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ZONING ORDINANCE OF 1978
WRIGHT TOWNSHIP MICHIGAN
ORD. NO. 5 EFF. OCT. 11, 1978

An Ordinance to amend the Zoning Ordinance of Wright Township.

THE TOWNSHIP BOARD FOR THE TOWNSHIP OF WRIGHT, COUNTY OF OTTAWA,
AND THE STATE OF MICHIGAN, ORDAINS:

That the Wright Township Zoning Ordinance, entitled “AN ORDINANCE” to establish zoning districts and regulations governing the unincorporated portions of Wright Township, Ottawa County, Michigan, in accordance with the provisions of Public Act 110 of 2006; to provide for regulations governing nonconforming uses and structures; to provide for Board of Appeals and its duties and powers; to provide for building permits and the collection of fees therefore; to provide for the administration of this Ordinance including the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this Ordinance and to provide for conflicts with other ordinances or regulations,” adopted February 16, 1951 effective March 24, 1951, as amended, BE AND HEREBY IS amended to read as follows:

CHAPTER 1
PREAMBLE

Sec. 100. TITLE

This Ordinance shall be known as the “Wright Township Zoning Ordinance of 1978” and may be cited as such.

(ord. no. 5 eff. Oct. 11, 1978)

Sec. 101. PURPOSE.

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location and size of, and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to lessen congestion on the public roads and streets; to provide safety in traffic and vehicular transportation, education, recreation, sewage disposal, safe and adequate water supply, and other public requirements; to conserve life, property and natural resources, and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

(ord. no. 5 eff. Oct. 11, 1978)

CHAPTER 2 DEFINITIONS

Sec. 200. DEFINITIONS

ABUTTING OR ADJOINING: CONTIGUOUS.

Abutting or adjoining means to reach, to touch, to join at a border or boundary, and contiguous shall have the same meaning, as distinguished from “adjacent” which as used in this Ordinance shall mean lying near but not necessarily abutting, adjoining or contiguous. (ord. no. 5 eff. Oct. 11, 1978)

ACCESSORY BUILDING OR STRUCTURE.

A supplemental building or structure on the same lot or parcel of land as the main building or buildings. The use of which is incidental or secondary to that of the main building but such use shall not include residential or living quarters for human beings. (ord. no. 5 eff. Oct. 11, 1978)

ACCESSORY USE.

A use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the land or building. (ord. no. 5 eff. Oct. 11, 1978)

ADULT FOSTER CARE FAMILY HOME

A private residence with the state-approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. (ord. no. 48 eff. Nov. 30, 1999)

AGRICULTURAL LAND

Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities. (ord. no. 101 eff. June 13, 2007)

AIRPORT

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An airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86. (ord. no. 101 eff. June 13, 2007)

AIRPORT APPROACH PLAN AND AIRPORT LAYOUT PLAN

A plan, or an amendment to a plan, filed with the zoning commission under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151. (ord. no. 101 eff. June 13, 2007)

AIRPORT ZONING REGULATIONS

Airport zoning regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act. (ord. no. 101 eff. June 13, 2007)

ALLEY.

A public or private thoroughfare or service right-of-way not more than thirty (30) feet wide at the rear or side lines of property and affording only a secondary means of access to abutting property.
(ord. no. 5 eff. Oct 11, 1978)

ALTERED.

Any change in the supporting members of a building such as bearing walls, columns, posts, beams, girders, and similar components.
(ord. no. 5 eff Oct. 11, 1978)

ANAEROBIC LAGOON.

A natural or man-made body of water, or a natural or man made depression or excavation, into which liquid or solid animal waste is deposited for biologic treatment of the animal waste. An anaerobic lagoon is characterized by, but not limited, to, the following attributes:

- (a) Low amount of dissolved oxygen in the fluid medium;
- (b) High organic waste load or content;
- (c) High bacteria count;
- (d) Generation of hydrogen sulfide, methane, and other noxious gases or odors;
- (e) Low ratio or surface area to volume (less than 1:1);
- (f) High ratio of fluid content to solid content (greater than 10:1);
- (g) A long holding period of the animal waste in the lagoon (longer than one year).

(amended by ord. 22, eff. Aug. 15, 1996)

BASEMENT.

A portion of the building partly underground having half or more than half of its clear height below the average grade of the adjoining ground.
(ord. no. 5 eff. Oct. 11, 1978)

BASEMENT DWELLING.

A dwelling for human habitation of less than one story in height above the grade level.
(ord. no. 5 eff. Oct. 11, 1978)

BED AND BREAKFAST ESTABLISHMENT.

A private residence that offers overnight accommodations to lodgers in the innkeeper's (owner and operator) principal residence and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed and breakfast establishment for fewer than thirty (30) consecutive days.

BOARD OF APPEALS.

Whenever the words "Board of Appeals" are used they refer to the Board of Zoning Appeals established by this Ordinance.
(ord. no. 5 eff. Oct. 11, 1978)

BUILDING.

Any structure having a roof and used or built for shelter.
(ord. no. 5 eff. Oct. 11, 1978)

BUILDING, HEIGHT OF.

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof. Where a building is located on a sloping terrain, the height shall be measured from the front of the building.
(ord. no. 5 eff. Oct. 11, 1978)

CARE HOMES.

Includes rest and nursing homes, convalescent homes and boarding homes for the aged which are established to render nursing care for chronic or convalescent patients.
(ord. no. 5 eff. Oct. 11, 1978)

CONSERVATION EASEMENT

That term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140. (ord. no. 101 eff. June 13, 2007)

DANGEROUS ANIMALS.

The phrase “Dangerous Animals” means animals which are not normally considered to be household pets or farm animals, but which are potentially dangerous. Dangerous Animals include, but are not limited to alligators, bears, bobcats, caymans, cougars, crocodiles, jaguars, leopards, lions, panthers, poisonous snakes, poisonous reptiles, tigers, wolves, and wolf-dog cross breed. In the event that a person disagrees with the Zoning Administrator’s determination that an animal is or is not a Dangerous Animal, that person may appear to the Planning Commission for determination.
(ord. No. 50 eff. March 16, 2000)

DECK.

An uncovered platform that extends above grade.
(ord. no. 48, eff. Nov. 30, 1999)

DISTRICT.

A part of parts of the unincorporated area of Wright Township for which the zoning regulations are prescribed.
(ord. no. 5 eff. Oct. 11, 1978)

DRIVE-IN OR DRIVE-THROUGH FACILITIES.

Any facility used to serve patrons of a business while in their motor vehicles, either exclusively or in addition to service within a building or structure.
(ord. no. 48 eff. Nov. 30, 1999)

DRIVE-IN RESTAURANT OR REFRESHMENT STAND.

Any place or premises used for sales, dispensing or serving of food, refreshments or beverages in automobiles, and those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises outside the building.
(ord. no. 5 eff. Oct. 11, 1978)

DWELLING, EARTH BERMED AND UNDERGROUND.

Definition: A dwelling where the ground floor is partly below grade to provide climatic, noise, or safety protection, but so designed to meet the requirements of the Township Building Code. An Earth Bermed and Underground Dwelling is permitted within the Agricultural Zone. The Board of Appeals to consider Earth Bermed and Underground Dwellings in other specified zones on an individual basis.

Requirements:

1. The requirements of the State Construction Code is adopted and enforced by the Township and all other ordinances of the Township must be met.
2. The parcel upon which it is placed has an area not less than two (2) acres and lot width of not less than one hundred-fifty (150) feet.
3. There is at least one side of the dwelling that is completely exposed and above grade and/or ground level immediately adjacent thereto when construction and landscaping are completed.
4. There shall be at least two (2) exits. No point within the building shall be more than fifty (50) feet, by way of travel, from entrance/exit opening directly to the outside of the dwelling. All entrances/exits to the dwelling must be obstacle free.
5. A thermo break shall be required between the exposed and unexposed areas of the dwelling to allow for expansion and retraction.

(ord. no. 5 eff. Oct. 11, 1978)

DWELLING, SINGLE FAMILY.

A detached residential living unit designed for occupancy by not more than one family.

(ord. no. 5 eff. Oct. 11, 1978)

DWELLING, TWO FAMILY.

A detached residential building containing two dwelling units designed for occupancy by not more than two families.

(ord. no. 5, eff. Oct. 11, 1978)

DWELLING, MULTIPLE FAMILY.

A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

(ord. no. 5 eff. Oct. 11, 1978)

DWELLING, MOBILE HOME.

A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels (whether or not such wheels have been removed) complete and ready for occupancy upon arriving at the site where it is to be located except for minor incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered a mobile home.

(ord. no. 5 eff. Oct. 11, 1978)

DWELLING, MODULAR UNIT.

A modular unit is one that meets the Building Code of the Township and is not a mobile home. A modular unit is a prefabricated dwelling or component part thereof which is designed to be transported to the building site after fabrication and which is designed for permanent attachment to a building foundation.
(ord. no. 5 eff. Oct. 11, 1978)

DWELLING UNIT.

