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### **Chapter 1 SHORT TITLE AND PURPOSE**

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#### **Sec 1.1 SHORT TITLE**

This ordinance shall be known as the "Georgetown Charter Township Zoning Ordinance."

#### **Sec 1.2 PURPOSE**

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the people of this Township. The provisions are intended to, among other things, encourage the use of lands, waters and other natural resources in the Township in accordance with their character and most suitable use; to limit the improper use of land and resources; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to reduce hazards to life and property; to provide for orderly development within the Township; to avoid overcrowding of the population; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect

and conserve natural recreational areas, agricultural, residential, and other areas naturally suited to particular uses; to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

### **Sec 1.3 SCOPE**

- A. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- B. The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction imposing greater requirements.

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For the purpose of this Ordinance, certain words and terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure." The term "person" shall mean an individual, partnership, corporation or other association or their agents. Terms not herein defined shall have the meanings customarily accepted.

### **Sec 2.1 ACCESSORY BUILDING**

A building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. When an accessory building is attached to a

main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

### **Sec 2.1a ACCESSORY USE**

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

### **Sec 2.2 ADULT**

A person eighteen (18) years of age or older. (revised 5-24-2004)

### **Sec 2.3 AGRICULTURE**

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

### **Sec 2.4 ALLEY**

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

### **Sec 2.5 ALTERATIONS**

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

### **Sec 2.6 ARCHITECTURAL FEATURES**

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

### **Sec 2.7 BASEMENT OR CELLAR**

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

### **Sec 2.8 BED AND BREAKFAST ESTABLISHMENT**

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

### **Sec 2.9 BEDROOM**

A dwelling room used or intended to be used by human beings for sleeping purposes.

### **Sec 2.10 BLOCK**

The property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and railroad right-of-way, unsubdivided acreage, canal, levee, river or live stream; or between any of the foregoing and any other physical (natural or artificial) barrier to the continuity of development.

### **Sec 2.11 BOARD, TOWNSHIP**

The words, "Township Board" shall mean the Georgetown Charter Township Board.

**Sec 2.12 BOARD OF APPEALS**

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

**Sec 2.13 BUILDABLE AREA**

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

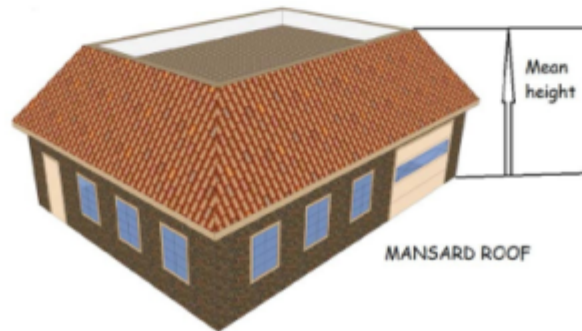
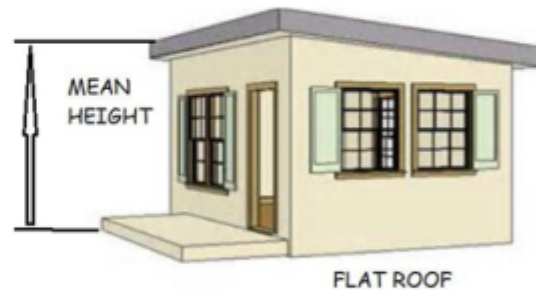
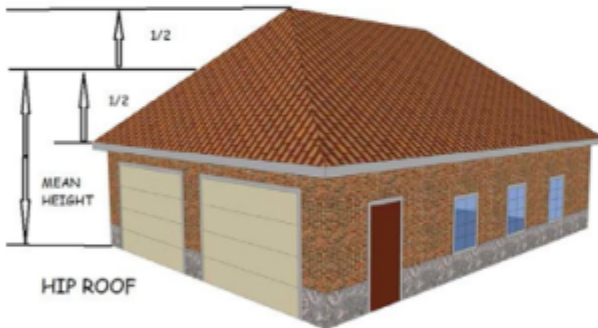
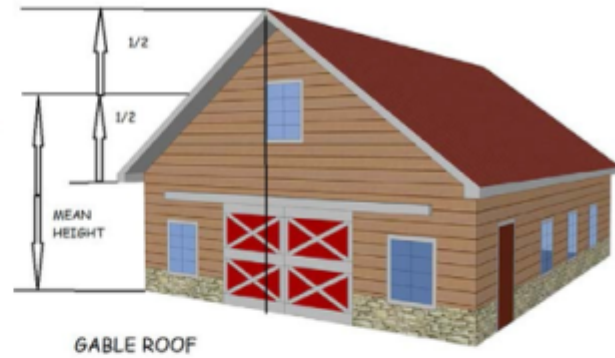
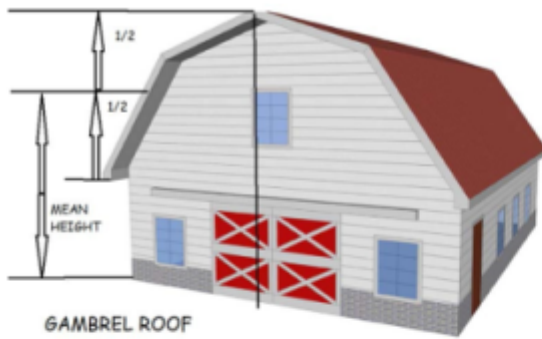
**Sec 2.14 BUILDING**

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

**Sec 2.15 BUILDING HEIGHT**

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

## Building Height Illustrations



### **Sec 2.16 BUILDING, PRINCIPAL**

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

### **Sec 2.17 BUILDING PERMITS**

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

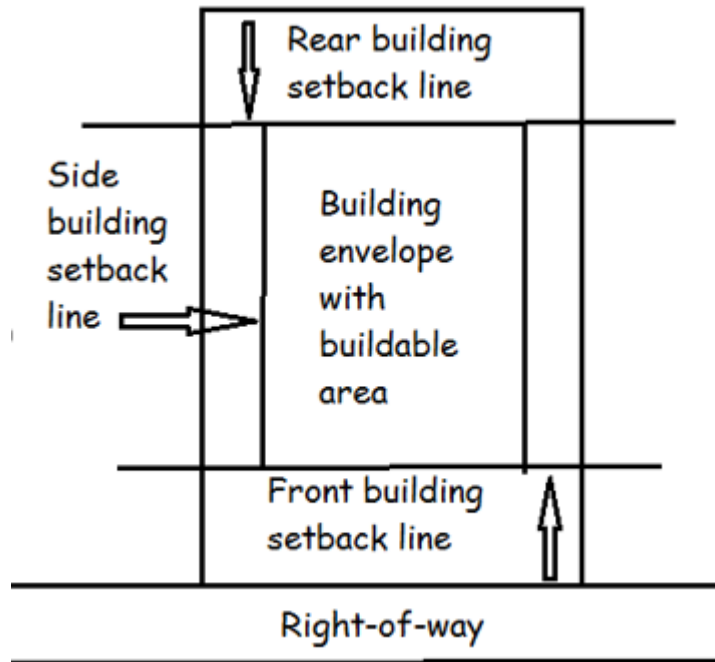
### **Sec 2.18 BUILDING SETBACK LINES**

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

- A. Front Building Setback Line. The line marking the setback distance from the front lot line which establishes the minimum required front yard.



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



### **Sec 2.19 CLINIC**

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

### **Sec 2.20 CLUB**

An organization of persons for special purposes or the promotion of enterprises such as agriculture, sports, arts, science, literature, politics or the like, but not operating for profit.

### **Sec 2.21 COMMERCIAL**

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

### **Sec 2.21a COMMUNITY FAIR**

A fair usually held annually at a set location with a duration of 5 consecutive days or longer, which has a significant number of exhibits featuring agricultural products and livestock.

(Revised 4/24/17)

### **Sec 2.22 COMMISSION, PLANNING**

This term shall mean the Georgetown Charter Township Planning Commission.

### **Sec 2.23 CONVALESCENT OR NURSING HOME**



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

### **Sec 2.24 DAY CARE CENTER**

A facility, other than a private residence, receiving minor children or adults for care for periods of less than 24 hours in a day, and where the parents or guardians are not immediately available. It includes a facility which provides care for not less than two (2) weeks, regardless of the number of hours of care per day. These facilities are generally described as day care centers, day nurseries, preschools, or drop-in centers. This definition shall not include a Sunday School or nursery operated by a religious institution where children are provided care for short periods of time while the persons responsible for such children are attending religious services.

### **Sec 2.25 DAY CARE HOME, FAMILY**

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

### **Sec 2.26 DAY CARE HOME, GROUP**

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

### **Sec 2.26a DECK**

A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending above ground level. (revised 1-24-05)

### **Sec 2.27 DISTRICT**

A portion of the Township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

### **Sec 2.28 DRIVE-THROUGH ESTABLISHMENT**

A commercial establishment whose retail/service character is significantly dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in or momentarily stepped away from the vehicle. Examples of drive-through establishments include banks, cleaners, and restaurants. Vehicle service stations are not included in this definition.

### **Sec 2.29 DWELLING, DWELLING UNIT**

A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. If a dwelling unit has an attached independent space which includes cooking facilities and a sleeping space, and has its own separate entrance (even if it includes an entrance or attachment from the other dwelling structure), it shall be deemed a two-family dwelling unit

and is only allowed in districts where a two-family dwelling unit is allowed. An exception is a dwelling unit in a basement or lower level which is not considered to be a totally independent living area. (revised 12/13/21)

### **Sec 2.30 DWELLING, MULTIPLE**

A building or portion thereof, used or designed for use as a residence for three or more families living independently of each other and each doing their own cooking in said building. This definition includes three-family buildings, four-family buildings, and apartments, but does not include mobile homes regardless if owned, leased, or rented.

### **Sec 2.31 DWELLING, TWO-FAMILY**

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

### **Sec 2.32 DWELLING, SINGLE FAMILY (ATTACHED)**

Three (3) or more one (1) family dwelling units, each having its entrance on the first floor and sharing common walls but not having a common floor/ceiling. Such dwellings may also be termed townhouses or rowhouses.

### **Sec 2.33 DWELLING, SINGLE FAMILY (DETACHED)**

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

### **Sec 2.34 EFFICIENCY UNIT**

This is a dwelling unit for one individual or small family consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

### **Sec 2.35 ELECTRONIC GAMES**

Electronic games include commercial electrical video games, pinball machines and similar and related coin operated amusement devices for one or more persons requiring a minimum skill or hand dexterity by the person or persons operating the machine or device.

### **Sec 2.36 ERECTED**

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

### **Sec 2.37 ESSENTIAL SERVICES**

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

property and used as part of a municipal emergency communications network. (Revised November 1997)

### **Sec 2.38 EXCAVATING**

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

### **Sec 2.39 FAMILY**

An individual or two or more persons related by blood, marriage, adoption, or other legal arrangement, including servants, living together as a housekeeping unit in a dwelling unit; or a group of not more than four (4) persons, who need not be related, living together as a single housekeeping unit. (revised 5-24-2004)

### **Sec 2.40 FARM**

All of the contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur-bearing animals or game, or operating fish hatcheries, piggeries, stock yards, stone quarries, or gravel, dirt, or sand pits shall not be considered farms.

### **Sec 2.41 FENCE**

Any permanent fence, partition, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit. An ornamental fence is less than three (3) feet in height and more than two (2) feet from any lot or property lines (normally used to set off planting areas).

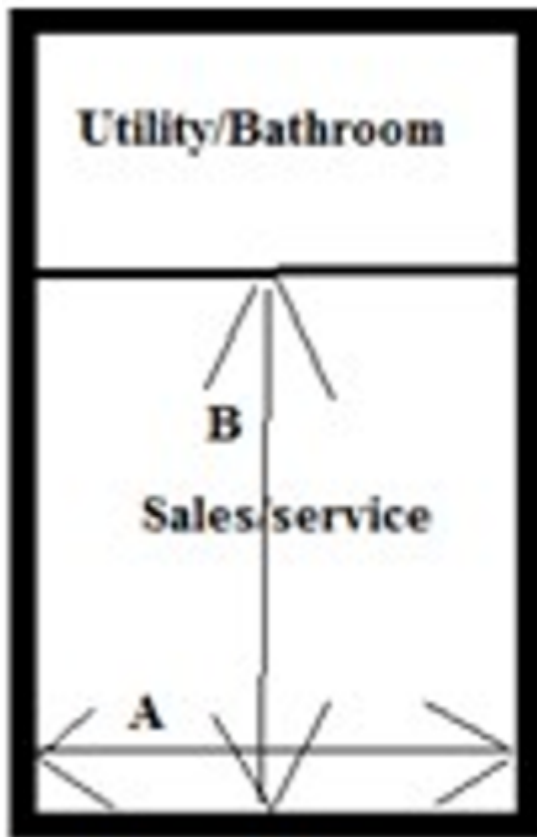
### **Sec 2.42 FLOODPLAIN**

- A. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
- B. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings, or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations. [similar to definition of "erected"]
- C. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. the overflow of inland waters
  - 2. the unusual and rapid accumulation or runoff of surface waters from any source
- D. "Flood Hazard Area, Special" is the land within a community subject to a one- percent or greater chance of flooding in any given year. Also known as "area of 100 year flood," and shown on the Flood Insurance Rate Map (FIRM) as "Zone A."
- E. "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Insurance Administration has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- F. "Flood Insurance Study" is the official report for Georgetown Charter Township provided by the Federal Insurance Administration containing flood profiles, the water surface elevation of the base flood, and the Flood Hazard Boundary-Floodway Map.

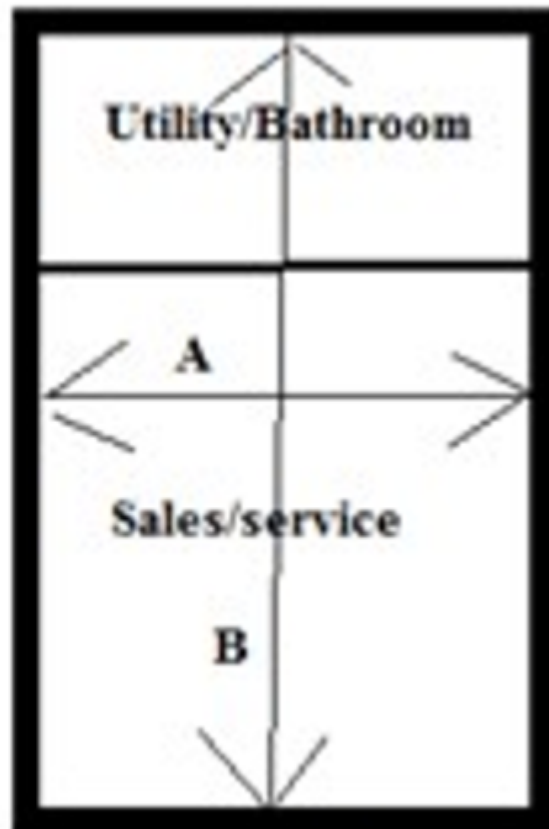
- G. "Flood Plain" is land designated as Special Flood Hazard Area.
- H. "Floodplain Overlay Zone" is the zone that overlays the existing zoning districts delineated on the official Georgetown Charter Township Zoning Map. The boundaries of the Floodplain Overlay Zone shall coincide with the boundaries of the Special Flood Hazard Area indicated on the Flood Insurance Rate Map.
- I. "Floodway, Designated Regulatory" means the channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.
- J. "Harmful Increase" means an unnaturally high stage on a river, stream or lake which causes or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
- K. "New Construction" means structures for which the start of construction commenced on or after the effective date of this ordinance.
- L. "Structure" means a walled and roofed building that is principally above ground, a gas or liquid storage facility, as well as a mobile home.
- M. "Substantial Improvements" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either,
  - 1. before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Register of Historic Sites.

### **Sec 2.43 FLOOR AREA, GROSS**

The sum of the gross horizontal area of the several floors of the building measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the established curb level, or finished lot grade, whichever is higher. (See Section 2.7, Basement.) Gross floor area shall not include attic space having headroom of seven and one-half (7-1/2) feet or less, or interior balconies or mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area. Areas of basements (except as provided above), breezeways, porches, or attached garages are not included.



**Usable floor area  
(A X B)**



**Gross floor area  
(A X B)**

### **Sec 2.44 FLOOR AREA, USABLE**

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

### **Sec 2.44a FOSTER CARE**

The provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, for 2 or more consecutive weeks for compensation. (revised 5-24-2004)

### **Sec 2.44a1 ADULT FOSTER CARE FACILITY**

A governmental or nongovernmental establishment that provides foster care to adults, subject to the Michigan Foster Care Facility Licensing Act, Act 218 of 1979. (revised 5-24-2004)

### **Sec 2.44a2 ADULT FOSTER CARE FAMILY HOME**

A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care five (5) or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence. (revised 5-24-2004)

### **Sec 2.44a3 ADULT FOSTER CARE SMALL GROUP HOME**

An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care. (revised 5-24-2004)

### **Sec 2.44a4 ADULT FOSTER CARE LARGE GROUP HOME**

An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided with foster care. (revised 5-24-2004)

### **Sec 2.44a5 ADULT FOSTER CARE CONGREGATE FACILITY**

An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care. (revised 5-25-2004)

### **Sec 2.44b FOSTER CARE-FAMILY FOSTER CARE FACILITY**

A nongovernmental establishment that provides foster care to persons under the age of eighteen (18), subject to the Michigan Foster Care Facility Licensing Act, Act 218 of 1979. (revised 5-24- 2004)

### **Sec 2.44b1 FOSTER FAMILY HOME**

A private residence in which one (1), but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. (revised 5-24-2004)

### **Sec 2.44b2 FOSTER FAMILY GROUP HOME**

A private residence in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, guardianship or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. (revised 5-24-2004)

### **Sec 2.45 GARAGE, PRIVATE**

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

### **Sec 2.46 GARAGE, MINI-STORAGE**

A building or buildings divided into individual units which may be leased for the storage of personal property or for other personal uses. No portion of such leasable space (excluding the actual leasing office) shall be used for any business activity. Such activities may also contain outdoor storage areas for vehicles or trailers only.

### **Sec 2.46b GAZEBO**



A freestanding roofed open-sided structure providing a shady resting place. (revised 9-26-2005)

### **Sec 2.47 HOME OCCUPATION**

An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling.

### **Sec 2.48 HOSPITAL**

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

### **Sec 2.49 HOTEL**

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

### **Sec 2.50 JUNK**

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

### **Sec 2.51 JUNK YARD**

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

### **Sec 2.52 KENNEL**

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

### **Sec 2.53 LAWN**

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

### **Sec 2.54 LOADING SPACE**

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

### **Sec 2.55 LOT**

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



determining area use requirements, including the special use standards in Chapter 20, for a parcel having more than one zoning classification, the term "lot" is that portion of the parcel consisting of only the zoning classification which encompasses the proposed development. All lots shall abut upon and have permanent access to a public or private street. (revised 7/25/95) (revised 10/25/21)

### **Sec 2.56 LOT AREA**

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

### **Sec 2.57 LOT, CORNER**

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

### **Sec 2.58 LOT, DEPTH**

The mean horizontal distance from the front lot line to the rear lot line.

### **Sec 2.59 LOT, DOUBLE FRONTAGE (THROUGH)**

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

### **Sec 2.60 LOT, INTERIOR**

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

### **Sec 2.61 LOT, WATERFRONT**

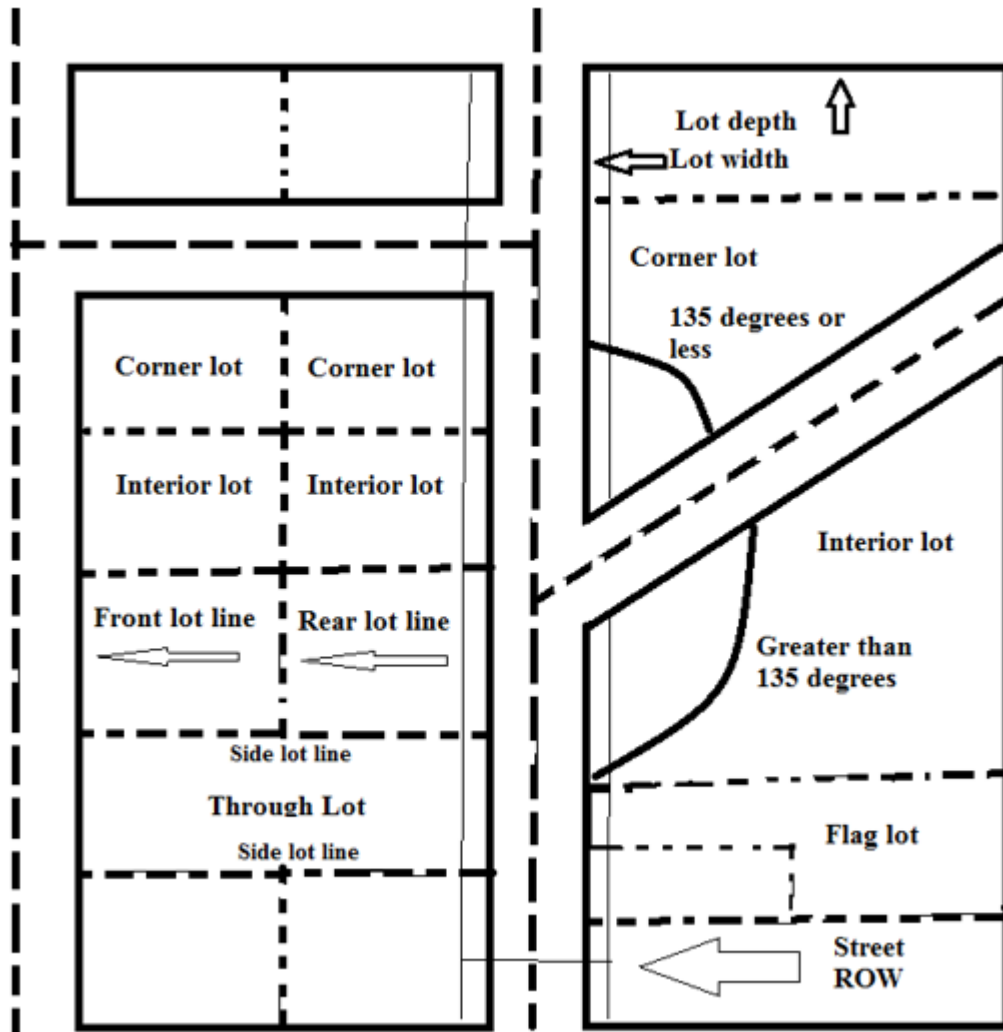
A lot having frontage directly upon a lake, river or other significantly sized impoundment of water. The portion adjacent to the water is considered the rear yard and the opposite side, abutting the street, shall be the front yard.

### **Sec 2.62 LOT COVERAGE**

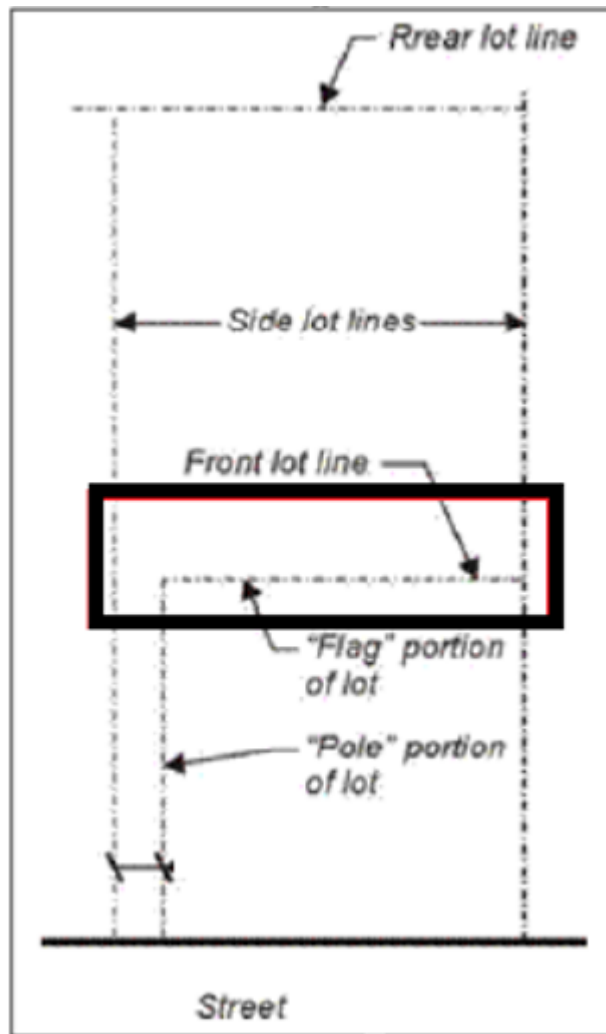
The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

### **Sec 2.63 LOT LINES**

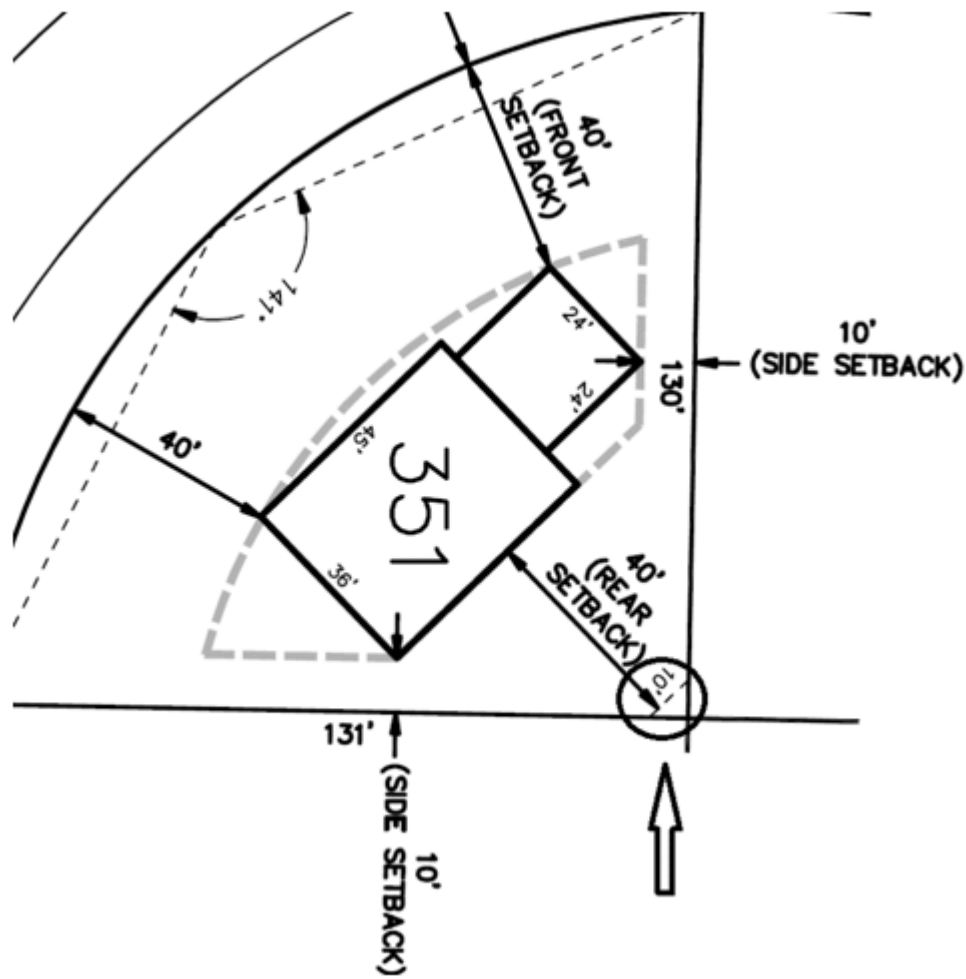
The property lines bounding the lot.



- A. **Front Lot Line.** In the case of an interior lot, abutting upon one public or private street or easement, the front lot line shall mean the line separating such lot from such street right-of-way or easement. (revised 7-24-06) In the case of a corner or through lot, the front lot line shall be that line separating said lot from that street which is designated as the front street by the Zoning Administrator or that lot line abutting upon the street used for the address of the lot (See Double Frontage Lot.) For purposes of determining required yards only, any side lot line may be designated by the Zoning Administrator as a front lot line. (Revised April 1997) (revised 10/14/13)



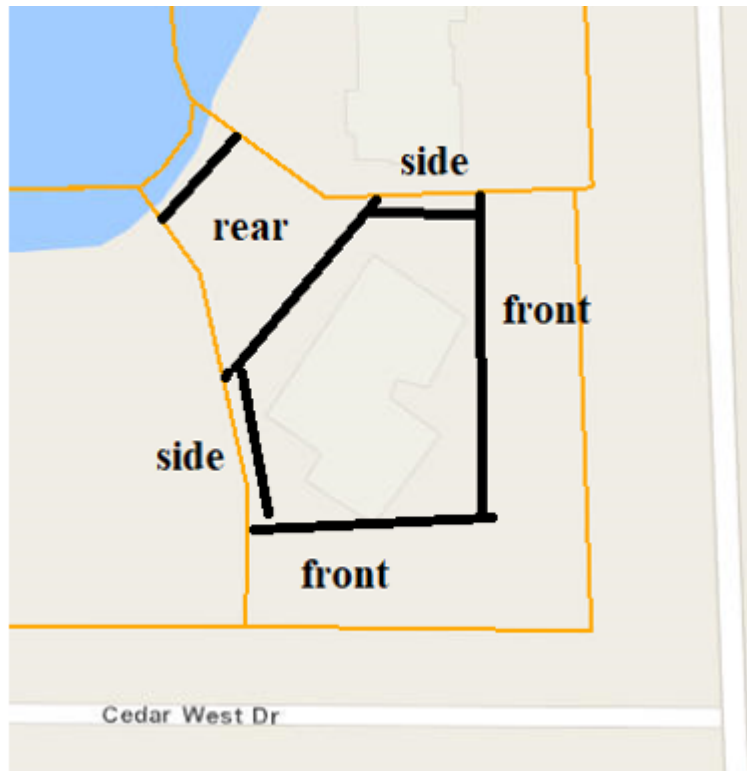
- B. **Rear Lot Line.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular-shaped lot, a line at least ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line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



(Exception) In the case of a corner waterfront lot having more than 4 lot lines (revised 10/14/13):

1. The lot line or lines abutting upon the public or private street or easement shall mean the front lot lines;
2. The lot line or lines abutting upon the water shall mean the rear lot line or lines;
3. For all rear lot lines less than 10 feet, a line at least ten (10) feet in length entirely within the lot parallel to the rear lot line and at the minimum distance to have a line at least 10 feet shall be considered to be the real lot line for the purpose of determining depth of rear yard; and
4. The remainder of the lot lines shall mean the side lot line or lines.

C. **Side Lot Line.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. Street or Alley Lot Line. A lot line separating the lot from the right-of-way of a street or an alley.

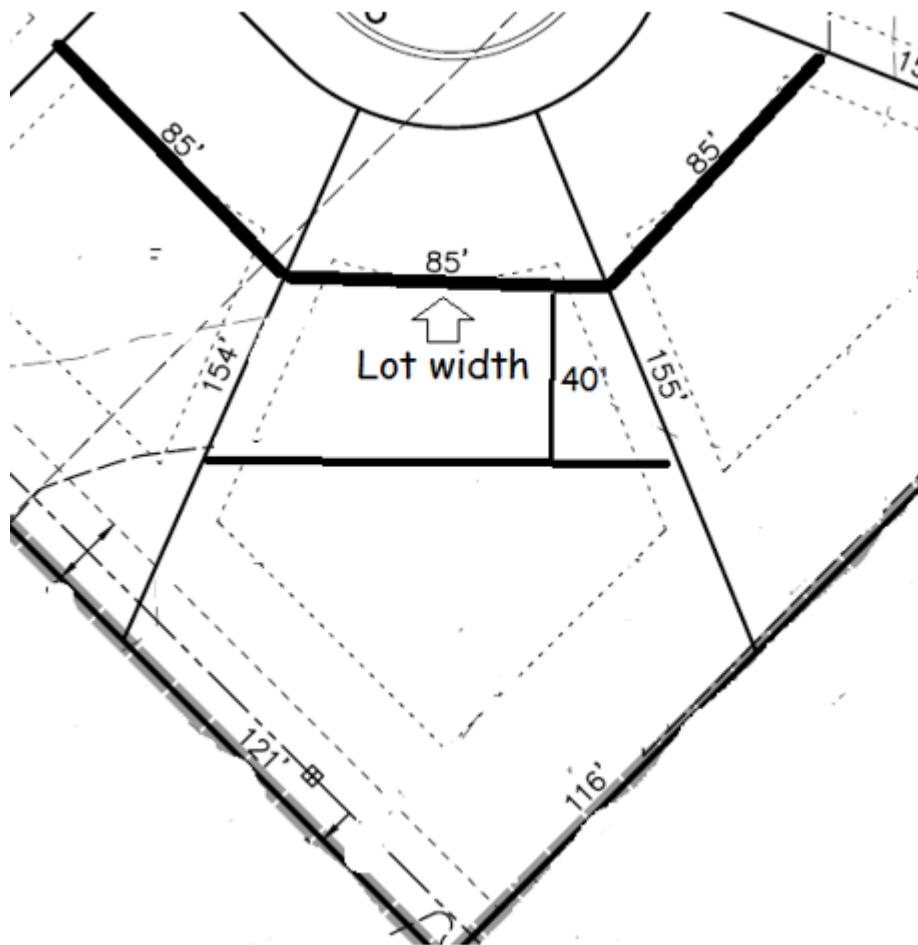


### **Sec 2.64 LOT OF RECORD**

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

### **Sec 2.65 LOT WIDTH**

The shortest distance separating the side lot lines at any point between the required front setback line and a line forty (40) feet to the rear of and parallel to the required front setback line. For a horseshoe lot or U-shaped lot of which two portions of land within the parcel abut the same street, the lot width is determined by the single widest section. In no instance shall the sum of both portions of land be used to determine lot width. (revised August 1996) (revised October 25, 2021)



### **Sec 2.66 MANUFACTURED HOME**

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

### **Sec 2.66a MEDICAL MARIHUANA DISPENSARY**

Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana (also commonly known as marijuana or cannabis) is made available to, sold, grown, processed, delivered, or distributed by or to one or more of the following:

A primary caregiver (as defined by Michigan Initiated Law 1 of 2008, as amended, being MCL 333.26421 et seq., as amended).

A qualifying patient (as defined by Initiated Law 1 of 2008, as amended, being MCL 333.26421 et seq., as amended).

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 Georgetown Charter Township ordinances, but also all applicable Michigan and federal laws and regulations.

(revised 6/22//2015)

### **Sec 2.67 MARINA**

A facility located adjacent to a body of water and operated as a commercial enterprise for the sale, storage, or servicing of boats or other watercraft; or a dock or mooring located within a body of water and intended to be used by four (4) or more boats.

### **Sec 2.67a MASSAGE PARLOR**

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, not practices of massage therapists who meet one or more of the following criteria:

- A. Proof of graduation from a school of massage licensed by the State of Michigan;
- B. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;
- C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
- D. A current occupational license from another state. (Revised November 1997)

### **Sec 2.68 MIGRATORY LABOR**

Temporary or seasonal labor employed in planting, harvesting, or construction.

