. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall

be used by the Township to complete the required improvements and to enforce the Zoning Ordinance; and the balance, if any, shall be returned to the applicant.

#### **J. CONDITIONS**

1. Reasonable conditions may be required with the approval of a site development plan. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  - a. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - c. Be necessary to meet the intent and purpose of the Zoning ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

#### **K. TIME LIMITATIONS**

1. Each development, structure or use authorized by said development of plan approval shall be under substantial construction or use not later than one (1) year after the date on which the site plan is approved, unless a shorter time limit is imposed as a condition of approval. If this requirement is not satisfied, the Planning Commission may grant an extension of time (except where a site development plan has been approved by the Township Board, in which case the Township Board may grant such extension), provided, however, that the property owner presents reasonable evidence documenting the fact that the development, structure or uses encountered unforeseen difficulties, but is then ready to proceed. If these requirements are not satisfied within a period of one (1) year after the approval of the final site development plan, then the site development plan shall be deemed null and void, together with any building permits and zoning permits issued for the development, structure or use covered by the site plan.

**CHAPTER 14**

***SAVED FOR FUTURE USE***

## **CHAPTER 15**

### **AMENDMENTS**

#### ***Section 1500-Procedure***

The Township Board may from time to time on its own motion, or on petition, or on the recommendation of the Planning Commission or other body affected, amend, supplement or repeal the regulations and provisions of this Ordinance including the rezoning of land after public notice and hearing. Every such proposed amendment or change shall be enacted in conformance with the provisions of the Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, and shall follow the same procedures used for the enactment of this Ordinance.

#### ***Section 1501- Zoning Ordinance Amendments***

- A.** Each proposed Zoning Ordinance amendment or supplement including rezoning of land shall be referred to the Planning Commission for its consideration and a recommendation to the Township Board in accordance with the requirements of Act 110 of the Public Acts of 2006 as amended.
- B.** After receiving such recommendation the Township Board shall consider the proposed amendment. The Township Board may hold a public hearing if the Board considers it necessary. Upon request of any property owner by certified mail to Clerk the Board shall hold a public hearing.
- C.** Notice of a hearing held by the Township Board shall be made in accordance with the requirements of Section 1502 herein.
- D.** The Board may, but need not, refer any proposed amendments back to the Planning Commission for consideration and comment within the time period specified by the Board. The Board shall then vote on the adoption of the Zoning Ordinance request with or without the amendments proposed by the Planning Commission. However, the Board, in its discretion, may revise the amendments as proposed by the Planning Commission and then vote on the adoption of the revised amendments.

The Township Board may adopt, by majority vote of its membership, pursuant to the Zoning Act, a zoning ordinance or amendments to the zoning ordinance and publish either a summary of the amendment, including the geographic area affected, or the text of the amendment change in the local newspaper.

#### ***Section 1502- Public Hearing Notification***

All applications for development approval for which a public hearing is required by this Ordinance shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and the following provisions of this Section with regard to public notification.

- A.** Responsibility for Public Notice: The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Chester Township and mailed or delivered as provided in this Section.
- B.** Notice Requirements: Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development; variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows:

1. Newspaper Notice: The notice shall be published in a newspaper that circulates in Chester Township.
2. Mail and Personal Notice: Except for an Ordinance text amendment and an Ordinance interpretation which does not apply to a specific property, notice shall be sent by first class mail or personal delivery to:
  - a. The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent by first class mail or personal delivery to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located within the boundaries of Chester Township.

If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing.

- c. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice.
3. Record of Mailing: The Clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.
4. Content of Notice: The public notice shall:
  - a. Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
  - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property.
 

No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  - c. Indicate the date, time and place of the public hearing(s).
  - d. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

Registration to Receive Notice by Mail: Any neighborhood organization, public utility, company, railroad or any other person may register with the clerk to receive written notice of all applicants for development.

## **CHAPTER 16**

### **PARKING AND LOADING SPACES**

#### ***Section 1600-Scope***

In all Zoning Districts, off-street parking facilities, including all parking spaces, maneuvering areas, and access points 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. These facilities shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance.

#### ***Section 1601-Location of Parking***

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

- A.** Residential and nonresidential uses in the Residential Districts and residential uses in the Mobile Home Park and Agricultural Districts.
  - 1. Parking facilities shall be located on the same lot or parcel as the building or use they are intended to serve. The Planning Commission may waive this requirement upon finding evidence that parking cannot be reasonably accommodated on site.
  - 2. In no instance shall the parking facilities for residential uses be located more than three hundred (300) feet from the premises upon which the use is located.
  - 3. Parking areas shall otherwise meet the applicable requirements of the Residential Districts, which shall control when/if in conflict with any portion of this subsection.
- B.** Nonresidential uses in the Neighborhood Commercial District
  - 1. All parking areas for uses within the Neighborhood Commercial District shall be located wholly within the Neighborhood Commercial District.
  - 2. Parking facilities shall be located within six hundred (600) feet of the lot or parcel upon which the building or use they serve.
  - 3. Parking areas shall otherwise meet the applicable requirements of this Chapter and setback requirements of the Neighborhood Commercial District.
  - 4. Distances shall be measured along the street between the nearest points of property lines.
- C.** For all other uses in all other Districts, off-street parking requirements may be met on each site or in parking lots under control of the owner, within three hundred (300) feet of, and readily accessible to, each site. Distances shall be measured along the street between the nearest points of property lines.
- D.** Parking spaces shall not be located within the required front yard setback, and at least five (5) feet from a side or rear property line.

#### ***Section 1602-Parking Lot Requirements***

- A.** All parking facilities and access driveways shall be constructed with a pavement having an asphalt or concrete binder, or with a minimum of six (6) inches of compacted gravel, or other equivalent material.

- B. All parking and maneuvering areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area.
- C. 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.
- D. Any illumination for parking lots 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 height for light fixtures for parking lots abutting a Residential District or use shall not exceed fifteen (15) feet above the parking lot surface.
- E. When a required nonresidential parking lot is situated on a parcel which adjoins a Residential District, either abutting directly or across a roadway, the parking area shall be set back at least twenty (20) feet, excluding any drives, unless a greater setback is required by any other provision of this Ordinance. There shall also be a ten (10) foot greenbelt provided within the setback area.
- F. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. These drives shall be located where they minimize traffic conflicts with adjoining uses and roadways.
- G. Wheel stops shall be provided and located to prevent any vehicle from projecting over the edge of the parking lot, or over setback lines. Stops 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 Parking Space Dimensions table/graphic and 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.

**Section 1603-Parking Lot Plans**

A. The construction of any parking lot shall be in accordance with the requirements of the provisions of this Chapter and 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.

B. 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 (if any), 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.

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

  

1 Measured perpendicular to the longitudinal space centerline.

2 Measured along the longitudinal space centerline.

3 Total width of two tiers of parking spaces plus maneuvering lane

**Parking Space Dimensions**

- C. The plans are to be prepared in a presentable form by person or persons competent in this work and shall conform to the provisions of Chapter 13.

### ***Section 1604-Parking Restrictions***

- A. Required off-street parking areas shall not be used for the storage or parking of vehicles in excess of twenty four (24) hours, except as may be permitted for a commercial use or vehicles utilized on a regular basis by the residents or owners of the lot on which the vehicles are located. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying vehicles for sale, except in approved and licensed car sales lots.
- B. It shall be unlawful for any person to park or store any motor vehicle on any property without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of the property.
- C. In all Residential Districts, open storage or parking, either day or night, of trucks over one (1) ton, semi-trucks and trailers, manufactured homes (other than for residential purposes, where otherwise permitted), construction equipment, and/or any other similar equipment or machinery used for commercial purposes for a period exceeding forty eight (48) hours. This restriction shall not apply to the owner, tenant, or lessee of a farm openly storing machinery and equipment used on that farm or, any equipment used during construction work on a lot, parcel or tract of land that requires overnight parking on the premises.
- D. No vehicle parking, storage, or display shall be permitted within any road right-of-way. On-street parking is permitted only 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 unless approved by the Planning Commission.

### ***Section 1605-Off Street Parking Requirements***

- A. The Planning Commission may defer construction of a portion of the required number of parking spaces for nonresidential uses if the following conditions are met:
  - 1. Areas shown for deferred parking shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of parking spaces required by this Section. These areas shall be kept open and not used for any other purpose required by this Ordinance (such as landscaped buffers, etc.).
  - 2. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator, based on parking needs and shall require the submission and approval of an amended site plan, as required by Chapter 13.
- B. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have more than a ten percent (10%) greater number of parking spaces than the minimum parking space requirements, as listed in 1604, H, except as may be approved by the Planning Commission pursuant to a parking need study submitted by the applicant.
- C. Provision of common parking facilities for several uses in the same vicinity is encouraged. In these cases, the total space requirement is the sum of the minimum individual requirements. The Planning Commission may reduce this requirement upon written proof and agreement of the uses that business hours do not overlap. In this case, the required amount of parking shall be based upon the use with the larger number required and shown on the site plan as deferred parking, in accordance with 1604, A, above. The agreement shall be signed by the



owner of the parking facility, stating the number of spaces to be available, times/days when they are available, and the duration of the agreement.