A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.
(ord. no. 5 eff. Oct 11, 1978)

ESSENTIAL SERVICES.

The phrase "Essential Services" means services provided to the public. Said services may include but are not limited to underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings.
(ord. no. 5 eff. Oct. 11, 1978)

ESSENTIAL PUBLIC SERVICE STRUCTURES OR BUILDINGS.

Buildings or structures owned and operated by public utilities or municipal departments and used for gas, electrical, steam, fuel, water or sewage treatment or disposal, electrical substations, sewage lift stations which are not located entirely underground, and similar structures or buildings necessary to furnish adequate service within the Township, but not including Essential Services
(ord. no. 48 eff. Nov. 30, 1999).

FAMILY.

- (i.) An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- (ii.) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include and society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, is for an anticipated

limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.
(ord. no. 48 eff. Nov. 30, 1999)

FAMILY DAY CARE HOME.

A dwelling unit in which less than seven minor children are given care and supervision for periods less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household and who is registered with the State of Michigan to provide such care. (ord. no. 109 eff. June 2, 2009)

FARM.

All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant-farmer by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, apiaries, but establishments keeping fur-bearing animals or game or operating fish hatcheries, stockyards, stone quarries, or gravel or sand pits shall not be considered farms hereunder unless such uses are noncommercial and combined with bona fide farm operations on the same tract of land.
(ord. no. 5 eff. Oct. 11, 1978)

FARM BUILDINGS.

Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential or customarily used on farms of that type for the pursuit of agricultural activities.
(ord. no. 5 eff. Oct 11, 1978)

FEED LOT.

A feedlot is an enclosed area, including structures but excluding fully enclosed buildings, where a high density of beef, swine, and/or poultry are confined and fed until marketed.
(ord. no. 5 eff. Oct 11, 1978; amend. Eff. Sept. 7, 1982)

FLOOR AREA, GROSS.

The sum of the total horizontal areas of all floors of the building in question, measured from the interior faces of exterior walls.
(ord. no. 48, eff. Nov. 30, 1999)

FLOOR AREA, USABLE.

The gross floor area, excluding attics, porches, patios, terraces, breezeways, carports, verandah, garages, and basements. In buildings intended for retail sales or for restaurants or bars, usable

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floor area shall not include areas not used or intended to be used for the sale of merchandise, services or food, such as areas used for storage or processing of merchandise, hallways, mechanical rooms, kitchens, or utility rooms.

(ord. no. 48 eff. Nov. 30, 1999)

GARAGE, PRIVATE.

A private garage is any building, not over one story or ten (10) feet in height at the eaves for storage of private vehicles or trailers where no activity for profit is conducted.

(ord. no. 5 eff. Oct. 11, 1978)

GARBAGE.

Rejected food wastes, including waste accumulations of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

(ord. no. 5 eff. Oct. 11, 1978)

GREENBELTS.

A planting strip or buffer strip, as regulated by Chapter 20.

(ord. no. 48 eff. Nov. 30, 1999)

GREENWAY

A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. (ord. no. 101 eff. June 13, 2007)

GROUP DAY CARE HOME.

A dwelling unit in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household, and who is registered with the State of Michigan to provide such care. (ord. no. 109 eff. June 2, 2009)

HOME OCCUPATION.

A gainful occupation conducted by members of the family only within the dwelling, provided that the space is incidental to residential use and that no article is sold or offered for sale except such as is produced by such home occupation. 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. (ord. no. 5 eff. Oct. 11, 1978)

HOMES FOR THE ELDERLY, RETIRED, OR THOSE REQUIRING ASSISTED CARE.

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A facility, including convalescent or nursing homes, but not including a hospital, which either: (i) provides or offers a level of care to its residents which is required to be licensed by the State of Michigan; or (ii) contains individual resident rooms which do not have separate cooking facilities. (ord. no. 48 eff. Nov. 30, 1999)

HOSPITAL.

An institution in which sick or injured human beings are given medical or surgical care. (ord. no. 5 eff. Oct. 11, 1978)

JUNK, TRASH, AND JUNKYARD.

Junk and trash are used synonymously and shall include paper, rags, iron, scrap metal, other scrap or discarded materials, inoperable automobiles, or other inoperable vehicles or parts thereof, discarded or inoperable machinery or parts thereof, discarded or inoperable appliances, refuse, or any other articles customarily considered to be junk or trash. A junkyard is any land, building, or structure used for the purpose of storage, sale, or salvage of junk or trash. (ord no. 5 eff. Oct. 11, 1978)

KENNEL.

Any premises on which five (5) or more dogs, four (4) months old or older are kept. (ord. no. 5 eff. Oct. 11, 1978)

KENNEL, COMMERCIAL.

Any lot or premises on which five or more dogs, and/or cats, six months of age or older, are either permanently or temporarily boarded for commercial purposes, but not including a veterinary hospital if animals are boarded only during periods necessary for treatment or recuperation. (ord. no. 48 eff. Nov. 30, 1999)

LOT.

A parcel of land at least sufficient in size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are required by this Ordinance. A lot may consist of a portion of a platted lot, one or more platted lots, a parcel of land described by metes and bounds or any combination thereof. (ord. no. 5 eff. Oct. 11, 1978)

LOT, CORNER.

A lot having two contiguous sides upon public streets if the interior angle at the intersection of such streets is less than 135 degrees. Also, a lot located on a curved street if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. (ord. no. 48 eff. Nov. 30, 1999)

LOT, DEPTH.

The horizontal distance between the front and rear lot lines of interior and corner lots, or the two front lines of a through lot, measured along the median line between the side lot lines. (ord. no. 48 eff. Nov. 30, 1999)

LOT OF RECORD.

A parcel of land which is separately described on a plat, condominium document, or metes and bounds description, recorded in the office of the Ottawa County Register of Deeds as of a specified date. (ord. no. 48 eff. Nov. 30, 1999)

LOT, WATERFRONT

A lot having a property line abutting a shoreline. (ord. no. 48 eff. Nov. 30, 1999)

LOT WIDTH.

The horizontal distance between the side lot lines of an interior lot or through lot, or designated side and opposite front lot line of a corner lot, measured parallel to the front lot line at the minimum required front yard setback. (ord. no. 48 eff. Nov. 30, 1999)

LOT LINES.

- (a) **Front lot line.** In the case of an interior lot, the line separating the lot from the adjacent public or private street or access easement. Through and corner lots shall be considered to have two front lot lines, consisting of the lines separating said lot from each of the streets abutting the lot. In the case of a waterfront lot, the front lot line is the lot line on the waterfront.
- (b) **Rear lot line.** That lot line opposite and most distant from the front lot line. In the case of a corner lot, the property owner may treat one of the lot lines opposite either of the two front lot lines as the rear lot line. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line or wholly within the lot. A through lot has no rear lot line.
- (c) **Side lot line.** Any lot boundary line not a front lot line or a rear lot line. (ord. no. 5 eff. Oct. 11, 1978, amend ord. 48 eff. Nov. 11, 1999)

MANURE STORAGE FACILITY.

Any container, device, earthen basin, pond, or other storage facility in which animal fecal or urinary excretions are stored. The mixture of other animal wastes including, but not limited to milking center or washing wastes, milk, hair, feathers, and other debris with fecal or urinary excretions shall not prevent a storage facility from being considered a manure storage facility for the purposes of this ordinance. The following are all examples of manure storage facilities: above ground tanks, earthen storage basins, cement storage tanks, semi-solid manure systems,

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solid manure handling systems (pits and compost), holding ponds, anaerobic lagoons, aerobic lagoons and settling tanks. (ord no. 22 eff. Aug. 15, 1996)

MOBILE HOME PARK.

A parcel or tract of land under the control of a person upon which three or more Mobile Homes are located on a continual, non-recreational 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. (ord. no. 5 eff. Oct. 11, 1978, amend ord. no. 48 eff. Nov. 30, 1999)

MOBILE HOME.

A structure, transportable in one 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 the plumbing, heating, air-conditioning and electrical systems contained in the structure. (ord. no. 48 eff. Nov. 30, 1999)

MOTEL OR HOTEL.

A building or series of buildings in which lodging is provided and offered to the public for compensation, and which is open to transient guests (as distinguished from a boarding house or lodging house). (ord. no. 5 eff. Oct 11, 1978)

NONCONFORMING STRUCTURE.

A structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto and which does not conform to the regulations of the district in which it is located. (ord. no. 5 eff. Oct. 11, 1978)

NONCONFORMING USES.

The use of a building, structure, lot or parcel of land lawfully existing at the time of the adoption of this Ordinance, or any amendment thereto, which does not conform to the regulations of the district in which it is located. (ord. no. 5 eff. Oct. 11, 1978)

OPEN AIR BUSINESS.