### **Sec 2.69 MOBILE HOME**

A structure transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems contained in the structure.

### **Sec 2.70 MOBILE HOME PARK**

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



**Sec 2.71 MOBILE HOME SPACE**

A plot of ground within a mobile home park designed for the accommodation of one mobile home.

**Sec 2.72 MOTEL**

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

**Sec 2.73 MOTOR HOME**

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

**Sec 2.73a NECESSARY TOWNSHIP FACILITIES**

Township owned property on which a building or other facility is located that provides a benefit, houses offices for township governmental business, serves as a resource center, or provides emergency services to Township residents. Examples of such facilities include, but are not limited to, the Township Hall, Township Libraries, Township Fire Barns, and Township Parks. (Revised November 22, 1999)

**Sec 2.74 NON-CONFORMING BUILDING**

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

**Sec 2.75 NON-CONFORMING LOTS OF RECORD**

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

**Sec 2.76 NON-CONFORMING USE**

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

**Sec 2.77 OPEN AIR BUSINESS**

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

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

**Sec 2.78 PARKING LOT**

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

### **Sec 2.79 PARKING SPACE**

An off-street space of at least one hundred eighty (180) square feet exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

### **Sec 2.80 PORCH, ENCLOSED**

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

### **Sec 2.81a PORCH, OPEN**

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

### **Sec 2.81b PRIVATE NON-COMMERCIAL RECREATION**

Land owned by a group or company, for passive or active recreation, exclusively for the use by such group or company, such as a nature preserve, sports complex for private schools, or hunting club, operated not for profit. (Revised 10-25-99)

### **Sec 2.82a PUBLIC UTILITY**

Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

### **Sec 2.82b RECREATIONAL CAMP**

A use of land operated by a non-profit organization, where young people learn and practice sports, musical instruments, the arts, or the like, as well as sleep and eat, all on contained campus, for limited periods of time. (Revised 10-25-99)

### **Sec 2.83a RECREATION VEHICLE**

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

### **Sec 2.83b RESIDENTIAL DISTRICT**

A term used to include the following districts: AG, RR, LDR, LMR, MDR, MHR, HDR, MHP. (revised 12-9-2002)

### **Sec 2.83c RESTAURANT**

A site where food and drink are prepared and served to customers in exchange for money. Meals are generally served and eaten on the premises, but a restaurant may also offer take-out and food delivery

service. A bona fide restaurant shall have at least fifty (50) percent of its gross receipts derived from the sale of food and beverages other than alcoholic liquors. A restaurant can have a distillery, brewery or winery on the same site if approved pursuant to this Ordinance.

### **Sec 2.84 ROADSIDE STAND**

A farm building or structure used for the display or sale of agricultural products grown on the premises upon which the stand is located.

### **Sec 2.85 SATELLITE DISH ANTENNA**

An antenna or dish antenna whose purpose is to receive communications signals from orbiting or transmit them to orbiting satellites. (Revised November 1997)

### **Sec 2.86 SETBACK**

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

### **Sec 2.87 SHORELAND**

The land area adjacent to and within three hundred (300) feet of a stream, river or lake.

### **Sec 2.88 SHORELINE**

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

### **Sec 2.88a STATE LICENSED RESIDENTIAL FACILITY**

A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services for twenty four (24) hour supervision or care, but does not include facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to correctional institutions. (revised 5-24-2004)

### **Sec 2.88b STATE LICENSED RESIDENTIAL FAMILY FACILITY**

A state licensed residential facility providing resident services to six (6) or fewer persons. (revised 5-24-2004)

### **Sec 2.88c STATE LICENSED RESIDENTIAL GROUP FACILITY**

A state licensed residential facility providing residential services to more than six (6) persons. (revised 5-24-2004)

### **Sec 2.89 STORY**

That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- A. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below

it to the floor next above it is twenty-four (24) feet or more.

- B. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty (50) percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes.

### **Sec 2.90 STORY, HALF**

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

### **Sec 2.91 STREET**

A public or private (revised 7-24-06) thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

### **Sec 2.92 STREET, FUNCTIONAL CLASSIFICATION**

Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. These classifications include:

- A. Major Arterial. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desires.
- B. Minor Arterial. Interconnects with and augments the major arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than major arterials.
- C. Collectors. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.
- D. Locals. Serves as direct land access and access to higher systems.

### **Sec 2.93 STRUCTURE**

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

### **Sec 2.94 TEMPORARY BUILDING AND USE**

A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events, which period may not exceed six (6) months.

### **Sec 2.95 TRAVEL TRAILER**

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

### **Sec 2.96 USE, PRINCIPAL**

The primary purpose for which land or premises, or a building thereon, is designed, arranged, or intended, for which it is occupied, or maintained, let, or leased.

**Sec 2.96A WIRELESS COMMUNICATIONS TOWER, COMMERCIAL**

A structure designed and constructed to support one or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public. (Revised November 1997)

**Sec 2.97 VACATED NON-RESIDENTIAL BUILDING**

Any building in which the former occupant has substantially removed all of its goods, inventories, machinery or equipment, or has ceased using the building for commercial or business purposes. Additionally, the following factors shall be considered as indicators of building vacation:

- A. Utilities, such as water, gas and electricity serving the property have been disconnected;
- B. The property, building, and grounds have fallen into disrepair;
- C. Signs or other external indications of the presence of the use have been removed;
- D. Equipment or fixtures which are necessary for the operation of the use have been removed; and
- E. Other actions, which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the use.

**Sec 2.98 VEHICLE REPAIR**

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

**Sec 2.99 VEHICLE SERVICE STATION**

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

**Sec 2.100 VEHICLE WASH ESTABLISHMENT**

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

**Sec 2.101 YARD**

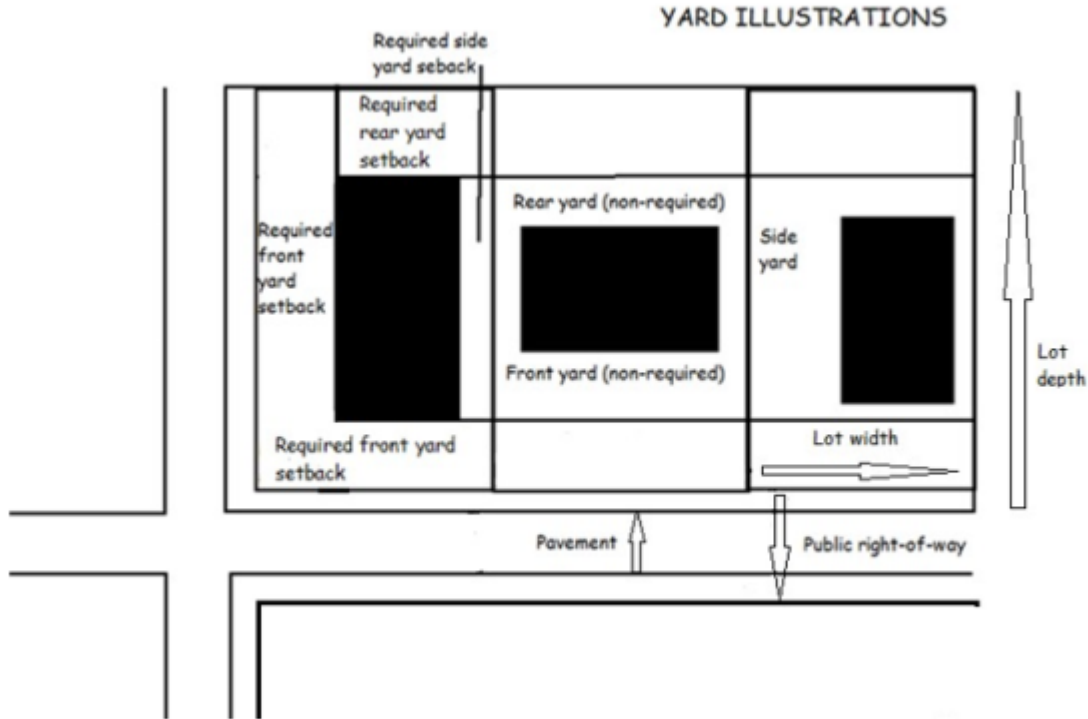
A required yard is an open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

- A. A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line.
- B. A required rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line.
- C. A required side yard is an open unoccupied area between a main building and the side lot lines,

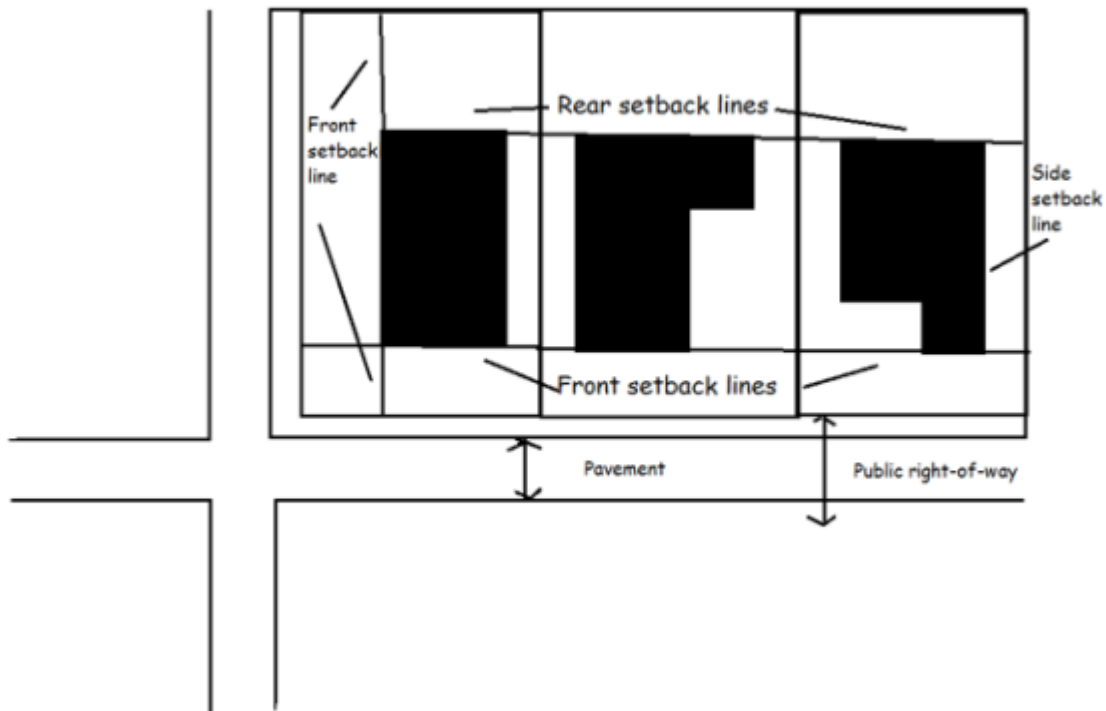
extending from the front yard area to the rear yard area. The width of the required side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

**Sec 2.102 YARD, FRONT, REAR, SIDE**

A general term describing the space on a lot or parcel containing a main building, lying between the main building and the respective front, rear and side property lines. This is normally larger in area than the required front, rear or side yard.



## SETBACK LINE ILLUSTRATION



### **Chapter 3 GENERAL PROVISION**

#### Sec 3.1 THE EFFECT OF ZONING

#### Sec 3.2 RESTORATION OF UNSAFE BUILDINGS

#### Sec 3.3 REQUIRED AREA OR SPACE

#### Sec 3.4 ACCESSORY BUILDING AND USES

#### Sec 3.5 EXISTING PLATTED LOTS

#### Sec 3.6 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS

#### Sec 3.6.1 REGULATIONS APPLICABLE TO ALL CONSTRUCTION, INCLUDING RECONSTRUCTION

#### Sec 3.7 BASIS OF DETERMINING FRONT YARD REQUIREMENTS

#### Sec 3.8 FENCES

#### Sec 3.9 WALLS

#### Sec 3.10 CLEAR VISION

#### Sec 3.11 GREENBELTS AND PROTECTIVE SCREENING

#### Sec 3.12 ESSENTIAL SERVICES AND NECESSARY TOWNSHIP FACILITIES

#### Sec 3.13 DEMOLITION PERMITS

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[Sec 3.31 SITE CONDOMINIUMS](#)

### **Sec 3.1 THE EFFECT OF ZONING**

- A. For the purpose of this Ordinance, except as hereafter specifically provided, no lot, land or premises shall be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations herein specified for the Zoning District in which it is located; these limitations being construed as the minimum legislation necessary to promote and protect the general safety and welfare of the community.
- B. In case any building, structure, or part thereof is used, erected, altered or occupied contrary to Law or to the provisions of this Ordinance, such building or structure shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.
- C. If construction on a building or structure is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building, provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance.

### **Sec 3.2 RESTORATION OF UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure, or part thereof, declared unsafe by the Zoning Administrator, or required to comply with his lawful order.

### **Sec 3.3 REQUIRED AREA OR SPACE**

- A. Required area or space; no lots or lots in common ownership and no yard, court, parking area or other space shall be so divided, altered or reduced as to make such area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.
- B. Accessory buildings, including enclosed porches and garages, attached to a dwelling or to other main buildings shall be deemed a part of such buildings for the purpose of determining required setbacks.

### **Sec 3.4 ACCESSORY BUILDING AND USES**

Accessory buildings and uses shall be subject to the following regulations:

- A. Accessory buildings and uses shall not be erected in any front or required side yard, unless otherwise provided for in this ordinance.
- B. Where the accessory building is attached to a main building, it shall be subject to and must conform to, all regulations of this Ordinance applicable to such main buildings.
- C. No detached accessory building or use shall be located closer than ten (10) feet to any main building (except an accessory use-not accessory building- that is portable and less than 100 square feet in area such as a portable hot tub may be located closer than ten (10) feet to any main building) (revised 6/9/08), nor shall the eave line (which could be a maximum of three (3) feet) of such building be located closer than five (5) feet to any side or rear lot line. All accessory

buildings shall meet the same setback requirements from a street right-of-way line as required for the main building, provided that on a double frontage lot, an accessory building may be located within the required rear yard no closer than twenty (20) feet to the road right-of-way line.

- D. When an accessory building or use is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building or use shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.
- E. Maximum Floor Area. For all detached accessory buildings, the floor area shall include any area that has a roof supported by columns (i.e. a lean-to), as per the definition of a building in Chapter 2. (revised 12/13/21)
1. The maximum floor area above grade for an attached accessory building, including garage, shall not exceed sixty (60) percent of the gross floor area of the dwelling to which it is attached, not to exceed a maximum of one thousand five hundred (1,500) sq. ft. No attached accessory building, including garage, shall have a door opening greater than fourteen (14) feet in height. (revised 7/23/07)
  2. The maximum floor area of all accessory buildings, excluding attached garages, which are accessory to primary residential uses, shall be six hundred (600) square feet, unless otherwise provided for in this section, in the following districts (revised 1-24-05):
    - a. LDR
    - b. LMR
    - c. MDR
    - d. MHR
  3. The maximum floor area of all accessory buildings, excluding attached garages, shall be nine hundred sixty (960) square feet, unless otherwise provided for in this section, in the following zoning districts:
    - a. HDR
    - b. MHP
  4. The maximum floor area of all accessory buildings, excluding attached garages, in the RR and AG zoning districts shall be based on the following scale related to parcel or lot size:
    - a. less than two (2) acres: nine hundred sixty (960) square feet;
    - b. two (2) to five (5) acres: one thousand two hundred (1200) square feet; and
    - c. more than five (5) acres: one thousand five hundred (1500) square feet.
  5. The above maximum floor area for accessory buildings shall not apply to:
    - a. Buildings accessory to agricultural operations in the AG or RR Districts.
    - b. Multiple-family developments.
    - c. Mobile home parks.
    - d. Uses in non-residential zoning districts.
  6. Accessory buildings within any Commercial or Industrial District shall not exceed a total floor area equal to twenty-five (25) percent of the floor area of the main building(s).
  7. The maximum floor area of all accessory buildings, excluding attached garages, which are accessory to primary non-residential uses, shall be subject to the following square

footage requirements based on parcel sizes within the LDR, LMR, MDR and MHR zoning districts (revised 1-24-05):

- a. Less than two (2) acres: Six hundred (600) square feet,
  - b. Two (2) to five (5) acres: One thousand two hundred (1200) square feet,
  - c. More than five (5) acres: One thousand five hundred (1500) square feet.
- F. In Residential Districts, a detached accessory building shall be located in the rear yard or non-required side yard of the lot. In the case of row housing or apartment developments, parking garages or covered bays may be exempted from this requirement subject to approval by the Zoning Administrator.
- G. No detached accessory building in a Residential District (excluding AG and RR and accessory buildings for nonresidential principal uses) shall exceed fourteen (14) feet in mean height except it may be up to 16 feet in height if evidence is provided that the additional height would make the accessory building more architecturally similar to the principal building, or have a door opening greater than twelve (12) feet in height. No detached accessory buildings in an (AG) Agriculture or (RR) Rural Residential districts (excluding buildings accessory to an agricultural operations) and no detached accessory building for a nonresidential principal use in a Residential District shall exceed sixteen (16) feet in mean height, or have a door opening greater than fourteen (14) feet in height. (Revised July 25, 2011) (Revised October 25, 2021)
- H. No detached accessory building shall be used in any part for residential purpose.
- I. No more than one (1) freestanding accessory building may be permitted on any lot or parcel on which is located a single or two family dwelling unless otherwise permitted in this Section (excluding buildings accessory to agricultural operations in the AG and RR districts).
- J. Any accessory building with an area greater than 200 square feet shall be permanently constructed on a concrete foundation and shall conform to all applicable building and other similar codes for such a structure. The architectural character of all buildings greater than 120 square feet (excluding accessory buildings in the AG or RR districts) shall be compatible with and similar to the principal building with respect to materials, scale, design, and aesthetic quality, as determined by the Zoning Administrator. (revised July 25, 2011)
- K. One (1) freestanding accessory building of one hundred twenty (120) square feet or less may be permitted in addition to accessory buildings permitted in subsection 3.4(E) and (I), provided there is no attached accessory building on the lot. (revised 6-8-1999)
- L. No accessory building or use shall be permitted on any lot which does not contain a principal building or use.
- M. In the case of wireless communication towers, for joint use of a single tower by multiple users, accessory building to house the necessary related equipment for each user/antenna shall be permitted. Each accessory building shall be placed with sufficient space around the structure to allow maintenance of the property and building, permitting safe passage to the tower and other accessory equipment therein. (Revised 10-25-99) (Revised 3-26-2001)
- N. One (1) freestanding gazebo of one hundred forty four (144) square feet or less may be permitted in addition to accessory buildings permitted in subsection 3.4(E), (I) and (K) and shall meet requirements in Chapter 3 for location on a parcel. The additional 144 square feet or less of a gazebo structure may be in the form of a detached structure or may be attached to an existing accessory building. (Revised 9-26-2005) (Revised 10-25-2021)
- O. One (1) freestanding exterior wood-fired boiler, stove or furnace of 120 square feet or less may be permitted in accordance with all other regulations for accessory uses, in the **Agriculture and**

**Rural Residential districts only**, subject to the following standards in order to reduce the amount of air pollution generated and the associated adverse health effects:

1. The minimum lot area shall be five acres.
  2. No refuse shall be burned.
  3. It shall be located a minimum of 100 feet from any property line and a minimum of 300 feet from the nearest residential building which is not on the same property as the outdoor wood-fired boiler.
  4. The chimney shall extend at least fifteen feet above mean grade.
  5. The use shall meet all other Township ordinances related to burning. In accordance with Township general ordinances, the Fire Chief or designee shall have the right to terminate burning at any time upon the determination that the permitted use of burning is detrimental to the public health, safety or welfare or upon the determination that the burning has created or caused to emanate there from any dust, dirt, smell or foreign substances, or smoke in an amount and of such nature, or both, as to duly disturb, annoy or harm others, thereby destroying their full, quiet, and peaceful occupancy and enjoyment of their homes and premises accessory thereto. Along with a Zoning Compliance Certificate application for such accessory use, the property owner shall submit to the Township a signed affidavit demonstrating that the above requirements have been met and stating that the applicant understands and is aware of the Zoning Ordinance regulations. (revised 5-14-07)
- P. One (1) freestanding pool accessory building may be permitted in addition to accessory buildings permitted in subsection 3.4(E), (I), (K) and (N) provided that the square footage of the pool accessory building does not exceed 200 square feet in area. The pool accessory building shall meet the requirements in Chapter 3 for location on the parcel and shall only be allowed for swimming pools with at least 500 square feet in area. The pool accessory building shall be removed immediately if the pool is removed. (revised 8/10/09)
- Q. The keeping of chickens is permitted as an accessory use if all of the following are met. (revised 6/22/2015)
1. The parcel of land is located within one of the following districts and the principal use of the parcel is a single family residential dwelling:
    - a. (AG) Agriculture District (unless lesser restrictions apply elsewhere within the ordinance)
    - b. (RR) Rural Residential (unless lesser restrictions apply elsewhere within the ordinance);
    - c. (LDR) Low Density Residential;
    - d. (LMR) Low/Medium Density Residential; and
    - e. (PUD) Planned Unit Development.
  2. No more than (6) six chickens may be kept on any parcel of land and chickens that crow and roosters shall not be permitted. (revised 3/28/16)
  3. The outdoor slaughtering of any chicken is prohibited.
  4. Chickens shall be provided with and kept within a completely enclosed covered coop (which is defined as an enclosure and/or cage) at all times. The coop shall not exceed (80) eighty square feet in area or (8) eight feet in height. Chickens shall not be allowed to roam the parcel or any other property.

5. The enclosed area where the chickens are kept shall be located within the rear yard (as defined in the Zoning Ordinance), not within the main building or any attached accessory buildings, and shall be at least (20) twenty feet from any dwelling and at least 10 feet from any property line.
6. Materials used to construct the enclosed areas shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.
7. The enclosed area where the chickens are kept shall be kept clean and neat at all times. Chicken feed shall be kept in rodent-proof, sealed containers.
8. The enclosed area where the chickens are kept shall be screened from view from the street and neighboring properties with a sight-obscuring fence, wall or landscaping in such quantities to sufficiently prevent the sight of the area from the street or neighboring properties during all seasons.
9. The keeping of chickens shall be in compliance with all other local, State and Federal regulations.

### **Sec 3.5 EXISTING PLATTED LOTS**

A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used as specified in the District in which it is located, provided the lot conforms to the requirements of the Ottawa County Health Department. The main building on such lot shall be located so as to assure maximum compliance with all yard and setback requirements for the Zoning District. In all cases, the minimum front yard requirements of this Ordinance shall be met.

### **Sec 3.6 REGULATIONS APPLICABLE TO ALL SINGLE-FAMILY DWELLINGS**

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

- A. If the dwelling unit is a mobile home, the mobile home must either be:
  1. new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or
  2. used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.
- D. The dwelling unit shall be firmly attached to a permanent continuous wall foundation which



complies with applicable provisions of the building code adopted by the Township. Except a maximum of 20% of the gross floor area which is attached to a permanent continuous wall foundation, not to exceed 400 square feet, may be exempt. (revised 8-12- 2002)

- E. Any building addition with an area greater than 120 square feet shall be permanently constructed on a concrete foundation [except under the provisions of Sec. 3.6(D)] and shall conform to all applicable building and other similar codes for such a structure. The architectural character of all building additions shall be compatible with and similar to the existing principal building with respect to materials, scale, design, and aesthetic quality, as determined by the Zoning Administrator, except a building addition of no more than 216 square feet may be constructed without the architectural character being similar to the existing principle building if such addition is located in the rear yard. (revised 5-24-2004) (revised 10-12-09)
- F. If the dwelling unit is a mobile home, the mobile home shall be installed with the wheels and towing mechanism removed.
- G. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty (20) feet at time of manufacture, placement or construction.
- H. The maximum length to width ratio shall be no greater than three (3) to one (1).(revised 9- 23-02)
- I. The dwelling shall be provided with an attached accessory building or garage with a minimum of four hundred (400) square feet on the main level. (revised 7-13-1999)
- J. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the Ottawa County Health Department.
- K. The foregoing standards shall not apply to a mobile home located in a mobile home park licensed by the Michigan Mobile Home Commission and approved by the Township according to the provisions contained in Chapter XXI of this Ordinance except to the extent required by state or federal law or said Chapter XXI of this Ordinance.
- L. All new dwellings shall be surveyed and a copy of the survey shall be filed with and approved by the building department before the foundation wall is inspected and any construction is commenced upon the foundation. (revised 6-8-1999)

### **Sec 3.6.1 REGULATIONS APPLICABLE TO ALL CONSTRUCTION, INCLUDING RECONSTRUCTION**

- A. All construction shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the Township, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- B. Prior to construction commencing, a site plan or survey shall be submitted for review and approval and shall contain the following:
  - 1. Property lines and proposed setback distances;
  - 2. The location of all existing structures on the property;
  - 3. The location of all proposed structures on the property.
  - 4. Properties determined by the Zoning Administrator to be at risk for flooding due to their location on the flood insurance rate maps must show the following additional information:
    - a. The location of the floodplain boundary;
    - b. The base flood elevation of the 100-year floodplain;

- c. Existing and proposed topographic elevation contours in 2 foot increments;
  - d. The proposed lowest floor elevation.
- C. All construction which includes a foundation of poured walls below the average lot grade shall be surveyed by a licensed surveyor and a copy of the survey shall be filed with and approved by the zoning department before the foundation wall is inspected and before any construction is commenced upon the foundation. Such survey is required to be drawn from the foundation wall and to show the following:
1. Measured dimension of setback distances from the foundation to all property lines;
  2. Measured dimensions of the foundation;
  3. Measured elevation information to show that no building opening shall be constructed below the following elevations:
    - a. The required minimum building opening elevation established at the time of plat or development approval as stated in the restrictive covenants and on record with the Ottawa County Drain Commission and on file in the Township;
    - b. Three feet above the top of any downstream culvert, four feet above the bottom of any permanent and defined drain and one foot above the 100 year floodplain or any high water mark of any adjacent body of water which is a higher elevation.
    - c. Alternatively, one foot above the overflow elevation as designated on the approved grading plan.
  4. Properties determined by the Zoning Administrator to be at risk for flooding due to their location on the flood insurance rate maps must show the following additional information:
    - a. The location of the floodplain boundary;
    - b. The base flood elevation of the 100-year floodplain;
    - c. The existing measured elevation(s) near the foundation walls;
    - d. The measured lowest floor elevation;
    - e. Any other information needed by the Township to determine that the construction complies with all ordinances and floodplain regulations.
  5. Alternately for construction which is determined by the Zoning Administrator to not be a substantial improvement (as defined in floodplain regulations) to an existing structure, a signed affidavit verifying location on the lot and that the lowest building opening elevation is not decreased from that of the existing structure may be submitted in lieu of a professional survey.

(revised 6/24/2013)

(revised 4/24/17)

### **Sec 3.7 BASIS OF DETERMINING FRONT YARD REQUIREMENTS**

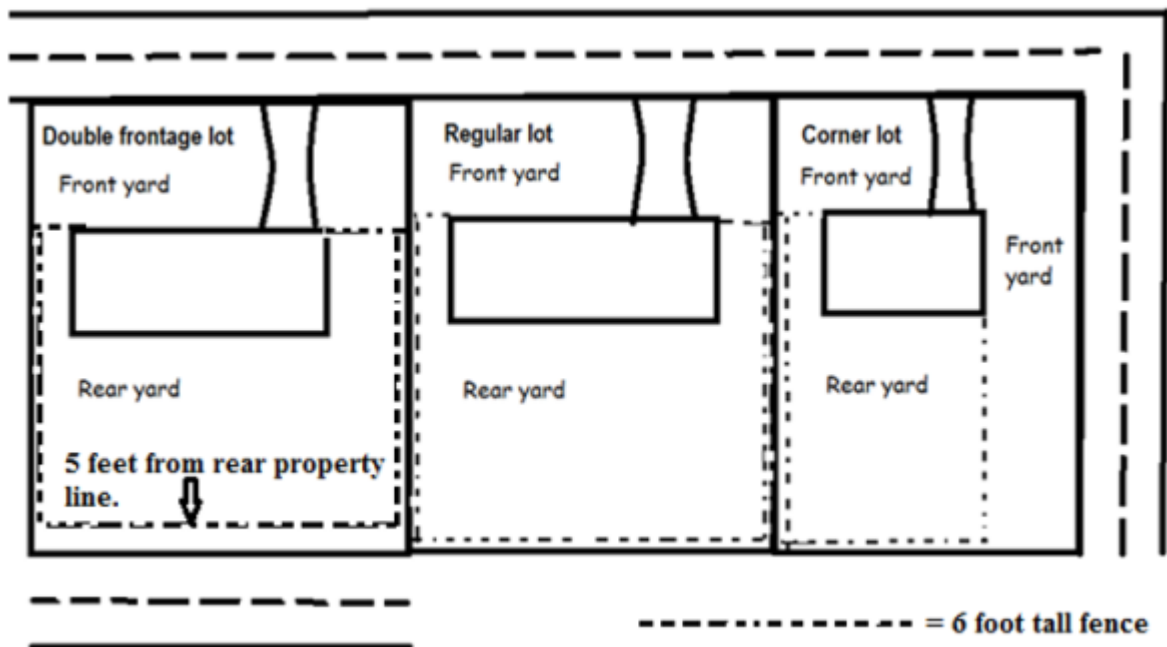
The required front yard shall be measured from the right-of-way line or distance from the centerline as stipulated in Chapter 24 footnote (B) for certain streets or any street easement line as established by the Road Commission for a street to an imaginary line across the width of the lot which represents the minimum required front setback distance for that district provided that where an average setback line less than required has been established by existing main buildings on the same side of the street and



within three hundred (300) feet of the proposed building, such established setback shall apply. However, no reduction in the minimum required front yard setback shall be permitted along those streets identified in Chapter 24, footnote (B). Unenclosed porches, steps, or similar facilities may project into a required front or rear yard for a distance not to exceed twelve (12) feet. (revised August 1996) In the case of a handicap wheelchair ramp (not to exceed a width of five (5) feet), the Zoning Administrator may waive any setback requirements at his/her discretion, if no other options are available to provide a ramp, provided that the applicant agrees to remove the ramp if it is no longer necessary on the property. A performance letter or performance guarantee may be required. (revised 6-27-2005) (revised 7-24-06) (revised 12/11/17)

### **Sec 3.8 FENCES**

- A. The erection, construction, or alteration of any fence shall conform to the requirements of the applicable zoning district. It shall be unlawful to construct any fence in any public right-of-way.
- B. Unless specifically provided for elsewhere in this ordinance, a fence may not exceed a height of three (3) feet within the front setback area (including the required and non- required front yard) of all streets, or a height of six (6) feet in any other area; provided, however, that a security fence in a non-residential zone, or a security fence for the protection of public utility buildings or improvements may be extended by a barbed arm at least six (6) feet from the ground which increases the height of a fence to a maximum of seven (7) feet. (revised 10/14/2013)
- C. A fence up to a height of four (4) feet may be permitted within the front setback area provided, in the opinion of the Zoning Administrator, the design, location, and materials of such fence will not obscure the visibility from such setback area of vehicular or pedestrian traffic along the street.
- D. No fence located on property within a LDR, MDR, LMR, or MHP zoning district shall contain any barbed wire or electrification, except as provided for in Sec. 3.8(B). (revised 6-25-2001)
- E. In the case of a double frontage lot in any Residential District, a fence up to six (6) feet in height may be erected in the rear yard, but shall be set back from the rear property line a minimum of five (5) feet. (added November 1995)



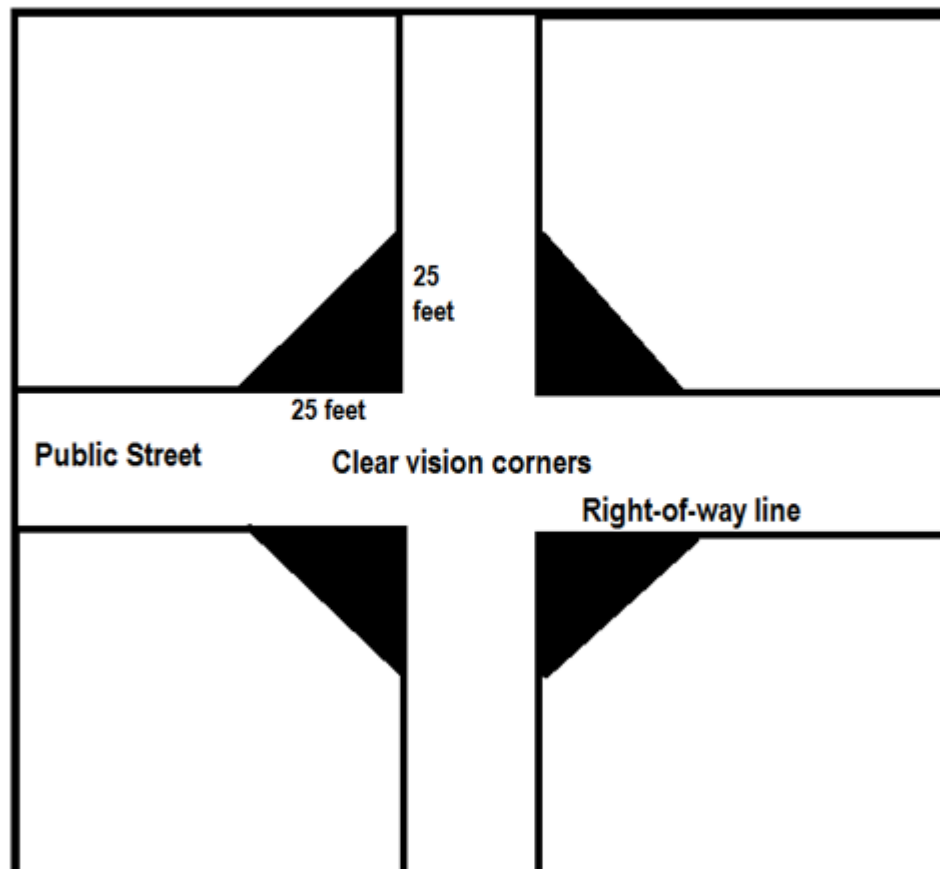
### **Sec 3.9 WALLS**

Required walls shall be located on the property line. When used to screen features taller than six (6) feet, required walls may be constructed to a height up to twelve (12) feet if approved by the Board of Appeals. In reviewing such requests, the Board of Appeals shall consider the visual impact of such wall upon neighboring properties. The design of all walls, including openings for vehicular traffic or other purposes, shall only be as permitted by the Zoning Administrator.

### **Sec 3.10 CLEAR VISION**

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than thirty (30) inches.
- B. No plantings shall be established in any required front yard which, in the opinion of the Zoning Administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.
- C. No plantings, landscaping, fences, or other structures or obstacles, except mailboxes, shall be placed in any road right-of-way.

**Clear Vision Corner Illustration**



### **Sec 3.11 GREENBELTS AND PROTECTIVE SCREENING**

It is the intent of this provision to promote the public health, safety and welfare by establishing minimum standards for the design, installation, and maintenance of landscaping as greenbelt buffer zones between potentially incompatible uses and as streetscapes along public roadways. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property

values, and overall character of the Township. As such the following standards shall be met, as applicable.