- D.** The Planning Commission may waive, to the degree necessary, the off street parking requirements for nonresidential properties in the Neighborhood Commercial District should no other arrangement be available to comply with the minimum requirements of the Ordinance. Such waiver shall be based on the following:
1. A person or entity seeking a waiver shall make application to the Planning Commission in the same manner as for Site Plan Review.
  2. The site plan shall show:
    - a. The extent of existing public parking (whether on site or in the general vicinity),
    - b. Available and/or usable shared parking arrangements (such as access to a community parking lot, church, or common parking area maintained by participating property owners). If any shared parking is to be used, a written agreement shall be provided in accordance with 1604, C.
    - c. The location of facilities to accommodate modes of transportation other than passenger vehicles shall be provided, if applicable. In such case, evidence shall be provided in the form of a written statement or study demonstrating that a majority of expected patrons will arrive via means other than passenger vehicles, what other means they may arrive by, the amount and frequency by which they will arrive, and proof that the other provisions of this Chapter do not sufficiently reduce the burden of the off street parking requirements to allow the use of the property.
  3. Any waiver granted shall be conditioned upon Chester Township's right to periodically inspect the premises subject to the waiver, and where it is determined that the available parking is not adequate or conditions have changed since the waiver was granted, the waiver may be revoked and the owner required to comply with the parking requirements or a lesser waiver.
  4. A bond, escrow or payment in lieu of parking fee shall be paid to the Township to assist in the funding and construction of a community parking lot in the Neighborhood Commercial District. The amount to be paid shall be established by the Township Board.
- E.** Required off-street parking spaces are listed in Section I. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use that the Zoning Administrator considers similar in type.
- F.** In the case of mixed uses in the same building or structure, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to permitted public and parochial schools.
- G.** When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space, any fraction of one half ( $\frac{1}{2}$ ) space or less shall be disregarded, any fraction over one half ( $\frac{1}{2}$ ) shall require one (1) parking space.
- H.** Whenever a calculation is used for a parking space requirement, the following definitions shall be used:
1. Gross Floor Area (GFA) is the sum of the gross horizontal area of all floors of the building as measured from the exterior faces of the exterior walls, or from the center line of walls separating two (2) buildings. GFA shall not include basement floor area, attic space having headroom of less than seven (7) feet, interior balconies or mezzanines,

breezeways, porches, or any area devoted to off-street parking or loading, including attached garages.

2. Useable Floor Area (UFA) is 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. Any 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. UFA shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.
3. A seat or pew shall be calculated using a measurement of twenty-four (24) inches per seat or pew length.

I. Parking space requirements:

USE	PARKING SPACE REQUIREMENT
<b>Residential</b>	
Single, two and multiple family dwellings	Two (2) per dwelling unit
Manufactured home parks	Two (2) per dwelling unit, plus one (1) additional visitor space for each three (3) units
Senior housing	One (1) per each three (3) beds, or one (1) per dwelling unit, if programmed as independent housing
Home occupations	One (1) in addition to the residential requirement
Office in residence	Two (2) in addition to the residential requirement
Boarding house, tourist home	One (1) per guest room in addition to the residential requirement

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Institutional</b>	
Churches	One (1) per each (3) seats or six (6) feet of pews in the main unit of worship
Library, community center or post office, private, civic or social club or lodge	One (1) per each one hundred fifty (150) square feet UFA, or one (1) per each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Convalescent homes and nursing homes	One (1) per each two (2) employees plus one (1) per each four (4) persons in residence allowed within the maximum occupancy load established by any applicable codes or ordinances
Private or parochial schools: elementary and middle	Two (2) per each three (3) employees, plus amount required for auditorium or gymnasium seating

Secondary, trade, industrial, and institutions of higher learning	One (1) per each eight (8) students, plus one (1) per each classroom, plus amount required for auditorium or gymnasium seating
<b>Commercial</b>	
Hospitals	Two (2) per patient bed
Theaters, museums, art galleries, auditoriums, halls, stadiums, skating rinks and other indoor recreation	One (1) per each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Bowling alleys	Four (4) per each bowling lane plus required spaces for each accessory use
Restaurants without drive-through facilities	One (1) per each one hundred (100) square feet UFA or one (1) per each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) per each one hundred (100) square feet of UFA or one (1) per each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Drive-in Restaurant	One (1) per each employee and one (1) per each twenty five (25) square feet UFA
Bars, lounges, taverns, nightclubs	One (1) per each two hundred (200) square feet UFA or one (1) per each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) per each service stall, plus one (1) per each pump island
Personal service establishments	Two (2) per service provider, chair, tanning bed or other similar service area, or one (1) per each one hundred (100) square feet UFA, whichever is greater
Retail, convenience and department stores, and supermarkets	One (1) per each three hundred (300) square feet UFA

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Commercial</b>	
Funeral homes and mortuary establishments	One (1) per each fifty (50) square feet UFA
Open air businesses	One (1) per each two hundred (200) square feet of indoor UFA plus one (1) per each one thousand (1,000) square feet of outdoor display area

Marina	Two (2) per boat slip
Retail stores not otherwise specified	One (1) per each two hundred (200) square feet UFA
Hotels and motels	One (1) per each guest room, plus required spaces for any accessory uses (e.g. restaurant, retail shop, etc.)
Video rental stores	One (1) per each one hundred (100) square feet UFA
<b>Offices</b>	
Banks, credit unions, savings and loan associations and other similar uses	One (1) per each one hundred and fifty (150) square feet UFA, plus two (2) per each non-drive through automatic teller machine, and three (3) stacking spaces per drive through lane
Medical and dental offices and clinics	One (1) per each seventy five (75) square feet of waiting room area plus one (1) per each examining room, dental chair, or similar use area
Business, professional and offices not otherwise specified	One (1) per each three hundred (300) square feet UFA
<b>Industrial</b>	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) per each one thousand (1,000) square feet GFA plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) per each two thousand (2,000) square feet GFA plus those spaces required for offices located on the premises

### **Section 1605-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.** Loading spaces shall be required as follows:
  1. Up to twenty-thousand (20,000) square feet GFA - one (1) space,
  2. Twenty-thousand (20,000) or more but not more than fifty-thousand (50,000) square feet GFA - two (2) spaces, and
  3. One (1) additional space for each additional fifty-thousand (50,000) square feet GFA or fraction thereof.
- C.** Each loading space shall be at least ten (10) feet in width, fifty (50) feet in length and fourteen (14) feet in height.
- D.** No loading space shall be located closer than fifty (50) feet to any lot or parcel of land in any residential district.
- E.** Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.

- F. 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.

## **CHAPTER 17**

### **VALIDITY**

#### ***Section 1700-Severability***

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

## **CHAPTER 18**

### **ADMINISTRATION**

#### ***Section 1800-Zoning Administration***

The duty of administering the provisions of this Ordinance, including the issuance and revocation of permits, shall, unless otherwise provided for, rest in the Township Zoning Administrator, who shall be hired and approved by the Township Board of Chester Township for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine; and the duty of enforcing the provisions of this Ordinance shall rest with such administration official or officials as shall be or hired and approved by the Township Board of Chester Township.

#### ***Section 1801-Zoning Compliance Permit***

No building permit shall be issued until the Zoning Administrator has approved zoning compliance. No person shall commence any use of a property or commence construction of a building or excavation for a basement or foundation for a building without first obtaining a zoning compliance permit. No zoning compliance permit shall be required for farming operations other than the construction or alteration of any agricultural building or structure. No person shall commence construction or alteration of any agricultural building or structure without first obtaining a zoning compliance permit. The Zoning Administrator shall not issue a zoning compliance permit until an application has been submitted showing that the proposed construction or use complies with the provisions of this Ordinance.

#### ***Section 1802-Building Permit for Erection or Alteration of Buildings and Structures***

- A.** Application. Except as otherwise provided, it shall be unlawful to erect any new building or structure or to alter or move any existing building or structure at a cost of one hundred (100) dollars or more or to change any existing use of property to another use until a permit therefore has been obtained from the Building Inspector by the owner or his duly authorized agent. Application for a permit shall be in writing and upon duplicate printed forms furnished by the Building Inspector or Zoning Administrator. Such permits shall be non-transferable and must be obtained before any work, excavation, erection, alteration, or movement is begun. Satisfactory evidence of ownership of the premises may be required by the Building Inspector or Zoning Administrator and shall be furnished upon request. A Certificate of Occupancy Fee, as set forth in the Schedule of Fees, in addition to all other applicable fees, shall be filed with the application, together with one copy of construction blue prints. If the application is approved, the Building Inspector and Zoning Administrator shall so mark both copies over his signature, shall file one copy in the office of the Township Clerk of Chester Township, and return one copy to the applicant together with a construction card signed by the Building Inspector stating the extent of the work authorized, which card shall be attached to and remain on the premises during the progress of the work authorized.
- B.** Should the applicant-permit-holder comply with all requirements of this Ordinance so that a Certificate of Occupancy is issued, pursuant to Section 1404 of this Ordinance, the Certificate of Occupancy Fee shall be refunded to the Applicant.
- C.** Board of Appeals Approval. When the terms of this Ordinance shall require the approval of the Board of Appeals both copies of the application shall be marked approved by said Board of Appeals in addition to being so marked by the Building Inspector as provided above.