A business, a substantial part of which involves activities or the display and sale of goods outside of a building, including motor vehicle and boat sales, mobile home sales, lawn and garden centers, golf driving ranges, and similar uses. (ord. no. 48 eff. Nov. 30, 1999)

OPEN SPACE PRESERVATION PROJECT

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A single-family development in which a portion of the project will remain preserved in an undeveloped state in accordance with Section 16h of the Township Zoning Act (MCLA 125.286h). (ord. no. 78 eff. Dec. 3, 2002)

ORDINARY HIGH WATER MARK.

The line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of water is so common or recurrent that the character of land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present. (ord. no. 48 eff. Nov. 30, 1999)

PARKS.

A park is any noncommercial recreational area. (ord. no. 5 eff. Oct. 11, 1978)

PLANNING COMMISSION.

“Planning Commission” means the Planning Commission of Wright Township. (ord. no. 50 eff. March 16, 2000)

PRINCIPAL OR MAIN USE.

The primary or predominant use of the premises. (ord. no. 5 eff. Oct. 11, 1978)

PUBLIC UTILITY.

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public any of the following: transportation, water, gas, electricity, telephone, steam, telegraph, cable TV, or sewage disposal or other services. (ord. no. 5 eff. Oct. 11, 1978)

REFUSE.

Solid and liquid wastes, except body wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and solid or liquid market and industrial wastes. (ord. no. 5 eff. Oct. 11, 1978)

RESTAURANT.

A business located in a building where, in consideration of the payment of money, food is habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food. (ord. no. 5 eff. Oct. 11, 1978)

RETAIL COMMERCIAL ESTABLISHMENT.

An establishment in which goods or merchandise or services are sold or offered for sale to the public. (ord. no. 5 eff. Oct. 11, 1978)

RUBBISH.

Nonputrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building material or litter of any kind that may be detrimental to the public health and safety. (ord. no. 5 eff. Oct. 11, 1978)

SANITARY LANDFILL

A method of disposing of junk and trash, sewage treatment residue, animal or agricultural wastes, or other waste materials of any kind, on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine those items to the smallest practical area, to reduce them to the smallest practical volume and to cover them with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary, or location where such an operation is conducted.
(ord. No. 5 eff. Oct. 11, 1978)

SATELLITE DISH

A parabolic dish designed for the purpose of transmitting and/or receiving microwave radio, television, satellite, or other electromagnetic energy signals, including as a part of the apparatus or device the main reflector, sub-reflector, feed, amplifier, and support structure. (ord. No. 48 eff. Nov. 30, 1999)

SCHOOL

A building used for the purpose of elementary or secondary education that meets all requirements of the compulsory education laws of the State of Michigan and not providing residential accommodations. (ord. No. 5 eff. Oct. 11, 1978)

SETBACK

The minimum unoccupied distance between a front, side, or rear lot line and the nearest point on the wall of a building or structure as required herein. (ord. No. 48 eff. Nov. 30, 1999)

SEXUALLY ORIENTED BUSINESS

“Sexually Oriented Business” means a business or commercial enterprise that conducts or engages in any of the activities hereinafter defined:

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, electronically controlled, electrically controlled, or mechanically controlled still picture or motion pictures machines, projectors, or image-producing or image-projecting devices are maintained to show images to five or fewer persons per machine or device at any time, and where the images so projected, produced, or displayed are distinguished or characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store means 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 matter or photographs, films, motion pictures, video cassettes or video reproductions, 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 or Adult 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 10% or more of the establishment's gross revenues, or if such materials occupy 10% or more of the floor area or visible inventory within the establishment.

Adult Cabaret means a nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities; or,
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Anatomical Areas or Specified Sexual Activities; or,
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Motel means of hotel, motel or similar commercial establishment that, as one of its business purposes or services:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or

- Specified Anatomical Areas and has a sign visible from the public right-of-way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 3. Allows a tenant or occupant of a sleeping room to offer it for rent or other consideration for a period of time that is less than ten (10) hours.

A commercial establishment may have other business purposes or services that do not involve the offering or sale of the accommodations described in paragraphs 1, 2, or 3, above, and still be categorized as an Adult Motel. The offering or sale of such accommodations shall be deemed to constitute a business purpose or service if the commercial establishment derives 10% or more of its gross revenues from such accommodations, or if such accommodations or services are available in 10% or more of the commercial establishment's rooms that are generally available to the public.

Adult Motion Picture Theater means a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity, or that regularly features live performances that are characterized by exposure of Specified Anatomical Areas or Specified Sexual Activities.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date of another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes or services, for a fee, tip, or other consideration.

Massage Parlor means a place of business or an establishment at which patrons of the business or establishment for any form of consideration receive the service or performance of manipulative exercise upon their body by another by rubbing, kneading, stroking, tapping, or similar action, by hand, hands, mechanical, or bathing device, with or without supplementary aids, for non-therapeutic purposes. Except, that any such services or exercise provided by a person who is licensed by the state as a medical practitioner, physical therapist, or health care provider and who provides such services or exercises for therapeutic or rehabilitative purposes are excluded from this definition.

Massage School means any place, establishment or facility that provides instruction in the theory, method or practice of non-therapeutic massage.

Nude Model Studio means any place where a person who displays Specified Anatomical Areas is provided to be observe, sketched, drawn, painted, sculptured, photographed, or similarly

depicted by other persons, who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Public Baths, Spas, or Hot Tub Establishments means an establishment or business which provides facilities or services for bathing by patrons of the establishment or business, including all forms of hydrotherapy, unless operated by a medical practitioner or physical therapist licensed by the State of Michigan.

Sexual Encounter Center means a business or commercial enterprise that, as one of its business purposes or services, offers for any form of consideration any of the following:

1. Any physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons, or between persons of the same sex, when one or more of the persons is in a state of nudity.

(ord. no. 40 eff. Mar. 23, 1999)

SIGNS AND BILLBOARDS

Any indoor or outdoor sign, display, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is visible from the exterior of a building or structure, which is designated, intended or used to advertise, inform, or attract attention.

(a) **ADVERTISING SIGN.** A sign which directs attention to a business, commodity, service, entertainment, or other item not directly related to uses permitted upon the premises upon which the sign is located.

(b) **BUSINESS SIGN.** A sign which directs attention to a business, product, activity, or service manufactured, sold, offered, or conducted upon the premises where the sign is located.

(ord. No. 5 eff. Oct. 11, 1978)

SIGNS – OFFICIAL

Signs owned, leased, constructed or located by the United States Government, the State of Michigan, or any of its political subdivisions or municipalities for the purpose of providing directional traffic control, lodging, service, historic or other information to the general public and signs required by any court or statute. (ord. No. 5 eff. Oct. 11, 1978)

SINGLE OWNERSHIP.

A lot is in separate and distinct ownership from the contiguous lot or lots when such contiguous lot or lots are not, at the applicable date, owned by the same owner or by any person or persons with whom he may be engaged in a partnership or joint venture or by a corporation in which he owns more than 50 percent of the stock issued and outstanding. (ord. No. 5 eff. Oct. 11, 1978)

SOIL

The term “soil” as used in this Ordinance is intended to have a broad and inclusive meaning and shall include but not be limited to topsoil, sand, clay, and gravel.

(ord. No. 5 eff. Oct. 11, 1978)

SPECIFIED ANATOMICAL AREAS.

The term “specified anatomical areas” means and includes:

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

(ord. no. 40 eff. March 23, 1999)

SPECIFIED SEXUAL ACTIVITIES

The term “specified sexual activities” means and includes:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or breast; or
2. Sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, or sodomy, or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in paragraph 1, 2, or 3 above; or,
5. For the purpose of this definition, a perverted sex act shall include, but not be limited to, sex acts between people and animals, and also shall include, but not be limited to sex acts which include violent or assaultive conduct by or towards one of the participants.

(ord. no. 40 eff. Mar. 23, 1999)

STABLE, COMMERCIAL

Buildings and grounds at which horses are boarded or are made available for rental or for riding lessons for compensation. (ord. No. 48 eff. Nov. 30, 1999)

STABLE, PRIVATE

Buildings and grounds used for the boarding of horses which are owned by the owners or occupants of the facility, and which is not open to the general public.

(ord. No. 48 eff. Nov. 30, 1999)

STORY

06/02/09
11/26/07

That part of a building between the surface of one floor and the surface of the next floor above or, if there be no floor above, the ceiling next above. (ord. No. 5 eff. Oct. 11, 1978)

STORY, HALF.

A half story is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed 75 percent of the floor area of the story immediately below.
(ord. No. 5 eff. Oct. 11, 1978)

STREET.

A public, dedicated right of way or a private road or easement that affords principal access to more than one lot. (ord. No. 48 eff. Nov. 30, 1999)

STRUCTURE.

Anything constructed or erected in or upon the ground and having a permanent location in or upon the ground, including, though not limited to, buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, decks and platforms; provided, however, that patios shall not be deemed structures if no parts thereof are above the ground and if they are located outside the minimum front, side, and rear yard setback lines. Lawful fences of walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas, retaining walls, or sea walls shall not be considered to be structures for purposes of this Ordinance. (ord. No. 48 eff. Nov. 30, 1999)

SWIMMING POOLS.