#### A. Greenbelts.

1. It is the purpose of greenbelts to provide physical separation and visual screening between potentially incompatible uses which will be sufficient to screen views of building walls, loading areas, parked vehicles, and outdoor storage areas; reduce glare; filter views, moderate harsh or unpleasant sounds; remove air pollutants; and slow the effects of stormwater runoff.
2. Where required by this ordinance, the greenbelt shall contain only living plant materials.
3. The greenbelt shall contain one (1) evergreen tree (such as spruce, pines, or firs) for each twenty (20) feet of length or fraction thereof, measured along the property line or a solid evergreen hedge at least four (4) feet in height.
4. All required trees shall be a minimum of five (5) feet high at time of planting and shall be evenly spaced no further than fifteen (15) feet apart, if planted in a single row, or twenty (20) feet apart, if planted in two (2) or more staggered rows.
5. All trees and other landscaped areas within the greenbelt shall be maintained in a healthy and growing condition, neat and orderly in appearance.
6. Any trees, shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

#### B. Streetscapes.

1. It is the purpose of streetscapes to provide visual screening of parking areas and buildings along public streets; to separate public right-of-way from private property; to define points of ingress and egress; and to enhance the aesthetics of the community.
2. Where required by the approving authority as designed in Chapter 19, the streetscape shall contain only living materials and planting beds, except for approved sidewalks, bikepaths, signs, driveways, and essential services. Wood chips, stone bark, or similar materials may be permitted to accent and complement the living plant material, but shall not comprise the majority of the surface area of the streetscape. (revised 4/27/15)
3. The streetscape shall contain one (1) tree for each twenty-five feet of frontage or fraction thereof, measured along each individual street right-of-way line (not totaling the frontage of multiple street lines for the calculation), including driveway openings. Up to one-third (1/3) of the required trees may be evergreens (unless the approving authority as designed in Chapter 19 finds that a larger percentage of evergreens will provide better screening or better enhance the aesthetics of the community). The remainder shall be deciduous canopy or ornamental trees. (revised 4/27/15) (revised 3/28/16)
4. All required deciduous trees shall be a minimum of two (2) inch caliper and evergreens shall be a minimum of five (5) feet high at time of planting.
5. Such trees need not be evenly spaced along the street, but may be clustered or staggered to provide greater aesthetic interest.
6. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants.
7. In addition to the required trees, other landscaped elements such as shrubbery, hedges, and flower beds are encouraged in order to create an attractive foreground for buildings

and a pleasant streetscape along public thoroughfares within the community.

8. All trees and other landscaped areas within the greenbelt shall be maintained in a healthy and growing condition, neat and orderly in appearance. (Revised Nov. 1997)

### **Sec 3.12 ESSENTIAL SERVICES AND NECESSARY TOWNSHIP FACILITIES**

- A. The erection, construction, alteration or maintenance of essential services, shall be permitted as authorized or regulated by law and other ordinances in any use District, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance, except those which may be considered a danger to the community health, safety and welfare. (See Section 2.37 and 2.82). (Revised November 1997)
- B. The erection, construction, alteration or maintenance of necessary township facilities shall be regulated as provided in this ordinance or other law. However, if the Township Board determines that the community health, safety, and general welfare will be better served if a specific standard or requirement is modified, the Board may modify such standard or requirement with a two-thirds (2/3) majority vote of the full Board if it finds that all of the following conditions exist:
  1. That modifying the standard or requirement will be consistent with the public interest.
  2. That modifying the standard or requirement will not cause a substantial adverse effect to property or improvements in the vicinity or in the district in which the project is located.
  3. That there are characteristics of the use, the property on which it is located, and/or the surrounding area which make strict conformance with the provisions of this ordinance impractical or unnecessary.
  4. That approval has been applied for, or been received with regard to site plan review, special use review, or other such approval procedure.
  5. The use is permitted by right or special use in the zoning district in which the parcel is located. (Revised November 22, 1999)

### **Sec 3.13 DEMOLITION PERMITS**

No buildings shall be razed until a permit has been obtained from the Zoning Administrator who shall be authorized to require a performance bond in such amount according to a schedule as determined by the Township Board. Such bond shall be conditioned on the applicant completing the razing within a reasonable period as prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator from time to time prescribes, including filling excavations and proper termination of utility connections.

### **Sec 3.14 TEMPORARY STORAGE OF USED MATERIALS**

The storage, collection, or placing of used or discarded material, such as lumber, scrap iron, ashes, slag or other commercial or industrial by-products or waste shall be permitted only subject to a Temporary Permit obtained from the Board of Appeals, which application shall be accompanied by a performance guarantee. In reviewing such request, the Board of Appeals shall consider the length of time requested, the visibility of such storage area from surrounding properties, potential safety concerns, the ability to provide adequate security fencing and aesthetic screening, and other factors relevant to the specific location.

### **Sec 3.15 ILLEGAL DWELLINGS**

The use of any basement for dwelling purposes is forbidden in any Zoning District. Buildings erected after the date of this Ordinance as garages or accessory buildings shall not be occupied for dwelling purposes.

### **Sec 3.16 EXCAVATIONS OR HOLES**

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, which constitute or are likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued by the Building Inspector where such excavations are properly protected and warning signs posted in such manner as approved by the Building Inspector; and provided further, that this section shall not apply to streams, natural bodies of water, or to ditches, reservoirs, and other such bodies of water created or existing by authority of governmental units or agencies.

### **Sec 3.17 OUTDOOR STORAGE IN RESIDENTIAL DISTRICTS**

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

- A. All such vehicles shall be placed within a completely enclosed building or located behind the front face of the principal building. No vehicle shall be stored in the side yard of a corner lot which abuts a street. (revised 6-25-2001) In the rear yard of a corner lot such vehicles shall not project beyond the side of the building on the street side. Except from May 1 through October 31, subject to compliance with all other ordinance standards, a recreational vehicle may be stored, kept or parked for a period no longer than five (5) consecutive days on a hard surface driveway. Any RV stored for a period of 5 days must be removed for a minimum of 48 hours prior to additional storage or parking. (revised 3/28/16)
- B. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling, unless the conditions of paragraph C are met.(revised 1-28-02) The vehicle so stored or parked shall be owned or rented by the occupant of such dwelling unless located in an AG or RR district, in which case vehicles other than those owned by the occupant of the dwelling may be stored or parked, provided further that such property shall have an area of at least three (3) acres and the area used for such storage shall be screened with a greenbelt as per Sec. 3.11 or sight-obscuring fence as approved by the Zoning Administrator. (revised 10/14/2013)
- C. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas, unless the following conditions are met:
  1. the property is located in the AG district;
  2. the property shall have a minimum area of at least seven (7) acres,
  3. a building permit has been approved and obtained for a construction project on the property;
  4. a temporary use permit has been approved and obtained for the occupancy of the recreational vehicles on the property,
  5. the property shall be in compliance with all the conditions of the temporary use permit for the duration,
  6. a maximum of six recreational vehicles shall be allowed,
  7. all recreational vehicles shall be hooked up to sewer, water, and electricity through the permit of the new construction. (revised 1-28-02)

- D. No unattached trailer shall be parked on a roadway at any time except when it is necessary to temporarily disconnect such trailer for convenience in loading or unloading. (revised 10/14/2013)

### **Sec 3.18 PRINCIPAL USE**

No lot or parcel of land shall contain more than (1) main building or one (1) principal use. Exceptions shall be permitted if all land and buildings are considered a principal use collectively if each of the following conditions are met.

- A. The land and buildings are planned and designed as a single integral development.
- B. All uses, if not the same, shall be interdependent in terms of functions and/or processes being conducted on the site.
- C. All uses shall be related and collectively form a single use.

### **Sec 3.19 STREET ACCESS**

Any lot of record created after the effective date of this Ordinance shall have frontage as required by this Ordinance upon a public street right-of-way or approved private street, except as may be otherwise provided for otherwise in a Planned Unit Development (Chap. XXII) or created in accordance with all the applicable provisions of this Ordinance.(revised 11-13-2000)

### **Sec 3.20 DENSITY COMPUTATION**

Should density computation be required for a land development project, for the purpose of determining the total number of dwelling units that may be constructed, the net residential site shall be used.

- A. In arriving at a net residential site, the gross site shall be reduced by the following: (1) Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easement shall not be included.
  - 1. Lands within floodplains shall not be included.
  - 2. A fixed percentage of the gross site area for street right-of-way purposes shall be subtracted according to the following schedule regardless of the amount of land actually required for street right-of-way:
    - a. Twenty-five (25) percent of all site area that is devoted to detached single family units.
    - b. Twenty (20) percent of the site area that is devoted to attached single family, two family, or multiple family units.

### **Sec 3.21 SATELLITE DISH ANTENNAS**

No satellite dish antenna shall be constructed, installed, maintained, or operated in Georgetown Township except in conformance with these regulations. It is the intent of these regulations to protect the community from a potentially unsightly proliferation of such antennas in open view; to protect public safety by regulating the placement of such dishes in front yards and thereby avoiding visual obstructions to traffic; and ensuring conformance to applicable building codes to avoid injury or destruction of property.

- A. No satellite dish with a diameter of 36 inches or greater shall be placed in any front yard.



- B. No satellite dish shall exceed the maximum height limitations for the district in which it is located.
- C. All satellite dishes shall conform to the required setbacks for accessory buildings and structures for the applicable zoning district in which it is located.
- D. No portion of the dish antenna shall contain any name, message, symbol, or other graphic representation visible from adjoining properties, except as required by the manufacturer of the dish antenna or federal regulations for safety purposes.
- E. A satellite dish shall only be permitted in connection with, incidental to, and on the same lot as a principal use or main building.
- F. A satellite dish antenna with a diameter of 36 inches or greater shall not be erected, constructed, or installed until a building permit therefore has been obtained from the Building Inspector to ensure that the dish is properly anchored and secured against high winds. (Revised November 1997)

### **Sec 3.22 INSTALLATION AND MAINTENANCE OF LANDSCAPING**

- A. Owners of single family residential homes and any other use not requiring site plan review by an approving authority as designed in Chapter 19 shall install a lawn or other type of ground cover for all land areas not covered by impervious surfaces within six (6) months after a Zoning Compliance Certificate is issued. Owners of all uses requiring site plan review shall install lawns and other landscaping as designated on the final site plan approved by the approving authority within six (6) months after a Zoning Compliance Certificate is issued. In all districts all such lawns and landscaping shall be maintained. (revised 7-13-1999) No landscape materials other than lawn and street trees approved by the Ottawa County Road Commission shall be planted within any public road right-of-way. (revised 4/27/15)
- B. Any shrubs, bushes or other growing plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner. (revised 12-8-98)

### **Sec 3.23 EXTERIOR LIGHTING IN RESIDENTIAL DISTRICTS**

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

### **Sec 3.24 HOME OCCUPATION**

An occupation conducted in a dwelling unit, provided that:

- A. No person other than (1) resident occupant and one (1) employee shall be engaged in such operation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the main building.
- D. The home occupation shall be operated in its entirety within the principal dwelling.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of



such home occupation shall be met off the street and other than in a required front yard.

- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises, if the occupation is conducted in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family residence. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- G. Such uses as clinics, hospitals, nurseries, day care centers, tea rooms, veterinarian's office, permanent basement or garage sales, animal hospitals, and kennels shall not be considered as home occupations.

### **Sec 3.25 TEMPORARY USES OR STRUCTURES REQUIRING ZONING ADMINISTRATOR AUTHORIZATION**

#### A. Temporary Offices/Occupation of Recreational Vehicles.

1. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment in any district, and/or for the occupation of recreational vehicles at a construction site in the AG district, (revised 1-28-02) which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for one (1) additional successive period of six (6) months or less at the same location if such building or yard or occupation of recreational vehicles is still incidental and necessary to construction at the site where located.
2. Upon application, the zoning Administrator may issue a permit for a temporary sales office or model home which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six (6) calendar months and may be renewed by the Zoning Administrator for two (2) additional successive periods of six (6) months or less each at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

#### B. Seasonal Uses.

1. The Zoning Administrator, upon receiving an application, may issue a permit for the temporary sale of merchandise in any district, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, farm produce at roadside stands, and similar activities.
2. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use.
3. Each permit shall be valid for a period of not more than two (2) calendar months and may be renewed by the Zoning Administrator for up to two (2) additional successive periods of two (2) months each, provided the season or event to which the use relates is continued.

#### C. Mobile Food Vending. (revised 9/9/2019)

1. The Zoning Administrator, upon receiving an application, may issue a permit for the temporary use of mobile food vending in the OS, NS, CS, and I districts, including PUDs with non-residential components, with written permission of the property owner, unless on public property with approval by the Township Superintendent.

2. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use.
  3. Each permit shall be valid for a period of not more than seventy-two (72) consecutive hours in a seven (7) day period. A maximum of 26 permits are allowed per property in a calendar year with a maximum of 3 mobile vending units per permit.
  4. Each mobile food vending unit shall be parked in a paved parking lot, using only spaces that are not required for another use, and shall not be parked in any road right of way. There shall be sufficient paved ingress and egress. The unit shall meet all setback requirements for the principal building/use.
  5. There shall be no outdoor storage. All rubbish and litter stemming from the mobile food vending operation shall be removed from the property after each day that the mobile food vending unit is in operation.
- D. In considering authorization for all temporary uses or structures, the Zoning Administrator shall consider the following standards:
1. that the use or structure does not have an unreasonable detrimental effect upon adjacent properties;
  2. the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
  3. that the use or structure does not impact the nature of the surrounding neighborhood;
  4. that access to the area or structure will not constitute a traffic hazard due to ingress or egress;
  5. that adequate off-street parking is available to accommodate the use; and
  6. that no parking space required for any other use shall be occupied by a temporary use or structure.
  7. if any conditions of the temporary use permit or any requirements of the zoning or general ordinances are violated, the temporary use permit may be rescinded by the Zoning Administrator. (revised 1-28-02)

### **Sec 3.26 PRIVATE STREETS**

Private streets are allowed only in a Planned Unit Development, a condominium project and/or a private street project approved by the Township prior to 11-28-2000. A previously approved lawful nonconforming private street may not be extended. Private streets are not allowed in any site condominium development. (revised 11-13-2000) (revised 3/13/17)

### **Sec 3.27 WIRELESS COMMUNICATIONS TOWERS**

- A. Commercial wireless communications towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot where approved pursuant to the provisions of this ordinance.
- B. A privately owned, non-commercial tower may be erected as an accessory use in any district, provided such tower does not exceed one hundred (100) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

**Sec 3.29 LAND DIVISION ORDINANCE (adopted 12-13-2011)**

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.) and the Township Ordinances Act, Public Act 246 of 1945, as amended, (MCL 41.181, et seq.), being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

**A. Title**

This ordinance shall be known and cited as the Township Land Division Ordinance.

**B. Purpose**

The purpose of this ordinance is to carry out the provisions of the Land Division Act, Public Act 288 of 1967, as amended, (MCL 560.101, et seq.), formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

**C. Definitions**

For purposes of this ordinance, certain terms and words used herein shall have the following meaning:

1. "Applicant" means a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
2. "Divide" or "Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his/her 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 Sections 108 and 109 of the Land Division Act (MCLs 560.108 and 560.109). "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, or the requirements of other applicable local ordinances.
3. "Exempt split" or "exempt division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his/her 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.
4. "Forty acres or the equivalent" means 40 acres, or a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

**D. Prior Approval Requirement for Land Divisions**

Land in the Township shall not be divided or have property line adjustments without the prior review and approval of the Township Zoning Administrator, or designee, in accordance with this ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

1. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.

2. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act.
3. An exempt split as defined in this Ordinance, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997, or resulted from exempt splitting under the Act.

#### E. Application for Land Approval

An applicant shall file all of the following with the Township Zoning Administrator or designee for review and approval of a proposed land division or property line adjustment before making any division either by deed, land contract, lease for more than one year, or for building development:

1. A completed application form with signatures of all property owners involved.
2. Proof of ownership of the land proposed to be divided or property lines adjusted.
3. A parcel map as surveyed and prepared by a licensed professional surveyor drawn to scale including the following:
  - a. an accurate legal description of each proposed and remaining parcels,
  - b. the existing and proposed boundary lines,
  - c. dimensions in feet of all proposed property lines,
  - d. dimensions in feet from all structures to all property lines,
  - e. the area in square feet of each proposed and remaining parcel,
  - f. the width in feet of the proposed and remaining parcels measured at the points as defined in the Georgetown Township Zoning Ordinance,
  - g. the frontage in feet of each proposed and remaining parcel on a public or private street,
  - h. the width to depth ratio in feet of each proposed and remaining parcel measured as defined in the Land Division Act, and
  - i. public utilities easements.
4. Proof that all standards of the Land Division Act and this Ordinance have been met.
5. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
6. A fee as adopted by the Township Board to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

#### F. Procedure for Review of Applications for Land Division Approval

1. The Township shall approve or disapprove the land division or property line adjustment application within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
2. Any person or entity aggrieved by the decision of the Zoning Administrator or designee may, within 30 days of said decision appeal the decision to the Georgetown Township Board or such other body or person designated by the Township Board which shall consider and resolve such appeal by a majority vote of said Board or by the appellate designee at its next regular meeting or session affording sufficient time for a 20 day

written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing.

3. The Zoning Administrator or designee shall maintain an official record of all approved and accomplished land divisions or transfers.
4. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
5. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

#### G. Standards for Approval of Land Divisions. (revised 4/24/17)

A proposed land division or property line adjustment reviewable by the Township shall be approved if the following criteria are met:

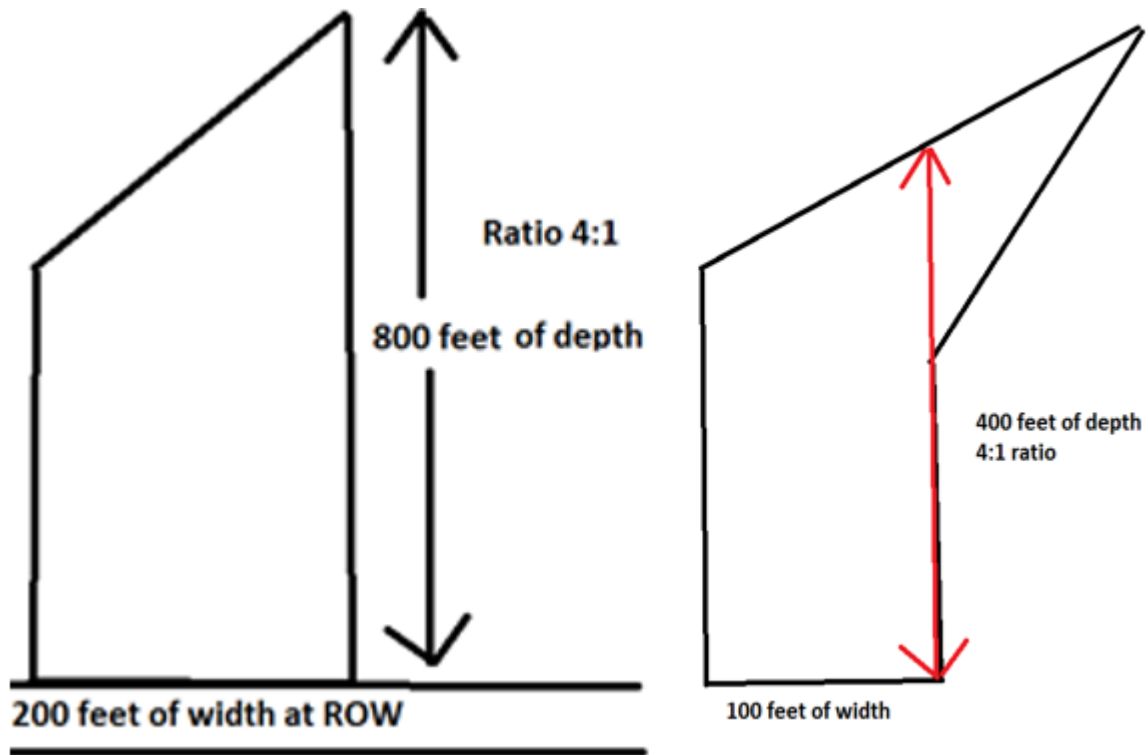
1. All parcels created by the proposed division(s) or adjustment(s) have a minimum width as stipulated in Chapter 24 in the Georgetown Township Zoning Ordinance for the district in which it is located, to be measured as provided for in the applicable zoning ordinance.
2. All such parcels shall contain a minimum area as stipulated in Chapter 24 in the Georgetown Township Zoning Ordinance for the district in which it is located, to be measured as provided for in the applicable zoning ordinance.
3. The ratio of depth to width of any parcel created by the division or adjustment does not exceed a four to one ratio (for all parcels including those parcels larger than 10 acres) exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division or adjustment shall be measured within the boundaries of each parcel from the abutting road right-of-way to a remote boundary line of the parcel as follows: the dimension of a straight line perpendicular to the road right-of-way line, beginning at whichever point on the road right-of-way produces the greatest distance, to the point of an intersecting lot line. (revised 4/24/17)
4. The proposed land division(s) or adjustment(s) comply with all requirements of this Ordinance, the Georgetown Township Zoning Ordinance and the Land Division Act.
5. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.
6. For a nonconforming lot of record created prior to the effective date of the Land Division Act in 1997, a property line adjustment for the addition of property to the nonconforming lot may be approved with a waiver of the above listed standards if the addition of the property renders the lot less nonconforming. (revised 11/25/2013)

#### H. Consequences of Noncompliance with Land Division Approval Requirement

1. Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll or assessment roll until the assessing officer refers the suspected violation or potential non-conformity to the county prosecuting attorney and gives written notice to the person requesting the division, and the person suspected of the violation or potential non-conformity of such referral to the prosecuting attorney. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance. Any division of land in violation of this Ordinance shall further not be eligible for any zoning or building permit for any construction or improvement thereto.
2. In addition any person, firm or corporation who violates any of the provisions of this

Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine established by the court with additional costs that may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law.

3. Pursuant to Section 267 of the Land Division Act (MCL 560.267), an unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.



### **Sec 3.30 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.

(revised 6/22/15)

### **Sec 3.31 SITE CONDOMINIMUMS**

Pursuant to the authority conferred by Section 141 of the Michigan Condominium Act, (being MCL 559.241, Public Act 59, of 1978, as amended), all site condominium projects shall comply with this and all other applicable Township ordinances in order to provide a development that promotes and safeguards the public health, safety and general welfare of the people of this Township.

#### **A. Title.**

Section 3.31 of this Ordinance shall be known and cited as the Georgetown Charter Township Site Condominium Ordinance.

#### **B. Purpose.**

The purpose of Sec. 3.31 of this Ordinance is to provide procedures and standards for review



and approval or disapproval of condominium projects, and to ensure that each project will be consistent and compatible with other developments in this community.

### C. Definitions.

For purposes of Sec. 3.31 of this Ordinance, certain terms and words used herein shall have the following meaning:

1. *Applicant* means a natural person, firm, association, partnership, corporation, company or combination of any of them that holds an ownership interest in land, whether recorded or not.
2. *Building envelope* means the ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any accessory structures including attached garage.
3. *Building site* means the equivalent of a lot which is that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. The building site shall include the building envelope and limited area.
4. *Condominium Act* means Public Act 59 of the Michigan Public Acts of 1978, as amended, or any successor Michigan public act having the same or similar regulatory purpose as amended.
5. *Condominium structure* means the building or structure on a building site (also called a condominium unit).
6. *Site condominium project* (also called a “site condo project”) means a project of not less than two (2) site condominium units which are established and regulated pursuant to the Condominium Act.
7. *Site Condominium* (also called a “site condo”) means a unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
8. *Site condominium subdivision* means a division of land, on the basis of condominium ownership, which is not subject to the provisions of the Michigan Land Division Act, being MCL 560.101 et seq. (Public Act 591 of 1996), as amended.
9. *Words and phrases*, except as otherwise defined by this Ordinance, have the same meanings given to them by the Condominium Act.

### D. Site Plan Review and Approval Procedures.

Site condominium developments shall only be permitted upon approval by the Planning Commission under the site plan review process in Chapter 19 and the review process contained in Section 3.31 of this Ordinance.

An applicant shall file all of the following with the Township Zoning Administrator or designee for review of a proposed site condominium project in accordance with the Township Meeting Procedures Policy:

1. A completed application form with the signatures from all property owners involved.
2. Any fee or fees as established by the Township Board.
3. A narrative describing the overall objective of the proposed site condo project, along with a proposed timetable.
4. A site plan submitted including the following:



- a. All the elements listed in Chapter 19 as Site Plan requirements.
- b. A layout of the individual building sites (lots) with building envelopes. All regulations pertaining to a lot shall apply to the building sites. Required setbacks shall also apply to all site condominium building envelopes.
- c. Where applicable, floor plans and elevations of the units, with attached garages for residential units. All regulations pertaining to buildings and dwellings shall also apply to the structures.
- d. Street layouts showing the relationship of proposed streets to adjacent streets and the relationship of improvements and significant physical features to neighboring properties and public and private utilities. All streets shall be conveyed to the Ottawa County Road Commission as a public street. There shall be no private streets.
- e. Layouts and design of sanitary sewer, storm sewer and water mains. All site condominium projects (and buildings therein) shall be served by both public water and sanitary sewer facilities. Stormwater shall be coordinated with the Ottawa County Water Resources Commissioner.
- f. Construction plans for utilities.

#### **E. Standards.**

Every site condominium development or project shall comply with all of the following:

1. A site condominium unit shall be considered as a separate lot or parcel equivalent to a single lot as defined by this Zoning Ordinance, and shall meet all minimum use, width, area, setbacks and other applicable requirements of the zoning district in which the project is located, to be measured as provided for in this Ordinance.
2. All streets shall be public and shall be developed in compliance with Ottawa County Road Commission standards. All streets shall provide inter-connection to existing streets or provide for future interconnectivity as directed by the Road Commission.
3. Sidewalks and/or non-motorized paths shall be provided in compliance with Township ordinance requirements. The developer shall provide sidewalks along any of the major streets as listed in Chapter 24 footnote (B) prior to the issuance of any building permits within the project.
4. Public water, sanitary sewer, storm sewer and detention/retention systems shall be provided in accordance with Township ordinance requirements and also in accordance with all applicable Ottawa County Water Resources Commission requirements. Engineered drawings for the Township Department of Public Works showing connections to the water supply system and the sewer system shall be submitted to the Township. As-built plans for all water and sewer installations in the development shall be submitted to and become the sole property of the Township. Lot inspection fees, as set by the Township Board, shall be paid for the Township Department of Public Works inspectors to inspect each lot to determine correct connections to utilities. Each unit with a connection to the public water system shall be inspected.
5. A list containing the lowest building openings for each lot shall be filed with the Ottawa County Water Resources Commission and a copy provided to the Township.
6. All residential units shall have an attached garage with a minimum floor area in compliance with Ordinance requirements.
7. Streetlights shall be installed at the expense of the applicant.

8. No building permit shall be issued for structures until all utility and street construction and related rights-of-way and easements have been recorded and accepted by the Township and/or Ottawa County Road Commission.
9. Site plan approval for a site condominium project shall not be effective unless and until the final site condominium project plan has been submitted to and approved in writing by all applicable governmental agencies having jurisdiction over any aspect of the proposed site condominium project.
10. As a condition of granting site plan approval for a site condominium project, the Township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township Clerk.
11. All standards found in Section 19.10 of this Ordinance shall also be met.

#### **F. Master Deed and Restrictive Covenants.**

All provisions of a site condo project approval, including maintenance of common areas and conditions of approval, shall be incorporated by reference in the master deed for the site condo project. The master deed shall be reviewed and shall not be determined to be complete until approved by the Township Attorney at the sole cost of the applicant. After approval by the Township Attorney, the applicant shall furnish the Township with a copy of the recorded master deed and restrictive covenants and all exhibits, as recorded with the Ottawa County Register of Deeds. No zoning compliance approval or building permit for construction within the site condominium project shall be issued until a copy of the complying recorded master deed is submitted to the Township.

#### **G. Changes to an Approved Site Condo Project.**

Any change proposed in connection with an approved site condo project shall be subject to the same review and approval procedures as required for the Township original review and approval.

#### **H. Land Divisions.**

If any land is divided, split, proposed to be divided, or conveyed separately for the purpose of sale, transfer or building construction, into or including a number of lots, parcels of land, or other interests in land, or any combination thereof, and it results in three (3) or more parcels, lots or pieces of land, Section 3.31 of this Ordinance shall apply. If a parcel of land is created, divided or split from or out of another parcel of land, and if either, both or some of such parcels are further divided or split, or if any of such actions is proposed, within seven (7) years after the recording of the first land division or land split, then each parcel shall be subject to Section 3.31 of this Ordinance, if the number of lots, parcels of land created or developed from or out of such parcels exceeds three (3) or more parcels in total during such seven-year time period.

### **[Chapter 4 MAPPED DISTRICTS](#)**

#### **[Sec 4.1 ZONING DISTRICTS](#)**

#### **[Sec 4.2 THE ZONING MAP](#)**

#### **[Sec 4.3 DISTRICTS](#)**

#### **[Sec 4.4 ZONING OF VACATED AREAS](#)**

#### **[Sec 4.5 ZONING OF FILLED LAND](#)**

#### **[Sec 4.6 ZONING DISTRICT CHANGES](#)**

### **[Sec 4.1 ZONING DISTRICTS](#)**

For the purposes of this Ordinance, Georgetown Township is hereby divided into the following Zoning Districts:

FP	Floodplain Overlay Zone
AG	Agricultural
RR	Residential, Rural
LDR	Residential, Low Density
LMR	Residential, Low/Medium Density
MDR	Residential, Medium Density
MHR	Residential, Medium/High Density
HDR	Residential, High Density
MHP	Residential, Mobile Home Park
OS	Commercial, Office Service
NS	Commercial, Neighborhood Service
CS	Commercial, Community Service
HS	Commercial, Highway Service
I	Industrial
PUD	Planned Unit Development

#### **Sec 4.2 THE ZONING MAP**

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

- A. Regardless of the existence of copies of the zoning map which may be made or published, the official Zoning Map shall be located in the office of the Zoning Administrator and shall be the final authority as to the current zoning status in the Township. No amendment to this Ordinance which involves matter portrayed on the official Zoning Map shall become effective until such change and entry has been made on said map.
- B. The Official Zoning Map shall be identified by the signature of the Zoning Administrator, attested to by the Township Clerk.
- C. A record is to be kept by the Zoning Administrator of all changes made or required to be made to the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Georgetown Township which are subject to the provisions of this Ordinance.
- D. The following standards will be considered by the Planning Commission and Township Board in the review of a rezoning request (revised 3/28/16):
  1. Consistency – is the proposed zoning district and all of its allowed uses consistent with the Master Plan.
  2. Compatibility – is the proposed zoning district and all of its allowed uses compatible with the surrounding area.
  3. Capability – is the property capable, including utilities and infrastructure, of being used for all the uses that would be allowed.

### **Sec 4.3 DISTRICTS**

In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Georgetown Township Land Use Plan, the Township is divided into Zoning Districts of such number, boundaries, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules shall apply:

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

### **Sec 4.4 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands.

### **Sec 4.5 ZONING OF FILLED LAND**

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

### **Sec 4.6 ZONING DISTRICT CHANGES**

When District boundaries hereafter become changed, any use made non-conforming by such change may be continued, subject to the provisions of Chapter 27 of this Ordinance.

## **Chapter 6 AG - AGRICULTURE**

### **Sec 6.1 PURPOSE**

### **Sec 6.2 PERMITTED USES**

### **Sec 6.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 6.4 DISTRICT REGULATIONS**

### **Sec 6.5 SIGNS**

### **Sec 6.6 OFF-STREET PARKING**

#### **Sec 6.1 PURPOSE**

This District is intended to preserve, enhance and stabilize areas within the community which are presently being used for food and fiber production or are primarily rural. It is the purpose of the regulations for this district to promote the orderly, harmonious development of the community by preserving predominantly rural lands from inappropriate development and to preserve the essential characteristics and economic value of these areas as agricultural and open lands.

#### **Sec 6.2 PERMITTED USES**

Land and/or buildings in this district may be used for the following purposes by right:

- A. Agriculture, including farms for both general and specialized farming, together with farm dwellings and other installations used and operated as part of the farm; provided that on all parcels five (5) acres or less in size, the keeping of farm animals shall be regulated by the provisions as set forth in the RR district.(revised November 1995)
- B. Detached single family dwellings.
- C. Accessory buildings and uses as defined in Chapter II.
- D. Customary Home Occupations as defined in Chapter II, Section 2.46.
- E. Public parks, playgrounds, playfields and other public uses of an open space recreational character.
- F. Greenhouses and nurseries.
- G. Family day care homes.
- H. Municipal building/use (revised 2-10-03)
  - I. Adult Foster Care Family Home (revised 5-24-04)
  - J. Foster Family Home (revised 5-24-04)
  - K. State Licensed Residential Family Facility (revised 5-24-04)

#### **Sec 6.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Country clubs, golf courses.
- B. Recreational camps of a private non-commercial character.
- C. Kennels and veterinary hospitals.
- D. Raising of fur bearing animals or game birds.
- E. Migratory labor housing associated with agricultural enterprises and constructed in conformance

with applicable State and Federal Regulations.

- F. Airports and landing fields.
- G. Riding stables, breeding stables.
- H. (deleted 2-10-03)
- I. Radio or television broadcast facilities, including towers, studios, and ancillary facilities, but not including outdoor storage areas. (revised 1/23/95)
- J. Hospitals.
- K. Commercial camp grounds.
- L. Commercial soil removal.
- M. Drive-in theaters, race tracks, miniature golf courses, and golf driving ranges.
- N. Group Day Care Homes.
- O. Bed and breakfast establishment.
- P. Public utility or service buildings not requiring outdoor storage of materials.
- Q. Churches.
- R. Cemeteries.
- S. K-12 Schools.
- T. Marinas.
- U. Commercial wireless communication towers. (Revised November 1997)
- V. Processing of agricultural products, not raised or grown on the property, for use finishing, or assembly off-site; provided this shall not include: canneries, slaughterhouses, or tanneries. (Revised November 1997)
- W. Foster Family Group Home (revised 5-24-04)
- X. Adult Foster Care Small Group Home (revised 5-24-04)
- Y. State Licensed Residential Group Facility (revised 5-24-04)
- Z. Community Fair. (revised 4/24/17)

#### **Sec 6.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

#### **Sec 6.5 SIGNS**

As provided in Chapter XXV.

#### **Sec 6.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

### **Chapter 7 RR - RURAL RESIDENTIAL**

#### **Sec 7.1 PURPOSE**

#### **Sec 7.2 PERMITTED USES**

#### **Sec 7.3 USES REQUIRING SPECIAL LAND USE APPROVAL**



[Sec 7.4 DISTRICT REGULATIONS](#)[Sec 7.5 SIGNS](#)[Sec 7.6 OFF-STREET PARKING](#)**Sec 7.1 PURPOSE**

This District is intended for yet open areas which are prime potential for urban development. The regulations herein set forth are designed for the purpose of encouraging and allowing low intensity residential and related uses by right.

**Sec 7.2 PERMITTED USES**

Land and/or buildings in this district may be used for the following purposes by right:

- A. Any permitted use in the LDR District.