- D. Issuance of Permit. Within a reasonable time after receipt of any application or within a reasonable time after the approval of any application by the Board of Appeals where the same is required under this Ordinance, the Building Inspector shall issue a permit to the owner or his agent, provided the building or structure or the proposed erection or alteration, as set forth in the application are in conformity with the provisions of this Ordinance, and when such permit is refused, he shall state the reason or cause for such refusal in writing.
- E. Expiration of Permits. Any permit under which no work has been done above the foundation walls or other foundation support within one (1) year from the date of issuance shall expire by limitation; but such permit shall upon re-application and on payment of one-half (1/2) of the original fee be renewable, subject, however, to the provisions of Ordinances in force at the time of such renewal.
- F. Cancellation of Permits. The Building Inspector shall have the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this Ordinance, or in case of any false statement or misrepresentation made in the application. The owner or his agent shall be notified of such revocation in writing.
- G. Fees. With each application for a permit, there shall be paid to the Township such fees, as set forth in the Schedule of Fees. The Township Board shall determine this Schedule of Fees by Resolution from time to time. The Township shall retain all fees paid whether a permit is granted or denied and no application shall be accepted and no permit shall be valid until such fees have been paid.

### ***Section 1803-Inspection of Buildings and Structures***

- A. As work progresses under a zoning permit, the holder thereof or his authorized agent shall cause the Building Inspector to be notified at the following stages of construction:
  - 1. Upon completion of the footings and footing walls.
  - 2. Upon completion of the rough frame of the structure including the application of roof shingles and sidewall sheeting and the installation of wiring and rough plumbing and chimneys and before lath is applied.
  - 3. Upon total completion of the work authorized by the zoning permit, including the septic tank and drain field, and before occupancy.
- B. Inspections of the building or structure shall be made within three (3) days following receipt of notification.
- C. Should the permit holder fail to comply with the requirements at any state of construction, the Building Inspector is hereby authorized to cancel the permit issued and shall cause notice of such cancellation to be securely posted upon said construction, and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof. No further work shall be undertaken or permitted upon construction until a valid permit shall thereafter have been issued.

### ***Section 1804-Certificate of Occupancy***

No building or structure or part thereof hereafter erected or altered and subject to the provisions of this Ordinance shall be used in whole or in part until the owner thereof shall have been issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this ordinance.



### ***Section 1805-Fees***

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 Township office hours at the Township Hall. Such fees may be changed from time to time by resolution of the Township Board. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this ordinance and as to which a fee is prescribed. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) 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. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when 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. 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, township engineering fees, costs and fees for services of 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. Such monies shall be retained by the Township for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

### ***Section 1806-Stop Work Orders***

Upon notice from the Zoning Administrator or Building Inspector that any use is occurring or that any work on any building or structure is prosecuted contrary to the provisions of this Ordinance, such work or use shall be stopped immediately. 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. Any person who shall continue to work in or about the structure, land or building or use the property after having been served with a stop work order, except such work as that person is directed to perform by Township officials to remove a violation, shall be a violation of this Ordinance.

### ***Section 1807-Illegal Lots***

No illegal lot shall be used for any purpose and no zoning compliance permit or building permit shall be issued for any building or structure on an illegal lot.

## **CHAPTER 19**

### **SPECIAL USES**

#### ***Section 1900-Purpose of Special Uses***

Certain land uses and structures are necessary and customary in the development of a community and yet, by their nature, are often detrimental to the health, safety and general welfare of the citizens or often prove to be unnecessarily unattractive or harmful to the values and legal pursuits of adjacent properties. It is the purpose of this Chapter to permit such uses by having logical limits and controls imposed by the Planning Commission so as to eliminate all such detrimental effects. Uses listed herein are allowed in the Township only as special uses. Reference Section 342 for requirements for Special Use Permits for uses that are not contemplated or specified by this Ordinance.

#### ***Section 1901-Procedure for All Special Uses***

Any special use shall meet and continuously follow and adhere to the approved site development plan conditions placed upon the use and the requirements for approval and the requirements of the district in which they are located and the following procedure shall be followed in obtaining a special use permit.

- A.** The applicant shall submit to the Planning Commission, through the Township Clerk, an application, together with an application fee as set forth in the Schedule of Fees, for a regularly or specially scheduled meeting. This fee is in addition to any other fee that may be required. The application shall include a required site plan and written evidence and drawings showing that all the requirements for the applicable special use are met.

Prior to making a decision on a Special Use request, the Planning Commission shall hold a public hearing. Notification of the hearing shall be in accordance with Section 1502 herein.

- B.** Reasonable conditions may be required with the approval of a special land use by the Planning Commission. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- C.** The conditions imposed with respect to the approval of a special land use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions that are changed.

- D. In addition to other applicable requirements, before approving a special land use request, the Planning Commission must find that all of the following standards are met:
1. The proposed use will be compatible with adjacent land uses within one thousand (1000) feet.
  2. The proposed use will be consistent with the public health, safety or general welfare of the township.
  3. The special land use shall not change the essential character of the surrounding area or the neighborhood.
  4. The proposed use shall not place demands on public services, roads and facilities in excess of their current capacities.
  5. The proposed use shall be consistent with and promote the intent and purpose of the Township Zoning Ordinance and Master Plan.
  6. The proposed special land use will not establish a precedent for developments or uses which could adversely affect the long-term goals of the Township Zoning Ordinance and Master Plan.
  7. The proposed use shall be compatible with environmental features, such as lakes, streams, flood plains, agricultural areas and natural areas.
- E. SPECIAL USE DECISIONS. The decision on a Special Use shall be incorporated in a written statement of findings and conclusions relative to the use authorized by the Special Use which specifies the basis for the decision and any conditions imposed. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by the Planning Commission in its decision and kept on file with the Township.

### ***Section 1902-Revocation of Permit***

If a violation of any of the above conditions, regulations or special conditions is found to exist following inspection, the Zoning Administrator or other authorized township representative shall notify the owner of the premises of the special use and the Planning Commission that such violation exists and that the permit will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Planning Commission shall revoke the permit.

### ***Section 1903-Dumps***

Open public or private dumps are prohibited. Sanitary landfills for the discarding of wastes, garbage, materials or similar disposed matters shall only be permitted as a special use and only permitted in a manner which will ultimately prepare land for a primary intended use. All sanitary landfills shall conform to State and County regulations and no such uses shall be located in a Residential or Agricultural District. Applications therefore shall meet provisions of Section 316 and all subsections thereof and, in addition thereto, shall meet the following requirements:

- A. The sanitary landfill must be continuously licensed by the State of Michigan or its agencies as a sanitary landfill.
- B. In the event any materials, substance or compound in a liquid, semi-liquid or jelled state or declared to be hazardous by any agency of the State of Michigan or the United States, including but not limited to toxic materials and metal hydroxides, is to be placed within a sanitary landfill, then the following requirements shall be met:

1. There are no existing residential structures within six hundred sixty (660) feet of the point where they are placed.
2. There is a uniform two to one (2 to 1), by volume, mix of sand to hazardous or liquid material prior to cover and the mix must be completed the same day the liquid or hazardous material is received.
3. One hour before sundown, each day the hazardous or liquid material shall be covered with a four (4) inch dirt cover. Said cover must remain intact and may not be used for later mix or any other purposes.
4. The area in which the hazardous material is located must be completely surrounded by a six (6) foot high fence with a twelve (12) inch barb wire barrier on the top and must be equipped with gates that can be locked.
5. Hazardous or liquid materials may only be received at a sanitary landfill between the hours of 8:30 am and 4:00 p.m.
6. The gate to the area designated for liquid or hazardous wastes shall be locked at all times when the area is not open to receive such materials.
7. The area in which the liquid or hazardous material is placed shall have watchmen or supervisors present twenty-four (24) hours a day and they shall be within said fenced area at all times and shall directly supervise the dumping of all such material.
8. There must be a layer of clay of a minimal thickness of five (5) feet designed in such a way that all hazardous or liquid materials are unable to escape beyond this barrier into surrounding ground. This barrier must also be of a bowl type design with sides of the thickness herein stated completely surrounding the hazardous material or liquid material mass on all sides. The liquid material and/or hazardous material mass may not be closer to the original ground level as existing prior to the construction of landfill than five (5) feet. Said barrier shall be of such a low permeability so as to maintain integrity of the barrier for 500 years.
9. There must be a PVC liner of twenty (20) mil thickness between the barrier above provided for and the hazardous or liquid wastes.
10. There must be a separation of at least twelve (12) feet from the liquid or hazardous material mass and the highest point the water table has been within the last fifty (50) years.
11. Two (2) test water wells shall be drilled within seventy-five (75) feet of the area used directly for the placement of hazardous and liquid wastes, and shall be placed such that they are down stream of the subterranean water flow as determined by a hydrological survey conducted by the proprietor of the sanitary landfill, and shall be monitored and tested monthly for purity and the existence of any toxic substances, and copies of those tests shall be filed with the Township Clerk within 30 days of taking the samples. The monitoring and testing of these wells and filing of tests shall continue even after the site is no longer used.
12. When the area is no longer used for the disposal of liquid and hazardous materials, the area must be covered with at least five (5) feet of cover of which five (5) feet must be of the same permeability and substance as that described in subsection (h) above for the barrier; and must be graded and planted with grass and must be in such a state as to be walked on without any sinking and usable for at least recreational activities.
13. The hazardous or liquid materials are not placed within one thousand (1,000) feet of any natural or artificial body of water or wet lands.