Any artificially constructed pool capable of being used for swimming or bathing, having a depth of two (2) feet or more at any point or containing a capacity of 250 gallons or more.
(ord. No. 5 eff. Oct. 11, 1978)

TOWNSHIP.

The word "Township" means the Township of Wright, Ottawa County, Michigan.
(ord. no. 50 eff. March 16, 2000)

TOWNSHIP BOARD.

Whenever the words "Township Board" are used they refer to the Wright Township Board.
(ord. No. 5 eff. Oct. 11, 1978)

12/2/08
TRAILER.

A detached residential living unit designed to be towed by and used in conjunction with a motor vehicle and used on a mobile, portable, basis and generally permitted to be towed on highways

and streets without securing additional transportation permits. A mobile home is not to be considered a travel trailer. (ord. No. 5 eff. Oct. 11, 1978)

UNDEVELOPED STATE

A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. (ord. no. 101 eff. June 13, 2007)

VEHICLE REPAIR OR BODY SHOPS.

Any building, premises, or lands that are used for servicing, repair, or painting of motor vehicles. (ord. No. 48 eff. Nov. 30, 1999)

VEHICLE SERVICE STATIONS.

Buildings and premises where the principal use is supplying and dispensing at retail or motor fuels, lubricants, batteries, tires, or other similar motor vehicle accessories with some minor vehicle repair. (ord. No. 48 eff. Nov. 30, 1999)

WIND ENERGY SYSTEM (WES)

See Section 327.2 for all definitions

YARD.

An open space on a lot unoccupied or unobstructed by any building or structure, except by encroachments specifically permitted by this Ordinance.

- (a) **FRONT YARD.** A yard extending across the width of the lot, the depth of which is the distance between the front lot line in the case of platted lots or the right-of-way for unplatted property, and a principal building, excluding any steps and any unenclosed porches. (See also Section 310)
- (b) **REAR YARD.** A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and a principal building, excluding and accessory building, steps, or unenclosed porches.
- (c) **SIDE YARD.** A yard between a principal building and the side lot line, extending from the front yard to the rear yard. The width of the side yard shall be measured at the closest distance between a principal building and the side lot line.
(ord. No. 5 eff. Oct. 11, 1978)

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CHAPTER 3
REGULATIONS APPLICABLE TO ALL DISTRICTS

(Ord. 48, eff. Nov. 30, 1999, as amended July 28, 2008)

Sec. 300. SCOPE.

Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof, shall hereafter be located, erected, constructed, or reconstructed, altered or used for purposes other than in conformity with the provisions of this Ordinance. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 301. USE OF NONCONFORMING LAND, BUILDING, AND STRUCTURES.

Sec. 301.1 EXISTING USES CONTINUED.

Except as otherwise provided in this Ordinance, the lawful use of any parcel of land, building or structure existing at the time of enactment of this Ordinance, although such use does not conform to the provisions hereof, may be continued to the extent permitted in this Section 301. No nonconforming uses or nonconforming building shall be enlarged or extended except as authorized by the Board of Appeals. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 301.2 EXTENSIONS, ENLARGEMENTS, ALTERATIONS, RELOCATIONS.

(a) **NONCONFORMING STRUCTURES.** A non-conforming structure shall not be extended, enlarged, altered, or moved in any manner that increases the non-conformity of the structure. Except, that a non-conforming structure can be extended, enlarged, altered, or moved in a manner that increases its non-conformity to applicable yard regulations as long as the structure will be no closer to a lot line than the average setback lines of existing buildings within five hundred feet (500') of either side of the lot or parcel on which the non-conforming structure is located. If a non-conforming structure is moved to another lot or parcel of land, it shall thereafter conform to the regulations of the district in which it is located after the move. (ord. No. 5 eff. Oct. 11, 1978, amended by ord. No. 29.5, eff. Nov. 25, 1997)

(b) **NONCONFORMING USE OF STRUCTURE.** A building containing a Nonconforming use may be extended, enlarged, or altered to an extent not exceeding 25 percent of the total floor area of the existing building devoted to the nonconforming use at the time of the enactment of this Ordinance, or at the time of its amendment, making an existing use nonconforming, provided that the Township Board of Appeals, after public notice and hearing, shall find that a reasonable need for the extension exists and that there is no detrimental effect on the neighboring property. Upon granting such authorization, the Township Board of Appeals will stipulate such conditions and limitations as will safeguard the character of the neighborhood. Unless there is compliance with provisions of Section 1600.11 herein, the Township Board of Appeals shall not authorize any enlargement which would result in the extension of the life of a nonconforming use of a building, or which would result in the violation of the provisions of this

Ordinance with respect to any adjoining premises, or which would occupy space suitable and otherwise available for parking, yard or other requirements of this Ordinance.

- (c) **NONCONFORMING USE OF LAND.** No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance or amendments to this Ordinance. No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel occupied by such use at the effective date of this Ordinance or amendments thereto. No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with the nonconforming use of land. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 301.3 **RESTORATION, REPAIRS, ALTERATIONS.**

- (a) Repairs and maintenance work that are required to keep a building or structure in sound condition may be made to a nonconforming building or structure or to a building or structure used for a nonconforming use. However, no structure alterations shall be made in such building or structure except those required by law or ordinance and those authorized by the Township Board of Appeals. Except as hereinafter provided, the total repairs and alterations that may be made to such a building or structure shall not, during its life subsequent to the date of its becoming a nonconforming use, exceed 50 percent of its assessed value for tax purposes at such date or at the date of enactment of this Ordinance, whichever is lower, unless changed to a conforming use. If, however, such a building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other acts of God, or the public enemy, may be restored and the occupancy and use of such building, structure, or part thereof which existed immediately prior to such damage or destruction, may be continued or resumed, provided that (a) the estimated expense of reconstruction does not exceed 50 percent of the appraised replacement cost of the entire building or structure prior to such loss, exclusive of foundations, as determined by the Township Building Inspector, and (b) any reconstruction shall comply with the Building Code and governmental regulations in effect at the time; and such reconstruction or restoration shall be diligently pursued to completion. In the event such damages or destruction exceeds 50 percent of the said appraised replacement cost, such building or structure shall not be rebuilt or restored unless Township Board of Appeals, after notice and hearing, determines that the rebuilding of the nonconforming use beyond its projected life prior to such destruction and that the property occupied by the nonconforming use or building cannot reasonably be used consistent with existing zoning. (ord. No. 5 eff. Oct. 11, 1978)

- (b) Notwithstanding the other provisions of this section, dwellings and their accessory buildings, including buildings located in the HDR, Community Commercial and Industrial Zoning Districts which are damaged or destroyed by any means, regardless of the extent of damage or destruction, are exempt from the requirements of Section 301.3 (a); provided that such dwelling units and their accessory buildings are

reconstructed or repaired in such a manner which will not increase the extent of the non-conformity which existed prior to the damage or destruction.

Dwellings, accessory buildings and structures replaced or restored and any enlargements of the damaged or destroyed building or structure allowed under the provisions of this subsection, must be set back from the lot lines by at least the same distance as existed for the building or structure prior to the damage.
(ord. No. 60 eff. Sept. 21, 2001)

Sec. 301.4 DISCONTINUANCE OF NONCONFORMING USE OF LAND OR STRUCTURE; FURTHER USE PROHIBITED.

If the nonconforming use of any building, structure, lot or parcel of land is discontinued through vacancy, lack of nonconforming operations or otherwise for a continuous period of one year or more, whether or not the owner or occupant intends to abandon or permanently discontinue such use, any further use of such building, structure, lot or parcel of land shall conform to the provisions of the district in which it is located.

Sec. 301.5 ALTERATION IN NONCONFORMING USE OF LAND OR STRUCTURE.

- (a) Whenever the nonconforming use of any building, structure, lot, or parcel of land has been changed to a conforming use for a period of ninety (90) days or more, whether or not the owner or occupant intends to abandon or permanently discontinue the nonconforming use, the use thereof shall not hereafter be reverted to any nonconforming use.
- (b) To the extent the nonconforming use or operation of any building, structure, lot or parcel of land is reduced for a period of ninety (90) days or more, whether or not the owner or occupant intends to permanently reduce such use, the permitted nonconforming use of such building, structure, lot, or parcel of land shall thereafter be restricted to the reduced level of use that accrued during the aforesaid period.
(ord. No. 5 eff. Oct. 11, 1978)

Sec. 301.6 DISCONTINUED USE OF NONCONFORMING BUILDING OR STRUCTURE; FURTHER USE PROHIBITED.

If the use of any nonconforming building or structure is discontinued for a period of ninety (90) days or more, then the use of such building or structure shall not be resumed until it has been brought into conformity with the provisions of this Ordinance, provided, however, that this section shall not require the moving of any existing building or structure in order to comply with yard requirements. (ord. No 5 eff. Oct. 11, 1978)

Sec. 301.7 BUILDING PERMITS.