**Sec 7.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Any Special Land Use permitted in the AG District.
- B. Any Special Land Use permitted in the LDR District.
- C. Customary Agricultural Operations including general farming, truck farming, fruit orchards, nurseries, greenhouses and usual buildings subject to the following restrictions:
  1. No storage of manure or odor or dust producing materials or use shall be permitted within fifty (50) feet of any adjoining lot line.
  2. No farm buildings shall be located closer than fifty (50) feet to any lot line, with the exception of roadside stands.
  3. Farm animals are permitted as follows:
    - a. raising and keeping of livestock and poultry including horses, cattle, sheep, chickens, and similar animals (but excluding hogs), provided that the minimum area upon which one (1) animal may be kept shall be three (3) acres, and one (1) additional animal may be kept for each additional acre over three (3) acres.
    - b. on parcels of land in excess of five (5) acres, the Planning Commission may waive the limitation on the number of animals, provided it is determined that due to the size of the parcel, natural features, or other similar conditions there will be no negative impact upon the neighboring property owners. (revised 3/28/16)

**Sec 7.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

**Sec 7.5 SIGNS**

As provided in Chapter XXV.

**Sec 7.6 OFF-STREET PARKING**



Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

## **Chapter 8 LDR - LOW DENSITY RESIDENTIAL**

### **Sec 8.1 PURPOSE**

### **Sec 8.2 PERMITTED USES**

### **Sec 8.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 8.4 DISTRICT REGULATIONS**

### **Sec 8.5 SIGNS**

### **Sec 8.6 OFF-STREET PARKING**

#### **Sec 8.1 PURPOSE**

The regulations of the LDR District are intended to provide for a stable and sound family residential environment with its appropriate neighborhood related urban utilities, facilities, and services. Through this District a relatively low density urban residential development will be permitted through the construction and occupancy of one-family dwellings on relatively large urban lots.

#### **Sec 8.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Detached single-family dwellings.
- B. Public parks, playgrounds, playfields and other public uses of an open space recreational character.
- C. Family Day Care Homes.
- D. Accessory buildings and uses as defined in Chapter II.
- E. Customary Home Occupations as defined in Chapter II, Section 2.47.
- F. Adult Foster Care Family Home. (revised 5-24-04)
- G. Foster Family Home. (revised 5-24-04)
- H. State Licensed Residential Family Facility. (revised 5-24-04)

#### **Sec 8.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Churches.
- B. Municipal buildings not requiring outdoor storage of materials or vehicles.
- C. Public utility or service buildings not requiring outdoor storage of materials.
- D. Hospitals, clinics, convalescent homes, and housing for the elderly but not institutions for mentally retarded, epileptic, drug or alcoholic patients or correctional institutions of any type.
- E. Group Day Care Homes.
- F. Private non-commercial recreation.
- G. Golf courses or country clubs.
- H. K-12 schools, provided such schools are not operated as commercial enterprises.

- I. Cemeteries.
- J. The growing and harvesting of crops for resale, provided that this shall exclude the raising of animals and the retail sale of products on the premises, except for roadside stands, and subject to the following restrictions.
  1. No storage of manure or odor or dust producing materials or use shall be permitted within one hundred fifty (150) feet of any adjoining lot line.
  2. No accessory buildings shall be located closer than seventy-five (75) feet of any lot line.
- K. (deleted June 1995)
- L. Commercial soil removal.
- M. Bed and breakfast establishments.
- N. Day care centers. (Revised August 1996)
- O. Commercial wireless communication towers. (Revised November 1997)
- P. Foster Family Group Home (revised 5-24-04)
- Q. Adult Foster Care Small Group Home (revised 5-24-04)
- R. Adult Foster Care Large Group Home (revised 5-24-04)
- S. Adult Foster Care Congregate Facility (revised 5-24-04)
- T. State Licensed Residential Group Facility (revised 5-24-04)

#### **Sec 8.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

#### **Sec 8.5 SIGNS**

As provided in Chapter XXV.

#### **Sec 8.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

#### **[Chapter 8-A LMR - LOW/MEDIUM DENSITY RESIDENTIAL](#)**

##### **[Sec 8.A.1 PURPOSE](#)**

##### **[Sec 8.A.2 PERMITTED USES](#)**

##### **[Sec 8.A.3 USES REQUIRING SPECIAL LAND USE APPROVAL](#)**

##### **[Sec 8.A.4 DISTRICT REGULATIONS](#)**

##### **[Sec 8.A.5 SIGNS](#)**

##### **[Sec 8.A.6 OFF-STREET PARKING](#)**

#### **Sec 8.A.1 PURPOSE**

This District is intended to respond to changing demands for more affordable single family housing in the Township by permitting reduced lot, yard, and dwelling sizes. It is not intended in any way to diminish the quality of residential environment currently enjoyed in the LDR District. This District shall only be established in areas where public water and sanitary sewer are available.

#### **Sec 8.A.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Any Permitted Use in the LDR District.

### **Sec 8.A.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Any special land use permitted in the LDR District.

### **Sec 8.A.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 8.A.5 SIGNS**

As provided in Chapter XXV.

### **Sec 8.A.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

## **Chapter 9 MDR - MEDIUM DENSITY RESIDENTIAL**

### **Sec 9.1 PURPOSE**

### **Sec 9.2 PERMITTED USES**

### **Sec 9.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 9.4 DISTRICT REGULATIONS**

### **Sec 9.5 SIGNS**

### **Sec 9.6 OFF-STREET PARKING**

### **Sec 9.1 PURPOSE**

This District is intended to preserve and achieve the character and living environment as provided in the LDR District with the difference being that a slightly higher density of population is permitted through the construction of dwellings on smaller lots.

### **Sec 9.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Any permitted use in the LDR District.
- B. Two-family dwellings.
- C. Foster Family Group Home (revised 5-24-04)

### **Sec 9.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Churches.

- B. Hospitals, clinics, convalescent homes and housing for the elderly but not institutions for mentally retarded epileptic, drug or alcoholic patients or correctional institutions of any type.
- C. Group Day Care Homes.
- D. Public schools, provided that said schools shall not include colleges or universities.
- E. Private non-profit schools.
- F. Commercial soil removal.
- G. Bed and breakfast establishments.
- H. Day care centers. (Revised August 1996)
  - I. Commercial wireless communication towers. (Revised November 1997)
- J. Adult Foster Care Small Group Home (revised 5-24-04)
- K. Adult Foster Care Large Group Home (revised 5-24-04)
- L. Adult Foster Care Congregate Facility (revised 5-24-04)
- M. State Licensed Residential Group Facility (revised 5-24-04)

#### **Sec 9.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

#### **Sec 9.5 SIGNS**

As provided in Chapter XXV.

#### **Sec 9.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8

### **Chapter 10 MHR - MEDIUM/HIGH DENSITY RESIDENTIAL**

#### **Sec 10.1 PURPOSE**

#### **Sec 10.2 PERMITTED USES**

#### **Sec 10.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

#### **Sec 10.4 DISTRICT REGULATIONS**

#### **Sec 10.5 SIGNS**

#### **Sec 10.6 OFF-STREET PARKING**

#### **Sec 10.1 PURPOSE**

This District is intended to provide a sound and stable environment for various types of residential buildings and group housing developments. It is further intended to accommodate a mixture of housing types, and to serve the limited needs for townhouses, row houses or other attached single family housing facilities similar in character and density, but generally somewhat more dense than detached single family developments. The District may act as a buffer between detached single family developments and certain non-residential or multiple family developments.

#### **Sec 10.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Any Permitted Use in the MDR District.

- B. Attached single-family dwellings (town houses or row houses).

### **Sec 10.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met:

- A. Any special land use permitted in the MDR District.
- B. Bed and breakfast establishment.

### **Sec 10.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 10.5 SIGNS**

As provided in Chapter XXV.

### **Sec 10.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

## **Chapter 11 HDR - HIGH DENSITY RESIDENTIAL**

### **Sec 11.1 PURPOSE**

### **Sec 11.2 PERMITTED USES**

### **Sec 11.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 11.4 DISTRICT REGULATIONS**

### **Sec 11.5 SIGNS**

### **Sec 11.6 OFF-STREET PARKING**

### **Sec 11.1 PURPOSE**

This District is intended primarily for multiple family residential uses together with certain institutional or other compatible uses under specified conditions. There is no intent to promote by these regulations, a residential district of lower quality or livability than any other residential district within the Township. It is the express purpose of these regulations to provide sites for multiple family dwelling structures of a low rise, high density character where adequate public services and facilities are available to accommodate higher population concentrations.

### **Sec 11.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Two family dwellings.
- B. Townhouses or rowhouses (single family attached dwellings).
- C. Multiple family dwellings.
- D. Accessory buildings and uses as defined in Chapter II.
- E. Customary home occupations as defined in Chapter II, Section 2.47.
- F. Family Day Care Homes.

- G. Foster Family Group Home. (revised 5-24-04)
- H. Adult Foster Care Family Home. (revised 5-24-04)
- I. Foster Family Home (revised 5-24-04)
- J. State Licensed Residential Family Facility (5-24-04)

### **Sec 11.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Any special land use permitted in the MDR District.
- B. Housing for Fraternities, Sororities, and Student Dormitories (revised 3/25/19).

### **Sec 11.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 11.5 SIGNS**

As provided in Chapter XXV.

### **Sec 11.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

## **Chapter 12 MHP - MOBILE HOME PARK**

### **Sec 12.1 PURPOSE**

### **Sec 12.2 PERMITTED USES**

### **Sec 12.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 12.4 DISTRICT REGULATIONS**

### **Sec 12.5 SIGNS**

### **Sec 12.6 OFF-STREET PARKING**

### **Sec 12.1 PURPOSE**

This District is intended to provide suitable areas for mobile home residential developments. Public sewer and water facilities shall be provided for each mobile home park. The Township Board, however, may permit the use of a lagoon or mechanical treatment system meeting all State and County regulations if public sewer facilities are not available. Connection shall be made to public sewer and water within one (1) year after same shall become available within five hundred (500) feet of the premises. This type of development is to be located near essential community services and on major thoroughfares.

### **Sec 12.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Mobile homes located in a licensed Mobile Home Park.
- B. Mobile Home Parks, subject to all standards and regulations as cited in Chapter XXI.
- C. Public parks, playgrounds, playfields and other public uses of an open space recreational



character.

- D. Accessory buildings and uses as defined in Chapter II.
- E. Customary home occupations as defined in Chapter II, Section 2.47.
- F. Family Day Care Homes.
- G. Adult Foster Care Family Home. (revised 5-24-04)
- H. Foster Family Home. (revised 5-24-04)
- I. Foster Family Group Home. (revised 5-24-04)
- J. State Licensed Residential Family Facility. (revised 5-24-04)

### **Sec 12.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Churches.
- B. Group Day Care Homes.
- C. Golf courses or country clubs.
- D. Public schools, provided that said schools shall not include colleges and universities.
- E. Commercial soil removal.
- F. Private non-commercial recreation.
- G. Commercial wireless communication towers. (Revised November 1997)
- H. Adult Foster Care Small Group Home. (revised 5-24-04)
- I. Adult Foster Care Large Group Home. (revised 5-24-04)
- J. Adult Foster Care Congregate Facility (revised 5-24-04)
- K. State Licensed Residential Group Facility. (revised 5-24-04)

### **Sec 12.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 12.5 SIGNS**

As provided in Chapter XXV.

### **Sec 12.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8

## **Chapter 13 OS - OFFICE-SERVICE COMMERCIAL**

### **Sec 13.1 PURPOSE**

### **Sec 13.2 PERMITTED USES**

### **Sec 13.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 13.4 DISTRICT REGULATIONS**

### **Sec 13.5 SIGNS**

[Sec 13.6 OFF-STREET PARKING](#)[Sec 13.7 OFF-STREET LOADING](#)**Sec 13.1 PURPOSE**

This District is designed to accommodate office uses together with office sales uses and certain personal services. It is the purpose of this district to accommodate permitted uses typically in proximity to major shopping facilities and/or in compatible relationship with the major arterial street system and surrounding land uses. The nature of modern office use development provides greater compatibility for integration into a community structure. Therefore, this District has been established for the purpose of encouraging office and related development, but excluding general commercial activity.

**Sec 13.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and office equipment and supplies sales.
- B. Medical offices including clinics.
- C. Banks, credit unions, savings and loan institutions not including drive-through facilities.
- D. Personal service establishments which perform personal services on the premises, including barber and beauty shops, interior decorating shops, photographic studios, laundromats or similar uses. (revised 7/25/95)
- E. Hospitals, provided, at least one (1) property line abuts a major or minor arterial street; minimum main and accessory building setback shall be one hundred (100) feet; and ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet or more in height. Access to and from the ambulance and delivery area shall be directly from a major or minor arterial street. (revised 3/28/16)
- F. Commercial schools including art, business, music, dance, professional, and trade.
- G. Municipal buildings, public utility buildings, service installations, exchanges, and public utility offices. (revised 3/28/16)
- H. Churches. (revised 3/28/16)
  - I. Accessory buildings and uses as defined in Chapter II.
- J. Day care centers. (revised 6/11/18)

**Sec 13.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Drive-through establishments including banks, dry cleaning pick-up stations and similar personal services, but not including drive-through restaurants and vehicle service stations. (revised 11/25/18)
- B. Restaurants or other establishments serving food and/or beverages but not including drive-throughs. This includes restaurants having a distillery, brewery or winery on the same site. (revised 11/25/18)
- C. Mortuaries and funeral homes.

- D. Commercial soil removal.
- E. Commercial radio and television and wireless communication towers. (Revised 11/1997)
- F. Deleted 6/11/18.

### **Sec 13.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 13.5 SIGNS**

As provided in Chapter XXV.

### **Sec 13.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

### **Sec 13.7 OFF-STREET LOADING**

As required in Chapter XXVI, Section 26.10.

## **Chapter 14 NS - NEIGHBORHOOD SERVICE COMMERCIAL**

### **Sec 14.1 PURPOSE**

### **Sec 14.2 PERMITTED USES**

### **Sec 14.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 14.4 DISTRICT REGULATIONS**

### **Sec 14.5 SIGNS**

### **Sec 14.6 OFF-STREET PARKING**

### **Sec 14.7 OFF-STREET LOADING**

### **Sec 14.1 PURPOSE**

This District is intended to permit local retail business and service uses which are desirable to serve the residential areas of the Township. In order to promote good business development so far as is possible at an appropriate scale to adjoining residential areas, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of this District is also to encourage the concentration of business uses, to the mutual advantage of both the consumers and merchants, consistent with the intent of the Township Land Use Plan, and thereby avoid the encouragement of marginal business throughout the community.

### **Sec 14.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Any permitted use in the OS District.
- B. Any Retail or Wholesale Business whose principal activity is the sale of merchandise within an enclosed building.
- C. Assembly buildings including dance pavilions, auditoriums, churches, and private clubs.
- D. Public or private business schools or colleges.
- E. Health and physical fitness salons.
- F. Restaurants, clubs and other drinking establishments which provide food and drink for

consumption on the premises, excluding drive-through restaurants. (revised 6/25/18)

G. Drive-through businesses including banks, dry cleaning pick-up stations and other similar uses.

H. Mortuaries and funeral homes provided the minimum lot area shall be one acre with a minimum width of one hundred and fifty (150) feet and the site shall front upon an arterial or collector street.

(section revised 3/28/16)

### **Sec 14.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

A. Vehicle service stations.

B. Deleted 6/11/18.

C. Commercial soil removal.

D. Vehicle Wash Establishment

E. Commercial radio and television and wireless communication towers.

F. Adult Foster Care Congregate Facility.

G. Veterinary hospitals, clinics, and kennels.

H. Drive-through restaurants.

I. Restaurants having a distillery, brewery or winery on the same site. (revised 6/25/18)

(section revised 3/28/16)

### **Sec 14.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 14.5 SIGNS**

As provided in Chapter XXV.

### **Sec 14.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

### **Sec 14.7 OFF-STREET LOADING**

As required in Chapter XXVI, Section 26.10.

## **Chapter 15 CS - COMMUNITY SERVICE COMMERCIAL**

### **Sec 15.1 PURPOSE**

### **Sec 15.2 PERMITTED USES**

### **Sec 15.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 15.4 DISTRICT REGULATIONS**

### **Sec 15.5 SIGNS**

### **Sec 15.6 OFF-STREET PARKING**

## [Sec 15.7 OFF-STREET LOADING](#)

### **Sec 15.1 PURPOSE**

This District is intended to provide for the construction or continued use of land for general community-wide commercial and service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the overall community. This District is meant to discourage strip or linear commercial development.

### **Sec 15.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Any permitted use in the NS District.
- B. Service establishments including printing, publishing, photo reproduction, blue-printing, and related trades or arts.
- C. Vehicle service stations and wash establishments.
- D. Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, billiard parlors or similar uses.
- E. Building supply and equipment establishments.
- F. Commercial Enterprises producing merchandise on the premises to be sold at retail and/or wholesale with no outdoor activities or storage.
- G. Warehouses selling wholesale or retail on the premises, PROVIDED, there is no outside storage or stockpiling and the property does not lie within one hundred (100) feet of any Residential District.
- H. Drive-through restaurant.

(section updated 3/28/16)

### **Sec 15.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Open air businesses.
- B. Veterinary/animal hospitals, clinics, and kennels.
- C. Amusement Parks.
- D. Commercial soil removal.
- E. Deleted 6/11/18.
- F. Commercial radio and television and wireless communication towers. (Revised November 1997)
- G. Vehicle repair establishments when all activities are conducted within a wholly enclosed building.
- H. Adult Foster Care Congregate Facility.
- I. Greenhouses and plant nurseries selling retail. (added from 16.3 with SUP)
- J. Par 3 golf course, miniature golf, driving ranges and similar outdoor recreation uses.
- K. Restaurants having a distillery, brewery or winery on the same site. (revised 6/25/18)

(section updated 3/28/16)

### **Sec 15.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 15.5 SIGNS**

As provided in Chapter XXV.

### **Sec 15.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

### **Sec 15.7 OFF-STREET LOADING**

As required in Chapter XXVI, Section 26.10.

## **Chapter 16 HS - HIGHWAY SERVICE COMMERCIAL**

### **Sec 16.1 PURPOSE**

### **Sec 16.2 PERMITTED USES**

### **Sec 16.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 16.4 DISTRICT REGULATIONS**

### **Sec 16.5 SIGNS**

### **Sec 16.6 OFF-STREET PARKING**

### **Sec 16.7 OFF-STREET LOADING**

### **Sec 16.1 PURPOSE**

This District is intended to provide an appropriate location for commercial and business enterprises which primarily serve the motoring public. These uses are thus encouraged to locate near major highways and interchange areas where their heavy traffic and other characteristics will not prove detrimental or incompatible.

### **Sec 16.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- A. Any permitted use in the CS District.
- B. Hotels and motels.
- C. Veterinary/animal hospitals, clinics, and kennels (kennels subject to the standards in Chapter 20). (revised 10-25-2021)

(section revised 3/28/16)

### **Sec 16.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Vehicle repair establishments when all activities are conducted within a wholly enclosed building.



- B. Drive-in theaters.
- C. Greenhouses and plant nurseries selling retail.
- D. Par 3 golf course, miniature golf, driving ranges and similar outdoor recreation uses.
- E. Open air businesses.
- F. Amusement parks.
- G. Commercial soil removal.
- H. Mini-storage garages.
- I. Sexually oriented businesses
- J. Commercial radio and television and wireless communication towers.
- K. Deleted 6/11/18.
- L. Restaurants having a distillery, brewery or winery on the same site. (revised 6/25/18)

(section revised 3/28/16)

### **Sec 16.4 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 16.5 SIGNS**

As provided in Chapter XXV.

### **Sec 16.6 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

### **Sec 16.7 OFF-STREET LOADING**

As required in Chapter XXVI, Section 26.10.

## **Chapter 17 I - INDUSTRIAL**

### **Sec 17.1 PURPOSE**

### **Sec 17.2 PERMITTED USES**

### **Sec 17.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

### **Sec 17.4 INDUSTRIAL PERFORMANCE STANDARDS**

### **Sec 17.5 DISTRICT REGULATIONS**

### **Sec 17.6 SIGNS**

### **Sec 17.7 OFF-STREET PARKING**

### **Sec 17.8 OFF-STREET LOADING**

### **Sec 17.1 PURPOSE**

This District permits most primary industrial uses. By providing a separate area for such uses, these essential facilities are kept from encroaching in areas or Districts where they would be incompatible.

### **Sec 17.2 PERMITTED USES**

Land and/or buildings in this District may be used for the following purposes by right:

- A. Compounding, processing, packaging, treating and assembling from previously prepared materials in the production of:
1. Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage and kindred foods.
  2. Textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread and other textile goods.
  3. Apparel and other finished products made from fabrics, leather goods, fur, canvas, and similar materials.
  4. Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps or outdoor storage.
  5. Furniture and fixtures.
  6. Paperboard containers, building paper, building board, and bookbinding.
  7. Printing and publishing.
  8. Chemical products such as plastics, perfumes, synthetic fibers.
  9. Engineering, measuring, optic, medical, lenses, photographics, and similar instruments.
  10. Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lampshades, and similar products.
- B. Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and furnishings, and lumber and building products, not including outdoor storage.
- C. Warehouses, cartage businesses.
- D. Laboratories including experimental, film and testing.
- E. Trade or industrial schools and veterinary/animal hospitals or clinics or kennels (kennels subject to the standards in Chapter 20). (revised 10-25-2021)
- F. Motor freight terminals and distribution centers including garaging and maintenance of equipment. Freight forwarding, packing, and crating services.
- G. Central dry-cleaning plant.
- H. Municipal buildings, public service buildings.
- I. Electricity regulating substation, and pressure control station for gas, water and sewage.
- J. Office buildings for any of the following: executive, administrative, professional, accounting, clerical or stenographic, and drafting.
- K. Accessory buildings and uses customarily incidental of the above permitted uses as defined in Chapter II.
- L. Private non-commercial recreation.
- M. Vehicle repair establishments.
- N. Restaurants or other eating or drinking establishments which provide food and drink on the premises, including drive-through establishments. (revised 6/25/18)
- O. Contractor's yards, building materials storage
- P. Tool and die, metal working and stone, clay, glass, concrete, brick, pottery, abrasives, tile and

related products.

- Q. Retail sales fronting on a major street with no outdoor sales or display.
- R. Contractor/showroom (where, in general, the contractor installs the product)
- S. Health and physical fitness salons, indoor sports, gymnastics and dance studios.
- T. Mini-storage garages.
- U. Commercial enterprises producing merchandise on the premises to be sold at retail and/or wholesale

(section revised 3/28/16)

### **Sec 17.3 USES REQUIRING SPECIAL LAND USE APPROVAL**

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

- A. Waste treatment facilities.
- B. Water supply and treatment facilities.
- C. Waste disposal facilities, including incinerators and sanitary landfills.
- D. Airports and Landing fields.
- E. Commercial soil removal.
- F. Heating and electric power generating plants.
- G. Junk yards and salvage yards.
- H. Commercial radio and television and wireless communication towers. (Revised November 1997).
- I. Community Fair. (revised 4/24/17)
- J. Restaurants having a distillery, brewery or winery on the same site. (revised 6/25/18)

(section revised 3/28/16)

### **Sec 17.4 INDUSTRIAL PERFORMANCE STANDARDS**

All uses in the I District shall conform to the standards as specified in Chapter XXIII, where applicable.

### **Sec 17.5 DISTRICT REGULATIONS**

As required in Chapter XXIV.

### **Sec 17.6 SIGNS**

As provided in Chapter XXV.

### **Sec 17.7 OFF-STREET PARKING**

Requirements for an allowed use shall be determined from the "Table of Off-Street Parking Requirements" in Chapter XXVI, Section 26.8.

### **Sec 17.8 OFF-STREET LOADING**

As required in Chapter XXVI, Section 26.10.

## **Chapter 19 SITE PLAN REVIEW**

### **Sec 19.1 PURPOSE**

### **Sec 19.2 REGULATION**

### **Sec 19.3 EXEMPTIONS**

### **Sec 19.4 SITE PLAN REQUIREMENTS**

### **Sec 19.5 SUBMITTAL AND APPROVAL**

### **Sec 19.6 PLAT REQUIREMENTS**

### **Sec 19.7 ADMINISTRATIVE FEES**

### **Sec 19.8 CHANGES IN THE APPROVED SITE PLAN**

### **Sec 19.9 APPEAL**

### **Sec 19.10 REVIEW STANDARDS**

#### **Sec 19.1 PURPOSE**

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

#### **Sec 19.2 REGULATION**

- A. In accordance with the provisions of this Chapter, the Planning Commission, designated as the approving authority for review and approval of site plans as listed below, shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:
1. Special Land Uses in all zoning districts. In addition, the requirements of Chapter 20 and the applicable standards of Sec. 20.4 shall be met.
  2. Permitted Uses in the following districts, except as noted in Section 19.3:
    - a. MHP Residential
    - b. PUD Planned Unit Development
  3. Site condominiums in any district.
  4. Any site plan with the Zoning Administrator as the approving authority when the applicant requests review by the Planning Commission.
- B. In accordance with the provisions of this Chapter, the Zoning Administrator or designee, designated as the approving authority for review and approval of site plans as listed below, shall be furnished a Site Plan of the proposed development prior to the creation of a use or the erection of a building in the Districts and conditions cited below:
1. Permitted Uses in the following districts, except as noted in Section 19.3:
    - a. MHR Residential
    - b. HDR Residential
    - c. OS Commercial
    - d. NS Commercial

- e. CS Commercial
- f. HS Commercial
- g. I Industrial

2. All site plan submission requirements in the Zoning Ordinance, other than those listed in this section, which do not stipulate an approving authority.

### **Sec 19.3 EXEMPTIONS**

A site plan shall not be required for a single or two-family dwelling when permitted by right on a lot on which there exists no other building or use, except as may be provided in Section 19.2. Home occupations and accessory buildings and uses in Residential Districts shall also be exempt.

### **Sec 19.4 SITE PLAN REQUIREMENTS**

Each Site Plan submitted shall contain the following information, unless specifically waived by the approving authority.

- A. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property under three (3) acres and at least 1"=100' for those three (3) acres or more.
- B. The name and firm address of the professional individual responsible for the preparation of the site plan.
- C. The name and address of the property owner or petitioner.
- D. A locational sketch.
- E. Legal description of the subject property.
- F. The size (in acres) of the subject property.
- G. Property lines and required setbacks shown and dimensioned.
- H. The location of all existing structures, driveways, and parking areas within 100' of the subject property's boundary.
- I. The location and dimensions of all existing and proposed structures on the subject property.
- J. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, , signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas, .
- K. The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements.
- L. The existing zoning and use of all properties abutting the subject property.
- M. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
- N. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- O. The location and size of all surface water drainage facilities.
- P. Existing and proposed topographic contours at a maximum of five (5) foot intervals.

- Q. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.
- R. Summary schedules and views should be affixed as applicable in residential developments, which give the following data:
  - 1. The net residential site as defined in Section 3.20 expressed in acres, including breakdowns for any sub-areas or staging areas.
  - 2. The number of dwelling units proposed (by type), including typical floor plans for each type of dwelling unit.
  - 3. The number and location (by code if necessary) of efficiency and one or more bedrooms units.
  - 4. Typical elevation views of the front and side of each type of building.

### **Sec 19.5 SUBMITTAL AND APPROVAL**

- A. The site plan, completed application form, and application fee shall be submitted to the Zoning Administrator, by the petitioner or his designated agent, in sufficient copies as established by policy to be reviewed and acted upon by the approving authority as designated in this Chapter and at such time as established by policy. The petitioner shall attend a pre-application meeting with the zoning administrator prior to submission of the application in accordance with the established Township policy.
- B. The approving authority shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with this Chapter and the purpose of this Ordinance.
- C. Any conditions or modifications desired by the approving authority shall be recorded in the minutes of the appropriate Planning Commission meeting, if the Planning Commission is the approving authority, and shown on the approved site plan.
- D. Three (3) copies of the final approved site plan shall be signed and dated by the approving authority. When a variance is also involved, these copies shall also bear a dated signature of the Chairman of the Board of Appeals. One of these approved copies shall be kept on file by the Township Clerk, one shall be kept on file by the Zoning Administrator, and the other shall be returned to the petitioner or his designated representative.
- E. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted below.
  - 1. The approving authority may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - 3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.

### **Sec 19.6 PLAT REQUIREMENTS**

Plats shall comply with all requirements of the Township general ordinances, zoning ordinances and Act 288, Public Acts of 1967, as amended, the Subdivision Control Act. (revised 3/28/16)



## **Sec 19.7 ADMINISTRATIVE FEES**

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

## **Sec 19.8 CHANGES IN THE APPROVED SITE PLAN**

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

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

## **Sec 19.9 APPEAL**

If any person shall be aggrieved by the action of the approving authority, appeal in writing to the Township Board of Appeals may be taken within five (5) days after the date of such action. The Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After such hearing, the Board of Appeals shall affirm or reverse the action of the approving authority, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

## **Sec 19.10 REVIEW STANDARDS**

The following standards shall be utilized by the approving authority in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans

as well as for the approving authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- A. **Landscape Preservation.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. The approving authority may require that landscaping, buffers, or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding property.
- B. **Relation of Buildings to Environment.** Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features, or other buildings.
- C. **Drives, Parking, and Circulation.** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties. Shared drives and other means of access management intended to reduce congestion and increase safety along public streets shall be encouraged.
- D. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies, and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas. All storm water drainage systems must conform to the requirements of the Ottawa County Drain Commission.
- E. **Utility Service.** All utility services shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
- F. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings, or other screening methods as shall reasonably be required to ensure their compatibility with the existing or contemplated environment and the surrounding properties.

## **[Chapter 20 SPECIAL LAND USES](#)**

### **[Sec 20.1 SCOPE](#)**

### **[Sec 20.2 APPLICATION PROCEDURES](#)**

### **[Sec 20.3 GENERAL STANDARDS](#)**

### **[Sec 20.4 SITE DESIGN STANDARDS](#)**

## **Sec 20.1 SCOPE**

This section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the

community. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 20.04, as applicable.

- A. Adult uses.
- B. Amusement parks.
- C. Veterinary/Animal hospitals.
- D. Bed and breakfast establishments.
- E. Churches.
- F. Commercial camp grounds.
- G. Deleted 3/28/16.
- H. Commercial soil removal.
  - I. Deleted 3/28/16.
- J. Convalescent homes.
- K. Day care centers.
- L. Drive-through restaurant.
- M. Golf courses, country clubs, shooting clubs.
- N. Group day care homes.
- O. Hospitals.
- P. Hotels and motels.
- Q. Housing for the elderly.
- R. Housing for Fraternities & Sororities.
- S. Incinerators and sanitary fills.
- T. Junk yards.
- U. K-12 Schools.
- V. Kennels.
- W. Marinas.
  - X. Miniature golf courses, golf driving ranges, and similar outdoor recreation uses.
- Y. Mortuaries and funeral homes.
- Z. Open air businesses.
- AA. (deleted October 13, 2014)
- AB. Radio and television towers.
- AC. Riding and breeding stables.
- AD. Vehicle service stations and repair.
- AE. Vehicle wash establishments.
- AF. Deleted 3/28/16.

AG. Processing of Agriculture Products not grown on the farm (revised 10-27-97)

AH. Foster Family Group Home. (revised 5-24-04)

AI. Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, State Licensed Residential Group Facility. (revised 5- 24-04)

AJ. Deleted 3/28/16.

AK. Mini-storage garages. (revised 8/22/2011)

AL. Community Fair. (revised 4/24/17)

## **Sec 20.2 APPLICATION PROCEDURES**

The application for a Special Land Use shall be submitted and processed under the following procedures:

- A. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board and by a complete site plan as specified in Chapter XIX in sufficient copies and at such time prior to the next regular Planning Commission meeting as prescribed by the Planning Commission. The petitioner shall attend a pre-application meeting with the zoning administrator prior to submission of the application in accordance with the established Township policy. (revised 11-28-2005) In the event the allowance of a desired use requires both a rezoning and special land use approval, each request shall be considered independently, with the rezoning being addressed first.
- B. Review procedures will be as follows:
  1. The application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
  2. The Planning Commission shall hold a public hearing on the application, after establishing a date for the hearing, and providing the notice of such hearing in accordance with the statutory requirements of the State of Michigan relative to the approval of special land uses by Townships. The Planning Commission shall then either approve, approve with conditions, or deny the request and state the basis for the decision and any conditions which should be imposed.
  3. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- C. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the special land use, except as noted below.
  1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the special land use approval.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the special land use approval shall be null and void.

- D. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements in Chapter 20, other applicable sections of this Ordinance, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

(revised 6/24/2013)

### **Sec 20.3 GENERAL STANDARDS**

The following general standards, in addition to those specific standards established for certain uses, shall be satisfied before the Planning Commission makes a decision regarding a Special Land Use application.

- A. Each application shall be reviewed for the purpose of determining that the proposed use meets the following standards and, in addition, that each use of the proposed site will:
1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
  2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, or schools.
  3. Not create excessive additional requirements at public cost for public facilities and services.
  4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
- B. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the special land use approval, pursuant to Section 20.2(D).
1. to meet the intent and purpose of the Zoning Ordinance,
  2. to relate to the standards established in the Ordinance for the land use or activity under consideration,
  3. to ensure compliance with those standards,
  4. to protect the general welfare,
  5. to protect individual property rights, and
  6. to ensure that the intent and objectives of this Ordinance will be observed.
- C. The general standards and requirements of this section are basic to all special land uses. The specific and detailed requirements set forth in the following section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements where applicable.

(revised 6/27/2013)

## **Sec 20.4 SITE DESIGN STANDARDS**

Those uses specified in Section 20.1 as permitted by "right" or as special land uses shall be subject to the requirements of the District in which the use is located in addition to all applicable conditions, standards and regulations regarding site design and development and other standards and conditions as are cited in the following:

### **A. Sexually Oriented Businesses** (revised June 23, 2003)

#### **1. Purpose and Intent**

The purpose and intent of these provisions is to regulate sexually oriented businesses and related activities to promote the health, safety, and welfare of patrons and employees of such businesses, and to promote the health, safety, and welfare of the citizens of Georgetown Charter Township. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a surrounding residential neighborhood. These provisions are not intended, nor shall they have the effect of, imposing a limitation or restriction on the content of any communicative materials including, but not limited to, sexually oriented materials that are protected by the First Amendment to the United States Constitution or by Article I, Section 5 of the Michigan Constitution of 1963. Additionally, it is not the intent of the provisions of this Ordinance, nor shall it have the effect of, restricting or denying access by adults to sexually oriented materials that are protected by said federal and state constitutions. Further, it is not the intent of these provisions, nor shall they have the effect of, denying access by the distributors and exhibitors of sexually oriented entertainment to their target market. These regulations shall not be interpreted as intending to legitimize any activities which are prohibited by federal or state law, or by any other Ordinance of Georgetown Charter Township.

#### **2. Definitions**

The following words and terms, as used in this Ordinance, shall have the meaning indicated in this Section.

a. Adult Bookstore, Adult Novelty Store, or Adult Video Store - A commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any one or more of the following:

- (1) Books, magazines, periodicals, or other printed and/or electronic or digital matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or,
- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraphs (1) or (2) above, and still be categorized as an Adult Bookstore, Novelty Store, or Video Store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if it comprises forty (40) percent or more of the establishment's gross revenues, or if such materials occupy forty (40)



percent or more of the floor area of visible inventory within the establishment.