14. Samples of all liquid or hazardous wastes shall be obtained before disposal. These samples shall be kept with a record of their origin, date of receipt by landfill, quantity, pH level and chemical composition. The preceding information shall be disclosed along with the name of the material and point of origin and this information shall be recorded and compiled each month and a copy filed with the clerk of the Township.
- C. The Township of Chester may hire such experts as it deems necessary to review and inspect the construction and operation of the sanitary landfill and to advise it of its feasibility for the proposed site and any effects of the use on surrounding property. The operator and/or owner of any sanitary landfill will pay any and all costs incurred as a result of such review, inspection and advice.
- D. A licensed engineer must attest that the construction of any landfill meets all the requirements of this Ordinance; all Ottawa County Ordinances, rules and regulations; and all statutes, rules and regulations of the State of Michigan.
- E. A cash bond shall be required of all landfill operators or owners equal in value to ten (10) percent of the estimated cost of construction of the particular landfill, and such bond shall be defaulted to the Township upon the failure of the operator or owner to comply with any of the regulations of this Ordinance. Such bond shall be held until ten (10) years after the operation of the landfill ceases. The proceeds from any such default shall be used as follows:
1. To bring the operation into compliance with these regulations.
  2. To compensate any adjacent landowners who may be injured by the non-compliance.
  3. To alleviate the conditions caused by non-compliance that are detrimental to adjacent landowners.
  4. To defray any administrative costs caused by non-compliance with these regulations.
  5. To pay experts hired by the Township for matters provided for in Section 2001. C. above.
  6. To pay costs of the enforcement of the Zoning Ordinance.

### ***Section 1904-Airfields or Landing Strips***

The creation of additional private or public airfields serving more than two (2) airplanes is hereby deemed to be detrimental to the sound development of the Township and the safety of future residents. Existing airfields may expand provided the Planning Commission finds that such expansion will not adversely affect existing or future development of the area. Private airfields or landing strips accessory to a permitted agricultural or industrial use on the same property are permitted if the Planning Commission finds that:

- A. Such use will not adversely affect existing or future development of the district.
- B. The takeoff and landing pattern within one thousand (1,000) feet of the end of the runway does not pass over an occupied structure.
- C. Not more than two airplanes, one of which is owned by the owner of the premises, use the landing strip.
- D. The landing strip is at least two hundred (200) feet from any property line.
- E. The safety of the citizens of the Township is not adversely affected.
- F. The owner agrees in writing to move, relocate or abandon such strip if any of the above provisions cannot be met in the future.
- G. The landing strip conforms to all Federal Aviation Administration rules and regulations.

### **Section 1905-Junk or Salvage Yards**

A junk or salvage yard may be permitted as a special use in an Industrial District by the Planning Commission provided the following documents are submitted and the following conditions are met:

- A.** A site development plan is submitted and approved.
- B.** Architectural elevation drawings of proposed building and screen fencing are submitted.
- C.** Specifications of screening fence are submitted.
- D.** All vehicles, parts, material and equipment must be stored within enclosed buildings or within an area completely enclosed by a screening fence at least eight (8) feet in height.
- E.** The screening fence must be of such design as to completely obstruct one's vision.
- F.** The area enclosed by the screening fence may not take up any of the area of the premises required for minimum yards.
- G.** Meet all other requirements pertaining to the Industrial District.
- H.** The elevation of the area enclosed by the screening fence must be such that from ground level at any point within three hundred (300) feet of the premises one cannot see the area within such screening fence.

### **Section 1906-Correctional Institutions**

Public, semi-public, or private establishments for the care, confinement or rehabilitation of delinquent, socially maladjusted, emotionally disturbed, and alcoholic or drug addicted persons are not permitted in the Township of Chester under the regulations and requirements for public or institutional uses. Such establishments are only permitted as special uses in the Agricultural District and then only under the following conditions:

- A.** Mandatory Lot Size No parcel of property so to be used shall be less than twenty-five (25) acres in total area, excluding public rights-of-way, or less than one thousand (1,000) feet in lot width.
- B.** Site Development Plan. A site development plan of the intended use shall be submitted to the Planning Commission. The Planning Commission shall review said plan and shall determine the likely effects of the intended use upon adjacent properties and upon the general area. Prior to granting approval of said plan, the Planning Commission shall:
  - 1. Determine that the physical layout of the intended use and of all improvements conform to the provisions of this Chapter and of this Ordinance.
  - 2. Determine that all improvements are arranged so as to produce no harmful, unsafe or devaluing effects upon adjacent properties or upon the general area.
  - 3. Stipulate and require such additional improvements, yards, roadways, parking areas, fencing, landscaping or other physical features to be shown on said plan which it deems necessary to accomplish the above.
  - 4. Stipulate and require alterations in the arrangement of said improvements to accomplish the above, to meet the provisions of Section 1402. B. and to provide a desirable environment for the intended occupants of the establishment.
- C.** Application. The application shall be accompanied by the following documents where applicable:

1. An attached description of the security system to be used to control persons entering or leaving the premises or persons allowed off the premises, including the number and type of security personnel to be employed.
  2. A certificate describing the hours of operation, hours of visitation, or hours within which the above disturbed persons are permitted off the premises.
  3. A certificate evidencing the issuance of all required County and/or State licenses for employed personnel.
  4. An agreement with the Board of Education where such use involves the education of such persons by the public school system.
- D. Approval.** The Planning Commission shall weigh all evidence presented at a public hearing after proper notice has been given, and any other pertinent information or problem involved with granting an exception. In making its determination, the Planning Commission shall apply the provisions of Section 2004.2 above and is hereby empowered to impose such other requirements, conditions, agreements or changes to the site development plan it deems necessary to comply with the intent of the Chapter.
- E. Denial.** No exception shall be granted if, after reviewing the facts of the particular case, the proposed use will be inimical to the health, safety or general welfare of the citizens of the Township or to be unattractive or harmful to the values and legal pursuits of adjacent properties in the general area.
- F. Yards.** No structure housing or frequented by persons being seen or treated by such correctional institutional facility shall be located closer than three hundred (300) feet to any lot line. No other structure, other than paved areas, shall be closer than one hundred (100) feet to any lot line. No planting over three (3) feet in height, other than deciduous trees trimmed to hang no closer than seven (7) feet to the ground, shall be permitted within one hundred (100) feet of any property line. Said one hundred (100) feet next to any public street or next to any adjacent developed property shall be planted and maintained as a lawn.
- G. Improvements.** The following improvements and standards shall be met:
1. All parking area and private drives shall be paved in accordance with County street specifications for minor streets.
  2. Five (5) foot concrete sidewalks shall connect all buildings, and one (1) sidewalk shall be placed along every private drive.
  3. All electrical and phone wiring shall be underground.
  4. Fences of a type specified by the Planning Commission shall be provided wherever deemed necessary for security purposes, for screening of loading or storage areas to prevent litter, or to control access.
  5. Parking and loading areas shall be provided as regulated by this Ordinance.
  6. Site lighting shall be provided for security purposes or for the well-being of the intended occupants or visitors.
  7. All buildings, housing or frequented by human beings, shall be connected to either a public sanitary sewer system or to a lagoon treatment facility approved by the County and the State. The use of septic systems, drainfields, commercial package sewage systems, or any other method of sewage disposal not a public sewer or a lagoon is prohibited unless the density of development is such that the minimum lot area for a one-family dwelling in the applicable zone is met for each three persons to be accommodated upon the site,

excluding nonresident employees. In such case, plans for any such sanitary sewage disposal system shall be approved by the County and the State prior to approval of the special use being granted by the Planning Commission.

8. No building shall accommodate more than twenty-four (24) persons, other than nonresident employees unless it is of fireproof masonry and steel construction.
9. All buildings, housing or frequented by human beings, shall be provided with emergency fire fighting equipment approved by the State Fire Marshal.
10. A water system with pressure adequate for fighting fires or an outdoor water impoundment of a quantity, and at a location, deemed adequate to provide additional water for fighting fires with Township fire equipment shall be provided.
11. Storm drainage as approved by the County Drain Commissioner shall be provided.
12. Any other improvement deemed necessary by the Planning Commission to meet the intent of this Chapter.

### ***Section 1907-Outdoor Motion Picture Theaters***

Outdoor motion picture theaters may be permitted in the Commercial District providing the Planning Commission finds that:

- A.** All requirements of the Commercial District are met; and
- B.** All of the following special conditions have been met:
  1. That the premises are in the Commercial District;
  2. That the premises has an area of not less than five (5) acres and a minimum width of three hundred (300) feet;
  3. Yards not less than thirty-five (35) feet wide shall surround those portions of the theater proper which do not face the street from which patrons gain entrance. Such yards shall be landscaped and maintained in good condition, provided that a paved perimeter drive may be permitted to occupy the interior twenty (20) feet thereof. Required landscaping for such yard shall include a tight screen planting which shall be at least eight (8) feet high and three (3) feet wide within five (5) years after installation, effective during all seasons, to block the view from adjacent uses.
  4. Areas not used by automobiles shall be landscaped. Areas used by automobiles or pedestrians shall be maintained in a dust and mud free condition.
  5. A landscaped front yard and yards facing streets from which patrons gain entrance of one hundred twenty (120) feet shall be provided for the adequate handling of automobile traffic entering and leaving the theater.

### ***Section 1908-Telecommunication Towers***

Towers in excess of fifty (50) feet in height for Commercial Wireless Telecommunication Services.

- A.** Location and Co-Location – Antennas for Commercial Wireless Telecommunication Services shall be required to locate on any existing or approved Commercial Wireless Telecommunication Services tower within a five (5) mile radius of the proposed antenna location unless one (1) or more of the following conditions exists:
  1. 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.