Nothing in this section relieves a person of the duty to obtain all necessary building permits as required by the Wright Township Building Code. (ord no. 5 eff. Oct. 11, 1978)

Sec. 302. REMOVAL OF HAZARDS AND NUISANCES.

Any building or structure which constitutes a public nuisance or hazard to its occupants or to the surrounding properties or which is not legally brought into conformity with this Ordinance within sixty (60) days after notice by the Township Building Inspector, shall be removed by the owner. In the event it is not so removed, the Township Building Inspector shall make a report to the Township Board with regard to the nature of the existing nuisance or hazard and methods for repairing or abating the same. The Township Board may hold a hearing in connection with the existence and modification or abatement of such hazard or nuisance and shall provide written notice to the owner and occupant of said building and structure at least ten (10) days prior to the date of such hearing.

If, after such hearing, the Township Board determines that such nuisance or hazard exists, it may order the owner to repair or abate the same within a specified period of time not to exceed ninety (90) days, and may further provide that if the owner has not complied within such period, the Township will cause the repair or abatement of such nuisance, and the cost of the same shall become a charge against the property on which it is located and a charge against the owner of such building or structure. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 303. TEMPORARY DWELLINGS AND STRUCTURES.

Sec. 303.1 STRUCTURES.

No cabin, garage, cellar, basement, or other structure or unfinished dwelling, whether of a fixed or movable nature, may be used in whole or in part for any dwelling purposes whatsoever, for any length of time whatsoever, except pursuant to the provisions of Section 303.2. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 303.2 PERMIT FOR TEMPORARY DWELLING.

Any person seeking to use any cabin, garage, cellar, or basement as a temporary dwelling shall file an application with the Township Board of Appeals, which application shall set forth the purposes of the construction or use of such temporary dwelling. If the Township Board of Appeals determines that the proposed temporary dwelling will be provided with sufficient and healthful water supply and toilet facilities which shall conform to all relevant regulations of the Michigan Department of Health, Ottawa County Health Department, and Township Plumbing Code, and shall be constructed or located and maintained in a manner which conforms to the minimum requirements for safety, health, and the general public welfare and for the prevention of hazards and fire dangers to the occupants of the proposed dwelling and the neighboring property, and that there is no adverse effect on the adjacent property, the Township Board of Appeals may grant a permit for the temporary use of said dwelling not exceeding one year. However, the Township Board of Appeals shall clearly set forth that such structure or use is

intended as a temporary dwelling and that said temporary use shall be terminated at the expiration of the time specified by the Township.

No mobile home or recreational vehicle shall be permitted under Section 303 except in cases where an existing dwelling in Wright Township is destroyed by fire, flood, wind, earthquake, or other acts of God, or the public enemy, and where there is compliance with all other provisions of Section 303. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 304. STORAGE OF BOATS, BOAT TRAILERS AND RECREATIONAL VEHICLES.

No boat, boat trailer, trailer coach, camper or other recreational vehicle may be kept or stored out of doors on any property in a district zoned residential for longer than 24 hours except in compliance with all of the following conditions:

- (a) It is owned by the owner or occupant of property on which it is stored;
 - (b) It is not stored in the front yard and is located to the side or rear of the principal building in such a manner as not to be located in any portion of the side yard or rear yard requirements which are applicable to dwellings;
 - (c) It is kept or stored in good repair;
 - (d) It is stored in such a manner as not to be objectionable in appearance when viewed from streets and other properties in the same neighborhood, and as not to be detrimental to the general safety and appearance of the neighborhood area.
- (ord. No. 5 eff. Oct. 11, 1978)

Sec. 305. STORAGE OF VEHICLES AND MACHINERY.

No person, firm, or corporation shall store, place, park, or permit to remain on any premises in any district any motor vehicle, machinery, equipment or part thereof, which is inoperable, dismantled, partially dismantled, wrecked, junked, or discarded unless said motor vehicle, machinery, equipment, or part thereof is stored entirely within a building.

For the purposes of enforcement of the provisions of this section, a prima facie case shall be considered to be established upon a showing of the following:

- (a) Observation of the motor vehicle, machinery, equipment, or parts thereof, in a state of disrepair, dismantlement, or other obvious incapacity, in the same location on the premises for a period of two days. Continuous observation for the entire two-day period is not required.
- (b) Notice by ordinary mail to the owner of the vehicle, machinery, equipment, or parts thereof, or notice to the occupant or user of the building on the property where the vehicle, machinery, equipment or part thereof is located, of the requirements of this Section and of the item which is believed to be in violation of this Section. Proof of notice shall be established by proof of mailing and testimony that the letter was not returned, or by proof of personal delivery of the notice.
- (c) Failure of the person, firm, or corporation notified to remove the vehicle,

machinery, or equipment within five (5) days after the mailing or service of the notice.

(ord. No. 5 eff. Oct. 11, 1978; amend. By ord. No. 13 eff. Jan. 30, 1991)

Sec. 306. SANITARY LANDFILLS.

Sec. 306.1 SANITARY LANDFILLS, JUNK AND TRASH.

No land in Wright Township shall be used by any person, partnership, or firm as a dumping or storage area for, and no person, partnership, or firm shall accumulate, place, or allow the accumulation or placement of, any junk or trash, sewage treatment residue, movable structures, dead animals or other waste materials of any kind or description upon any land or premises in said Township (excluding the application of manure, upon land in an Agricultural District), unless such land or premises shall have been granted a Sanitary Landfill Permit by the Wright Township Board for use as a sanitary landfill. Notwithstanding the foregoing, it shall not be unlawful for a person to accumulate or place junk in receptacles for not longer than 7 days while awaiting disposal to a legal disposal area. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 306.2 CONDITIONS FOR SANITARY LANDFILL PERMIT.

No Sanitary Landfill Permit for sanitary landfills shall be granted unless the Wright Township Board shall find, after public hearing, that there is compliance with all of the following conditions:

- (a) Compliance with applicable regulations of the Michigan Department of Natural Resources.
- (b) Compliance with applicable regulations of the Ottawa County Department of Health.
- (c) Receipt of all necessary permits from the Ottawa County Drain Commission pursuant to the State Soil Erosion and Sedimentation Control Act.
- (d) Submission of a plan of development of the sanitary landfill site to the Township Planning Commission for review and recommendation to the Wright Township Board. Said development plan shall be submitted to the Planning Commission at least thirty days prior to making the application for a Sanitary Landfill Permit to the Wright Township Board and shall contain the following:
 - (1) Landscape plans including a Greenbelt-Buffer Zone.
 - (2) Projected completion date.
 - (3) Maps of the proposed sanitary landfill site and all property within 2,000 feet of the proposed site drawn at a scale of not less than 1"-200'. Said maps shall include all streets, railroads, water, sewer, gas, electrical power and other utility lines, and topographical features including land contours at 2' intervals, watercourses and other pertinent physical features and shall be prepared by a registered Civil Engineer.
 - (4) A description of the proposed operation in sufficient detail to indicate the noise, smoke, odor, vibration, dust and dirt, noxious gases, glare and heat, fire

hazards, industrial wastes, and traffic which may be produced by such operation.

- (5) Additional information that the Planning Commission may find reasonably necessary to evaluate the proposed development and its effect on the surrounding areas. All aspects of such plan which might have an adverse effect on public health, safety, and welfare, or upon values of nearby property must be disclosed in the application for approval of such plan.
- (e) Provisions for a Greenbelt-Buffer Zone at least fifty feet in width to encircle the sanitary landfill site. Said Greenbelt shall consist of coniferous trees at least three feet in height placed in a minimum of four staggered rows. In each row, said trees shall be planted not more than ten feet apart. A solid fence, a minimum of four feet in height, shall encircle the landfill and be located between the landfill and the Greenbelt.
- (f) An agreement to provide a seed or sod covering for the landfill site as it is used and developed.
- (g) Compliance with all applicable statutes, ordinances, rules, and regulations of the Township of Wright and the County of Ottawa and the State of Michigan and the United States of America.
- (h) Submission of a compliance bond in the amount of \$4,000.00 per acre of landfill site for the benefit of Wright Township insuring compliance with all provisions of this Section 306.
- (i) A showing of facts and circumstances enabling the Wright Township Board to find that the sanitary landfill will not endanger the health, safety, or general welfare of the neighboring property owners and will not be detrimental to the property values of adjacent real estate through the effects of noise, smoke, odor, dust, dirt, noxious gases, leachate, glare, heat, vibrations, fire hazards, traffic or adverse aesthetic qualities. As a condition for the grant of the Sanitary Landfill Permit, the Wright Township Board is authorized to limit the type of waste to be dumped at this site and to prohibit the dumping of certain types of hazardous wastes such as, but not limited to, radioactive materials, explosives, chemicals, highly flammable materials, pathological wastes, and sewage treatment residues.
(ord. No. 5 eff. Oct. 11, 1978)

Sec. 306.3 **LICENSING.**

Upon receipt of a Sanitary Landfill Permit, the owner or operator of the sanitary landfill shall acquire an Annual Township Sanitary Landfill License from the Wright Township Board to operate the sanitary landfill. The fee for such license shall be set by resolution of the Township Board. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 306.4 **OTHER REQUIREMENTS.**

Nothing in this section shall relieve a person, partnership, or corporation from compliance with all federal, state, and local laws, statutes, ordinances, rules and regulations for the regulation of sanitary landfills.