- b. Adult Cabaret - A nightclub, bar, restaurant, lounge, or similar commercial establishment that regularly features:
  - (1) Persons who appear in a state of nudity;
  - (2) Live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas; or,
  - (3) Films, motion pictures, video cassettes, slides, electronic, digital, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  
- c. Adult Motion Picture Theater - A commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
  
- d. Sexually Oriented Business - An adult bookstore, video store, or novelty store, adult cabaret, adult motion picture theater, or a commercial enterprise that regularly features the sale, rental, or exhibition for any form of consideration, of books, films, videos, DVDs, magazines, or other visual representation of live performances which are characterized by an emphasis on the exposure or display of specified sexual activities or specified anatomical areas.
  
- e. Specified Anatomical Areas -
  - (1) Less than completely and opaquely covered human genitals, pubic region, buttock or anus; or female breast immediately below the top of the areola; or,
  - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
  
- f. Specified Sexual Activities -
  - (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Acts of human masturbation, sexual intercourse or sodomy; or
  - (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

### 3. Use Requirements

- a. The use is located within a zone district in which sexually oriented businesses are specifically permitted as a Special Land Use.
  
- b. The use is not located within a 1,000 foot radius of any other such use, measured in a straight line from the nearest lot line to the nearest lot line, except that such restrictions may be waived by the Planning Commission, if the following findings are made:
  - (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be

observed.

- (2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
  - (3) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
  - (4) That all applicable state laws and local ordinances will be observed.
  - (5) Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- c. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
  - d. No adult use shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M. and no such use shall be open on Sundays.
  - e. No alcohol shall be served at any adult use.
  - f. No adult use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
  - g. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
  - h. The use shall be located more than five hundred (500) feet from any Residential District boundary, measured to the nearest lot line of the proposed use.

## **B. Amusement parks.**

1. The minimum lot size shall be ten (10) acres.
2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
3. The main and accessory buildings shall not be located nearer than three hundred (300) feet to any adjacent dwelling.
4. Any amusement enterprises located within five hundred (500) feet of any adjacent residential district shall not open earlier than 9:00 a.m. nor close later than 10:00 p.m.

## **C. Animal Hospitals.**

1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
2. All principal use activities shall be conducted within a totally enclosed main building.

**D. Bed and breakfast establishments.**

1. The establishment shall be directly serviced by public water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a paved public road.
3. No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Such uses shall only be established in a detached single family dwelling.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
7. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed seven (7) guest rooms in any case.
8. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be prohibited.
9. Only one sign shall be allowed for identification purposes. Such sign shall be non-illuminated and un-animated, be mounted flat against the wall of the principal building and not exceed four (4) square feet in area.
10. The establishment shall contain the principal residence of the operator.
11. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
12. Breakfast may be served only to the operator's family, employees, and overnight guests.

**E. Churches** (in residential districts only-revised April 1998).

1. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
2. The property location shall be such that at least one (1) property line with a minimum lot width of two hundred (200) feet abuts and has access to a collector, major arterial, or minor arterial street. (revised 2-24-2003)

**F. Commercial campgrounds.** (revised October 14, 2013)

1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) sq. ft.
4. Each lot shall provide dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended

- to serve (except in the case of sites specifically designated only for tent camping).
5. Each site shall contain a minimum of fifteen hundred (1,500) square feet. Each site shall be set back from any right-of-way or property line at least seventy five (75) feet.
  6. Each travel trailer site shall have direct access to dust-free roadway of at least 12 feet in width or the minimum width as required by the State of Michigan for a campground. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
  7. Any open drainageways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commission of Ottawa County.
  8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
  9. The development of the entire lot is subject to all applicable requirements of the Department of Natural Resources.
  10. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

#### **G. Deleted 3/28/16.**

#### **H. Commercial soil removal.**

1. No soil, sand, gravel, or other earth material shall be removed from any land within the township without special land use approval, with the following exceptions:
  - a. When the earth removal is incidental to an operation for which a building permit has been issued by the township;
  - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
  - c. The earth removal involves less than 100 cubic yards;
  - d. The earth removal is for the purpose of constructing a swimming pool;
  - e. A mineral mining license has been approved by the Mineral Mining Board and the operation complies with the terms and provisions of the mining license. (revised 4-27-06)
2. The earth removal will not be in violation of any other section of this ordinance, other Township ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law. (revised 10-25-21)
3. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this sub-section are less than those in applicable State statutes, the State requirements shall prevail.
4. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublaterals support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any residential or commercial district.
5. Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the

- property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
6. No slope shall exceed an angle with the horizontal of forty-five (45) degrees.
  7. No building shall be erected on the premises except as may otherwise be permitted in the zoning ordinance or except as temporary shelter for machinery or for a field office, subject to approval by the Planning Commission.
  8. The Planning commission shall stipulate routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.
  9. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or to the community in general.
  10. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
  11. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical) unless the requirement has been waived by the Township Mineral Mining Board. (revised 6-26-2001) A layer of arable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.
  12. Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.
  13. The Planning Commission may require a performance bond or other guarantee as deemed necessary to ensure that the requirements of this Ordinance are fulfilled, and may revoke the Special Land Use approval at any time if specified conditions are not met.
  14. The Planning Commission may require an environmental impact statement, engineering data, or other such justification supporting the need for and consequences of such extraction if it is believed that the extraction may have an impact on natural topography, drainage, water bodies, floodplains, or other natural features.

#### **I. Deleted 3/29/16.**

#### **J. Convalescent Homes.**

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one property line abuts an arterial or collector street. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
3. The main building or buildings shall be set back from all property lines a minimum of (revised 1-27-03):

- a. 40 feet for single story buildings,
  - b. 60 feet for two story buildings,
  - c. 75 feet for buildings exceeding two stories or twenty-five (25) feet, whichever is less,
4. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking, driveways, required yard setbacks and accessory uses.

**K. Day care centers.** (revised 6/11/18)

1. Any outdoor recreation area shall be fenced and screened from any abutting residential district by a greenbelt, in accordance with the requirements of Section 3.11.
2. In addition to required off-street parking, off-street pick-up and drop-off areas shall also be provided.
3. The facility shall comply with all applicable State licensing requirements.

**L. Drive-through restaurant.**

1. The main and accessory buildings shall be set back a minimum distance equal to the required setback in Chapter 24 and a minimum of sixty (60) feet from any adjacent residential property line. (revised 3/28/16)
2. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
3. Where the site abuts residentially zoned property, a greenbelt shall be provided along such property line, in accordance with Section 3.11.
4. The site shall be so designed as to provide adequate stacking space for drive-through customers without obstructing access to off-street parking spaces, interfering with traffic circulation through the site, or causing vehicles to queue off the site.
5. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**M. Golf courses, country clubs.**

1. Minimum lot size shall be forty (40) acres, unless the use is located within a Residential PUD.
2. The main and accessory buildings shall be set back at least seventy five (75) feet from all property and right-of-way lines.
3. Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

**N. Group Day Care Homes.**

1. An outdoor recreation area shall be provided at a ratio of one hundred fifty (150) square feet for each client served and shall be enclosed with fencing having a minimum height of four (4) feet.
2. Off-street parking shall be provided for family members and employees of the facility.



Client pickup and drop off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.

3. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
4. The facility shall be in compliance with all applicable State licensing requirements.
5. The facility shall not be located closer than one thousand five hundred (1,500) feet to another group day care home, an adult foster care group home, a facility offering substance abuse treatment and rehabilitation services to seven (7) or more persons licensed by the State, a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections.

#### **O. Hospitals.**

1. Minimum lot area shall be ten (10) acres and the minimum width shall be two hundred (200) feet.
2. The lot location shall be such that at least one (1) property line abuts a major or minor arterial street. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from said major thoroughfare.
3. Minimum main and accessory building setback shall be one hundred (100) feet.
4. Ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet or more in height. Access to and from the ambulance and delivery area shall be directly from a major or minor arterial street.
5. No power plant, laundry, or loading area shall be located nearer than three hundred (300) feet to any adjacent residential use.
6. No more than twenty-five (25) percent of the gross site area shall be occupied by buildings, excluding parking structures.

#### **P. Hotels and motels.**

1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets.
2. Where the front yard is used to provide access, the required front yard shall be landscaped and kept free of parking and aisles, except for drive openings.
3. Each unit of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.
4. A minimum lot area of one (1) acre is required together with a minimum lot width of one hundred and fifty (150) feet, and there shall be no less than eight hundred (800) square feet of lot area per guest unit.
5. When adjacent to a Residential District, a greenbelt shall be provided, in accordance with Section 3.11.

#### **Q. Housing for the elderly.**

1. Minimum lot size shall be five (5) acres and the minimum width shall be two hundred (200) feet.

2. Accessory services in common use shall include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
3. Each dwelling unit shall contain at least two hundred and fifty (250) square feet of area, not including kitchen and sanitary facilities.
4. For purposes of calculating allowable density and parking requirements for elderly housing facilities offering various levels of care the following shall apply in the respective zoning districts where permitted (providing other provisions of this ordinance are met). If the number of units of each level of care is not specified on the site plan, calculations shall be based assuming independent living units.

Independent living (defined as low level congregate care)	one (1) unit equals one (1) unit of multi-family
Intermediate level congregate service (one or two common meals, housekeeping, linen and similar services provided)	two and one-half (2½) units equal one (1) unit of multi-family
Convalescent housing units i.e. high level, 24-hour nursing care (parking shall be based on requirements listed in Sec. 26.8)	four (4) units equal one (1) unit of multi-family

#### **R. Housing for Fraternities, Sororities, and Student Dormitories.** (revised 3/25/19)

1. The sorority or fraternity must be recognized by and affiliated with a state accredited college or university and shall be located within one (1) mile of such institution. The student dormitory shall be located within one (1) mile of a state accredited college or university.
2. Minimum lot size shall be 15,000 square feet.
3. Minimum lot size shall be 1,500 square feet per resident.
4. Two (2) parking spaces shall be provided for each sleeping room or one and one-half spaces for each resident, whichever is greater.
5. Only one (1) such structure shall be located on each lot.
6. Each fraternity or sorority house or dormitory shall be limited to one (1) shared kitchen facility.

#### **S. Incinerators and sanitary landfills.**

1. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this sub-section are less than those in applicable state statutes, the state requirements shall prevail.
2. All uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespassing and contain debris.
3. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
4. The Planning Commission shall stipulate routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards,

and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise), upon adjacent properties.

5. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or the community in general.

#### **T. Junk yards.**

1. Minimum lot size shall be five (5) acres.
2. The storage area shall be screened from view around the entire periphery by a sight-obscuring wall or fence not less than seven (7) feet in height. Said wall or fence shall be of sound construction, painted and otherwise finished neatly and inconspicuously.
3. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, residence, park, day care nursery, or school, nor closer than one hundred (100) feet to any Residential or Agricultural District.
4. All buildings shall be set back not less than fifty (50) feet from any property line. Fenced areas shall not be located closer than one hundred fifty (150) feet from any right-of-way line and fifty (50) feet from any other property line. Such required setback areas shall be planted with trees, grass, and shrubs to minimize the appearance of the installation.
5. No storage shall be permitted outside the required fenced area and no materials shall be stacked higher than such fence.
6. All batteries, chemicals, and other toxic or hazardous substances shall be removed from vehicles and other junk materials and stored or disposed of in accordance with applicable State or Federal regulations.

#### **U. K-12 Schools.**

1. Minimum site size for schools shall be 5 acres. (revised 1/10/2022)
2. Minimum lot width of 200 ft. abutting an arterial street; and at least one means of ingress and egress shall be located on such street.
3. Athletic fields shall not be located closer than two hundred (200) ft. from any property line abutting a residential zoning district.
4. A greenbelt shall be provided in accordance with Sec. 3.11 where, in the opinion of the Planning Commission, screening is needed to minimize visual, noise, or other impacts from the proposed development.

#### **V. Kennels. (revised 10-25-2021)**

1. The minimum lot size shall be one (1) acre.
2. The maximum number of animals occupying the facility shall be four animals for the first one acre and an additional animal for each additional 1/3 acre.
3. All animals shall be kept within a completely enclosed building at all times, with the exception that animals may be placed in an outdoor area for limited periods of time, under personal supervision by staff of the facility.
4. Buildings wherein animals are kept, runs, and/or outdoor exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential district. Outdoor runs and/or exercise areas shall not be located in any front (including required and non-

- required), required rear or required side yard setback area and, in any case, shall not be located closer than 25 feet to any property line.
5. All outdoor runs and/or exercise areas shall be enclosed by a six (6) foot high fence or other suitable barrier that is completely opaque and shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area.
  6. The Planning Commission may request any additional information deemed necessary to ensure compliance with all Township ordinances.
  7. The Planning Commission may impose any conditions of approval necessary to ensure compliance with Township ordinances and to mitigate any potential negative impacts related to the use to protect the health, safety, and general welfare of the surrounding area.
  8. Kennels shall comply with all applicable County, State, and Federal regulations.
  9. If public sewer is available, the facility shall be connected to the public sewer.
  10. In all districts where kennels are allowed, except for the AG and RR districts, sidewalks shall be installed adjacent to all public and private streets.

#### **W. Marinas.**

1. All such facilities shall abut or directly connect to the Grand River.
2. Storage of gasoline, fuel oil, or other flammable liquids or gases shall be permitted only if approved by the Environmental Protection Agency, Michigan Department of Natural Resources, and other agencies and laws governing such storage and shall be flood-proofed when located within the floodplain.
3. Required parking areas shall not be used for storage of boats, trailers, or equipment between May 1st and September 30.
4. Access drives shall be located a minimum of one hundred fifty (150) ft. from the centerline of the intersection of any street or driveway.
5. All repair, maintenance, and servicing of boats, trailers, and equipment shall be performed within a completely enclosed building.
6. No building shall be located within fifty (50) ft. of any adjoining side lot line.
7. A landscaped buffer shall be provided in accordance with Section 3.11 where, in the opinion of the Planning Commission, screening is needed to protect the rights of abutting property owners. In addition, all parking and storage areas shall be set back and screened in accordance with Section 26.3(E) of this Ordinance.
8. The marina may contain ancillary commercial activities such as equipment sales, restaurants (which may serve alcoholic beverages but excluding drive-through), and similar uses. (revised July 25, 2011)

#### **X. Miniature golf courses, golf driving ranges, and similar outdoor recreation uses.**

1. All sites shall be located on a major or minor arterial street.
2. All traffic ingress and egress shall be from said thoroughfare. Local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the major thoroughfare.
3. All points of entrance or exit for motor vehicles shall be located no closer than two

hundred (200) feet from the intersection of any two (2) streets or highways.

4. All vehicles shall have clear vertical and horizontal sight distance approaching a public street in accordance with the applicable requirements of the Ottawa County Road Commission.
5. Where such use abuts property within a residential district, a transition strip at least one hundred (100) feet in width shall be provided along such property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within said transition strip.
6. A minimum yard of one hundred (100) feet shall separate all uses, operations, and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.

#### **Y. Mortuaries and funeral homes.**

1. Minimum lot area shall be one acre with a minimum width of one hundred and fifty (150) feet.
2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
3. A caretaker's residence may be provided within the principal building.
4. The proposed site shall front upon an arterial or collector street. All ingress and egress shall be from said thoroughfare.

#### **Z. Open air businesses.**

The use of an open air business is expressly prohibited in all zoning districts except (CS) Community Service Commercial district and (HS) Highway Service Commercial district. In the CS and HS districts, the use is allowed with special land use approval with is contingent upon compliance with the following standards (revised 03-26-07):

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. Except in the Agricultural Districts, the Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
5. The Planning Commission may, to ensure strict compliance with any regulation contained herein and required as a condition of special land use approval, require the permittee to furnish a Surety Bond in accordance with Section 29.4(B) of this Ordinance.
6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
8. All lighting shall be shielded from adjacent residential areas.
9. In the case of a plant materials nursery:

- a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
- b. All loading activities and parking areas shall be provided on the same premises (off-street).
- c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

10. No display area shall be located within ten (10) feet of a road right-of-way line.

**AA. (deleted October 13, 2014)**

**AB. Radio, television, and wireless communication towers {excluding towers which meet the criteria of Sec. 3.27(B)}.**

1. The minimum lot size shall be the same as that of the district in which the tower is located.
2. The tower shall be set back from all lot lines a minimum distance equal to one-half (1/2) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the Zoning District.
3. In Residential Districts, such towers shall not exceed one hundred (100) feet in height, unless located on publicly owned land.
  - a. Existing commercial wireless communication towers established prior to the adoption of the Wireless Communication Tower Ordinance in November 1997, located in residentially zoned districts may be rebuilt to a height not to exceed 195 feet for the sole purpose of accommodating co-location. (revised 11-27-2000)
4. A security fence at least six (6) feet in height shall be constructed around the tower and supports.
5. Where possible, joint use of tower facilities shall be required for multiple users in order to minimize the number of separate towers and individual locations throughout the township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility.
6. Unless located on the same site or tower with another user, no new tower shall be erected within a two (2) mile radius of an existing radio, television, or cellular communications tower.
7. Where the effect of any of the provisions of this ordinance would be to prevent or preclude the operation of amateur radio antennas, the Planning Commission may approve the use if the applicant demonstrates that the requirements would interfere with the reasonable accommodations of amateur radio communications. (Revised 11-97)

**AC. Riding and breeding stables.**

1. No storage of manure or odor or dust producing materials or use shall be permitted within fifty (50) feet of any adjoining lot line.
2. Stables and other buildings (excluding residential structures) shall not be closer to any adjoining lot line than fifty (50) feet.
3. For commercial breeding, rearing, and housing of horses, mules, and similar domestic animals, the minimum lot size shall be ten (10) acres.



**AD. Vehicle service stations and repair.**

1. Minimum lot area shall be 15,000 square feet.
2. Minimum lot width shall be one hundred (100) feet.
3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting residentially zoned property.
4. Ingress and egress drives shall be designed in accordance with the standards of the Ottawa County Road Commission.
5. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of two per arterial street, and one for any other street.
6. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent residential property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
7. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
8. All areas not paved or occupied by buildings or structures shall be landscaped.
9. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
10. When the site adjoins residentially zoned property, a greenbelt or sight-obscuring fence shall be provided in accordance with Section 3.11.
11. In the HS and I Districts, all outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) sq. ft. Outside parking of disabled, wrecked, or partially dismantled vehicles not to exceed a maximum of five (5) such vehicles shall not be permitted for a period exceeding ten (10) days. No such outdoor storage areas or parking of disabled, wrecked, or partially dismantled vehicles shall be permitted in the CS district. (revised 12-29- 1998)
12. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.
13. (deleted 10/27/08).
14. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
15. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
16. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.



**AE. Vehicle wash establishments.**

1. All washing activities must be carried on within a building.
2. Vacuuming activities shall not be conducted in the required front yard.
3. Ingress to and egress from the building shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
4. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street or alley to enter the site.

**AF. Deleted 3/28/16.****AG. Processing of Agriculture Products not grown on the farm (revised 10-27-97)**

1. The minimum parcel size shall be two (2) acres.
2. The minimum width shall be two hundred (200) feet.
3. Hours of operation shall be established by the Planning Commission in order to minimize negative impacts on surrounding properties.
4. No retail sales shall be permitted.
5. All machinery and processing activities shall be conducted entirely within an enclosed building.
6. Outdoor storage of material may be permitted, but shall not be located within any front or side yard, and shall be effectively screened from view on all sides by an opaque fence or evergreen planting. No material shall be stacked higher than the height of the screening, but in no case higher than eight (8) feet.
7. No building housing any part of the operation; no outdoor storage area; and no parking, loading, or maneuvering area shall be located within fifty (50) feet of any property line.
8. All parking and loading areas shall be paved.
9. The Planning Commission specify appropriate routes for truck traffic to and from the site where there is a potential for an adverse impact on nearby residential uses.

**AH. Foster Family Group Home**

1. An outdoor recreation area shall be provided of at least one thousand (1,000) square feet in size and shall be enclosed with fencing having a minimum height of four (4) feet.
2. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
3. The facility shall be in compliance with all applicable State licensing requirements.
4. The facility shall not be located closer than one thousand five hundred (1,500) feet to
5. another group foster care home, a group day care home, an adult foster care home, a facility offering substance abuse treatment and rehabilitation services to seven (7) or more persons licensed by the State, a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections. (revised 5-24-2004)

**AI. Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, State Licensed Residential Group Facility**

In the AG, RR, LDR and LMR districts:

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one property line abuts an arterial or collector street (as listed in Chapter 24 B). The ingress and egress for off-street parking areas shall be directly from said thoroughfare.
3. The main building or buildings shall be set back from all property lines (or distances as determined in Chapter 24 B) a minimum of :
  - a. 40 feet for single story buildings,
  - b. 60 feet for two story buildings,
  - c. 75 feet for buildings exceeding two stories or twenty-five feet, whichever is less (revised 5-24-04)

In the AG, RR, LDR, LMR, MDR, MHR, HDR, NS and CS districts:

- (1) An outdoor recreation area shall be provided of at least one thousand (1,000) square feet in size and shall be enclosed with fencing having a minimum height of four (4) feet.
- (2) The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
- (3) The facility shall be in compliance with all applicable State licensing requirements.
- (4) The facility shall not be located closer than one thousand five hundred (1,500)
- (5) feet to another group foster care home, a group day care home, an adult foster care home, a facility offering substance abuse treatment and rehabilitation services to seven (7) or more persons licensed by the State, a community correction center, resident home, halfway house or other similar facility which houses inmates under the jurisdiction of the Michigan Department of Corrections. (revised 5-24-2004)

**AJ. Deleted 3/28/16.**

**AK. Mini-storage garages.** (revised 8/22/2011)

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. The Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. The lot area used for parking shall be hard-surfaced and all storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
5. Public access to the site shall be located at least one hundred (100) feet from any intersection, measured from the nearest right-of-way line to the nearest edge of said access.

6. Parking shall be provided as specified in Chapter 26 for storage buildings.
7. The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.
8. Where the site abuts residentially zoned property, a 25 foot greenbelt shall be provided along such property line, in accordance with Section 3.11.
9. (Deleted 5/12/2014)
10. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.

**AL. Motor freight terminals and distribution centers including garaging and maintenance of equipment. Freight forwarding, packing and crating services.**

1. Minimum lot width shall be one hundred fifty (150) feet.
2. Minimum lot area shall be three (3) acres.
3. Except for necessary drives and walks, the front yard for a depth of thirty (30) feet shall be landscaped and not used for display, parking, loading, storage or accessory structures.
4. Outdoor storage may be permitted if located in the rear yard or non-required front yard and shall be screened from adjoining properties and streets by a sight- obscuring fence, wall or landscaping approved by the Planning Commission.
5. All parking and storage areas shall be striped and hard surfaced with a permanent, durable and dustless surface and graded and drained so as to dispose of all surface water.
6. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of two per arterial street, and one for any other street.
7. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
8. All areas not paved or occupied by buildings or structures shall be landscaped or have a lawn or other type of live material ground cover.
9. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.

**AM. Community Fair.** (revised 4/24/17)

1. The applicant shall provide to the Township evidence of being a corporation, organization, fair, agency or other person actually and directly engaged in promoting and conducting fairs, agricultural exhibits or shows, and as described in "Act 80" of the Public Acts of 1855, as amended, "Act 11" of the Public Acts of 1929, or comparable legislation.
2. The special land use shall occur for a minimum of five (5) days and a maximum of ten (10) days in one calendar year for the fair use.
3. All trash and debris shall be cleared from the site immediately following the end of the fair for the year. The site shall be kept in compliance with all property maintenance codes at all times.
4. There shall be no outdoor storage on the site except for up to the ten (10) days per calendar year during the time that the fair is operating (unless in compliance with another

- legal and approved use).
5. The minimum lot size shall be ten (10) acres.
  6. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
  7. The hours of operation for the public shall be limited to the hours between 7:00 a.m. and 11:00 p.m. No additional vehicle parking is allowed after 10:30 p.m. and all members of the public shall be required to leave commencing at 11:00 p.m.
  8. The Planning Commission may waive the requirement for pavement and striping on all the parking and drive areas; however, all parking areas shall have a dust-free hard surface, which could include grass. Evidence shall be provided to the Township that any mud or dirt tracked onto the public roadway will be cleared and cleaned at the applicant's expense.
  9. The Planning Commission may waive any setback and buffer requirement or any other ordinance requirement deemed appropriate, though is under no obligation to do so. If it is determined necessary to protect or screen adjacent areas, the Planning Commission may require a six (6) foot high fence, berm or other barrier.
  10. There shall be safe and efficient vehicular and pedestrian movements within, into and off the site. The Planning Commission shall indicate techniques for compliance with this standard. Ottawa County Road Commission approval shall also be obtained and provided to the Township.
  11. Lighting shall be provided in a manner and amount as required by the Planning Commission. Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from adjacent property.
  12. All signs require permits and shall comply with all ordinance standards.
  13. The Planning Commission may impose any conditions of approval or safeguards deemed necessary to protect the general welfare, to protect individual property rights, to ensure compliance with the special use standards and all ordinance requirements, and to ensure the health, safety and welfare of the residents. Any means used for compliance with any special use standards, conditions of approval, or any ordinance requirements shall not be funded at public cost or expense.
  14. The Planning Commission may require a performance bond, letter of credit or other guarantee to ensure that the requirement of any zoning approval, this ordinance and all ordinances are fulfilled.

(revised 6/27/2013)

## **[Chapter 21 MOBILE HOME PARK REGULATIONS](#)**

### **[Sec 21.1 SCOPE](#)**

### **[Sec 21.2 MOBILE HOME PARKS](#)**

#### **[Sec 21.2.1 INSTALLATION AND OCCUPATION OF MOBILE HOMES](#)**

### **[Sec 21.3 APPLICATION PROCEDURES](#)**

### **[Sec 21.4 STANDARDS AND REGULATIONS](#)**

### **[Sec 21.5 UTILITIES STANDARDS](#)**

### **[Sec 21.6 MOBILE HOME STANDARDS](#)**

### **[Sec 21.7 OPEN SPACES](#)**

### **[Sec 21.8 STREETS](#)**

### **[Sec 21.9 LIGHTING](#)**

### **[Sec 21.10 SIGNS](#)**

[Sec 21.11 INSPECTION AND PERMITS](#)[Sec 21.12 MOBILE HOME SALES](#)[Sec 21.13 RIGHT OF ENTRY](#)[Sec 21.14 SEVERABILITY](#)**Sec 21.1 SCOPE**

For the preservation of the interests of various types of residential developments which should be permitted in every community and for the protection of the residents of any mobile home park development, these regulations are considered to be minimum standards to be applied to all mobile home park developments in Georgetown Township.

**Sec 21.2 MOBILE HOME PARKS**

All mobile home parks shall comply with the applicable requirements of Act 419, P.A. 1976 as amended PROVIDED further that said developments meet the standards and conditions and all other provisions as herein established.

**Sec 21.2.1 INSTALLATION AND OCCUPATION OF MOBILE HOMES**

- A. No mobile home shall be placed or parked or installed in a mobile home park until such time as a building permit is obtained from the Township Building Inspector. Such permit shall be issued by the Building Inspector after making a find that said mobile home meets construction standards as approved by the Federal H.U.D. Code, or has been certified by a manufacturer as constructed according to the requirements of the Federal H.U.D. code.
- B. No mobile home shall be occupied by any person as a residence or for any other purpose until such time as said mobile home park is placed or situated on a specific lot in the mobile home park and has been inspected by the Township Building Inspector and issued an Occupancy Permit. Such inspection shall include the placement, the interconnection to utilities, and review compliance with all necessary State, Township or other municipal ordinance and regulations. Such permit shall be issued by the Building Inspector on payment of inspection fee as may be authorized by resolution of the Township Board from time to time. In the event said mobile home is moved to another lot or another mobile home is placed on the specific lot, a new certificate of occupancy must be obtained by the owner or resident from the Township Building Inspector.

**Sec 21.3 APPLICATION PROCEDURES**

Preliminary approval shall not be issued by the Township until application for the mobile home park has been approved by the Township Board in accordance with the provisions of this chapter.

- A. Site Plan: Any application for the extension, alteration, or construction of a mobile home park shall be accompanied by a site plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said site plan shall be conformance with the provisions and requirements of Chapter 19 of this Ordinance, except Section 19.5 (Q) of said Chapter 19.
- B. Approval: The application for the mobile home park development requires the approval of the Township Board upon recommendation from the Planning Commission. The Township Board shall approve, modify, or disapprove the proposed mobile home park within sixty (60) days from receipt of the Preliminary Plan, or such Preliminary Plan shall be deemed approved. In reviewing the proposed development's acceptability the following shall be among the major considerations of both bodies prior to official action being taken:
  - 1. Whether the proposal is in accordance with the land use plan.

2. Whether the proposal meets all the design standards of this Ordinance and other applicable local codes, regulations, or ordinances.
3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
5. Whether the proposed development produces an extreme or undue demand on available fire and police protection.
6. Whether the traffic characteristics of the proposed development can be expected to place an extreme or undue burden on the adjacent publicly available vehicular and/or pedestrian circulation facilities.

### **Sec 21.4 STANDARDS AND REGULATIONS**

All mobile home parks shall be designed and developed in accordance with the following standards and regulations.

- A. Minimum site size for a mobile home park shall be ten (10) acres.
- B. Minimum number of mobile home spaces shall be twenty-five (25). Required streets and utilities shall be completed for at least twenty-five (25) mobile home spaces along with related improvements before first occupancy.
- C. Each mobile home park shall have direct access to an arterial or collector street as defined on the Township "Major Street Plan."
- D. No access to the site shall be located closer than two hundred (200) feet from the intersection of any two (2) arterial streets. Minimum street widths within the mobile home park shall be accordance with the following schedule:

<b>Parking</b>	<b>Direction</b>	<b>Minimum Street Width</b>
No on-street parking	one (1) way	14 feet
	two (2) way	21 feet
Parallel parking one side	one (1) way	24 feet
	two (2) way	31 feet
Parallel parking both sides	one (1) way	34 feet
	two (2) way	41 feet

- E. No mobile home or other building or structure for residential purposes shall be in excess of two and one-half (2 1/2) stories, or in excess of a maximum height of thirty five (35) feet.
- F. Each mobile home lot, exclusive of streets, shall have a minimum size of five thousand (5,000) square feet and a minimum width of forty (40) feet, as measured from the building setback line. No more than one (1) mobile home shall be parking on any one (1) lot, and no mobile home shall be occupied by more than one (1) family. (see family as defined in Chapter II, Section 2.40)
- G. The minimum setback between any part of any mobile home and/or structure permanently or



temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not by way of limitation, storage sheds, cabanas, and porches shall be fifteen (15) feet from the inside of the sidewalk, and the minimum spacing from any rear lot line shall be ten (10) feet, and from the side lot line on the entry side ten (10) feet, and from the side yard on the non-entry side, five (5) feet, except as provided in G(1) below.

1. A mobile home may be placed on the side lot line, provided there is minimum of fifteen (15) feet open space between said lot line and any other structure or mobile home, including but not by way of limitation storage sheds, cabanas or porches.
- H. Each lot shall front on sidewalks at least four (4) feet in width, located directly next to and parallel to the street.
- I. Each lot shall provide a minimum of four hundred (400) square feet of paved off- street parking.
- J. The front, back and side yards of every lot shall be suitably landscaped and properly maintained with law area, and there shall be one shade tree provided for every two lots.
- K. The mobile home park shall provide a buffer zone strip separating the mobile home park from adjacent property. The buffer zone shall be properly planted with trees or shrubbery or other nursery stock of varying height, so as to provide a density sufficient to block the view of the mobile home park and buildings up to a minimum of five (5) feet in height. No part of the buffer zone shall be used for any structure, board fences, right-of-way, or parking purposes. The buffer zone shall be maintained by the owner of the park.
1. In the event the back yard of any lot or lots within a mobile home abuts adjacent property, the rear ten (10) feet of each back yard may be used as part of the buffer strip, provided further that no buildings, houses or other structure may be constructed with said strip.
  2. The width of the buffer strip shall be in accordance with the following schedule:

Zoning of Adjacent Property	Width of Buffer
Agricultural	15 feet
Residential	15 feet
Commercial	25 feet
Industrial	25 feet

## **Sec 21.5 UTILITIES STANDARDS**

The following utility standards shall apply to all mobile home parks.

- A. All utilities shall be underground.
- B. All lots shall be provided with a public water and sanitary sewer service, and all mobile homes shall be connected thereto. all expense of installation and connection shall be borne by the owner or operator of the mobile home park, and no costs shall be applied or taxed against owners of any adjacent property or along any main extended from the mobile home park to the present public sanitary sewer system, unless such adjacent owners shall install a sewer connection to such main.
- C. The mobile home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots within the park in accordance with the requirements of the Michigan Department of Health. All storm drainage and surface drainage



facilities flowing from the park to adjacent areas shall be approved by the Ottawa County Drain Commissioner.

### **Sec 21.6 MOBILE HOME STANDARDS**

- A. Every mobile home shall be supported on a permanent concrete pad or foundation at least 12 feet in width with a minimum of 600 square feet, and 4 inches thick; and all areas between the trailer and ground shall be enclosed by a skirt, providing said skirting is constructed or installed and is fire resistant.
- B. In the event the soil or topographic conditions of the proposed mobile home park are such that other foundations or support are appropriate, and the developer provides to the Township Building Inspector a report by a certified engineer that piers are equal to or superior to the specifications as set forth in section 21.6 (A) of this Act, such foundations may be approved by the Building Inspector, provided such construction includes provisions for proper drainage and covering ground under each mobile home.
- C. Every mobile home shall be at least twelve feet in width and have a minimum of six hundred square feet living area exclusive of porches and cabanas.

### **Sec 21.7 OPEN SPACES**

- A. The mobile home park shall contain one or more open space areas intended primarily for the use of park residence on a minimum ratio of 250 square feet for every mobile home lot provided that buffer zone areas shall not be included as part of such requirement.
- B. The mobile home park shall provide one or more storm shelters of size and capacity so as to accommodate all the residents of the park.

### **Sec 21.8 STREETS**

- A. The mobile home park shall have minimum setback from any public street of 40 feet, which shall be properly landscaped with grassed area and maintained by the owner and operator of the mobile home park.
- B. All streets within the mobile home park shall be of bituminous aggregate or similar surface meeting AASHTO public street construction specifications, and provided with proper curbing.

### **Sec 21.9 LIGHTING**

- A. All street intersections and designated pedestrian crosswalks shall be illuminated by not less than .25 foot candles.
- B. All roads, parking bays and pedestrian walkways shall be illuminated by not less than .5 foot candles.

### **Sec 21.10 SIGNS**

Two per road entrance to the mobile home park shall be permitted, provided the requirements of Chapter XXV are met.