2. 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.
  3. Existing or approved towers and buildings within a five (5) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
  4. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.
- B. Design of Tower for Multiple Antenna Placement** – 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 various heights. The site upon which the tower is placed shall be of sufficient area and layout so as to efficiently accommodate the placement of the ancillary ground equipment necessary for the support of the antennas for which the tower is designed.
- C. General Tower Design** - 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, or for other good cause shown.
- D. Minimum Lot Area** - The minimum lot area for placement of a tower shall be not less than five (5) acres.
- E. Zone District Location** – Towers shall be located only in the Agricultural district.
- F. Special Land Use Designation** - Towers shall be classified as a special land use and shall require special land use review and approval.
- G. Maximum Height** - No tower shall exceed a height which is greater than the minimum distance between the tower base and an adjoining lot line. However, in no case shall the tower height exceed three hundred (300) feet even if the minimum distance as described above exceeds three hundred (300) feet.
- H. Distance of Tower Base and Structures From Lot Lines** - The tower base and associated buildings and guy wires shall be not less than one hundred (100) feet from any lot line, unless a greater distance is required as noted above.
- I. Fencing** - The tower and any related appurtenances shall be fenced with a six (6) feet high fence. The fence and gate shall be of cyclone design and shall be comprised of new materials at the time of construction. The fence may contain an additional one (1) foot of height for purposes of adding not more than three (3) strands of barbed wire for purposes of site security. The barbed wire shall face inward to the site.
- J. Guy Wires** - Guy wires shall be located on the same parcel as the tower. Guy wires shall be properly fenced to prevent injury to humans and animals. Fencing and gates shall be six (6)

feet high, shall be of cyclone design, and shall be comprised of new materials at the time of construction.

- K. Site Landscape** - The full perimeter of a tower site fence and all guy wire sites shall be landscaped with evergreen trees native or common to the area. Trees shall be not less than four (4) feet in height at the time of planting and shall be spaced not less than twenty (20) feet on center. Two (2) rows of such trees shall be required. The trees shall be staggered so as to limit views through the site. Tree plantings may be reduced to one (1) row provided the trees are not less than six (6) feet at the time of planting. All landscape shall be maintained in healthy condition. The Planning Commission may waive any or all of the above requirements based on the determination that existing natural vegetation and/or site topography provides adequate shielding and site buffering.
- L. Illumination and Signage** - 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. Provided, however, the tower site shall contain an identification sign, not to exceed two (2) square feet in area, identifying the name, address, and telephone number of the person or agency responsible for the maintenance of the tower and tower site. The sign shall be firmly attached to the main gate of the tower site and shall be maintained in good repair.
- M. Removal of Tower** - 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. Only one (1) three (3) month extension shall be permitted and then only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure removal.
- N. Additional Security Provisions** - The following standards shall be required for purposes of public safety:
  - 1. Unless service personnel or other appropriate individuals are occupying the site, all gates, buildings, and equipment enclosures shall be locked.
  - 2. Driveway access to the tower, for purposes of vehicular access by emergency vehicles, shall be properly maintained throughout the year.
  - 3. A "No Trespass" or "Authorized Personnel Only" sign shall be erected near the interface of the entry drive and public road. The sign shall not exceed four (4) square feet and shall be maintained in good repair.
- O. Other Considerations**
  - 1. The Chester Township Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas shall also be given due consideration in approving sites for location of towers and antennas.

### ***Section 1909-Agri-Business***

In order to preserve and protect existing agricultural uses and farming within the Township and to support farmers and others who are engaged in these agricultural practices, certain commercial and light industrial uses which are agricultural in nature (but do not fall under the Michigan Right To Farm Act) and that directly support permitted agricultural uses in the Township may be allowed in the Agricultural District pursuant to a special use approval. Such uses are subject to the following standards and requirements:

- A. The parcel involved must have a minimum of 10 acres of land and a minimum of 330 feet of frontage on a public road. The lot line designated for minimum width must be uninterrupted by lot lines or boundaries of other parcels or lots.
- B. There can be no existing residential uses or buildings within 100 feet of the parcel on which the proposed supporting agri-business will be located.
- C. The principal and accessory buildings shall not be located within 100 feet of any property line abutting a residential property or use. The principal and accessory buildings shall not be located closer than 50 feet to any other property line.
- D. Parking lots shall not be located closer than 50 feet to any property line.
- E. An adequate buffer zone must be provided (and maintained) to minimize or eliminate visual and sound impact and to prevent adverse noise, vibration, glare, fumes, or odors from being noticeable to persons on adjacent properties. Any outside storage shall also be screened so as to obstruct outside vision of the materials from any public road.
- F. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
- G. The site must be located on a public road that is designed and improved to handle the traffic and vehicles associated with the proposed use.

### ***Section 1910-Wind Energy Systems (WES)***

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

#### **B. Definitions**

1. Ambient Sound Level - Is the amount of background noise at a given location prior to the installation of a WES(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.
2. Applicant -The natural person, firm, corporation, company, limited liability company or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the landowner and the owner(s) of the WES and also jointly and severally with the landowner and operator or lessee of the WES if different than the landowner.
3. Building Mounted WES –A WES mounted or attached to a building.
4. Interconnected WES –A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
5. Nacelle - In a wind turbine, the nacelle refers to the structure which houses all of the generating components, gearbox, drive train, and other components.
6. Rotor Diameter - Is the cross-sectional dimension of the circle swept by the rotating blades of a WES.

7. Shadow Flicker - The moving shadow, created by the sun shining through the rotating blades of a Wind Energy System (WES). The amount of shadow flicker created by a WES is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.
8. Total WES Height -The vertical distance measured from the ground for a tower mounted WES to the uppermost vertical extension of any blade, or to the maximum height reached by any part of the Wind Energy System. For a building mounted WES, the Total WES Height is the vertical distance measured from the roof level at the base of the WES mounting system to the uppermost vertical extension of any blade, or to the maximum height reached by any part of the Wind Energy System.
9. Tower Mounted WES – A WES mounted or attached to a tower, pole, or similar structure which is not a building.
10. Utility Grid Wind Energy Systems - A WES designed and constructed to provide electricity to the electric utility grid.
11. WES Setback –The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot boundary line.
12. Wind Energy Systems (WES) - Wind energy system means equipment or apparatuses that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

**C. WIND ENERGY SYSTEMS LESS THAT ARE ALLOWED AS A PERMITTED USE.**

Any tower mounted WES which is 120 feet or less in total height and any building mounted WES that does not exceed 15 feet from the highest point of the roof shall be a permitted use in all zoning districts, subject to the following:

1. Permit Required.

A permit shall be obtained from Chester Township to construct, operate and use any tower mounted WES 120 feet or less in total height, and any building mounted WES that does not exceed 15 feet from the highest point of the roof. A permit shall be issued after a site plan is submitted to Chester Township, and where the Township (or an authorized agent of the Township) finds that the WES complies with all of the requirements of this Section, all applicable state construction and electrical codes, Township building permit requirements, and all manufacturers' installation instructions. Reasonable conditions may be attached by the Township to any permit or approval issued hereunder.

The following information is required to be submitted to the Township for a WES permit under this subsection C:

- a. Name of property owner(s) and address.
- b. An accurate drawing showing the proposed location of the WES, property lines, existing building(s), proposed WES setback lines, road right-of-way lines, public easements, and overhead utility lines.
- c. The proposed type and height of the WES to be constructed, including the manufacturer and model, product specifications including maximum noise output

(measured in dB(A)), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

- d. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- e. Such other relevant information as may be reasonably required by the Zoning Administrator (or such other Township official as may be appointed by the Township Board).

2. Height

- a. The height of a tower mounted WES shall not exceed 120 feet.
- b. The height of a building mounted WES shall not exceed 15 feet as measured from the highest point of the roof, but excluding chimneys, antennas, and other similar protuberances.

3. Setback

- a. The setback for a tower mounted WES shall be a distance which is at least equal to 1.1 times the height of the WES. No portion of the WES, including the guy wire anchors, shall be located within or above the required front, side or rear yard building setback.
- b. The setback for a building mounted WES shall be a minimum of 15 feet from the property line, road right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of the building. If the WES is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or road right-of-way shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts.

The 15 feet minimum setback requirement for a building mounted WES may be reduced by the Zoning Administrator under either or both of the following circumstances:

- (1) If the Applicant provides a registered engineer's certification to the Township that the WES is designed to collapse, fall, curl or bend within a distance less than the required setback of the WES.
- (2) If the Zoning Administrator determines that a lesser setback will not be detrimental to adjoining properties. In making this determination, the Zoning Administrator shall, at a minimum, take into consideration the type and location of the building containing the WES, the type of WES proposed, the installation requirements of the WES and the location of buildings or uses on the adjacent properties.

4. Shared WES Usage

A WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on a property or properties that are adjacent to the property or properties on which the WES is located.

- 5. Only one (1) WES as specified in the introductory paragraph of this subsection C is permitted as of right on a lot or parcel. Additional WES' (beyond one) may be approved by the Planning Commission as a special land use.