Sec. 307. REMOVAL OF SOIL.

Sec. 307.1 SOIL MOVING PERMIT.

A Special Land Use shall be required for any activity or operation related to moving, removing, excavating, mining or dumping of soil. Such Special Land Use shall be reviewed by the Planning Commission in accordance with Chapter 19. The Planning Commission shall make a recommendation to the Township Board and the Board shall make a final decision regarding the Special Land Use provided all conditions and provisions of this section are met.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 307.2 APPLICATION INFORMATION.

The application shall include the following information:

- (a) Identification of the applicant and all persons directly or indirectly interested in the permit if granted.
- (b) A complete physical and legal description (including street address of location) of the land to which the permit is to apply.
- (c) The exact nature of the proposed project, the type of soil to be moved, removed, excavated, mined or dumped and an approximate number of cubic yards of soil involved.
- (d) The applicant shall further describe in detail the contour and condition of the land upon completion of the project. This description shall include a description of any landscaping to be done or other stabilization control to be employed in order to leave the land in a reasonably level and usable condition, and to prevent erosion, dust and other nuisance conditions.
- (e) The applicant shall include of proposed transportation route if soil is to be moved over public streets or over private property. Any soil deposits on any public street are to be removed by applicant.
- (f) The applicant shall state a proposed time within which such project is to commence and be completed.
- (g) The Township Board may require additional standards of stricter performance Standards than are provided herein where, because of peculiar conditions, such standard are necessary to achieve the purpose of this Ordinance.
(ord. No. 5 eff. Oct. 11, 1978)

Sec. 307.3 TOPSOIL.

Wherever topsoil exists suitable for growing turf or for other land use at the time the operations begin, a sufficient quality of topsoil shall be stockpiled on said site. When stripping removal operations are completed, this area shall be recovered with a minimum of four (4) inches of

topsoil. Replacement shall be made immediately following termination of the stripping or removal operation. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 307.4 STABILIZATION SOIL.

All soil moved, removed, excavated, mined or dumped shall be stabilized as soon as possible to prevent soil and/or dust from being blown, washed or otherwise transferred to adjacent lands and/or public or private streets. (ord. No. 5 eff. Oct 11, 1978)

Sec. 307.5 STANDARDS FOR SOIL REMOVAL AREA.

All reasonable measures shall be taken to control vibration, dust, and traffic. Lateral support must be maintained for surrounding roads, land, buildings, structures or other improvements. No pits or depressions may be left to cause water to stand or accumulate to create a menace to the public health or safety. (ord. No. 5 eff. Oct 11, 1978)

Sec. 307.6 TREES AND VEGETATION.

Trees and vegetation shall not be moved or tripped prematurely from land preparatory to moving, removing, excavating, mining or dumping soil so as to unnecessarily expose soil to wind or water erosion. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 307.7 REMOVAL OF LESS THAN 600 CUBIC YARDS.

No permit will be required when the total amount of soil to be moved, removed, excavated, mined or dumped is less than six hundred (600) cubic yards. This in no way exempts the applicant from obtaining a soil erosion permit, if required, from the Ottawa County Soil Erosion Department. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 80 eff. Feb 20, 2003)

Sec. 307.8 SOIL REMOVAL RELATED TO CONSTRUCTION.

No permit will be required when soil that is to be moved, removed, excavated, mined or dumped is directly related to or necessary for the construction or alteration of a building or other improvement for which a permit has been issued pursuant to the Township Building Code. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 307.9 SOIL REMOVAL RELATED TO LANDSCAPING, ETC.

No permit will be required when soil which is to be moved, removed, excavated, mined or dumped is directly related to or necessary for the landscaping of a lawn or yard, the construction or alteration of a driveway or the construction of subdivision improvements or the filling of the inside of a building or structure. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 307.10 COMPLIANCE WITH ACT.

All actions taken pursuant to this Section 307 shall be in compliance with the Soil Erosion and Sedimentation Control Act, Act 347 of PA 1972, whenever said Act is applicable. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 308. ESSENTIAL PUBLIC SERVICES AND SERVICE BUILDINGS.

Sec. 308.1 ESSENTIAL PUBLIC SERVICES.

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water distribution or transmission systems, collection, communication, supply or disposal systems including drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions or for public health or safety or general welfare, shall be permitted as authorized and regulated by law and other ordinances of the Township of Wright in any use district. It is the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance. (Ord. No. 48 eff. Nov. 30, 1999)

Sec. 308.2 ESSENTIAL PUBLIC SERVICE BUILDINGS.

The Township Planning Commission may permit essential public service buildings in any zoning district by Special Land Use if the Planning Commission shall find such use, height, area, building, or structure necessary for the public convenience and service, provided, that such building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such district. Such uses shall also comply with the standard for Special Land Use approval as contained in Chapter 19 herein. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 309. VISIBILITY AT INTERSECTIONS.

On a corner lot in any zoning district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner and a line joining points along the street lines of said lot fifty (50) feet from the point of their intersection. (ord. No. 5 eff. Oct. 11, 1978 amended by Ord. No. 48 eff. Nov. 30, 1999)

Sec. 310. ACCESSORY USES OR STRUCTURES IN FRONT YARDS.

No accessory uses or structures shall be permitted in any front yard in any district. Except that, any accessory use or structure located in the front yard may only be situated between the side lot line and a line drawn from the nearest side of the principal building extended to the front lot line and parallel to the side lot line. (ord. No. 5 eff. Oct. 11, 1978, amended by ord. no. 37 eff. Feb. 23, 1999)

Sec. 311. NONCONFORMING LOTS OF RECORD.

In any district in which single family residences are permitted by this Ordinance, a single family residence and accessory building may be erected on any lot of record at the effective date of this Ordinance; provided that such lot of record shall have been in conformance with lot area (and frontage) requirements of the previous Zoning Ordinance which was effective until the effective date of this Ordinance; and provided that any residence erected shall comply with the floor area, height, and front, rear, and side yard requirements of the Medium Density-One and Two Family Zone District. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 312. NONCOMMERCIAL RECREATIONAL PARKS AS SPECIAL LAND USES.

Sec. 312.1 INTENT, OWNERSHIP, AND LOCATION.

The intent of this provision is to permit private individuals to use their property for noncommercial recreational parks for the enjoyment of the general public. Any land at least one (1) acre in area, owned by parties other than the Township, Ottawa County, State of Michigan, United States of America, or any other governmental unit, located in any district, may be used for noncommercial recreational park purposes if granted a Special Land Use by the Planning Commission. (ord. No. 5 eff. Oct. 11, 1978, and ord. No. 48 eff. Nov. 30, 1999)

Sec. 312.2 PROCEDURES.

An applicant for a Special Land Use for a noncommercial recreational park shall comply with the procedures governing Special Land Uses found in Chapter 19 of this Ordinance. (ord. No. 48 eff. Nov. 30, 1999)

Sec. 312.3 ADDITIONAL REQUIREMENTS.

Residential dwellings other than a caretaker's residence shall not be permitted upon land used for noncommercial recreational park purposes. When a caretaker's residence is required, such residence shall comply with restrictions, conditions, and limitations provided in the Low-Density Single Family Residence District. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 313. OIL AND GAS EXPLORATION.

Notwithstanding any other provision of this Ordinance, the exploration and drilling for oil and gas on any lands in any district in the Township of Wright shall be permitted. (ord. No. 5 eff. Oct. 11, 1978)

Sec. 314. REQUIREMENT FOR ALL DWELLING UNITS.

Sec. 314.1 FOUNDATIONS FOR DWELLINGS.

All dwelling units and any additions thereto shall be constructed upon and attached to a solid permanent foundation, located under the entire perimeter of the dwelling unit, with a depth of at

least 42 inches below grade, and such foundation shall also comply with the Township Building Code and all applicable State regulations. (ord. No. 5 eff. Oct. 11, 1978; amended 1983)

Sec. 314.2 MINIMUM HEIGHT REQUIRED.

Each story of all dwelling units shall provide a minimum height between the floor and ceiling of 7.5 feet. (ord. No. 5 eff. Oct. 11, 1978; amended 1983)

Sec. 314.3 WATER SUPPLY AND SEWER SYSTEMS.