### **Sec 21.11 INSPECTION AND PERMITS**

- A. The Building Inspector or such other person designated by the Township Board shall have the right to inspect the mobile home park to determine whether or not the park owners or operators,

or any owners or person occupying mobile homes within the park area in violation of this ordinance, or any other state ordinance or state or governmental regulations covering mobile home parks affecting the health, safety and welfare of inhabitants, under the following conditions:

1. He has reasonable reason to believe that the owner, operator or resident or owner of mobile home in the park is in violation of any part of this or other municipal ordinance.
2. That notice has been sent to the owner or operator of the mobile home park at its last known address, and to the owner or resident of the mobile home park at their last known address as shown on the occupancy permit for said mobile home, and that the Township has not received satisfactory proof or indication that the purported violation is not a violation, or that the purported violation has been corrected within 15 days from the date of mailing said notice.

### **Sec 21.12 MOBILE HOME SALES**

- A. No person desiring to rent a dwelling unit site shall be required, as a condition to such rental, to purchase a mobile home from the owner or operator of the park as long as the mobile home intended to be located on such rented site conforms in size, style, shape, price, etc. as may be required by any reasonable rules and regulations governing the operation of the mobile home park.
- B. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a mobile home lot by the individual owner or his agent, or those home occupations as permitted in the Zoning Ordinance. PROVIDED such sales and occupations are permitted by the park regulations; PROVIDED further that a commercial mobile home sales lot shall not be permitted in conjunction with any mobile home park.

### **Sec 21.13 RIGHT OF ENTRY**

All persons, including but not by limitation, Township officials, Police or Sheriff Officers, whose entry upon the mobile home park property is necessary, proper or advisable in the execution of their duties, or to the execution of work authorized by a governmental body, or for the preservation of the peace, shall have the right to enter upon and inspect the mobile home park at all reasonable times.

### **Sec 21.14 SEVERABILITY**

The provisions of this Ordinance shall be considered severable and the invalidation of any one or more of the provisions of this Ordinance for any reason whatsoever shall in no way affect any of the other provisions thereof which shall remain in full force and effect.

## **Chapter 22 PLANNED UNIT DEVELOPMENT**

### **Sec 22.1 INTENT**

### **Sec 22.2 QUALIFYING CONDITIONS**

### **Sec 22.3 PERMITTED USES**

### **Sec 22.4 PREAPPLICATION CONFERENCE**

### **Sec 22.5 PUD APPLICATION**

### **Sec 22.6 PLANNING COMMISSION RECOMMENDATIONS**

### **Sec 22.7 TOWNSHIP BOARD ACTION**

### **Sec 22.8 FINAL DEVELOPMENT PLAN APPLICATION**

### **Sec 22.9 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN**

### **Sec 22.10 STANDARDS FOR APPROVAL (both Preliminary And Final)**

### **Sec 22.11 PUD AGREEMENT**

### **Sec 22.12 CHANGES TO AN APPROVED PUD**

### **Sec 22.13 TIME LIMIT FOR APPROVED PUD DISTRICT**

## [Sec 22.14 OPTION FOR DEVELOPMENTS WITH MULTIPLE USES AND PHASES](#)

### **Sec 22.1 INTENT**

The use of land and the construction and use of buildings and other structures as Planned Unit Developments in Georgetown Township may be established as distinct zoning districts when approved by the Township Board in accordance with the procedures specified herein. It is the intent of this District to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; to provide for enhanced site and building architectural features; and to create better living, working, and shopping environments. In order to accomplish these objectives, this Chapter permits flexibility to the conventional requirements found in other Zoning Districts.

### **Sec 22.2 QUALIFYING CONDITIONS**

Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- A. **Acreage Requirement:** The PUD site shall be not less than ten (10) acres of fully contiguous property not separated by a public road, railroad, or other such associated feature or barrier. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be twenty (20) acres. The Planning Commission and Township Board may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. In addition, the Planning Commission and Township Board may use the same intent section of the Zoning Ordinance when considering a PUD with property that may be separated by a public road, railroad, or other such associated feature or barrier. It would be up to the applicant to prove why, for example, a physical barrier (road or railroad) separating the acreage would not restrict the applicant's ability to develop a cohesive PUD.
- B. **Utilities:** All PUD's shall be served by public water and sanitary sewer facilities. Stormwater must be coordinated with the county drain commission.
- C. **Land Ownership:** The PUD application must be filed by the landowner, jointly by the landowners, or by an agent. If the application is filed by an agent(s) or other interested party, written approval from the landowner(s) must also be filed.
- D. **Master Plan:** The proposed uses of the PUD shall substantially conform to the Township Master Plan or, if not, represent land use policy that is determined by the Township Board to be a logical and acceptable deviation from or change to the Township Master Plan. (revised 12/14/09)
- E. **Pedestrian:** The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties. (In addition, the township has a stand alone ordinance covering certain sidewalk requirements)
- F. **Architecture:** The PUD should provide for coordinated and innovative visually appealing architectural styles, building forms and building relationships.
- G. **Traffic:** The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, storm water management, traffic flow and vehicular/pedestrian safety.
- H. **Open Space Requirements:**
  1. The PUD development shall contain usable open space in an amount equal to at least twenty (20) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially

provides for the intent of a PUD as stated in this Chapter. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e. the PUD may be located on a relatively small site in an area where a 20% open space provision would detract from building continuity, historic preservation efforts, etc.)

2. Such open space to be considered usable shall not include required yards (required yards need to be individually determined for each PUD project) or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, wetlands (unless determined to be useable by the Planning Commission due to the addition of interpretive boardwalks/walkways, etc. provided in and through the wetland) and structures (Unless the structures are part of the open space i.e. gazebos, etc.).
3. Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the Township; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

### **Sec 22.3 PERMITTED USES**

Any use permitted by right or special land use in any District may be approved within a PUD.

### **Sec 22.4 PREAPPLICATION CONFERENCE**

- A. A pre-application conference will be held with representatives from Georgetown Township for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-application conference shall be made to the Zoning Administrator. As part of the pre-application conference, the applicant shall submit seven (7) copies of a conceptual plan, at least ten (10) days in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use(s) for the entire site.
- C. The Township shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD in the Township, whether it appears to qualify under the minimum requirements of Section 22.2, and whether the general concept appears to be substantially consistent with the Township's Master Plan. No formal action will be taken at a pre-application conference, nor will statements made at the pre-application conference be considered legally binding commitments.

### **Sec 22.5 PUD APPLICATION**

#### **A. Preliminary Plan Application Requirements**

Following the pre-application conference, applicants seeking approval of a PUD District shall submit a complete application for review to the Zoning Administrator. When the Zoning Administrator determines the application to be complete, the PUD application will be sent to the Planning Commission for a workshop session, followed at a later date by a Planning Commission public hearing. Such application shall include the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):

1. A completed application form and ten (10) copies of a preliminary development plan shall be provided to the Zoning Administrator. The preliminary plan shall contain the following site plan information:

- a. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property ten (10) acres and larger and at least 1"=200' for those 20 acres (20) acres or more.
- b. The name and address of the firm responsible for the preparation of the site plan.
- c. The name and address of the property owner(s) and petitioner(s).
- d. Legal description of the PUD site.
- e. The size (in acres) of the PUD site.
- f. Property lines and proposed setbacks, shown and dimensioned.
- g. A location sketch.
- h. The location of all existing structures, driveways, and parking areas within 100' of the PUD site's boundaries.
  - i. The location and dimensions of all existing structures on the PUD site.
  - j. The location of all proposed structures on the PUD site. Realizing that this is preliminary, dimensions are not necessary until final approval.
- k. The location and dimension of proposed lots or ownership divisions.
  - l. The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements.
- m. The existing zoning and use of all properties abutting and including the PUD site.
- n. The location of all existing vegetation and the general location of all proposed landscape areas, berms, landscape islands and buffers, including any fence or wall areas.
- o. The size and location of existing utilities, including a short narrative note on the site plan pertaining to the PUD's proposed utility needs and concepts.
- p. The proposed location and estimated size(s) of all surface and subsurface water drainage facilities.
- q. Existing topographic contours at a maximum of five (5) foot intervals. Conceptual topographic patterns for the PUD site shall also be provided, noting major earth moving and/or removal areas (realizing that each building receiving final PUD approval will be required to show actual topographic contours, both existing and proposed).
- r. Location, type and size of areas to be dedicated for common open space.
- s. Anticipated trash receptacle locations and method of screening.
  - t. Proposed streets, alleys, curb cuts, acceleration/deceleration lanes, curbed areas, service drives and parking lot locations, including traffic calming concepts, driving surface widths as required by the Ottawa County Road Commission's standards.
- u. Proposed pedestrian sidewalk movements both within and off the PUD site. Sidewalks are required along all public roadways.
- v. Proposed lighting concepts/styles and general location areas.
- w. Proposed architectural style/design concepts that will be incorporated into final approval plans, including both buildings and structures (i.e. - gateways, fence/wall concepts, art work, etc.).

- x. Proposed setbacks, lot widths, lot areas and building/structure heights.
  - y. Proposed uses to be included in the PUD project.
  - z. Floodplain areas. (Revised 6-27-2005)
2. **Fee:** Payment of a PUD fee, as established by the Township Board.
3. **Narrative Statement:** A narrative statement describing:
- a. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 22.1.
  - b. The relationship of the PUD to the qualifying conditions listed in Section 22.2.
  - c. Phases of development and approximate time frames for each phase, including anticipated start and completion dates of construction.
  - d. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.

### **Sec 22.6 PLANNING COMMISSION RECOMMENDATIONS**

- A. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the PUD.
- B. Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the standards of Section 22.10; and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD rezoning request.
- C. In its recommendation to the Township Board, the Planning Commission shall include the reasons for such recommendation.

### **Sec 22.7 TOWNSHIP BOARD ACTION**

- A. After receiving the recommendation of the Planning Commission, the Township Board shall hold a public hearing and review the application, including the preliminary development plan, the record of the Planning Commission proceedings and the recommendation. (revised 11/8/2010)
- B. The Township Board shall make its findings based on the standards approval of Section 22.10 as to approval, approval with conditions, or denial.
- C. An approval with conditions shall not be considered final (which means the rezoning is not final until such time) until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary development plan to the Township Board.

### **Sec 22.8 FINAL DEVELOPMENT PLAN APPLICATION**

- A. **Final Development Plan Approval Time Period – Single Phase:** Within twelve (12) months of the Township Board's approval of the PUD preliminary plan and PUD rezoning, the applicant shall submit a request to the Zoning Administrator for final PUD approval. If the applicant fails to submit a request within twelve (12) months as stated above, then the preliminary site plan (not the PUD rezoning) shall be determined to be invalid.
- B. **Final Development Plan Approval Time Period – Dual or Multi Phased:** If the project includes phases, then the applicant must submit a request within twelve (12) months of the Township



Board's approval of the preliminary plan and PUD rezoning for final development plan approval of a phase. Following the final approval of the first PUD phase, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date for the previous phase. If the applicant fails to submit the first phase within twelve (12) months or each subsequent phase within the twenty-four (24) month time period then the preliminary site plan incorporating all phases not already approved for final site plan shall be determined to be invalid.

- C. **Approval Time Extension:** Upon request to the Township Board and in accordance with Section 22.13, A, 1 and 2, the time frames may be extended for a reasonable period of time.
- D. **Final Development Plan Application Requirements:** A final development plan application shall consist of the following (unless determined by the Zoning Administrator or Planning Commission to be unnecessary):
1. A completed application form, supplied by the Zoning Administrator.
  2. Payment of a fee, as established by the Township Board.
  3. A written response to the findings, review comments, and conditions, if any, from the Township Board's review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
  4. A site plan containing all of the information required in this PUD Chapter and the following information shown below: (If the plan consists of phases, then the above- mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner).
    - a. The location and dimensions of all proposed structures and buildings on the PUD site.
    - b. The location of all proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks / pathways / bikepaths, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas. Street names must also be included.
    - c. The location of all proposed signs and lighting, including the sizes and types.
    - d. The location, type and size of all proposed landscaping and site amenities (art work, fences, gateway features, etc.).
    - e. The location, type and size of all utilities and storm water drainage facilities, including fire protection, sanitary sewers, water services, etc.
    - f. Existing and proposed topographic contours at a maximum of three (3) foot intervals.
    - g. Elevation views of all proposed structures and floor plans for all multi- family residential dwelling units.
    - h. Proposed open space areas, including recreational amenities (playgrounds, etc.).
    - i. Floodplain areas. (Revised 6-27-2005)
  5. The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.



**Sec 22.9 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN**

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 22.5 - 22.7 of this Ordinance.
- B. Planned Unit Developments, whether established as a single or multiphase development, shall reasonably accommodate for the intent of the PUD in each phase. If the proposed PUD appears to provide for phases that do not incorporate the intent of the proposed PUD, the Planning Commission may require bonding or other similar financial obligation, which shall be established in the PUD agreement. If a portion of the PUD intent it to provide for a variety of uses (i.e. - apartments and single family homes), then the proposed phasing schedule shall show how the development of these uses will be balanced in the phased development schedule.
- C. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for approval in Section 22.10.
- D. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- E. Any regulatory modification from traditional district requirements shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of this PUD process of the approved site plans may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual residential lot owner from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.
- F. A table shall be provided on the final site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or Township subdivision regulations which would otherwise be applicable to the uses and developments proposed in the absence of this PUD article and rezoning.

**Sec 22.10 STANDARDS FOR APPROVAL (both Preliminary And Final)**

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 22.2.
- B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community.
- D. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.
- E. The proposed PUD meets all the site plan requirements of this Chapter, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 22.5, A and Final PUD's must meet Section 22.8, D.)

## **Sec 22.11 PUD AGREEMENT**

- A. Prior to the issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.
- B. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board.
- C. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- D. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.
- E. All documents shall be executed and recorded in the office of the Ottawa County Register of Deeds.

## **Sec 22.12 CHANGES TO AN APPROVED PUD**

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. **Notify Zoning Administrator:** The holder of an approved PUD development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. **Minor Change Determination:** Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - 1. Reduction of the size of any building and/or sign.
  - 2. Movement of buildings and/or signs by no more than ten (10) feet.
  - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
  - 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
  - 5. Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
  - 6. Changes required or requested by the Georgetown Township, Ottawa County, and other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. **Major Change Determination:** A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD as follows:
  - 1. If the major change includes a change of a use category or includes substantial nonconformance with the conditions of approval of the initial preliminary development plan, the amendment shall be reviewed in accordance with Sec. 22.5 - 22.7 of this ordinance, including revised PUD rezoning.
  - 2. If the PUD zoning has already been established and the change does not include a change of a use category or substantial nonconformance with the conditions of approval of the initial preliminary plan, the preliminary development plan shall be reviewed only by

the Planning Commission and approval shall be based on the standards for approval for the preliminary development plan. The original PUD zoning shall remain in effect.

(section revised 10-25-2021)

### **Sec 22.13 TIME LIMIT FOR APPROVED PUD DISTRICT**

Each development shall be under construction within twelve (12) months after the date of approval of the PUD final development plan, except as noted in this Section.

- A. The Township Board may grant two extensions, each one (1) extension of up to an additional twelve (12) month period if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that(revised 10/27/08):
  1. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
  2. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonably related to said development have not changed.
- B. Should neither of the provisions of Section 22.13 A. be fulfilled, or an extension has expired without construction underway, the PUD preliminary plan approval(s) shall be null and void. This does not include any phases that may have received final PUD approval.
- C. Should the PUD district become null and void, the Township Board has the right to rezone the property back to the prior zoning classification(s) or to rezone it to any other zoning classification(s). If the property is not rezoned, then the subject property remains zoned as a PUD, but the preliminary or final PUD plans previously approved become null and void. In order to utilize the property as a PUD, an applicant would have to resubmit plans for preliminary and final PUD site plan approvals as stated in this Chapter, but would not require PUD rezoning action from the Board, unless the proposed PUD project includes different land uses than previous approved (i.e.- commercial versus residential).

### **Sec 22.14 OPTION FOR DEVELOPMENTS WITH MULTIPLE USES AND PHASES**

At the discretion of the applicant and/or Township Board, there shall be an option available to include in the PUD Agreement the process phasing multiple uses and multiple phases into the overall development.

## **Chapter 23 INDUSTRIAL PERFORMANCE STANDARDS**

### **Sec 23.1 SCOPE**

### **Sec 23.2 PROCEDURE FOR DETERMINATION OF COMPLIANCE**

### **Sec 23.3 APPEALS**

### **Sec 23.4 PERFORMANCE STANDARDS**

### **Sec 23.1 SCOPE**

After the effective date of this Ordinance any use established or changed to, and any building, structure, or tract of land developed, constructed, or used for, any permitted or permissible principal or accessory use shall comply with all of the performance standards herein set forth for the Industrial Districts.

- A. If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged, or moved, the performance standards for the district involved shall apply to such extended, enlarged, moved, structurally altered or

reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

- B. Within two (2) years after the effective date of this regulation, all existing uses, building, or structures shall comply with the performance standards herein set forth of the district involved, provided, however, that if the Board of Appeals finds that because of the nature of the corrective action required, the two (2) year period is inadequate, it may, as a special exception, grant not more than two extensions for periods of not more than one (1) year each. All new installations shall comply when put into operation.

## **Sec 23.2 PROCEDURE FOR DETERMINATION OF COMPLIANCE**

The purpose of these performance standards procedures is to ensure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual use or group of uses comply with the Industrial Performance Standards of this Ordinance, and to formulate practical ways for the alleviation of such non-compliance.

- A. Subsequent to a preliminary study of the performance characteristics of an existing or proposed use, the Zoning Administrator shall make a determination as to whether there exist reasonable grounds to believe that the use in question may violate the performance standards set forth in this Chapter and may initiate an official investigation. Following the initiation of an official investigation, the Zoning Administrator is hereby empowered to require the owner or operator of the use in question to submit such data and evidence as he may deem essential to his making an objective determination. Failure to submit data required by the Zoning Administrator shall constitute grounds for denying a zoning permit for that use of that land. The evidence may include, but is not limited to, the following items:
1. Plans of the existing or proposed construction and development,
  2. A description of the existing or proposed machinery, process and products,
  3. Specifications for the mechanisms and techniques used or proposed to be used in restricting the possible emission of any of the dangerous and objectionable elements as set forth in this Chapter.
  4. Measurements of the amount or rate of emission of said objectionable elements.
- B. Where determinations can reasonably be made by the Zoning Administrator or other Township official, using equipment and personnel normally available to the Township or obtainable without extraordinary expense, such determinations shall be made before notice of violation is issued. Where determination of a violation is made, the Zoning Administrator shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. Failure to obey lawful orders concerning cessation of violation shall be punishable as provided in this Ordinance.
- C. Where determination of violation of performance standards will likely entail the use of highly skilled personnel and expensive or unusual instrumentation not ordinarily available to the Township and when, in the considered judgment of the Zoning Administrator a violation exists, the procedure will be as follows:
1. Notice. The Zoning Administrator shall give written notice, by certified mail (return receipt requested or other means ensuring a signed receipt for such notice) to those owners or operators of subject use deemed responsible for the alleged violations. Such notice shall require an answer or a correction of the alleged violation to his satisfaction within a reasonable time limit set by him. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation. The notice shall further state that upon request of those to whom it is directed, technical determinations as

described in the appropriate portions of this Ordinance will be made, and that if the violation as alleged is found to exist in fact, costs of the determinations will be charged against those responsible in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists, then the costs of this determination will be paid by the Township.

2. Correction of Violation Within Time Limit. If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Zoning Administrator he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records, taking such other action as may be warranted by the circumstances of the case.
  3. No Correction, No Reply. If there is no reply within the time limits set (thus establishing admission of violation as provided in (1) above), and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall take or cause to be taken such action as warranted by continuation of an admitted violation after notice to cease.
  4. Reply Requesting Extension of Time. If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the administrative official, but that more time is required than was granted by the original notice, the Zoning Administrator may grant an extension of time, if he deems such extension warranted in the circumstances of the case, and if such extension will not, in his opinion, cause imminent peril to life, health, or property. In acting on such requests for extension of time, he shall in writing state his reasons for granting or refusing to grant the extension and shall transmit the same by certified mail (return receipt requested or other means insuring a signed receipt for such notice) as provided in Subsection (1) above, to those to whom the original notice was sent.
  5. Reply Requesting Technical Determination. If a reply is received within the time limit set requesting technical determination as described in the appropriate provisions of this Ordinance and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determination. If expert findings indicate violation of the performance standards do exist in fact, the cost of the determinations shall be paid by persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of this Ordinance. If no substantive violation is found, costs of the determination shall be paid by Georgetown Township.
- D. Light. Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground into a residential district. Illumination levels shall be measured with a foot-candle meter or sensitive photometer and expressed foot-candles.
- E. Gases. The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Sulfur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m., H<sub>2</sub>S likewise shall not exceed one (1) p.p.m., Fluorine shall not exceed 0.1 p.p.m., Nitrous Fumes shall not exceed 5 p.p.m., and Carbon Monoxide shall not exceed 15 p.p.m.; all as measured as the average intensity during any 24-hour sampling period.
- F. Electromagnetic Radiation. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.
- G. Drifted and Airborne Matter, General. The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.



- H. Automatic Screw Machine. These machines shall not be located nearer than three hundred (300) feet to a Residentially Zoned District.
- I. tamping Machines, Punch Press and Press Brakes. This machinery shall be mounted on shock absorbing materials and on reinforced concrete. These machines shall not be located nearer than four hundred (400) feet to a Residentially Zoned District.

### **Sec 23.3 APPEALS**

The Zoning Administrator's action with respect to the performance standards procedure may be appealed to the Board of Appeals within sixty (60) days following said action. In the absence of such appeal, the Zoning Administrator's determination shall be final.

### **Sec 23.4 PERFORMANCE STANDARDS**

Any use established in an Industrial District shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant to the sensory perceptions greater than the standard measures for safeguarding human safety and welfare.

- A. Noise. No operation or activity shall be carried out in the Industrial District which cause or create measurable noise levels exceeding the maximum sound intensity levels prescribed below, as measured on or beyond the boundary lines of said Districts.

<b>MAXIMUM PERMITTED SOUND INTENSITY LEVELS IN DECIBELS</b> (Pre-1960 Octave Bands - American Standards Association, Z24)		
<b>Octave Band Cycles Per Second</b>	<b>I</b>	
	<b>Day</b>	<b>Night</b>
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels encountered by day and/or by night. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in the Tables by no more than five (5) decibels. For purpose of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

For some post-1960 manufactured instruments, the octave bands mentioned above have been converted to the new Preferred Frequencies as established by the American Standards Association. To accommodate the possible use of either type of instrumentation, the preceding

table is repeated below, again in decibels, with the conversion to Preferred Frequencies already accomplished. Care must be exercised to assure the proper correlation between instruments and tables used in measuring performance.

<b>MAXIMUM PERMITTED SOUND INTENSITY LEVELS IN DECIBELS</b> (Post-1960 Preferred Frequencies)		
<b>Cycles Per Second</b>	<b>I</b>	
	<b>Day</b>	<b>Night</b>
00 to 74	76	70
75 to 149	70	62
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	31
4,800 and above	36	31

Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises.

In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Zoning Administrator deems to be objectionable in adjacent Districts, shall be controlled so as not to generate a nuisance in adjacent Districts, even if the decibel measurement does not exceed that specified in those tables.

- B. Dust, Soot, Dirt, Fly Ash and Products of Wind Erosion. No person, firm, or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, a furnace, or combustion device for the burning of coal and/or other natural or synthetic fuels without maintaining recognized and approved equipment, means, methods, devices or contrivances to reduce the quantity of gas-borne or airborne solids carried in fumes emitted, directly or indirectly, into the open air, to a concentration level (per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit), not exceeding 0.20 grains. For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent of full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
- C. Smoke. It shall be unlawful to discharge into the atmosphere from any single source of emission, any smoke density or equivalent opacity which exceeds the following standards: For any period or periods of time, smoke, the shade or appearance of which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the



Umbrascope readings of smoke densities may be used when correlated with the Ringelmann Chart.

- D. Vibration. Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following Tables as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

<b>MAXIMUM PERMITTED STEADY STATE VIBRATIONS IN INCHES</b>	
<b>Frequency (Cycles Per Second)</b>	<b>Industrial</b>
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

<b>MAXIMUM PERMITTED IMPACT VIBRATIONS IN INCHES</b>	
<b>Frequency (Cycles Per Second)</b>	<b>Industrial</b>
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

Between the hour of 8:00 p.m. and 6:00 a.m., all the above maximum vibration levels, as measured on or beyond the boundary line of residentially used areas adjacent to an Industrial District, shall be reduced to one-half ( $\frac{1}{2}$ ) the indicated permissible levels.

- E. Odor. The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.
- F. Glare and Heat. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied. Bare bulbs used in signs in or near a residentially used area shall be no greater than ten (10) watts. Within five hundred (500) feet of a residentially used area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts.

- G. Fire and Safety Hazards. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the County, and with all State rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. Further all storage tanks of flammable liquid materials above ground shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located no closer to the property line than the greatest depth to the bottom of the buried tank. Such tank design and placement shall also meet applicable State requirements.
- H. Sewage Wastes. No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of such pipe or other structure construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structure; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process; cause danger to public health and safety or cause obnoxious conditions inimical to the public interest. The disposal of sewage wastes shall further be subject to the restrictions of the Georgetown Charter Township Sewer Ordinance. Specific conditions controlling sewage wastes are as follows:
1. The acidity or alkalinity shall be neutralized within an average pH range of between five (5) and five and one-half (5 1/2) to seven and one-half (7 1/2) as a daily average on volumetric basis, with a permissible temporary variation in pH of 4.50 to 10.0.
  2. The wastes shall contain no Cyanides. Wastes shall contain no Chlorinated solvents in excess of 0.1 p.p.m.; no Fluorides in excess of 10 p.p.m.; no more than 5 p.p.m. of Hydrogen Sulfide; and shall contain no more than 10 p.p.m. of Chromates.
  3. The wastes shall not contain any insoluble substance in excess of 10,000 p.p.m.; exceed a daily average of 500 p.p.m.; fail to pass a No. 8 Standard Sieve; or have a dimension greater than one-half (1/2) inch.
  4. The wastes shall not have a Chlorine demand greater than fifteen (15) p.p.m.
  5. The wastes shall not contain Phenols in excess of 0.05 p.p.m.

## Chapter 24 DISTRICT REGULATIONS

DISTRICT	Minimum Lot Size Per Unit (A)		Maximum Lot Coverage (percent)	Minimum Yard Setbacks (B)(O)(V)			Maximum Building Height (P)	
	Area (Square Feet)	Width (Feet)		Front (S) (T)	Side		Rear	
					Least One	Total		Feet
<b>AG Agriculture</b>	40,000	200	20	40 (L)	20	40	75	35
<b>RR Residential</b>	30,000 (C)	200(C)	20	40 (L)	20	40	50	35
<b>LDR Residential</b>	11,475 (D)	85(N) (D)	30	40 (L)	10	20	40	35
<b>LMR Residential</b>	7,700 (E)	70(N)	30	30 (L)	5	15	30	35

<b>al</b>									
<b>MDR Residential</b>	10,000 (D) (F)	80(N)	30	35 (L)	10	20	35	35	
<b>MHR Residential (I)(J)</b>	10,000 (E-G)	80(N)	35	35 (L)	10	20	35	35	
<b>HDR Residential (I)(J)</b>	(E-H), (U)	---	40	30 (L)	15	30	30	35	
<b>MHP Residential (I)</b>	----	---	35	---	---	---	---	20	
<b>OS Commercial</b>	11,050	85	---	30 (L)	(M)		50	25	
<b>NS Commercial</b>	11,050	85	---	30 (L)	(M)		50	35	
<b>CS Commercial</b>	11,050	85	---	30 (L)	(M)		40	35	
<b>HS Commercial</b>	15,000	100	35	30 (K)	10 (M)	25	40	35	
<b>I Industrial</b>	40,000	150	40	45 (R)	20 (M)	40	40 (X)	45	

\*Footnotes are integral part of these District Regulations and should be read in conjunction with the above schedule

- A. Each dwelling structure shall have a minimum floor area per dwelling unit in accord with the following schedule

<b>Structure</b>	<b>Area Per Unit</b>
(1) Single Family Detached AG, RR, LDR, MDR, MHR, HDR	Each dwelling unit shall have a minimum finished living area of one thousand (1,000) square feet entirely above finished lot grade.
(2) Single Family Detached LMR	Each dwelling unit shall have a minimum finished living area of eight hundred fifty (850) square feet entirely above finished lot grade.
(3) Attached Single Family Including Two Family and Townhouses	Each dwelling unit shall have a minimum finished living area of nine hundred (900) square feet of floor area entirely above finished lot grade or each dwelling unit shall have a minimum finished living area of eight hundred (800) square feet of floor area entirely above finished lot grade if each dwelling unit has an

		attached enclosed accessory building (garage) of at least four hundred (400) square feet (GFA) on the main level. (revised 6/27/2013)
(4) Multiple Family Dwellings	Efficiency	350 square feet
	1 Bedroom	600 square feet
	2 Bedroom	800 square feet
	3 Bedroom	1,000 square feet; plus an additional eighty (80) square feet for each bedroom in excess of three bedrooms

B. Additional front setback requirements for certain streets.

1. In all districts, required setbacks along any of the following streets shall be measured from a point 50 ft. from the centerline of the street, if the public right-of-way measures 50 ft. or less from such centerline. Streets upon which this requirement applies include the following: (revised 7/25/95) (revised 4-10-2000)

Cottonwood (Port Sheldon to Baldwin)

Jackson

Kenowa

Main

Pt. Sheldon (Main to 44th St.)

Rosewood (except for south of Chicago Dr.) (revised 9-27-2010)

School (name changed to Cottonwood Dr.)

8th (Pt. Sheldon to 44th St.)

12th (Pt. Sheldon to Baldwin)

14th (Pt. Sheldon to Van Buren)

22nd (Edson to Jackson)

28th Ave. (north of Bauer Road to Fillmore Street) (revised 3/13/17)

40th

42nd

VanBuren (except between 40th Ave. and 48th Ave.) (revised 3/12/2012)

2. In all districts, required setbacks along any of the following streets shall be measured from a point 60 feet from the centerline of the street, if the public right-of-way measures 60 feet or less from such centerline. Streets upon which this requirement applies include the following: (Revised 3-27-2000) (Revised 4-10-2000)

Baldwin

Balsam Dr. (Revised 6-27-2005)

Bauer

Cottonwood (Baldwin to Fillmore)

Fillmore

Pt. Sheldon (44th St. from Kenowa to 48th Ave.) (revised 6-25-01)

8th (44th St. to Jackson)

18th (Pt. Sheldon to Rosewood)

20th

28th Ave. (except for north of Bauer Road to Fillmore Street) (revised 3/13/17)  
36th  
44th St.

3. In all districts, required setbacks along any of the following streets shall be measured from a point 70 feet from the centerline of the street, if the public right-of-way measures 70 feet or less from such centerline. Streets upon which this requirement applies include the following: (revised 2-24-2003)

48th Ave.

- C. Lots serviced by public sanitary sewer and water may be reduced to fifteen thousand (15,000) square feet with a minimum width of one hundred ten (110) feet. Installation of dry sewer does not fulfill the requirement for public sewer.
- D. Lots not serviced by public water and sanitary sewer (installation of dry sewer-mains fulfills the requirements of installed sewer) shall have a minimum size of thirteen thousand three hundred (13,300) square feet and a minimum width of ninety five (95) feet.
- E. All lots shall be serviced by public water and sanitary sewer.
- F. All two family dwelling structures shall have a minimum lot area of fifteen thousand (15,000) square feet and a minimum lot width of one hundred twenty (120) feet, provided when public water and sanitary sewer are available (installation of dry sewer mains fulfills this obligation on installed sewer) the minimum frontage requirement is reduced to one hundred (100) feet and the lot area is reduced to fourteen thousand (14,000) square feet. (deleted from LMR 1-23-06)
- G. Townhouses shall be located on a minimum site of one (1) acre, and the minimum lot width of one hundred fifty (150) feet is required. (revised 6/27/2013)
- H. For multiple family dwelling structures, the first dwelling unit shall have four thousand (4,000) square feet and each additional unit shall be provided with two thousand two hundred fifty (2,250) square feet of lot area.
- I. The maximum density per acre permitted in MHR, HDR, and MHP Districts is as follows:
1. MHR - Eight (8) units per acre
  2. HDR - Fifteen (15) units per acre
  3. MHP - Ten (10) units per acre
- J. There shall be a minimum distance of twenty five (25) feet between ends of contiguous buildings.
- K. Except for necessary drives and walks the required front yard for a depth of thirty (30) feet shall be landscaped and shall not be used for parking, loading, or accessory structures. (Revised 6-26-06) Required off-street loading areas shall not be provided in the front yard.
- L. For all uses in the residential districts, and in the OS, NS and CS commercial districts, except for necessary drives and walks the required front yard setback shall be landscaped and shall not be used for parking (other than for single and two family dwellings), loading, or accessory structures. (revised 7-23-07)
- M. Where a side and/or rear yard abuts a Residential District, there shall be a minimum yard of not less than twenty five (25) feet, exclusive of parking and drives. Such yard shall contain a greenbelt which meets the minimum standards of Sec. 3.11. (Revised 6-26-06) (revised 1-14-13).
- N. On corner lots, the minimum lot width along the street on which the lot fronts shall be twenty five (25) feet wider than the minimum width required for the district. The minimum lot depth of corner

lots in platted subdivisions shall not be less than the average depth of the abutting interior lot(s). The minimum lot depth of a corner lot abutting an unplatted parcel shall not be less than the minimum required width for such corner lot plus twenty (20) feet.