**D. Wind Energy Systems that require a special use permit.** Any WES, including a building mounted WES taller than 15 feet above the roof structure, and a tower mounted WES

which is taller than 120 feet in height, may be allowed as a Special Land Use in the agricultural zoning districts subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter 19 of this Zoning Ordinance:

1. Site Plan Requirements. For those WES for which a Special Land Use approval is required, the following items shall be included with or on the site plan:
  - a. All requirements for a site plan contained in Chapter 13 of this Ordinance.
  - b. Dimensions of the area which is to contain the WES.
  - c. Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
  - d. Specific distances from the WES structure(s) to all other buildings, structures, and above ground utilities on the parcel upon which the WES is proposed to be located.
  - e. Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the parcel upon which the WES is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
  - f. Location and height of all buildings and structures within 300 feet of the exterior boundaries of the parcel where the WES is proposed to be located.
  - g. Contour elevations of all WES buildings and structures and the elevations of all existing and proposed structures within 300 feet of the parcel upon which the WES is proposed to be located.
  - h. All land uses within 300 feet of the parcel where the WES will be located.
  - i. Access drives to the WES including dimensions and composition, with a narrative describing the proposed maintenance of the drives. The narrative shall also include traffic routes, time of the year use, and staging areas.
  - j. All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
  - k. Security measures proposed to prevent unauthorized trespass and access.
  - l. Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify the drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
  - m. A written explanation of the design characteristics and the ability of the structure(s) and related facilities to withstand winds, ice and other naturally occurring hazards, including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. The information shall also address the potential for the WES to structurally fail or collapse, and what results should be expected pursuant to such an event.
  - n. A detailed decommission plan including detailing the decommission of the WES, the removal of the WES and the return of the site to its prior state.
  - o. Additional information as required by Chapter 19 regarding Special Land Uses in this Ordinance, or as may be required by the Planning Commission.

- p. The Planning Commission may waive or modify some of the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.

## 2. Height

The maximum height of any WES shall not exceed 300 feet. The Planning Commission may modify this requirement at the request of the Applicant if reasonably justified by information provided by the Applicant to the Township. In addition, the Planning Commission may require that a WES be less than 300 feet tall if such lesser height is required because:

- a. A taller WES would have substantial negative esthetic and horizon sight line impacts;
- b. The topography in the area is not consistent with a taller WES;
- c. The taller height would make the WES more distracting to motorists on nearby or area public roads; or
- d. The taller height of the WES would cause the WES to dominate the air space and visual appearance of a nearby dwelling or dwellings.

## 3. Setbacks

- a. The setback for a WES shall be at least equal to 4 times the tip height of the WES, to a property line or road right-of-way, utilizing the turbine pole centerline as the WES measuring point.
- b. No part of a WES (including guy wire anchors) shall be located within or above any required front, side, or rear yard building setback.
- c. No WES shall be located within 1,200 feet of any house or dwelling not located on the parcel where the WES is located.
- d. No WES shall be located within 1200 feet of another WES unless the Planning Commission finds that it would not increase the negative impacts of either WES, it would be aesthetically unobtrusive, and it would not interfere with any residential or other uses on adjoining parcels.

## 4. Ground Clearance

The minimum clearance from ground level to a blade at its lowest point shall be one hundred (100) feet.

## 5. Blade Clearance

Blade arcs created by a WES shall have a minimum of one hundred (100) feet of clearance over and from any structure and the ground.

## 6. Sound Pressure Level

A baseline noise emission study of the proposed WES site and its potential impact upon all areas within one half mile of the proposed WES location may be required (at the Applicant's cost) by the Planning Commission prior to any approval of a WES. The Applicant must also provide to the Township the estimated noise levels measured from the proposed turbine pole centerline to all property lines at the time of a Special Land Use application.

## 7. Shadow Flicker

Each tower mounted WES shall also use a fully functional shadow flicker mitigation (suppression) system, including, but not limited to, the Vestas Shadow Detection System, or other similar effective system.

8. Ice Detection

The Applicant shall install and fully maintain at all times an ice detection system on each tower mounted WES, to monitor ice formation on each WES and to facilitate the shutdown of any WES if ice is detected.

9. Fire Suppression

The Applicant shall install and fully maintain at all times on each tower mounted WES a fire suppression system.

10. Braking

Each WES shall be equipped with a fully functioning braking (or equivalent) device capable of stopping the WES operation in high winds. The braking system shall also be effective during a complete power failure.

11. Signs, No Advertising and Color

- a. Each tower mounted WES shall have one sign not to exceed four square feet in total area on one side posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall be visible and readable at a distance of 20 feet and shall include a warning about high voltage and a current emergency telephone number and email address.
- b. A WES shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer's and/or owner's identification.
- c. The WES shall be of an earth tone color only.

12. Safety

- a. To prevent unauthorized access, each tower mounted WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission:
  - (1) Tower climbing apparatus shall not be located within 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 six feet in height.

13. Infrastructure Wiring

- a. All electrical connection systems and lines from the WES to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety problems. All utility lines shall be staked in the field, so as to provide notice as to the location of underground utilities.
- b. The Planning Commission may waive the requirement that distribution lines for the tower mounted WES which are located off-site (i.e., are not located on or above the parcel where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.



#### 14. Lighting Plan Required

A WES shall provide such lighting as may be required by the FAA. A lighting plan shall be submitted to the Township for each WES, and shall include, but is not limited to, the planned number and location of all lights, light color, activation methods, whether any lights blink and the frequency of any blinking lights.

#### 15. Maintenance Program Required

The Applicant shall provide a written description to the Township of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.

#### 16. Decommissioning Plan Required

The Applicant shall provide to the Township a written description of the anticipated life of the WES system and its facilities; the estimated cost and method of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES becomes obsolete or abandoned.

#### 17. Siting Standards and Visual Impact

- a. A WES shall be designed and placed in such a manner so as to minimize adverse visual and noise impacts on neighboring areas and dwellings.
- b. Projects involving more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.

#### 18. Road Repair

Any damages to a public road located within the Township resulting from the construction, presence, maintenance, or operation of a WES shall be repaired promptly at the Applicant's expense. In addition, should any modifications or changes be required to be made to a public road (or its components) or any public road intersection (or its components) due to the transport or moving of WES components, vehicles or equipment, the Applicant shall pay all of the costs of any such modifications or changes.

#### 19. Liability

The Applicant shall insure each WES at all times for at least \$2,000,000 (in 2020 dollars based on the federal CPI) for liability to cover the Applicant, Township and land owner. The WES operator shall provide yearly written proof of such insurance to the Township. The Applicant, landowner and operator of the WES are all jointly and severally liable and responsible for complying with this Ordinance and for any and all damages and problems caused by the WES.

#### 20. Insurance

The WES operator shall also maintain a separate and current insurance policy which will cover installation and operation of the WES. The amount of the policy and the insurer shall be a condition of approval by the Township. The WES operator shall provide yearly written proof of such insurance to the Township.

#### 21. Removal Insurance / Security

To ensure proper decommissioning and removal of each WES when it is abandoned or non-operational, the Application shall include proof of monetary security in effect before a permit is approved. The type, amount, duration, wording and financial institution for the

security must be approved by the Planning Commission upon recommendation of the Township Attorney and Township Engineer.

22. Performance Guarantee

If a Special Land Use is approved pursuant to this section, the Planning Commission shall require monetary security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the Applicant to the Township in order to ensure full compliance with this section and any conditions of approval. Such monetary security shall be non-cancellable (except if cancellation is approved in writing by the Township and shall be continuously in effect until the WES is decommissioned and fully removed).

23. 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 WES will be placed. Each such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the special land use request.
24. At the Township's request, the Applicant shall fund a financial impact study for review by the Township of the area affected by the WES. Such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the special land use request.
25. At the Township's request, the Applicant shall fund technical studies that are associated with the Special Land Use Permit, such as, but not limited to, electrical, acoustics, health, and land-use.

26. Post-Construction Documents

The Applicant shall provide a complete set of "as built" drawings for all electrical structures, collection lines, and surface markings to the Township within six (6) months of installing the WES.

27. Application Escrow Account

An escrow account monetary amount shall be filed by the Applicant with the Township with the WES application and shall be in an amount estimated by the Township to cover all costs and expenses associated with the special land use zoning review and approval process, which costs can include, but are not 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. Such escrow amount shall be in addition to regularly established fees.

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. Any other or additional applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.

## 28. Complaint Escrow Account

The Applicant shall fund an escrow account with the Township for the investigation by the Township of complaints for, but not limited to, WES shadow flicker, stray voltage, lighting, noise, and/or signal interference. The amount of the escrow account shall be estimated by the Township, and at any point during the lifetime of the WES, the Township may require that the Applicant deposit additional monies into escrow if the account needs replenishing.

29. If there are any changes to any site plan for a WES, a revised site plan shall be submitted to and approved by the Township prior to any alteration or construction. Any revised site plan must provide revised calculations to address all of the items required under the original site plan submission.

30. Upon any change of ownership, operator, or parent company, the Township shall receive from the new owner, operator or parent company written notification and updated documents within thirty (30) days of the change.

## 31. Special Land Use Standards

In addition to the above requirements, the Planning Commission shall not approve a Special Land Use for a WES (or a modification to an existing WES special land use approval) unless all of the standards for a Special Land Use contained in Subsection 1904D of this Ordinance are met and also that the following additional standards are met:

- a. If there are existing or proposed multiple WES within one (1) mile of one another, the WES shall not unreasonably visually dominate the skyline or horizon.
- b. The presence of one or more WES shall not substantially change the aesthetic views and visual horizon of the area.
- c. The WES shall not substantially decrease the fair market value of any parcels or lots within 2 miles of the location of the WES.