All dwelling units shall be connected to a public sanitary sewer system and public water supply system or to a private system approved by the County Health Department. (ord. No. 5 eff. Oct. 11, 1978; amended 1983)

Sec. 314.4 STORAGE AREAS REQUIRED.

All dwelling units shall provide storage areas, either within a basement or in an attic, or in a separate, fully enclosed structure, of not less than 15% of the living area of the dwelling unit, exclusive of storage space for automobiles. Said storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this Ordinance. (ord. No. 5 eff. Oct. 11, 1978; amended 1983)

Sec. 314.5 MINIMUM PITCH ROOF REQUIRED.

All dwelling units shall be constructed to provide one or more pitched roofs with pitch not to be less than 2 ½ feet of rise on 12 feet of run. (ord. No. 5 eff. Oct. 11, 1978; amended 1983)

Sec. 314.6 MINIMUM WIDTH REQUIRED.

The minimum width of any dwelling unit shall be 22 feet for at least 67% of its length. (ord. No. 5 eff. Oct. 11, 1978; amended 1983)

Sec. 314.7 STEPS OR PORCH AREAS REQUIRED.

All dwelling units shall provide steps or porch areas permanently attached to the foundation at each door where there exists an elevation differential of more than 1 foot between the door and the surrounding grade. (ord. No. 5 eff. Oct. 11, 1978; amended 1983)

Sec. 315. MOBILE HOMES PERMITTED.

All other provisions of this Ordinance to the contrary, notwithstanding mobile homes, shall be permitted, outside licenses mobile home parks, in any district wherein single family dwellings are permitted, subject to compliance with the requirements of this Ordinance applicable to single family dwellings and in the following:

- (a) The mobile home shall be located so that no wheels, towing mechanisms,

nor any part of the undercarriage are exposed.

- (b) The mobile home shall meet all standards of the United States Department of housing and Urban Development Mobile Home Construction Safety Standards in effect at the time the mobile home is located in the Township.
(ord. No. 5 eff. Oct. 11, 1978; amended 1983)

Sec. 316. WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS.

- A. Purpose. The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Township of Wright shall give due consideration to the Township's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.
- B. Definitions. As used in this section, the following terms shall have the meanings set forth below:
 - (1) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
 - (2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
 - (3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
 - (4) "FAA" means the Federal Aviation Administration.
 - (5) "FCC" means the Federal Communications Commission.

- (6) "Height" means, when referring to a tower or other structure, the distance measured from the finished ground of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (7) "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- (8) "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

C. Applicability.

- (1) New Towers and Antennas. All new towers or antennas in the Township of Wright shall be subject to these regulations, except as provided in Subsection C (2) through (4), inclusive
- (2) Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- (3) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Subsections D (6) and D (7).
- (4) AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

D. General Requirements.

- (1) Principal or Accessory Use. Antennas and 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.
- (2) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- (3) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Wright Township or within one mile of the border thereof, including specific

information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Wright Township, provided, however, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- (4) Aesthetics. Towers and antennas shall meet the following requirements:
 - (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (5) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (6) State of Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (7) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township of Wright concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- (8) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Township of Wright irrespective of municipal and county jurisdictional boundaries.
 - (9) Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - (10) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Township of Wright have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
 - (11) Public Notice. For purposes of this ordinance, any special use request, variance request, or appeal for an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Subsection G (2)(a){2}, Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
 - (12) Signs. No signs shall be allowed on an antenna or tower.
 - (13) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Subsection H.
 - (14) Multiple Antenna/Tower Plan. The Township of Wright encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
- E. Permitted Uses.
- (1) General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit.
 - (2) Permitted Uses. The following uses are specifically permitted:
 - (a) Antennas or towers located on property owned, leased, or otherwise controlled by the Township of Wright provided a license or lease authorizing such antenna or tower has been approved by the Township of Wright.
- F. Administratively Approved Uses.
- (1) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.
 - (a) The Zoning Administrator may administratively approve the uses listed in this Subsection.
 - (b) Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Subsection G (2)(c) of this ordinance and a nonrefundable fee as established by resolution of Wright Township to reimburse the Township of Wright for the costs of reviewing the application.
 - (c) The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Subsections D, G (2)(d) and G (2)(e) of this ordinance.
 - (d) The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the

application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.

- (e) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in Subsection G (2)(d) or separation distances between towers in Subsection G (b)(e) by up to fifty percent (50%).
 - (f) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - (g) If an administrative approval is denied, the applicant shall file and application for a special use permit pursuant to Subsection G prior to filing any appeal that may be available under the Zoning Ordinance.
- (2) List of Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:
- (a) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district.
 - (b) Locating antennas on existing structures or towers consistent with the terms of paragraphs [1] and [2] below:
 - [1] Antennas on existing structures. Any antenna, which is not attached to a tower, may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
 - [a] The antenna does not extend more than thirty (30) feet above the highest point of the structure;
 - [b] The antenna complies with all applicable FCC and FAA regulations; and
 - [c] The antenna complies with all applicable building codes.

[2] Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carried on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

[a] A tower, which is modified or reconstructed to accommodate the collocation of an additional antenna, shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

[b] Height

- (i) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 - (ii) The height change referred to in subparagraph [b](i) may only occur one time per communication tower.
 - (iii) The additional height referred to in subparagraph [b](i) shall not require an additional distance separation as set forth in Subsection G. The tower's premodification height shall be used to calculate such distance separations.
- [c] Onsite location.
- (i) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
 - (ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - (iii) A relocated onsite tower shall continue to be measured from the original tower location for the purposes of calculating separation distances between towers pursuant to Subsection G (2)(e). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Subsection G (2)(e).
 - (iv) The onsite relocation of a tower that comes within the separation distances to residential units or residentially zoned lands as established in Subsection G (2)(e) shall only be permitted when approved by the Zoning Administrator.
- (c) New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial or heavy commercial, provided that a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in Subsection A and the requirements of Subsection D; the tower meets the setback requirements in Subsection G (2)(d) and separation distances in Subsection G (2)(e); and the tower meets the following height and usage criteria:
- [1] for a single user, up to ninety (90) feet in height.
 - [2] for two users, up to one hundred twenty (120) feet in height; and
 - [3] for three or more users, up to one hundred fifty (150) feet in height.

- (d) Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the Zoning Administrator is in conformity with the goals set forth in Subsection A of this ordinance.
- (e) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

G. Special Use Permits.

1. General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission.

- (a) If the tower or antenna is not a permitted use under Subsection E of this ordinance or permitted to be approved administratively pursuant to Subsection F of this Section, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
- (b) Applications for special use permits under this Subsection shall be subject to the procedures and requirements of Chapter 19 [Chapter on special uses] of the Zoning Ordinance, except as modified in this Section.
- (c) In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (e) An applicant for a special use permit shall submit the information described in this Subsection and a non-refundable fee as established by resolution of the Township Board of Wright Township to reimburse Wright Township for the costs of reviewing the application.

(2) Towers.

- (a) Information required. In addition to any information required for applications for special use permits pursuant to Chapter 19 [Chapter on Special Uses] of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:

- [1] A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section G (2)(e), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.
- [2] Legal description of the parent tract and leased parcel (if applicable).
- [3] The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- [4] The separation distance from other towers described in the inventory of existing sites submitted pursuant to Subsection D(3) shall be shown on the updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
- [5] A landscape plan showing specific landscape materials.
- [6] Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- [7] A description of compliance with Subsections D(3), (4), (5), (6), (7), (10), (11), and (12), G (2)(d), G (2)(e) and all applicable federal, state or local laws.
- [8] A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- [9] Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- [10] A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- [11] A description of the feasible location(s) of future towers or antennas within the Township of Wright based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(b) Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Chapter 19 [Chapter on special uses] of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

- [1] Height of the proposed tower;
- [2] Proximity of the tower to residential structures and residential district boundaries;
- [3] Nature of uses on adjacent and nearby properties;
- [4] Surrounding topography;
- [5] Surrounding tree coverage and foliage;
- [6] Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- [7] Proposed ingress and egress; and
- [8] Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection G (2) (c) of this ordinance.

(c) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- [1] No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- [2] Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- [3] Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

- [4] The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - [5] The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - [6] The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - [7] The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (d) Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served hereby.
- [1] Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
 - [2] Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (e) Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
- [1] Separation from off-site uses/designated areas.
 - [a] Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - [b] Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units ¹	200 feet or 100% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower ² whichever is greater
Vacant unplatted residentially zoned lands ³	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

[2] Separation distances between towers.

[a] Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be a shown in Table 2.

Table 2:
Existing Towers – Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1,500	1,500	750

¹ Includes modular homes and mobile homes used for living purposes.

² Separation measured from base of tower to closest building setback line.

³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

Monopole Less Than 75 Ft in Height	750	750	750	750
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(f) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

(g) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

[1] Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscape strip at least four (4) feet wide outside the perimeter of the compound.