- O. **Projections Into Yards.** Architectural features, as defined, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet. An open porch, deck or terrace (including stairs) may project into a required front or rear yard for a distance not to exceed twelve (12) feet and shall meet the same side yard setbacks required for the principal dwelling to which it is attached. In the case of a handicap wheelchair ramp (not to exceed a width of five (5) feet), the Zoning Administrator may waive any setback requirements at his/her discretion, if no other options are available to provide a ramp, provided that the applicant agrees to remove the ramp if it is no longer necessary on the property. A performance letter or performance guarantee may be required. (Revised 6-27-2005) (revised 1-24-05) (revised 10-13-2014)
- P. **Permitted Height.** No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that the following buildings and structures shall be exempt from height regulations in all districts: penthouses or roof structures for the housing of elevators, stairways, tanks, and necessary mechanical appurtenances, and fire or parapet walls not exceeding four (4) feet in height, fire towers, gas tanks, grain elevators, silos, barns, stacks, cooling towers, fire or stage towers, monuments, cupolas, domes, spires, skylights, scenery lofts, screens, flagpoles, chimneys, smokestacks, electrical transmission towers, water tanks, or similar structures. Individual, privately owned, non-commercial, television aerials and amateur radio and wireless masts are exempt to a height of one hundred (100) feet. (Revised November 1997)
- Q. Minimum requirements and district regulations for the MHP District are cited in Chapter XXI.
- R. Except for necessary drives and walks, the front yard, for a depth of thirty (30) feet, shall be landscaped and shall not be used for parking. Loading, storage and accessory structures shall not be permitted in any front yard. Side or rear yards may be used for parking and loading. Outdoor storage may be permitted, if located in the rear yard or non-required side yard and screened from adjoining properties and streets by a sight-obscuring fence, wall or landscaping, approved by the approving authority as designed in Chapter 19. (revised 4/27/15) (revised 3/13/17)
- S. (deleted 12/11/17)
- T. All yards abutting upon a public street right-of-way or private street easement shall be considered as front yards (including the required and nonrequired front yard) for setback purposes for all structures, fences, accessory buildings and uses, and all other references to front yards, except as provided in Sec. 3.4(C) for accessory buildings on double frontage lots. (revised November 1995)(revised 10-26-98) (revised 11/25/13)
- U. All single family detached dwellings shall conform to the requirements of the LMR District.
- V. In instances where the property line is farther from the building foundation than a shoreline, the setback shall be measured from the shoreline.
- W. Each individual unit of a two or multiple family dwelling unit shall be provided with an attached enclosed garage of a minimum of 200 square feet (GFA) on the main level for any dwelling unit receiving building permit approval for construction after July 2, 2001. This requirement excludes convalescent homes and housing for the elderly, any development receiving site plan approval prior to the effective date of this ordinance, along with any construction for additions or renovation of existing two or multiple family dwelling units whereby the construction costs of such additions or renovations do not exceed fifty (50) percent of the fair market valuation of the individual dwelling unit having renovations or additions. The valuation of the proposed



construction and the dwelling unit shall be submitted by the property owner/resident to the Zoning Administrator and is subject to the approval of the Zoning Administrator. (revised 4-23-2001)

- X. When an Industrial parcel's rear lot line abuts another Industrial parcel, the minimum required rear yard setback is reduced to (20) twenty feet. (revised 6/11/18)

(revised 3/28/16)

## **Chapter 25 SIGNS**

[Sec 25.1 SCOPE, INTENT, AND PURPOSE](#)

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[Sec 25.8 CONSTRUCTION AND MAINTENANCE; PERMITS; GENERAL](#)

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[Sec 25.12 BILLBOARDS](#)

(whole chapter revised July 25, 2011)

### **Sec 25.1 SCOPE, INTENT, AND PURPOSE**

This Chapter is intended to regulate and limit the construction or reconstruction of signs and billboards 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:

- A. Promote the public peace, health, and safety of Township residents, property owners, and visitors;
- B. Eliminate distractions that are hazardous to motorists and pedestrians;
- C. Protect the public's ability to identify establishments and premises;
- D. Protect the natural beauty and distinctive character of Georgetown Charter Township;
- E. Protect commercial, business, office and industrial districts and areas from visual chaos and clutter;
- F. Provide an environment that fosters the reasonable growth and development of business and commerce;
- G. Protect and enhance property values; and
- H. 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.

### **Sec 25.2 DEFINITIONS**

For purposes of this Ordinance, the following words, terms, and phrases shall have the following meanings:

- A. **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.
- B. **Business Center.** Any two (2) or more businesses or commercial uses that:
1. are located on a single lot or parcel; or
  2. are one premises and under one (1) common ownership or management and have a common arrangement for the maintenance of the grounds; or
  3. are connected by common walls, partitions, canopies, other structural members, or walkways to form a continuous building or group of buildings; or
  4. otherwise present the appearance of a single continuous business area.
- C. **Construction Sign.** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under active construction.
- D. **Digital Sign or Billboard.** A digital sign or billboard usually consists of (or has a portion or face comprised of) a computer or playback device connected to a large, bright digital screen such as an LCD, LED, computer, plasma, or similar display. Such signs can utilize electronic changeable copy. Generally, the wording on such a sign contains letters, symbols, figures, depictions, and/or numbers that can be electronically or digitally changed or that do change electronically or digitally. Such signs can utilize digital, LED, LCD, plasma, or electronic technology.
- E. **Directional Sign.** A sign located on the lot 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 provided in the ordinance).
- F. **Freestanding Sign.** A sign supported by one or more up-rights, posts, poles, or braces placed in or upon the ground surface and not attached to any building or a sign permanently resting directly on the ground and not attached to any building.
- G. **Identification Sign.** A sign that identifies the business, owner or residence, and/or the street address for the property on which the sign is located, and which sets forth no other advertisement.
- H. **Illuminated Sign.** A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with or related to such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property. Illumination can be internal or external to a sign.
- I. **Institutional Bulletin Board.** A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and which may contain a space for changeable messages for the announcement of its institutional services or activities.
- J. **Nonconforming Sign.** A sign that was lawful when erected but no longer complies with this Chapter or this Ordinance.
- K. **Mean Grade.** A reference plane representing that arithmetic mean of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a sign structure, or in the

area between the sign structure foundation line and the lot line, in the case where the sign structure foundation line is less than five (5) feet from the lot line.

- L. **Off-site Sign.** Any sign relating to a matter not located on the lot or parcel where the sign itself is located.
- M. **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.
- N. **Plat Entry Sign.** A sign placed at a road entrance to a subdivision, mobile home park, or multiple-family development, containing only the name of the subdivision, mobile home park, or multiple-family development.
- O. **Political Sign.** A temporary sign used in connection with an official Georgetown Township, school district, county, state, or federal election or referendum.
- P. **Portable Sign.** A sign not permanently anchored or secured to either a building or the ground such as but not limited to "A" frame, "T" shaped, or inverted "T" shaped sign structures, and signs affixed to movable trailers, designed or intended to be displayed for a limited period of time.
- Q. **Projecting Sign.** A sign which projects from and is supported by a wall of a building and does not extend beyond or into and over street right-of-way.
- R. **Real Estate Sign.** A sign located on a lot or parcel that contains land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
- S. **Roof Sign.** Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- T. **Sign.** A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure, or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. Also, a device, structure, painting, fixture, or placard using color, graphics, symbols, and/or written copy designed and/or utilized for the purpose of advertising or identifying any event, establishment, product, good, service, or displaying or depicting other information.
- U. **Temporary Sign.** A display, informational sign, banner or other advertising device with or without a structural frame and intended or designed for a limited period of display, including seasonal produce sales, and decorative displays for holidays, or public demonstrations.
- V. **Wall Sign.** A sign which is attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches therefrom nor above the roof line, with the exposed face of the sign in a plane parallel to the building wall.
- W. **Garage or Yard Sale Sign.** A sign displayed for a limited period of time to provide information relating to a residential garage or yard sale when such use has not become permanent. Such sign could be located off-site with permission from the property owner where the sign is located. An address shall be provided on the sign as to the location of the sale. Such address shall be displayed in a block text having a minimum height of four (4) inches and a color that contrasts with the color of the background on which the address is displayed.
- X. **Site improvement/landscaping sign.** A sign which identifies the owners, financiers, contractors, and/or architects of a site improvement/landscaping project not including construction requiring a building permit. (revised 3/12/2012)

### **Sec 25.3 PROHIBITED SIGNS**

A sign not expressly permitted or allowed by this Ordinance is prohibited. Also, the following are prohibited:

- A. Abandoned signs, which shall be removed within ninety (90) days of the cessation of the business, use or activity.
- B. Gas or air-filled balloons over three (3) feet in diameter intended to draw attention to a business or other commercial activity (except as allowed under the portable sign section with an approved permit).
- C. A rotating or moving sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy where expressly allowed by this Chapter.
- D. Signs or advertising on vehicles that are parked or located for the primary purpose of displaying the advertising copy.
- E. Festoons, pennants, nongovernmental flags, banners, inflatable figures, and streamers (except as allowed under the portable sign section with an approved permit) and except as expressly permitted in this Chapter.
- F. Snipe signs (such as any unlawful sign posted on a tree, utility post, traffic sign, etc.).
- G. Signs imitating or resembling official traffic or government signs or signals.
- H. Portable freestanding or temporary signs, except where expressly permitted in this Chapter.
  - I. 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.
  - J. 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.
- K. Roof signs.
- L. 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.
- M. Business logos or other advertisements on directional signs.
- N. Off-site signs, unless expressly permitted in this Chapter.
- O. Animated signs.
- P. Signs that are otherwise unlawful under county, state, or federal law.
- Q. Signs that constitute a trespass or are installed on the property of another without permission.

#### **Sec 25.4 SIGNS EXEMPTED**

The following signs are permitted in all zoning districts and are exempt from the regulations of this Chapter.

- A. All directional signs for orientation of the general public, when erected and maintained by the Township, county or state government.
- B. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial or business connotations or promotions.
- C. Flags and insignia of any government except when displayed in connection with commercial or business promotions or connotations.
- D. Legal notices and identification, informational, or directional signs erected or required by governmental bodies.

- E. Integral decorative or architectural features of buildings, except letters, trademarks, business insignias or symbols, moving parts, or moving lights.
- F. Directional signs directing and guiding traffic and parking on private property, but bearing no advertising matter, and not exceeding four (4) sq. ft. in area.
- G. Political signs not larger than thirty-two (32) square feet in area per sign and no more than 80 square feet total signage per parcel, not located within any public right-of-way, and not obstructing the vision of motorists at intersections. All political signs shall be removed within ten (10) days after a general or special election to which it pertains. (revised 5/12/08)
- H. Real estate signs for residential purposes located on the lot that is for sale or lease not exceeding one (1) such sign per street frontage per lot or parcel, not larger than six (6) square feet, and not located within any public right-of-way.
- I. Real estate signs in a commercial or industrial district located on the lot that is for sale or lease not exceeding one (1) per paved public street frontage per parcel or lot, not larger than 32 square feet in area per side, and not to exceed eight (8) feet in height, and set back at least 15 feet from the road right-of-way or the additional distances from which a setback is determined as listed in Chapter 24 footnote (B). Such sign shall not be erected until the land or building is for sale, rent or lease. The sign shall be removed within (10) ten business days from the date the land or building is sold, rented or leased.
- J. Garage or yard sale signs not exceeding four (4) square foot in area, not located within any public right-of-way or on any utility pole, when the person responsible for placing the sign provides their address on the sign along with a date for the first day of display period. The sign shall not be displayed for over seven (7) days.

### **Sec 25.5 MEASUREMENT OF AREA OF A SIGN**

The entire area on a sign enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other structural or physical element forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights (which shall have no advertising) on which such sign is placed. Where a sign has two or more faces, the area of all faces in total shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

### **Sec 25.6 SIGNS PERMITTED**

In general, signs are permitted according to the District in which they are located or intended to be located. Certain types of signs are permitted in certain Districts according to the following regulations:

- A. Residential Districts. The following types of signs are permitted:
  1. IDENTIFICATION SIGN, one sign per dwelling unit. The sign shall not exceed two (2) square feet in area.
  2. TEMPORARY SIGN, one (1) sign per lot for on-site lawful uses. A temporary sign shall not exceed thirty-two (32) square feet in area; shall be set back from any right-of-way or distance as required in Chapter 24(B) (revised 1-24-05) at least fifteen (15) feet; and shall be removed from view during periods when the use or activity to which it relates is no longer operating or in season. The sign can only advertise lawful uses on the lot involved.
  3. INSTITUTIONAL BULLETIN BOARD, one (1) sign per public or semi-public institution site, except for a parcel with street frontages on two public streets listed in Chapter 24



footnote (B) when the parcel does not have frontage on the intersecting corner, in which case one additional sign meeting all other regulations may be allowed resulting in a total of two signs with one sign on each frontage, located on-site, not exceeding seventy-five (75) square feet in area per side and set back at least twenty-five (25) feet from all property and right-of-way lines or other distance as required in Chapter 24. The sign shall be mounted directly on the ground and its height shall not exceed six (6) feet above mean grade. (revised 3/12/2012)

4. ON-SITE SIGN, for lawful principal uses other than dwellings, one sign per lot not exceeding thirty-two (32) square feet in area, except for a parcel with street frontages on two public streets listed in Chapter 24 footnote (B) when the parcel does not have frontage on the intersecting corner, in which case one additional sign meeting all other regulations may be allowed resulting in a total of two signs with one sign on each frontage. Such sign may be a wall sign or a freestanding sign, not located nearer to the front lot line than one-half (1/2) of the required front yard setback nor located in the required side yard. No pole freestanding sign shall exceed a height of twenty-five (25) feet nor have a clear space of less than eight (8) feet from the ground to the bottom of the sign. No ground-mounted freestanding sign shall exceed a height of four (4) feet. (revised 3/12/2012)
5. PLAT ENTRY SIGNS, two (2) signs are allowed per road entrance to a subdivision, mobile home park, or multiple-family development, continuously and properly maintained; each not exceeding a total sign area of sixty-four (64) square feet in area nor three (3) feet in height and set back at least ten (10) feet from any property line or right-of-way line or distance as required in Chapter 24(B).
6. PORTABLE SIGN, one (1) such sign per lot, subject to the following restrictions. The sign must be an on-site sign except as provided for in this ordinance. The sign shall be set back at least ten (10) feet from the road right-of-way line or from the distance as required in Chapter 24. No electrical cord attached to the sign shall extend more than six (6) feet from the power source to the sign. A display period consists of a maximum of seven (7) consecutive days. One business or establishment cannot give, transfer, or loan its display period or similar rights hereunder to another business or establishment (e.g. this means that one business shall not use another business's permit time) except to a municipality, school or nonprofit entity. A portable sign can only advertise or relate to a lawful use on the lot where the sign is located (except that a municipality, school, or nonprofit organization may locate a portable sign at a location other than where the use or activity being advertised is located). A separate permit and fee shall be required for each display period and the permit sticker shall be affixed to the sign for the entire display period.
  - a. Per parcel (excluding a business center)
    - (1) Only one (1) portable sign can be displayed per lot and shall not exceed thirty-two (32) square feet in area per sign;
    - (2) Such sign shall not be permitted for more than three (3) such display periods per lot during the calendar year;
    - (3) If all display periods for a calendar year have been used up and evidence is submitted to the Township that a new business has commenced on that lot, one (1) additional display period shall be permitted in that calendar year. Such additional sign shall be permitted only during the calendar year in which the business change takes place and must be used only by the new business.

- b. Per business center



- (1) Only one (1) portable sign may be displayed per lot and shall not exceed thirty-two (32) square feet in area per sign;
- (2) Each business center unit or individual business if occupying more than one unit shall not be permitted more than a maximum of three (3) such display periods per calendar year;
- (3) If all display periods for a calendar year have been used up and evidence is submitted to the Township that a new business has commenced in a unit of a business center, one (1) additional display period shall be permitted in that calendar year for that unit in a business center. Such additional sign shall be permitted only during the calendar year in which the business change takes place and must be used only by the new business.

7. CONSTRUCTION SIGN, one (1) such sign per site, not larger than thirty-two (32) square feet in area per side, and not to exceed eight (8) feet in height, and set back at least fifteen (15) feet from the road right of way or the additional distances from which a setback is determined as listed in Chapter 24 footnote (B). Such sign shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has actually begun. The sign shall be removed within two (2) months of the issuance of an Occupancy Permit for the building or structure which is the subject of the construction sign.

B. Neighborhood, Community and Office Service Districts. The following types of signs are permitted:

1. Same as for Single and Two Family Districts, except as otherwise stated in this Section.
2. FREESTANDING SIGN, one (1) freestanding sign per business or business center, as applicable, except for a parcel with street frontages on two public streets listed in Chapter 24 footnote (B) when the parcel does not have frontage on the intersecting corner, in which case one additional sign meeting all other regulations may be allowed resulting in a total of two signs with one sign on each frontage. If a business center, only one (1) such sign is allowed, to be used by all businesses. If mounted on a pole, such sign shall not extend over the road right- of-way nor shall it extend over the distance from which a required setback shall be measured as required in Chapter 24(B) (revised 1-24-05) and not exceed twenty-five (25) feet in height nor seventy-five (75) square feet in area per side, provided that a business center sign may be permitted to have up to one hundred (100) square feet in area per side. Such sign shall have a clear space of at least eight (8) feet from the ground to the bottom of the sign. If mounted on the ground, such sign shall not exceed four (4) feet in height as measured from the mean grade nor fifty (50) square feet per side of the sign, provided that such sign shall be set back a minimum distance of fifteen (15) feet from the road right-of- way and from the distance from which a required setback shall be measured as required in Chapter 24(B) and shall not, as determined by the Zoning Administrator, obstruct the view of traffic entering or traveling upon the street. (revised 3/12/2012)
3. WALL SIGN, one (1) wall sign per business subject to the following restrictions:
  - a. The sign shall be placed flat against the building and shall front on the principal street.
  - b. Such sign shall not exceed one and one-half (1-1/2) square feet for each one (1) lineal foot of wall frontage on which the sign is to be placed or two hundred (200) square feet, whichever is less.
  - c. Businesses which have wall frontage on more than one (1) street shall be

permitted to have one (1) wall sign per street frontage, subject to the size limitation contained in paragraph 2, above.

- d. The one (1) wall sign permitted above may be divided into two (2) wall signs with each one placed on a separate wall of the building, provided that the sum of the square footage of the two signs equals 75% or less of the overall square footage permitted above.
  - e. One wall sign may be permitted in addition to those permitted above if the freestanding sign permitted in Sec. 25.6(B) is eliminated and the square footage of the additional wall sign equals 75% or less of the square footage permitted for the freestanding sign.
4. Site improvement/landscaping sign, one per site subject to the following restriction (revised 3/12/2012):
- a. The sign shall not exceed sixteen (16) square feet in area nor a height of six (6) feet.
  - b. The sign shall be setback at least 10 feet from the road right-of-way or setback from the extra distance from the centerline of the road as required in Chapter 24 footnote (B).
  - c. The sign shall not be displayed until a sign permit has been issued for the sign and the determination has been made by the Zoning administrator that the project qualifies as a site improvement/landscaped project with a value of no less than \$1,000.
  - d. The sign shall not be displayed for a period to exceed sixty (60) days.
  - e. Each parcel shall be allowed no more than two (2) such display periods per calendar year.

C. Highway Service and Industrial Districts. The following types of signs are permitted:

1. Same as for Neighborhood or Community Service Districts.
2. BILLBOARDS are allowed in the Highway Service and Industrial zoning districts but subject to the regulations contained in Sec. 25.12 of this Ordinance.

## **Sec 25.7 ILLUMINATION AND DIGITAL MESSAGE CHANGES ON SIGNS AND BILLBOARDS**

- A. There shall be no flashing, strobe, moving, oscillating, or intermittent illumination of any sign, except time and temperature signs that have no other intermittent illuminated message.
- B. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences or abutting roadways and shall be located at least one hundred (100) feet from any residential use or dwelling.
- C. The illumination of any sign shall not be detrimental or unreasonably annoying to the resident or occupant of any adjoining property nor constitute a safety hazard, as determined by the Zoning Administrator.
- D. This section shall not be deemed to permit illuminated, LED, or digital signs that are otherwise prohibited by this Chapter or this Ordinance. Where another provision of this Chapter or Ordinance imposes a more stringent requirement involving illumination, an LED sign, or a digital sign, the stricter provision shall govern.

E. For changeable copy, digital, LED, or similar signs, the following shall apply:

1. There shall be no less than seven (7) seconds between message or copy changes.
2. The slat, panel, or blade twirl time of a tri-vision sign shall be two (2) seconds or less and the blade dwell time (i.e., stationary and able to be read) shall be no less than seven (7) seconds
3. The rate of change between two (2) static messages shall be one (1) second or less.
4. Transition from one message to the next shall be instantaneous and shall not fade, scroll or otherwise be animated.
5. The face of the sign shall be dimmed automatically from 30 minutes before sunset to 30 minutes before sunrise down to 5% of its daylight brightness setting.
6. The maximum brightness levels for digital or LED signs shall not exceed 0.2 (two tenths) foot-candles over ambient light levels measured at a distance of 150 feet from the face of the sign.
7. For the purpose of reducing glare, no design shall have a white background. (revised 3/28/16)

## **Sec 25.8 CONSTRUCTION AND MAINTENANCE; PERMITS; GENERAL**

- A. All signs shall be constructed and maintained in compliance with the Building and Electrical Codes adopted by Georgetown Township.
- B. All signs shall be reasonably maintained at all times, kept in good condition, and shall not be allowed to become unsightly through disrepair or action of the elements. Exposed surfaces shall be kept clean at all times and shall be properly painted, if paint is required. Defective or damaged portions of a sign must be replaced in a timely fashion.
- C. No sign may be constructed, erected, displayed, maintained, reconstituted, or located so that it is unsafe or creates a hazard for vehicle or pedestrian traffic. No sign by reason of its position, shape, color, message, or other characteristics shall interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or be distracting to motorists or pedestrians.

## **Sec 25.9 SIGN PERMIT**

A sign permit shall be required for the construction, erection, alteration, moving, modification, or removal, or alteration of any sign not specifically exempted in Section 25.4, and all signs shall be approved by the Zoning Administrator as to their conformance with the requirements of the Zoning District in which they are located and the requirements of this Chapter. Any sign that is erected, altered, moved, modified, or constructed without a permit having first been issued pursuant to this Chapter constitutes a violation of this Ordinance. All signs shall meet all applicable building and electrical codes. Reasonable conditions may be imposed on any sign permit. No sign permit shall be required for a change solely in the wording of the copy of a sign or billboard since it shall not constitute an alteration for purposes of this Chapter or this Ordinance, unless the result of the change would cause the sign to be reclassified to a type of sign subject to a different or more restrictive regulation, or the business or use occurring on the lot changes and that causes the sign to be reclassified to a type of sign subject to a different or more restrictive regulation.

## **Sec 25.10 NONCONFORMING SIGNS**

Signs lawfully erected prior to the adoption of this Ordinance which do not meet the standards of this Chapter may continue to exist (but may not be expanded, moved, altered, or modified without fully complying with this Chapter and Ordinance), except as otherwise hereafter provided.

A. No nonconforming sign:

1. Shall be changed to another nonconforming sign;
2. Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign; or
3. Shall be reestablished or continued after the activity, business, or use to which it referred has been discontinued for ninety (90) days or longer. In determining the discontinuance of a use, the Township shall consider such factors as: disconnection of utilities, removal of building fixtures, and property falling into disrepair.

Any sign that violates any of the above automatically loses its lawful nonconforming status and must either be removed or must fully comply with this Chapter and the other applicable requirements of this Ordinance.

- B. Subject to the other portions of this Section 25.10, no person or business shall be required to remove a sign which was erected in compliance with this Chapter if such sign was lawful when erected but becomes nonconforming due to a change occurring after the adoption of this Ordinance in the location of a building, streets, or other signs which change is beyond the control of the owner of the sign and the premises on which a sign is located.
- C. If the owner or lessee of a sign on the premises on which a sign is located changes the location of a building, property line, or sign or changes the use of a building or the property, such sign must either be removed or made to conform to this Chapter and Ordinance.
- D. Nonconforming signs or billboards may not be altered, modified, expanded, removed, moved, enlarged, replaced, extended, or repaired without being brought into full compliance with all applicable regulations under this Chapter and this Ordinance, except as expressly provided as follows:
1. A nonconforming sign or billboard may be diminished in size or dimension without jeopardizing its nonconforming use status. As with conforming signs or billboards, a change solely in the wording of the copy of a nonconforming sign or billboard shall not constitute an alteration for purposes of this Chapter or this Ordinance, unless (a) the result of the change would cause the sign to be reclassified to a type of sign subject to a different or more restrictive regulation, or (b) the business or use occurring on the lot changes and that causes the sign to be reclassified to a type of sign subject to a different or more restrictive regulation.
  2. Routine repair to maintain a nonconforming sign in a safe and aesthetic condition exactly as it existed at the time of the enactment of this Chapter or this Ordinance and so as to continue the useful life of the sign shall not constitute an alteration or modification for purposes of this Chapter or this Ordinance, unless the estimated cost of repair exceeds fifty percent (50%) of the replacement cost of the entire sign prior to the repair as determined by the Zoning Administrator. If the estimated cost of repair exceeds fifty percent (50%) of that replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this Chapter and this Ordinance.
  3. In no event shall the alteration or modification of a nonconforming sign result in an increase in the nature or degree of any aspect of the sign's nonconformity.

- E. Removal, destruction, or moving of a nonconforming sign shall also result in the immediate loss of its lawful nonconforming status.
- F. If a nonconforming sign is damaged by fire, explosion, flood, tornado, snow, ice, accident, lightning, wind, or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage, unless the estimated cost of restoration exceeds fifty percent (50%) of the replacement cost of the entire sign prior to the loss, as determined by the Township Zoning Administrator. If the estimated cost of restoration exceeds fifty percent (50%) of that replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this Chapter and this Ordinance prior to further use.
- G. If for any reason a nonconforming sign is abandoned or discontinued for a period of greater than 365 consecutive days, the owner shall remove the sign. If the owner does not remove the sign, or if no owner can be found, the Township may remove the sign. If the sign is removed by the Township and the owner is known, the Township shall have the right to recover from the owner of the sign the full costs of removing and disposing of the sign.
- H. The burden of proof for establishing or proving the existence or any aspect of a lawful nonconforming sign (as well as the size, scope, intensity, and extent thereof) is on the owner of the property involved.
- I. A sign located on a street listed in Chapter 24 footnote (B) which is determined to be nonconforming solely due to its location on a lot relative to noncompliance with front yard setback requirements may be altered, modified, expanded, moved, replaced, extended, or repaired as long as the following conditions are met:
  - 1. Front yard setback is not further decreased;
  - 2. The changed sign complies with all other requirements of this Ordinance;
  - 3. No part of the sign is in or extends over the road right-of-way; and
  - 4. The changed sign is not detrimental to the adjacent properties or the vicinity as determined by the Zoning Administrator by reason of safety concerns such as (but not limited to) obstructed vision for pedestrian or vehicular traffic.

### **Sec 25.11 SETBACKS**

Except where expressly otherwise provided by this Chapter, all portions of a sign shall meet the setback requirements for a building in the zoning district where the sign is located.

### **Sec 25.12 BILLBOARDS**

- A. Billboards are only permitted within the Highway Service and Industrial zoning districts.
- B. If a billboard qualifies for zoning approval as stated in subsection "A," a sign permit is required prior to the erection or alteration of the billboard. In addition, a sign permit is required before any existing billboard (or face of an existing billboard) is rebuilt, structurally altered, or materially changed (but no sign permit is required simply to change the copy or depictions on the billboard). The application for the sign permit must contain the following:
  - 1. A colored rendering of the proposed billboard containing the proposed dimensions.
  - 2. A site plan indicating the location of the proposed billboard and the appropriate setback information.
  - 3. Information on how the billboard will be illuminated, if applicable.



#### 4. Signature of applicant and written approval with signature of property owner.

- C. Double-faced billboard structures and V-type billboard structures shall be considered as one billboard, but with multiple faces. No billboard shall contain more than one sign panel facing the same direction of traffic on a public road.
- D. The area of a sign panel on a billboard shall not exceed 300 square feet.
- E. The height of a billboard shall not exceed 35 feet. The height of a billboard shall be measured as the vertical distance measured from the highest point of the billboard, including any decorative embellishment, to the grade of the adjoining highway or road, or the surface grade beneath the sign, whichever ground elevation is lower.
- F. Except as otherwise provided in this section, each billboard shall be located not less than 2,000 feet from any other billboard. For the purposes of this subsection and for billboards located adjacent to the same highway or road, the distance between billboards shall be measured as the distance between the points at which lines drawn perpendicular to the road or highway from the location of each billboard intersect with a line along the center of the road or highway.
- G. No billboard shall be located within 300 feet of an existing dwelling. No digital or LED billboard shall be located within 750 feet of an existing dwelling. For the purposes of this subsection, the distance between a billboard and an existing dwelling shall be measured as a straight line between the billboard and the existing dwelling.
- H. No billboard shall be located closer than 50 feet to any property line.
  - I. All billboards must be constructed with a monopole-type support structure.
- J. Except as otherwise provided in this Section 25.12, a billboard may be illuminated, provided that such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. No billboard shall have one or more flashing, strobing, intermittent, moving, rotating, or oscillating lights or images.
- K. The slat, panel, or blade twirl time of a tri-vision billboard shall be two (2) seconds or less and the blade dwell time (i.e., stationary and able to be read) shall be no less than seven (7) seconds.
- L. Digital or LED billboards are allowed if the digital or electronic changeable copy portion of the billboard and the billboard meet all of the following additional standards:
  - 1. No digital or LED billboard shall be located within 4,000 feet of another digital or LED billboard or within 3,000 feet of a nondigital or non-LED billboard. For the purposes of this subsection and for billboards located on the same highway or road, the distance between billboards shall be measured as the distance between the points at which lines drawn perpendicular to the freeway from the location of each billboard intersect with a line along the center of the freeway.
  - 2. There shall be no animation, cartoon, or movie or television-style pictures or depictions.
  - 3. There shall be no movement at all.
  - 4. The rate of change between two (2) static messages shall be one (1) second or less.
  - 5. There shall be a minimum of no less than seven (7) seconds between copy changes.
  - 6. The face of the sign shall be dimmed automatically from 30 minutes before sunset to 30 minutes before sunrise down to 5% of its daylight brightness setting.
  - 7. The maximum brightness levels for digital or LED billboards shall not exceed 0.2 (two tenths) foot-candles over ambient light levels measured at a distance of 150 feet from the face of the sign.



8. The owner(s) of a digital or LED billboard must reasonably coordinate with relevant public agencies to allow for the display of real-time emergency information such as Amber Alerts or natural disaster directives.
  9. The digital or LED billboard will not distract, endanger, or disorient motorists.
  10. The digital or LED billboard will not cause glare onto or illumination of any adjoining properties.
- M. The following modifications to existing billboards shall not occur except in full compliance with this Chapter 25 and Section 25.12:
1. Changing or altering a billboard to provide for electronic changeable copy of a different type or manner of electronic changeable copy.
  2. Changing or altering a billboard to become a digital or LED billboard.
- N. No billboard shall be approved, installed, or erected at any time when there are ten (10) or more existing billboards located within Georgetown Charter Township.
- O. The setback requirements of this section shall apply regardless of jurisdictional or governmental boundaries.

## **Chapter 26 DRIVEWAY AND OFF-STREET PARKING AND LOADING**

### **Sec 26.1 SCOPE**

### **Sec 26.2 LOCATION OF PARKING**

### **Sec 26.3 DRIVEWAY AND PARKING LOT REQUIREMENTS**

### **Sec 26.4 PARKING LOT PLANS**

### **Sec 26.7 PARKING RESTRICTIONS**

### **Sec 26.8 TABLE OF OFF-STREET PARKING REQUIREMENTS**

### **Sec 26.9 MISCELLANEOUS OFF-STREET PARKING PROVISIONS**

### **Sec 26.10 OFF-STREET LOADING REQUIREMENTS**

### **Sec 26.1 SCOPE**

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

### **Sec 26.2 LOCATION OF PARKING**

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

- A. One and Two Family Dwellings. The off-street parking facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. Multiple Dwellings. The off-street parking facilities for multi-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined elsewhere in this Chapter. In no event shall any uncovered parking space in a Multi-family District be located nearer than ten (10) feet to any main building.
- C. Mobile Home Parks. The off-street parking required may be located on each site or in parking

lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements.

- D. Other Land Uses. The off-street parking required may be located on each site or in parking lots within 300 feet of and readily accessible to each site.

### **Sec 26.3 DRIVEWAY AND PARKING LOT REQUIREMENTS**

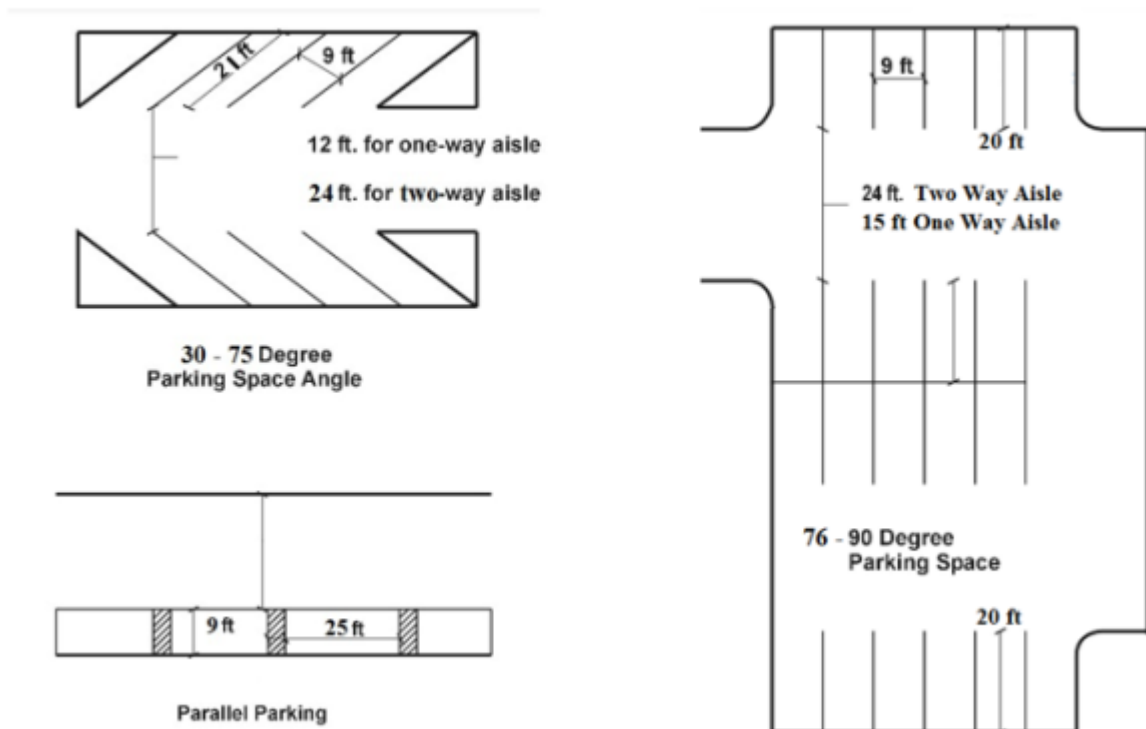
- A. All parking facilities, access driveways, and commercial storage areas (excluding one (1) and two (2) family dwellings in the AG and RR zone districts) shall be hard surfaced with a pavement having an asphalt or concrete binder, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be striped and shall be completely constructed prior to a Zoning Compliance Certificate being issued. (Revised August 1996)
- B. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.
- C. All illumination for or on all such 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 source of illumination in all parking lots abutting a residential area shall not be more than twenty-five (25) feet above the parking lot surface.
- D. When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective yard in which said parking is located shall contain a minimum setback of twenty-five (25) feet excluding any parking or drives. Such yard shall contain a greenbelt, as specified in Section 3.11, unless otherwise provided herein (revised 10-28-96), abutting the parking lot and designed to effectively screen the parking from neighboring residential districts and uses. The greenbelt may, upon approving authority as designed in Chapter 19 approval, be replaced by a combination of fencing and plantings located along the respective property line and which together will provide adequate screening for current and future residents. (revised 7/25/95) In the event that the abutting property is zoned residential but does not contain any dwellings within three hundred (300) feet of the edge of the proposed parking area, the approving authority as designed in Chapter 19 may permit evergreen trees of less than five (5) feet in height, but not less than two (2) feet in height above ground, to satisfy the screening requirement. (revised 10-28-96) (revised 4-27-15)
- E. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.
- F. Wheel chocks shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines.
- G. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations. The minimum parking space dimensions for a layout not provided for in the regulations shall be nine (9) feet in width, twenty (20) feet in length, and 180 square feet in area.
- H. The approving authority as designed in Chapter 19 may require concrete curbing along parking facilities and access driveways. (Revised July 23, 2001) (revised 4/27/15)
- I. In all districts, the approving authority as designed in Chapter 19 shall determine driveway access to Chicago Dr. and streets listed in Chapter 24 B. (revised 2-24-2003) (revised 4/26/10) (revised 4/27/15)

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width <sup>1</sup>	Parking Space Length <sup>2</sup>	Total Width Two Tiers of Spaces Plus Maneuvering Lane

					One Way	Two-Way
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.	30 Ft.	36 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.	48 Ft.	60 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 Ft.	20 Ft.	55 Ft.	64 Ft.