There is a presumption that this standard will not be met if the fair market value of any lot or parcel within 2 miles of the WES (except for the lot or parcel upon which the WES is located) would decrease in fair market value by more than 10% due to the presence of the WES.

- d. The presence of one or more WES would not reasonably distract drivers and vehicles traveling on adjacent or nearby public roads, especially at night with the lights of the WES.
- e. The WES will not change the essential character of the area or neighborhood where the WES would be located.

## 32. Reasonable Conditions

In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a WES special land use request.

## **E. Standards for ALL Wind Energy Systems:** Each and every WES shall comply with all of the following:

### 1. Sound Pressure Level and Noise

Wind Energy Systems noise shall not exceed 45 dB(A) at the property line closest to the WES. This sound pressure and noise level may be exceeded during short-term events

such as severe wind storms. If the ambient sound pressure level exceeds 45 dB(A) during short-term events, the standard shall be ambient dB(A) plus 5 dB(A).

2. Shadow Flicker

The Planning Commission or Zoning Administrator may require that the Applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

3. Safety

- a. Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds and must also be designed and maintained at all times so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
- b. All WES shall have effective lightning protection.
- c. If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors in the ground.
- d. The Applicant shall provide to the Township an unredacted copy of the manufacturer's safety manual for each model of WES without distribution restraints.

4. Rotor or Blade Clearance

The blade arcs created by a building mounted WES shall have a minimum clearance of eight (8) feet from any structure, utility line, or tree, or be designed so the blade or other moving parts do not present a safety hazard.

5. Electromagnetic Interference

Each WES shall be designed, maintained, constructed and operated so as not to cause radio and television interference.

6. Maintenance

Each WES must be kept and maintained in good and reasonable repair and condition at all times and shall not pose a potential safety hazard.

7. Construction Codes and Interconnection Standards

Every WES shall meet (at all times):

- a. All applicable state construction and electrical codes and local building permit requirements.
- b. All Federal Aviation Administration requirements.
- c. The Michigan Airport Zoning Act, Public Act 23 of 1950, as amended
- d. The Michigan Tall Structures Act, Public Act 259 of 1959, as amended
- e. Not interfere with any private landing strips in or adjacent to Chester Township.
- f. The Michigan Public Service Commission and Federal Energy Regulatory Commission requirements if the WES is an interconnected system.

8. Roads

A WES may be located on a lawful parcel or parcels which do not have frontage on an improved public road so long as the parcel is accessible by a lawful private road.

9. Color

A WES shall be a non-obtrusive color (i.e., a light environmental natural color such as beige or gray or an earth tone color) that is non-reflective. No striping of color or advertisement shall be visible on the blades or tower.

10. Operational, Maintenance, and Issues Resolution

Each WES must be kept and maintained in good and reasonable repair and condition at all times. If a WES is not maintained in a fully operational and reasonable condition or poses a potential safety hazard, the Applicant shall take immediate action to correct the situation.

11. Removal and Site Renovation

- a. When a WES is abandoned or the WES ceases to actively produce power for one hundred eighty (180) consecutive days or longer, the Applicant must initiate the WES Removal and Site Restoration procedures detailed in the required Decommissioning Plan approved by the Township as part of the original WES approval.
- b. Removal of a tower mounted WES shall include removing the caisson and all other components in their entirety.
- c. Restoration of the site must be completed within 200 days of the WES ceasing operation.
- d. The landowner, operator of the WES and Applicant are all jointly and severally liable and responsible for the removal of the WES and returning the earth and area to its prior state.

12. Chester Township and its representatives shall have the authority to inspect each WES upon reasonable notice of at least 24 hours to the Applicant. The Applicant may require that a representative of the Applicant accompany the Township official(s) and/or the Township's representative(s) on any inspection.

13. Chester Township reserves the right to require the Applicant to shut down any WES that does not meet all Township ordinance requirements and conditions of approval until that WES meets all ordinance requirements and conditions of approval or is removed.

**Section 1911-Meteorological Towers (MET Towers)**

**A.** A MET Tower may be permitted as a Special Use in the Agricultural and Low Density Residential zoning districts subject to the following regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter 19 of this Zoning Ordinance:

**B.** For purposes of this Section a MET Tower is a meteorological tower used for the measurement of wind speed.

**C. Application Requirements**

An applicant for a MET Tower shall submit an application in accordance with the requirements of Chapter 19 of this Ordinance and shall also submit the following materials;

1. A description of the number and type of MET tower(s) to be installed and the expected length of time that the MET tower will be operable.

2. A description of the height of the MET tower MET Tower as well as standard drawings of the structural components of the MET Tower including structures, towers, bases, and footings. A registered engineer shall certify the drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
3. An explanation of the purpose of the tower, the type, height and number of wind energy systems anticipated to be proposed for installation on the site or nearby.
4. A statement from the applicant that the MET tower will be installed in compliance with the manufacturer's specifications and a copy of the manufacturer's specifications.
5. A description of the tower maintenance program.
6. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used for a use permitted in that Zoning District.
7. Security measures including emergency contact personnel.
8. Ten copies of a site plan drawn at a scale of not more than one inch equals 100 feet however a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The site plan shall contain at a minimum the following information unless specifically waived by the Planning Commission.
  - a. The date on which the site plan was prepared.
  - b. A north arrow and legal description of the property.
  - c. Property lines and dimensions of the parcel containing the tower, as well as the area leased for the tower if applicable, the height of the MET tower and its distance to all property lines.
  - d. Any buildings or structures existing on the site and the use of the parcel.
  - e. The distance to the closest building on adjacent property.
  - f. The location of any overhead transmission lines on the site or on adjacent property which might be affected by the MET tower.
  - g. Guy wires, guy wire anchors and any other tower supporting structure or device.
  - h. Type and height of fencing to be installed around the tower or an equipment building.
  - i. Elevation drawings of any buildings designed to serve the tower.
  - j. Access road; width and construction standards.
  - k. Any lighting proposed to be located on the tower.

**D. General Requirements.** A MET tower shall comply with all of the following:

1. The tower shall be setback from all property lines a distance of not less than 1.1 times the height of the tower as measured from the base of the tower.
2. All applicable state construction and electrical codes and local building permit requirements;
3. Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.

4. The Michigan Airport Zoning Act (Public Act 23 of 1950);
5. The Michigan Tall Structures Act (Public Act 259 of 1959);
6. A MET tower which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the Township. An extension of 90 days may be granted by the Planning Commission upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90 day period.
7. In removing the tower the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission.

**E. Planning Commission Review** The Planning Commission shall review the proposed MET tower according to the standards for Special Uses contained in Chapter 19 herein. The Commission may approve a MET tower for a specified period of time subject to renewal by the Planning Commission.

The Commission may impose reasonable conditions in its approval of a MET tower in accordance with Chapter 19 herein including but not limited to a requirement that the applicant provide regular reports regarding the maintenance and condition of the tower.

In approving a MET Tower the Commission shall require that the applicant provide a performance guarantee in a form and amount acceptable to the Township for the cost of removing the MET tower and restoration of the site.

## ***Section 1912 Utility-Scale Solar Energy Collectors and Systems***

### **F. APPLICABILITY**

This Chapter applies to utility-scale solar energy collector systems and does not apply to small-scale solar energy collector systems primarily intended for on-site usage.

### **G. GENERAL REQUIREMENTS**

1. **APPLICATIONS.** An application for special use approval for a utility-scale solar energy collector system shall include a site plan in accordance with Chapter 13, and meet all applicable criteria of Special Uses in accordance with Chapter 19. Additionally, applications must include equipment and unit renderings, elevation drawings, and distances from lot lines and adjacent structures as well as meet the criteria in this Chapter. No utility-scale solar energy collector system shall be installed or operated except in compliance with this Chapter.
2. **GLARE AND REFLECTION.** The exterior surfaces of solar energy collectors shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into dwellings on other lots or onto streets or private roads.
3. **LOCATION.** Solar energy equipment shall only be located in an area determined to be “not prime farmland” by the U.S. Department of Agriculture (USDA), per the USDA’s Farmland Classification Map as of the date of Special Use Application for a Utility-Scale Solar Energy Collector System.
4. **OBSTRUCTION.** Solar energy collectors shall not obstruct solar access for other properties.
5. **INSTALLATION**