<sup>1</sup> Measured perpendicular to the longitudinal space centerline.

<sup>2</sup> Measured along the longitudinal space centerline.



**Sec 26.4 PARKING LOT PLANS**

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot and before a Zoning Compliance Certificate is issued. Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person or persons competent in such work and shall conform to the provisions of Sec. 26.3.

**Sec 26.7 PARKING RESTRICTIONS**

Off-street and on-street parking of vehicles shall be further restricted by the following requirements.

A. Parking Duration. Except when land is used as storage space in connection with the business of

a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail. It is the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking in any such District, or for creating a junk yard or a nuisance in such areas.

- B. **Restriction on Parking on Private Property.** It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property for vehicle storage, or use any portion of any private property as parking space, without the express written or implied consent, or authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent, or trustee of such property. In no case shall vehicles be parked in any off-street parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.
- C. **Truck and Equipment Parking in Residential Zones.** After the effective date of this Ordinance it shall be unlawful for the owner, tenant, or lessee of any lot, parcel, or tract of land in a Residential District not including Agriculture and Rural Residential to permit or allow the open storage or parking, either day or night, thereon of trucks (over one ton), semi-trucks and trailers, mobile homes, construction equipment, and/or any other similar equipment or machinery. The parking of trucks over one ton, semi-trucks and trailers, within 150 feet of any residential structure is prohibited. It is provided, however, that the owner, tenant or lessee of a farm may openly store the machinery and equipment used on his farm; and it is further provided that equipment necessary to be parking overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction. (Revised 10-25-99)
- D. **Use of the Right-of-Way.** No vehicle storage or display shall be permitted within any road right-of-way. On-street parking is permitted unless specifically prohibited by public authority. In any event, no designated on-street parking spaces shall be counted toward the required parking for any use. (Revised August 1996)

## **Sec 26.8 TABLE OF OFF-STREET PARKING REQUIREMENTS**

The amount of required off-street parking space by type of use shall be determined in accordance with the following tables.

<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT AS FOLLOWS:</b>	
<b>RESIDENTIAL</b>		
One and Two Family	2	Per each dwelling unit
Multiple family and attached single family	2	Per each dwelling unit
Mobile Home Parks	2	Per each mobile home unit

<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT AS FOLLOWS:</b>	
<b>INSTITUTIONAL</b>		
Day care center	1	Per each four (4) persons based on licensed capacity, plus

	6	off-street queuing spaces
Churches	1	Per each three (3) seats based on maximum seating capacity in the main place of assembly therein.
Convalescent homes, nursing homes, children's homes	1	Per each two (2) beds
Elementary and junior high schools	1	Per classroom, plus requirements of the auditorium or assembly hall therein
Golf courses open to the general public	60	Per nine holes, plus amount required for accessory uses
High Schools, Colleges and trade schools	1	Per classroom, plus
	1	Per each eight (8) students, based on maximum occupancy load established by local, county, state, fire, health, or building codes, plus requirements of the auditorium or assembly hall therein
Hospitals	2	Per each bed
Libraries and museums	1	Per each 400 square feet UFA
Private clubs and lodges	1	Per each three (3) individual members allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes
Private tennis club, swim club, golf club or other similar uses	1	Per each two (2) member families or individuals, plus amount required for accessory uses
Senior independent living units	2	Per each living unit
Senior "interim care" units, homes for the aged, retirement community housing, etc.	1	Per each bed
Stadiums and sports arenas	1	Per each four (4) seats or eight (8) feet of bench
Auditoriums, and assembly halls	2	Per each five (5) seats based on maximum seating capacity in the main place of assembly therein

USE	PARKING SPACE PER UNIT OF MEASUREMENT AS FOLLOWS	
<b>COMMERCIAL</b>		
Animal hospitals and kennels	1	Per each 400 square feet GFA
Barber shops	2	Per each barber
Beauty shops	3	Per each beauty operator
Bed and breakfast	1	Per room rented, provided on site, plus
	2	For operator's dwelling unit
Bowling lanes	6	Per bowling lane plus amount required for accessory uses

Convenience stores	1	Per 200 square feet UFA
Dance halls, exhibition halls, pool halls, billiard parlors, and assembly halls without fixed seats	1	Per each two (2) persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes
Furniture, appliances, and household equipment repair shops, hardware stores, and other similar uses	1	Per each 800 square feet of GFA
Laundromats, coin operated dry cleaning establishment	1	Per each washing or dry cleaning machine
Marinas	1.5	Per boat slip, plus
	1	Per each four (4) boat storage spaces
Miniature or "Par 3" golf courses	3	Per each hole plus
Mortuary establishments, funeral homes, undertaking parlors	1	Per each 50 square feet of GFA
Motels, hotels and tourist homes (revised 6-8-1999) (revised 10-25-2021)	1	Per unit plus one per each employee working at a given time during the most intense time, plus the amount required for each accessory uses including restaurants, lounges and gift shops at 50% of the requirement as listed.
Open air businesses (not otherwise provided for herein)	1	Per each 800 square feet of lot area used for said business
Personal service establishment (not otherwise provided for herein)	1	Per each 300 square feet of UFA
Restaurants and other establishments (other than drive-through restaurants) in which is conducted the sale and consumption on the premises of food, beverages, or refreshments	1	Per each two (2) persons allowed within the maximum occupancy load as established by local, county, state, fire, health, or building codes plus
		or (whichever is greater)
	1	Per each 70 square feet UFA
Restaurants (drive-through) or similar drive-through uses for the sale of food, beverages, or refreshments	1	Per each 75 square feet GFA
Retail stores (revised 6-8-1999)	1	1 space for each 200 square feet of GFA
Roadside stands	6	Per establishment
Theaters with: (revised 6-8-1999)	1 to 3 screens or stages	1 per each 2.5 seats
	4 to 6 screens or stages	1 per each 3 seats
	7 to 9 screens or stages	1 per each 3.5 seats



	10 to 14 screens or stages	1 per each 3.8 seats
	More than 14 screens or stages	1 per each 4 seats
Vehicle repair shops, collision or bump shops, and other similar uses	1	Per each 800 square feet GFA, plus
	3	Per each stall or service area
Vehicle salesrooms, machinery sales and other similar uses	1	Per each 200 square feet UFA, plus amount required for accessory uses
Vehicle service stations	3	Per each service stall, plus
	1	Per each service vehicle, plus amount required for convenience store, vehicle wash, or other applicable accessory use
Vehicle wash establishments	5	Per each unit which represents the establishment's maximum capacity as computed by dividing the line dimension or the mechanical wash/dry operation by 20 feet
Wholesale stores	2	Per 200 square feet of GFA

USE	PARKING SPACE PER UNIT OF MEASUREMENT AS FOLLOWS	
<b>OFFICES</b>		
Banks (drive-through)	4 stacking spaces	Per each drive-through window, plus requirement for bank
Banks (other than drive-through banks) and post offices (revised 6-8-1999)	2	Per each teller or service window
	plus	plus
	1	per each 300 square feet of GFA
Business and professional offices	1	Per each 300 square feet GFA
Medical clinic and dental clinic	4	Per each examining room

USE	PARKING SPACE PER UNIT OF MEASUREMENT AS FOLLOWS	
<b>INDUSTRIAL</b>		
Industrial or manufacturing establishments and research establishments (revised 6-8-1999)	1	Per each 750 square feet of GFA, plus amount required for accessory uses and offices, with a minimum of five (5) spaces
Warehouses and storage buildings	1	Per each 2,000 square feet GFA, with a minimum of four (4) spaces

**Sec 26.9 MISCELLANEOUS OFF-STREET PARKING PROVISIONS**

- A. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.
- B. When units or measurements determining number of required parking spaces result in requirement of a fractional space, the fraction shall be considered one (1) required parking space.
- C. In all zoning districts, off-street parking and loading requirements shall be provided in amounts of not less than specified for the various uses.
- D. Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed, as determined by the Zoning Administrator.
- E. Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
- F. For the purposes of determining off-street parking and loading requirements, the following provisions shall apply:
  - 1. Usable floor area (UFA) shall mean the floor area used for service to the public, as defined in Section 2.44.
  - 2. Gross floor area (GFA) shall include useable floor area and all additional floor area devoted to storage, processing, packaging, and utilities, as defined in Section 2.43.
  - 3. In hospitals, bassinets shall not be counted as beds.
  - 4. Where benches, pews, or other similar seating facilities are used as seats, each twenty (20) inches of such seating facilities shall be counted as one (1) seat.
- G. In the case of mixed uses in the same building, the total requirements for off-street parking and loading shall be the sum of the requirements for each individual use computed separately.
- H. Joint or collective provision of off-street parking for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately.
- I. It shall be unlawful to use any of the off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary service trucks.
- J. The approving authority as designated in Chapter 19 may defer construction of the required number of parking spaces if the following conditions are met:
  - 1. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
  - 2. Such deferment areas shall not be used for any other purpose required by this Ordinance (such as landscaped buffers, etc.) and shall be kept open.
  - 3. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator. Any alteration to the deferred parking area shall require the approval of an amended site plan submitted by the applicant accompanied by evidence documenting the justification for the alteration.
  - 4. If after the site is developed, the approving authority as designed in Chapter 19

determines that adequate off-street parking is not available for the use, the deferred parking shall be constructed by the owner upon written notification by the Zoning Administrator. (revised 6-8-1999) (revised 4-27-15)

- K. The approving authority as designated in Chapter 19 may grant a reduction in the required number of parking spaces for commercial, industrial or mixed use developments from one space up to a maximum of twenty-five (25) percent of the number of required spaces as calculated from Chapter 26, based on the following:
1. The applicant has demonstrated that the parking needs of the development would be adequately served due to factors such as joint use of common space for varying time periods of use or with alternate modes of transportation;
  2. With the condition that if the site and/or development is changed in any way by additional development, change in the size of the property or change of use, the parking requirements would be recalculated and reevaluated, and the reduction eliminated if the determination is made that the waived parking spaces are needed to meet the needs of the changed development or site.
  3. If the reduction is eliminated due to the mentioned site/development changes, the newly calculated number of parking spaces shall be provided prior to any approvals being granted for a change in use, parcel size, or additional development.
  4. In granting the reduction, the determination must be made that the reduction will not cause unreasonable negative impacts to the surrounding properties.
  5. Additional documentation could be required to provide assurances that the circumstances which warranted the reduction do not change, such as the use or size of development.
  6. Adequate space is provided for snow removal and storage.
  7. That in reducing the required number of parking spaces, the intention is for more green space or landscaped areas to be provided, in addition to less paved surfaces that required storm water runoff. (revised 1-24-05)
- L. Parking lots may contain up to twenty (20) percent more spaces than the required minimum. Any additional spaces above twenty (20) percent shall be allowed only upon the finding by the approving authority as designated in Chapter 19 that additional spaces are needed. In such cases, the approving authority may stipulate a maximum number of parking spaces that shall be provided in addition to the required number as calculated from Chapter 26. (revised 1-24-05) (revised 4/27/15)

### **Sec 26.10 OFF-STREET LOADING REQUIREMENTS**

On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning, or others similarly involving the receipt or distribution of vehicles, material, or merchandise there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services in order to avoid undue interference with street or parking areas.

- A. Such loading and unloading space, unless completely and adequately provided for within a building, shall be a minimum area of ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area

0-2,000	None
2,000-20,000	One Space
20,000-100,000	One (1) space plus one space for each 20,000 square feet in excess of 20,000 square feet
100,000-500,000	Five (5) spaces plus one space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	Fifteen (15) spaces plus one space for each 80,000 square feet in excess of 500,000 square feet

- B. **Double Count.** Off-street loading space areas shall not be construed as, or counted towards, the area required as off-street parking space area.

## **Chapter 27 NON-CONFORMING USES**

### **Sec 27.1 NON-CONFORMING USES**

### **Sec 27.2 RECORD OF NON-CONFORMING USES**

### **Sec 27.3 FORFEITURE OF RIGHT TO CONTINUE NON-CONFORMING USE**

### **Sec 27.4 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDING AND STRUCTURES**

### **Sec 27.5 NON-CONFORMING LOTS OF RECORD IN RESIDENTIAL DISTRICTS**

### **Sec 27.6 NON-CONFORMING LOTS OF RECORD IN NON-RESIDENTIAL DISTRICTS**

### **Sec 27.7 NON-CONFORMING STRUCTURES**

### **Sec 27.8 NON-CONFORMING USES OF LAND**

### **Sec 27.9 NON-CONFORMING USES OF STRUCTURES**

### **Sec 27.10 REPAIRS AND MAINTENANCE**

### **Sec 27.11 DISTRICT BOUNDARY CHANGES**

### **Sec 27.12 EXPANSION, ENLARGEMENT, AND ERECTION PROVISION**

## **Sec 27.1 NON-CONFORMING USES**

Any unlawful non-conforming use existing at the time of passage of this Ordinance may be continued.

- A. A legal non-conforming use may not conform to the requirements of the Zoning District but is not considered a nuisance, or damaging to abutting premises, or hazardous to persons on the same or adjoining premises.
- B. An illegal non-conforming use is one considered to be a nuisance and is to be abated or discontinued according to the provisions of Law and this Ordinance.

## **Sec 27.2 RECORD OF NON-CONFORMING USES**

- A. Immediately after the effective date of this Ordinance, the Township Board shall cause to be prepared and maintained, a record of all non-conforming uses and occupations of land, buildings, and structures, existing at the effective date hereof. Said record shall contain the names and addresses of owners and occupants of premises in non-conforming use; the legal description of the land in such use; description of buildings, structures, or vehicular units in said non-conforming use; and the specific nature of the non-conforming use. The Township Board shall prescribe the procedure for securing said record and making corrections and copies of the corrected record, which shall be filed in the office of the Township Clerk as part of the Township records.
- B. If the Zoning Administrator shall find, upon reviewing the application for a Zoning Compliance Certificate, that the existing use is illegal or in violation of any other ordinance or law or if he finds that the building for which the Certificate is requested has been constructed or altered for the

existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the Zoning Compliance Certificate but shall declare such use to be in violation of this Ordinance.

### **Sec 27.3 FORFEITURE OF RIGHT TO CONTINUE NON-CONFORMING USE**

- A. When non-conforming use of property is discontinued through vacancy, lack of operation, or other similar condition, for a period of twelve (12) consecutive months or more, thereafter no right shall exist to maintain on said property a non-conforming use unless the Board of Appeals grants such privilege prior to the expiration of such twelve (12) month period. In no case shall an extension of more than six (6) additional consecutive months be granted. No non-conforming use shall be resumed or changed back to a non-conforming use, after having been discontinued for the above stated time period.
- B. The following factors shall be considered in determining whether a use has been discontinued.
1. Utilities such as water, gas and electricity to the property, have been disconnected;
  2. The property, buildings, and grounds have fallen into disrepair;
  3. Signs or external indications of the existence of the nonconforming use have been removed;
  4. Equipment or fixtures which are necessary for the operation of the nonconforming use have been removed; and
  5. Other actions have occurred which in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

### **Sec 27.4 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDING AND STRUCTURES**

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed fifty (50) percent of the fair valuation of the entire building or structure at the time such damage occurred. The valuation of the proposed construction shall be subject to the approval of the Zoning Administrator whose decision may be appealed to the Board of Appeals.

If the reconstruction exceeds fifty (50) percent, the reconstruction may take place provided that:

1. The reconstructed building or structure does not exceed 125% of allowable floor area and height in the district it is located in;
2. The location on the lot complies with at least 75% of each setback requirements (front, side, rear) for the district it is located in;
3. The reconstruction is not detrimental to the public health, safety, and general welfare of the Township, as determined by the Zoning Administrator whose decision may be appealed to the Board of Appeals.

Such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from the time of such damage, and provided further, that said use be identical with the non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension of up to six (6) months, provided that the property owner submit a certification from the

insurance company attesting to the delay. Until such time as the debris from the damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises.

(section revised 10-25-2021)

### **Sec 27.5 NON-CONFORMING LOTS OF RECORD IN RESIDENTIAL DISTRICTS**

- A. In all districts which permit single family residences, only single family residences and buildings accessory thereto may be erected on non-conforming lots of record. The Zoning Administrator shall approve all applications for single family residence purposes on non-conforming lots of record, provided the owner or builder presents his plan and specifications to the Zoning Administrator and provided that the plan complies with all setback requirements. (revised 3/28/16)
- B. In the event the Zoning Administrator believes that the plan for construction on said lot does not comply with the setback requirements as set forth above, he shall submit the plans and specifications to the Board of Appeals for review. (revised 3/28/16)
- C. The Board of Appeals, at its next regular meeting, shall review the plans and specifications and may reduce any or all of the area requirements, not including use regulations, it reasonably believes are necessary so as to allow construction of a single family residence on said lot; provided only that such construction is not detrimental to the public health, safety, and general welfare of the Township, and further that the Board of Appeals shall have the right to require conditions for said structure or construction as will secure substantial compliance with the intent of this Ordinance, provided that such conditions are not unreasonable or confiscatory.
- D. If two or more contiguous lots are under the same ownership, no waiver of the district requirements shall be granted. Such lots shall be combined to create one or more conforming lots.

### **Sec 27.6 NON-CONFORMING LOTS OF RECORD IN NON-RESIDENTIAL DISTRICTS**

- A. Where a non-conforming lot of record, located in a zoning district in which single family dwellings are not permitted, has an area or lot width of not less than ninety (90) percent of its zoning requirements, said lot may be used for the permitted uses of that zoning district, provided that construction on such lot complies with all district regulations not involving lot area or lot width.
- B. Where a non-conforming lot of record located in a zoning district in which single family dwellings are not permitted has less than ninety (90) percent of its area and lot width requirements, or cannot provide the front and side yard requirements of its zone, the Board of Appeals shall grant such use as is permitted in its zone and reduce the side yard, lot width, and area requirements as the Board deems reasonable and necessary, taking into account the character of the neighborhood, provided such construction is not detrimental to the public health, safety, and general welfare of the Township, and provided further that the Board of Appeals may require conditions as will secure substantial compliance with the intent of this Ordinance, provided that such conditions are not unreasonable or confiscatory.
- C. If two or more contiguous lots are under the same ownership, no waiver of the district requirements shall be granted. Such lots shall be combined to create one or more conforming lots. (revised 12/11/17)

### **Sec 27.7 NON-CONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot coverage, height, yards, its



location on the lot, or other requirements concerning the structure, it may be continued so long as it remains otherwise lawful, subject to the following provisions.

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be enlarged or altered if such alteration conforms to the requirements of the zoning district or if such alteration will decrease its non-conformity.
- B. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. Should such structure be removed for any reason whatever (except when the removal or alteration is part of a proposal for construction that reduces the nonconformity), any new structure shall thereafter conform to the regulations for the district in which it is located. (revised 3/28/16)

### **Sec 27.8 NON-CONFORMING USES OF LAND**

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with an assessed value exceeding five hundred dollars (\$500), the use may be continued so long as it remains otherwise lawful provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

### **Sec 27.9 NON-CONFORMING USES OF STRUCTURES**

If lawful use involving individual structures with an assessed value of five hundred dollars (\$500) or more or of structure and premises in combination, exists at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of the adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use as determined by the Board of Appeals. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a non-conforming use.
- D. Where non-conforming use status applies to a structure and premises in combination, removal or

destruction of the structure shall eliminate the non-conforming status of the land.

### **Sec 27.10 REPAIRS AND MAINTENANCE**

- A. Any lawful non-conforming structures may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation and wear, PROVIDED that such repair does not exceed an aggregate cost of twenty-five (25) percent of the fair valuation of the building unless the subject building is changed by such repair to a conforming building or structure.
- B. If a non-conforming structure or portion of a structure containing a non-conforming use become physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not hereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located.

### **Sec 27.11 DISTRICT BOUNDARY CHANGES**

When district boundaries shall hereinafter be changed, any non-conforming use may be continued but subject to all other provisions of this Ordinance.

### **Sec 27.12 EXPANSION, ENLARGEMENT, AND ERECTION PROVISION**

- A. Notwithstanding the above restrictions, the Zoning Board of Appeals may permit the expansion or enlargement of an existing structure, or the erection of an additional structure replacing an existing nonconforming structure or open air use provided said Board finds that containment of said use is necessary and/or in the public interest pursuant to eliminating or reducing impacts considered detrimental to the Township's environmental or aesthetic quality. In approving the expansion or enlargement of an existing structure, or the erection of a new structure, the Board shall find:

1. The expansion or enlargement of an existing structure, or erection of a new structure, shall not result in an increase in the area occupied by the non-conforming use, nor result in the expansion or enlargement of the non-conforming use.
2. The expansion, enlargement, or erection as detailed above shall be solely for the mitigation of an environmental or aesthetic concern, and not for the prolongation of a non-conforming use.
3. The expansion, enlargement, or erection as detailed above shall be in the public interest and in keeping with the spirit and intent of the Ordinance.

In approving the expansion or enlargement of an existing structure, or the erection of a new structure, the Board may place conditions on said approval governing building and site design, access and vehicular circulation, and like factors. Moreover, the Board may require the applicant to remedy other public concerns associated with all aspects of the existing non-conformity.(revised 4-23-2001)

## **Chapter 28 BOARD OF APPEALS**

### **Sec 28.1 AUTHORIZATION**

### **Sec 28.2 MEMBERSHIP - TERMS OF OFFICE - ALTERNATE MEMBERS**

### **Sec 28.3 RULES OF PROCEDURE**

### **Sec 28.4 MAJORITY VOTE**

### **Sec 28.5 MEETINGS**

### **Sec 28.6 RECORDS**

### **Sec 28.7 SECRETARY AND COUNSEL**

[Sec 28.8 HEARINGS](#)

[Sec 28.9 DECISIONS](#)

[Sec 28.10 APPEALS](#)

[Sec 28.11 DUTIES AND POWERS](#)

### **Sec 28.1 AUTHORIZATION**

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

### **Sec 28.2 MEMBERSHIP - TERMS OF OFFICE - ALTERNATE MEMBERS**

- A. The Township Board of Appeals shall consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission; the second member may be a member of the Township Board; the additional three (3) members or four (4) if no member is a member of the Board (revised 10-25-06) shall be selected from the electors residing in the Township. All members shall be appointed by the Township Board. None of the additional three (3) members or four (4) if no member is a member of the Board (revised 10-25-06) shall be elected officers of the Township or employees of the Township Board; Members shall be appointed for three (3) year terms, except the Planning Commission and Township Board representatives who shall only serve while holding membership on those respective bodies. (revised Nov. 24, 2003)
- B. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- C. Up to two (2) alternate members may be appointed by the Township Board for three (3) year terms. The alternate members, if appointed, shall be selected from the electors residing in the Township, and shall not be elected officers of the Township or employees of Georgetown Township. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member. (revised 8-27-2001)

### **Sec 28.3 RULES OF PROCEDURE**

The Board of Appeals shall adopt its own rules of procedure.

### **Sec 28.4 MAJORITY VOTE**

The concurring vote of a majority of the membership of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator; to decide in favor of any application on any matter upon which the Board is required to pass under this Ordinance; to effect any variance in this Ordinance; or to constitute a denial of an application for purposes of Section 28.9(C).

## **Sec 28.5 MEETINGS**

Meetings shall be open to the public, and shall be held at the call of the Chairman and at such other times as the Board of Appeals shall specify in its rules of procedure. The Board shall choose its own Chairman and, in his absence, an acting Chairman.

## **Sec 28.6 RECORDS**

Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case together with votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall become matters of public record.

## **Sec 28.7 SECRETARY AND COUNSEL**

The Township Clerk shall act as the Secretary of the Board of Appeals and all records of the Board's action shall be taken and recorded under his direction. The Township Attorney shall act as legal counsel for the Board and shall be present at all meetings upon request of the Board.

## **Sec 28.8 HEARINGS**

When a notice of appeal has been filed in proper form with the Board of Appeals, the Secretary shall immediately place said request for appeal upon the calendar for hearing, and notice of such hearing shall be in accordance with the statutory requirements of the State of Michigan. (revised 10-25-06) The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

## **Sec 28.9 DECISIONS**

- A. The Board of Appeals shall return a decision upon each case within one hundred twenty (120) days after a request of appeal has been filed with the Board unless a further time is agreed upon with the applicant and the Board. Any decision of the Board shall not become final until the expiration of five (5) days from the date of entry of such order and service of the same upon the parties concerned unless the Board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. The decision of the Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact.
- B. Unless the Board of Appeals specifies a different time limit for a variance to expire as a condition of the Board of Appeals' decision in a particular variance case, each variance granted under the provisions of this Ordinance shall become null and void unless the use or activity authorized by the variance has been fully commenced and is ongoing or unless the construction authorized by such variance has been commenced and substantial construction has occurred within one (1) year after the granting of the variance and is being carried on progressively to completion. As a condition of approval of a variance, the Board of Appeals can specify a shorter or longer variance expiration time period. If the Board of Appeals has not specified a particular expiration time period as a condition of approval for a particular variance, the Zoning Administrator shall have the discretion and authority to extend the ordinary one-year time period contained in this subsection for good cause shown for up to one additional year as long as the request for the extension is made in writing prior to the expiration. (revised 2-28-2011)
- C. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

## **Sec 28.10 APPEALS**

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department or board of the Township. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within five (5) days after the date of the Zoning Administrator's decision which is the basis of the appeal. The appellant must file with the Zoning Administrator a notice of appeal specifying the grounds for appeal. The Zoning Administrator shall immediately transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

- A. Stays. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown.
- B. Representation. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
- C. Fees. A fee as established by the Township Board shall be paid to the Township Clerk at the time of filing application with the Board. The purpose of the fee is to cover any necessary advertisement and investigation expenses incurred by the Board of Appeals in connection with the appeal.

## **Sec 28.11 DUTIES AND POWERS**

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

- A. Review. Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the administration of this Ordinance.
- B. Interpretation. Shall have the power to:
  - 1. Hear and decide upon request for the interpretation of the provisions of this Ordinance.
  - 2. Determine the precise location of boundary lines between zoning districts when there is dissatisfaction with a decision upon said subject made by the Zoning Administrator.
  - 3. Classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for purpose of the use regulations in any zoning district.
  - 4. Determine the off-street parking and loading requirements of any use which is not mentioned in Chapter 27, either by classifying it with one of the groups listed or by analysis of the specific need.
- C. Variances. The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from the requirements of this Ordinance, when the applicant demonstrates that ALL of the following conditions will be satisfied.
  - 1. Granting the variance be in the public interest and will ensure that the spirit of this Ordinance shall be observed.
  - 2. Granting the variance shall not permit the establishment within a district of any use which is prohibited, nor shall any use variances be granted.
  - 3. That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or



conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.

4. That the granting of such variance will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions to an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.
5. That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.
6. That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance with Section 27.12
7. That the variance is not necessitated as a result of any action or inaction of the applicant.  
(revised 4-23-2001)

## **Chapter 29 ADMINISTRATION**

### **Sec 29.1 ZONING ADMINISTRATOR**

### **Sec 29.2 FEES IN GENERAL**

### **Sec 29.3 ZONING COMPLIANCE CERTIFICATE**

### **Sec 29.4 ZONING COMPLIANCE CERTIFICATE FOR RESIDENTIAL BUILDINGS**

### **Sec 29.5 ZONING COMPLIANCE CERTIFICATE FOR NON-RESIDENTIAL VACANT BUILDINGS**

### **Sec 29.6 ORDINANCE AMENDMENTS**

## **Sec 29.1 ZONING ADMINISTRATOR**

The provisions of this Ordinance shall be administered and enforced by the Township Board, Township Planning Commission, Township Board of Appeals, and Zoning Administrator and deputies of same, so designated and appointed by the Township Board. The Zoning Administrator shall, among other duties, issue all permits and notices of violations provided for in this Ordinance.

## **Sec 29.2 FEES IN GENERAL**

Except as may be provided for otherwise in this Ordinance, the Township Board shall, by resolution, determine and set fees to be charged for all permits and certificates and official actions required, such as appeals, insofar as this Ordinance provides for charges to be made in each instance. These fees shall be collected by the appropriate official prior to issuance of any permit or certificate. No permit is valid until the proper fee has been paid. There shall be no charge for renewal or extension of permits.

## **Sec 29.3 ZONING COMPLIANCE CERTIFICATE**

- A. No building, structure, or item shall be erected, altered, or moved, and no use be commence, unless a Zoning Compliance Certificate shall have been issued for such work or use by the Zoning Administrator.
- B. Except upon written order of the Zoning Board of Appeals, no Zoning Compliance Certificate shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance.
- C. A record of all Zoning Compliance Certificates issued shall be kept on file in the office of the Zoning Administrator.
- D. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Compliance Certificate is first obtained for the new or different use. (revised 1-24-2000) (revised 1-8-2001)



## **Sec 29.4 ZONING COMPLIANCE CERTIFICATE FOR RESIDENTIAL BUILDINGS**

- A. No dwelling, building, part of a building, or mobile home, subject to the provisions of this Ordinance, shall be occupied or used until the Zoning Administrator has issued a Zoning Compliance Certificate to the owner of such dwelling, building, or mobile home. Further, no change of occupancy, tenancy, or use shall be permitted within any non-residential building until a Zoning Compliance Certificate has been issued to the owner of such building in accordance with Section 29.5. At least three (3) Township working days prior to being ready for use or occupancy, the owner shall notify the Zoning Administrator who shall be assured that the building is in proper conformity and, if so, issue a Zoning Compliance Certificate, in two (2) copies. One (1) copy may be retained in the Zoning Administrator's files. One (1) copy shall be returned to the owner. If a certificate or application is disapproved for cause, the owner or applicant shall be so notified in writing. (Revised November 1997)
- B. If, at the time the Zoning Compliance Certificate has been requested, any requirements of this Ordinance or other conditions of approval have not been complied with due to circumstances beyond the applicant's control, as determined by the Zoning Administrator, a Temporary Zoning Compliance Certificate may be issued.
- C. Such Temporary Zoning Compliance Certificate may not be issued until the applicant has provided the Township with a letter of credit, performance bond, cash deposit, or other financial guarantee acceptable to the Township Board in an amount established by a qualified estimator, equal to the cost of the unfinished improvements which may include but not be limited to drives, walks, utilities, landscaping, parking lots, fences, and other site improvements.
- D. The Temporary Zoning Compliance Certificate shall expire six (6) months after the date of issuance, or upon completion of the required improvements, whichever comes first. If the required improvements have not been made by the date of expiration, the financial guarantee shall be forfeited and the Zoning Administrator shall cause the improvements to be made. (whole section revised 1-8-2001)

## **Sec 29.5 ZONING COMPLIANCE CERTIFICATE FOR NON-RESIDENTIAL VACANT BUILDINGS**

No vacated building, except residential structures, shall be occupied or used until such time as the Zoning Compliance Certificate has been issued by the Zoning Administrator or such other Township official as may be designated by the Township Board from time to time.

- A. An application for a Zoning Compliance Certificate may be made by the owner, lessee, or proposed occupant or lessee, or owner at any time that the building is vacant or within thirty (30) days prior to the proposed vacation of the building. The application shall include information as to the proposed occupancy and the intended use of the property, and shall grant to the Zoning Administrator the right to make an inspection of the building.
- B. The Zoning Administrator shall issue a Zoning Compliance Certificate if the building and its proposed use, including the site, are in proper conformity with this Ordinance, and with the provisions of the Georgetown Township Building Code Ordinance, as amended.
- C. If a Certificate or application is disapproved for cause, the owner or applicant shall be notified in writing and such notice shall contain the reasons for disapproval.
- D. If, at the time the Zoning Compliance Certificate has been requested, any requirements of this Ordinance or other conditions of approval have not been complied with due to circumstances beyond the applicant's control, as determined by the Zoning Administrator, a Temporary Zoning Compliance Certificate may be issued.
- E. Such Temporary Zoning Compliance Certificate may not be issued until the applicant has

provided the Township with a letter of credit, performance bond, cash deposit, or other financial guarantee acceptable to the Township Board in an amount established by a qualified estimator, equal to the cost of the unfinished improvements which may include but not be limited to drives, walks, utilities, landscaping, parking lots, fences, and other site improvements.

- F. The Temporary Zoning Compliance Certificate shall expire six (6) months after the date of issuance, or upon completion of the required improvements, whichever comes first. If the required improvements have not been made by the date of expiration, the financial guarantee shall be forfeited and the Zoning Administrator shall cause the improvements to be made. (whole section revised 1-8-2001)

## **Sec 29.6 ORDINANCE AMENDMENTS**

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Township Board, the Planning Commission or by petition of one or more owners of property in Georgetown Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Township Clerk to set a hearing date and publish notices. The petitioner shall attend a pre-application meeting with the zoning administrator prior to submission of the application in accordance with the established Township policy. (revised 11-28-2005)
- B. The Planning Commission shall conduct a public hearing, the notice of which shall be in accordance with the statutory requirements of the State of Michigan.
- C. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be in accordance with the statutory requirements of the State of Michigan.
- D. No petition for rezoning or Special Land Use , which has been disapproved , shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

(section revised 10-25-06)

## **Chapter 30 ENFORCEMENT**

### **Sec 30.1 REPEAL OF PRIOR ORDINANCE**

### **Sec 30.2 INTERPRETATION**

### **Sec 30.3 VIOLATIONS**

### **Sec 30.4 PUBLIC NUISANCE, PER SE**

### **Sec 30.5 RESERVED FOR FUTURE USE**

### **Sec 30.6 RIGHTS AND REMEDIES**

### **Sec 30.7 SEVERABILITY**

### **Sec 30.8 GENERAL RESPONSIBILITY**

### **Sec 30.9 ENACTMENT**

## **Sec 30.1 REPEAL OF PRIOR ORDINANCE**

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

## **Sec 30.2 INTERPRETATION**

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulation or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

### **Sec 30.3 VIOLATIONS**

- A. Any person, firm, corporation, or any owner of any building, structure, premises, or part thereof, where any condition is in violation of this Ordinance, either exists, or has been created, and whomever has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than one hundred (100) dollars nor more than five hundred (500) dollars for the first offense and not less than five hundred (500) dollars nor more than one thousand (1,000) dollars for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law.

For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility, or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

- B. Each day the violation occurs or continues shall be deemed a separate offense.
- C. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. (revised 1-24-2000)

### **Sec 30.4 PUBLIC NUISANCE, PER SE**

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

### **Sec 30.5 RESERVED FOR FUTURE USE**

### **Sec 30.6 RIGHTS AND REMEDIES**

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

### **Sec 30.7 SEVERABILITY**

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

**Sec 30.8 GENERAL RESPONSIBILITY**

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

**Sec 30.9 ENACTMENT**

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective immediately upon publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Georgetown Township. Such publication shall be preceded by a public hearing and by approval of the Georgetown Township Board, in that order.