- a. A solar energy collector shall be permanently and safely attached to the ground. Solar energy collectors, and their installation and use, shall comply with building codes, electrical codes, and other applicable Township, County, State, and Federal requirements.
  - b. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township prior to installation.
  - c. The applicant shall certify that the construction and installation meet or exceed the manufacturer's construction and installation standards.
6. **POWER LINES.** On site power lines between solar panels and inverters shall be placed underground.
  7. **ENERGY STORAGE SYSTEM.** When an energy storage system is included as part of the solar energy collector system, the energy storage system must be placed in a secure temperature-controlled enclosure when in use. When no longer in use, batteries must be properly disposed of in accordance with applicable laws and regulations. The energy storage system shall prevent leaking into groundwater and shall be designed to present no unacceptable risk to human health or the natural environment. An energy storage system must be part of a contiguous solar energy collector system which includes a ratio of at least twenty (20) acres of collection for each acre of storage.
  8. **FIRE RISK.** Fuel sources such as vegetation shall be removed from the immediate vicinity of electrical equipment and connections.
  9. **TRANSPORTATION PLAN.** A proposed access plan during construction and operational phases shall be provided, and shall comply with the requirements of Section 330C of the Zoning Ordinance. The plan shall show proposed service road ingress and egress locations onto adjacent streets and the layout of the internal road system.
  10. **ABANDONMENT.** A solar energy collector system that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned unless the responsible party with ownership interest in the system provides substantial evidence to the Township every six (6) months after the twelve (12) months of no energy production of the intent to maintain and reinstate the operation of that system. The responsible party shall remove all equipment and facilities and restore the lot to its condition prior to the development of the system within one (1) year of abandonment.
  11. **RISK MITIGATION PLAN.** An application for a utility-scale solar energy collector system shall include a risk mitigation plan for review by the Township.
- H. UTILITY-SCALE SOLAR ENERGY COLLECTOR SYSTEMS.** Utility-scale solar energy collector systems may be established as a special use only in the location designated in subsection 1912.B.3, subject to the following requirements.
1. **MINIMUM SETBACKS.** The minimum setback for all yards shall be one hundred (100) feet; however, as a condition of approval, the Township may require increased setbacks if it is determined that greater separation is necessary to adequately protect adjacent residents and property owners.
  2. **MAXIMUM HEIGHT.** The maximum height of the system shall be twenty (20) feet, measured from the natural grade below the unit to the highest point at full tilt.
  3. **MINIMUM LOT ACREAGE.** Twenty (20) acres shall be the minimum lot area to establish a utility-scale solar energy collector system.



4. **MAXIMUM NOISE.** Noise emanating from the solar energy collector system shall be a maximum of fifty (50) decibels (dBA) as measured from any lot line of the lot on which the system is located.
5. **SCREENING.** Appropriate screening, to be approved by the Planning Commission, shall be erected and maintained around the entire solar energy collector system.
6. **DECOMMISSIONING.** A decommissioning plan signed by the responsible party and the land owner (if different) addressing the following shall be submitted prior to approval of a utility-scale solar energy collector system. The plan shall include the following.
  - a. Defined conditions upon which decommission will be initiated (e.g., end of land lease, no power production for twelve [12] months, abandonment, etc.)
  - b. Removal of utility-owned equipment and non-utility-owned equipment, which may include but not be limited to conduit, structures, fencing, solar panels, and foundations.
  - c. Restoration of property condition which existed prior to the development of the system.
  - d. Specification of the timeframe from completion of decommissioning activities.
  - e. Description of any agreement (i.e., lease) with landowner regarding decommissioning, if applicable.
  - f. Identity of the entity or individual responsible for decommissioning.
  - g. Plans for updating the decommissioning plan.
  - h. A performance guarantee shall be posted in the form of a bond, or other form acceptable to the Township, to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for full removal and disposal of equipment, foundations, and structures associated with the system. These amounts will assist the Township when establishing the initial performance guarantee amount. The performance guarantee amount shall be valid throughout the lifetime of the system, and it shall be adjusted by the Township every five (5) years based upon at least two (2) new cost estimates from qualified contractors obtained by the responsible party. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special use approval.
7. **TRANSFER OF OWNERSHIP.** Prior to a change in the ownership or operation of a solar energy collector system, including but not limited to the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the solar energy collector system or the underlying property, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the solar energy collector system or the underlying property shall not be permitted to operate that system until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

## **CHAPTER 20**

### **ZONING BOARD OF APPEALS**

#### ***Section 2000-Creation***

- A.** There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided by Act 110 of the Public Acts of 2006, and by certain provisions of this Ordinance, to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.

The membership of the Zoning Board of Appeals shall be five (5) or seven (7), as determined by the Township Board. The first member of such Board shall be a member of the Planning Commission. Members shall be appointed for three (3) year terms.

- B.** The legislative body may appoint not more than 2 alternate members for the same term as regular members to the Zoning Board of Appeals. A member of the legislative body may serve as an alternate member of the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

#### ***Section 2001-Additional Jurisdiction***

- A.** In addition to the duties and powers prescribed in the previous sections of this Ordinance, the Board of Appeals shall hear and decide all matters relating to the following:
- 1.** The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by any administrative official charged with the enforcement of any provisions of this Ordinance.
  - 2.** The Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps and may fix rules and regulations to govern its procedure as such Board of Appeals.
- B.** The Board of Appeals shall have the authority to issue both use and non-use variances where the required standards have been met. The Board of Appeals shall not make any final decision regarding a use variance request until the matter has been referred to the Planning Commission for recommendation and the Planning Commission has made a recommendation back to the Board of Appeals in writing regarding the proposed use variance. No use variance shall be granted except by the concurring vote of at least two-thirds (2/3rds) of the members of the Board of Appeals.
- C.** PUD's & Special Uses - The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect or part of an application for approval for a special use or planned unit development, and shall have no jurisdiction or authority to hear an appeal from any aspect or part of a determination or decision made with regard to a special land use or planned unit development.

## **Section 2002-Procedure on Appeal**

### **A. General Procedures**

1. Upon appeal, the Zoning Board of Appeals shall hold a public hearing on all matters referred to it, or upon which it is required to act. Notice of the hearing shall be as required by Section 1500 herein.
2. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served or for further consideration of the matter involved. In the case of a adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decided, provided, however, any adjournment shall be stated at the hearing giving the date, time and place to which adjournment is made.
3. Interpretations. For a request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing.

In addition to the newspaper notice required by the above paragraph, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

**B. Concurring Vote.** Except as otherwise provided herein, the concurring vote of a majority of the members of the Board of Appeals shall be necessary to reserve any order, requirement, decision, interpretation or determination of any administrative official or to decide in favor of the appellant on any matter appealed. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. The member may consider and vote on the other unrelated matters involving the same property.

**C. Conditions That Must Exist.** No variance in the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, from reasonable evidence, that all of the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
3. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest.

4. That the condition or situation of the specific piece of property, or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
5. That the situation is not due to a self-created hardship.
6. For a use variance, compliance with this Ordinance would cause undue or unnecessary hardship. For a non-use variance, that there are practical difficulties in complying with this Ordinance.

**D. Conditions of Approval.**

1. Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  - a. Be designed to protect natural resources; the health, safety and welfare and the social and economic well-being of those who will exercise the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
  - b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - c. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
2. The conditions imposed with respect to the approval of a variance shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Zoning Board of Appeals and landowner. The approving Zoning Board of Appeals shall maintain a record of conditions which are changed.

**E. Costs.** Any costs over and above normal fees required by this Ordinance, incurred by the Board shall be paid for by the appellant and no variance granted shall be effective until such fee and costs are paid.

**F. Decisions of the Board.**

1. A copy of the Board's decision shall be transmitted to the applicant or appellant and to the Building Inspector. Such decision shall be binding upon the Building Inspector and observed by him and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find that immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
2. In the event the Board of Appeals grants a variance, the individual or his successor in interest shall not use the property in question such that it would exceed those rights given by the Zoning Ordinance or the variance or fail to follow any conditions placed thereon by

the Board of Appeals. In the event the use of the property exceeds those rights given by the Zoning Ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall immediately terminate.

3. Final Action on Appeals - The decision of the Zoning Board of Appeals shall be final. However, any person aggrieved by any such decision may appeal to the circuit court to the extent and in the manner permitted by law. Such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of the decision. The records of the Zoning Board of Appeals shall be made available for the court's review.

**G. Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Appeals after notice of appeal shall have been filed with him, that by reason of fact stated in the certificate, a stay, would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown be granted by the Board of Appeals or by the Circuit Court on application, after notice to the Building Inspector.

## **CHAPTER 21**

### **ENFORCEMENT; PENALTIES**

#### ***Section 2100-Violations of Ordinance a Municipal Civil Infraction***

Any violation of this Ordinance shall constitute a municipal civil infraction. Any person, firm or corporation who violates any provision of this ordinance is responsible for a municipal civil infraction, and subject to payment of a civil fine, as well as any other action by the Township to abate the violation. The minimum fine for a municipal civil infraction under this Ordinance shall be fifty (50) dollars, plus costs and other sanctions, for each violation. Increased civil fines shall be imposed for repeated offenses by the same person. As used in this section, the term "repeated offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Ordinance which is committed by a person, firm or corporation within twelve (12) months of a prior municipal civil infraction for which the person, firm or corporation admitted responsibility or was determined to be responsible, and for which the person, firm or corporation admits responsibility or is determined to be responsible. Each day on which a violation of this Ordinance continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.

#### ***Section 2101-Persons Authorized to Issue Municipal Civil Infraction Citations***

The Township Supervisor, the Township Attorney, Township Zoning Administrator and the Township Building Inspector are hereby authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations of this Ordinance. All such citations shall be issued in accordance with all of the requirements of state law.

#### ***Section 2102-Violations are a Nuisance Per Se***

Any violation of this Ordinance shall constitute a nuisance per se. The Township is authorized to take any and all actions appropriate to prevent, abate, enjoin, or remove any such violation, and such remedies shall be in addition to any other remedies that the Township may have.

## **CHAPTER 22**

### **DATE EFFECTIVE**

The foregoing Zoning Ordinance was approved by the Township Board of Chester Township, Ottawa County and State of Michigan, on April 5, 2002, after a public hearing and was ordered to take effect seven (7) days after publication.

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