[2] In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

[3] Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

H. Buildings or Other Equipment Storage

(1) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

- (a) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than six (6) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area or six (6) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
- (b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10%) percent of the roof area.
- (c) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(2) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(a) In residential districts, the equipment cabinet or structure may be located:

[1] In a front or side yard provided the cabinet or structure is no greater than three (3) feet in height or ten (10) square feet of gross floor area and the cabinet/structure is located a minimum of ten (10) feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

[2] In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or twenty (20) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(b) In commercial or industrial districts the equipment cabinet or structure shall be no greater than six (6) feet in height or fifty (50) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties that abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

(3) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than twenty (20) square feet of gross floor area or be more than six (6) feet in height, and shall be located in accordance with the minimum yard requirements for the zoning district in which located.

(4) Modification of Building Size Requirements. The requirements of Sections H(1) through H(3) may be modified by the Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage collocation.

(amended by ord. No. 53 eff. May 23, 2000)

I. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township of Wright notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

J. Nonconforming Uses.

- (1) Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- (2) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
- (3) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Subsection I, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Subsections G (2)(d) and G (2)(e). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Subsection I.
(ord. No. 31.5 eff. June 23, 1998)

Sec. 317. PERMITTED YARD ENCROACHMENTS.

The following yard encroachments shall be permitted under the provisions of this Ordinance:

- (c) Certain architectural features such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project three feet into the required front setback areas, five feet into required rear setback areas, and two feet into the required side yard setback areas.
- (d) An unenclosed porch, deck, or awning may project into the required rear setback distance not to exceed six feet; and into a required side setback area for a distance not to exceed three feet, but in no case shall a balcony, enclosed porch, deck, or awning be placed closer than five feet to any lot line.
- (e) Fire escapes, outside stairways, and balconies, if of open construction, may project into the required yard to a maximum of five feet.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 318. CUL-DE-SAC LOTS.

- (a) A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required frontage on the cul-de-sac. The one-half required frontage shall be determined prior to reducing the required frontage permitted by subsection (c) below.
- (b) The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way.

- (c) A lot on a cul-de-sac shall have frontage on a cul-de-sac which is not less than 80 percent (80%) of the minimum lot width required for the zoning district in which it is located. The width shall be measured at the minimum required building setback line. (ord. no. 48 eff. Nov. 30, 1999)

Sec. 319. USES NOT OTHERWISE INCLUDED.

A land use that is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Planning Commission shall consider the following:

- (a) Determination of Compatibility. In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question, and compare such characteristics with those of the uses that are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of services offered, types of goods produced, methods of operation, and building characteristics.
- (b) Conditions by which Use May be Permitted. If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special or conditional use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.

No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.

Sec. 320. MAXIMUM LOT WIDTH TO DEPTH RATIO.

- (a) In all zoning districts, a building shall not be constructed or occupied on a lot or parcel if the depth of the lot or parcel exceeds four times its width, unless such nonconforming lot was created and of record prior to the effective date of this section.
- (b) The depth of lot shall be measured along a line located midway between the side lot lines and connected to the front and rear lines. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.
- (c) The Planning Commission may permit the creation of a lot or parcel that does not comply with this section to be used for the construction of a building as a special land use under Chapter 19. An instrument giving notice of a special land use granted under this section shall be recorded in

the office of the Register of Deeds. In determining whether to grant such special land use permit, the Planning Commission must find that the greater depth is necessitated by conditions of the land in question, such as topography, road access, soils, wetlands or flood plain, and the creation of use of such lot will not conflict with other Township ordinances and regulations, unless appropriate variance or waiver is received from such other ordinances or regulations. (ord. no. 48, eff. Nov. 30, 1999)

Sec. 321. FRONT YARD AVERAGING.

Where the front yard for existing buildings is less than the minimum required front yard, the minimum front yard for a proposed building shall be the average of the front yards for those existing buildings on the same block and on the same side of the street. There shall be at least two existing buildings on the same block in order to establish an average front yard, otherwise the required minimum yard of the zoning district shall apply. In no case shall the front yard be less than 20 feet. (ord. no. 48 eff. Nov. 30, 1999)

Sec. 322. REQUIRED FRONTAGE.

A building, dwelling unit, or structure shall be erected only on a lot or condominium building site which abuts a public street or private road as required herein except that accessory buildings in the Agricultural Zoning District and essential service buildings and structures, and radio towers and antennas are exempt from this requirement. (ord. no. 48 eff. Nov. 30, 1999)

Sec. 323. REGULATION OF DANGEROUS ANIMALS.

No Dangerous Animal may be housed, caged, allowed to roam, or otherwise kept in the Township unless the owner of the Dangerous Animal has received a license therefore, issued by the Planning Commission. In considering whether or not to issue such a license, the Planning Commission shall consider the following standards:

- (1) The size, nature and character of the Dangerous Animal;
- (2) The proximity of the Dangerous Animal to adjoining properties;
- (3) The nature of the surrounding neighborhood (e.g., how the land in the neighborhood is used, the intensity of that use, etc.);
- (4) Potential traffic congestion caused by the Dangerous Animal;
- (5) The effect or potential effect of the Dangerous Animal on the surrounding neighborhood (e.g., noise, odors, danger, etc.);
- (6) The nature and character of the land, building, or structures to be utilized for the keeping of the Dangerous Animal; and
- (7) Any other applicable and relevant standards which are determined by the Planning Commission to be reasonably related to the public health, safety and welfare, including but not limited to any other state or federal statute or regulation that affects the keeping of any animal that satisfies the definition of a dangerous animal under this Section 324.

- (8) Prior to the approval of a license for an applicant, the Township's Zoning Administrator shall inspect the premises where the dangerous animal will be kept by the applicant, and shall report to the Planning Commission any conditions of the property which the Zoning Administrator considers relevant to the request, including but not limited to those factors listed above.
(ord. no. 50 eff. March 16, 2000)

Sec. 324. REQUIRED YARDS OR LOTS.

No lot 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 space of a size less than the minimum size required under this Ordinance. If already less than the minimum size required under this Ordinance, such area or space shall not be further divided or reduced.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 325. ONE DWELLING PER PARCEL.

In the Agricultural, Rural Agricultural, LDR, and MDR zoning districts, there shall be no more than one dwelling unit on any parcel. (ord. no. 48 eff. Nov. 30, 1999)

Sec. 326. OPEN SPACE PRESERVATION PROJECTS

326.1 PURPOSE

Act No. 177 of the Public Acts of Michigan of 2001 ("Act 177") requires that zoned townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit "open space preservation" developments.

Under these regulations, a landowner has the option to retain at least 50% of the property as open space and placing dwellings on the remaining portion. The number of dwellings cannot be less than the number that would be permitted on the land without the open space preservation regulations. For Open Space Preservation projects in the Ag zone, the number of dwellings allowed will be based on the sliding scale requirements of Section 503 of this Ordinance.

The purpose of this Article is to adopt open space preservation provisions consistent with the requirements of Act 177.

326.2 DEFINITIONS

- a) Words and phrases used in this Section, if defined in Act 177, shall have the same meaning as provided in the Act.
- b) Residential Zoning Districts: Land which is zoned A, Agriculture, RA, Rural Agriculture or LDR, Low Density Residential.

326.3 REVIEW PROCEDURE

- a) An open space preservation project shall be reviewed by the Planning Commission in accordance with the requirements of site plan review contained in Chapter 18 of this Ordinance and according to the requirements and standards contained in this Section.
- b) The Planning Commission shall hold a public hearing on an open space preservation project. For such hearing, noticing and publication shall be in accordance with Section 2402 of this Ordinance. (ord. no. 101 eff. June 13, 2007)

326.4 **ITEMS SUBMITTED FOR REVIEW**

- a) The applicant shall submit an application for an open space preservation project as required by Wright Township.
- b) *Open Space Preservation Plan.*

The applicant shall submit 10 sets of the Open Space Preservation Plan that shall include information required by Section 1804 of this Ordinance and the following information:

- (1) The areas proposed to be devoted to preserved open space.
 - (2) The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission.
 - (3) The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
 - (4) The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.
 - (5) If the open space development will not be served by public sanitary sewer, the applicant shall submit documentation from the Ottawa County Health Department that the soils are suitable for on site septic systems.
- c) If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Wright Township Subdivision Ordinance or the Wright Township Site Condominium regulations, as applicable.
 - d) *Existing Zoning Plan.*

In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan.

However, for projects in the Ag zone, an Existing Zoning Plan need not be submitted, as the number of dwellings shall be determined by the Sliding Scale regulations of Section 503.

This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan shall be professionally prepared and shall include at least the following information:

- (1) Date, north arrow and scale, which shall not be more than 1" = 200 '.
- (2) Location of streets adjacent to and within the site.
- (3) Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
- (4) Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
- (5) If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit written documentation from the Ottawa County Health Department that at least 20 percent of the lots are suitable for on site disposal systems. Such lots shall be spread evenly over the site.
- (6) The Existing Zoning Plan shall illustrate all unbuildable land, which shall include slopes of 20% or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features that limit or prevent construction of buildings or roads.

326.5 **DETERMINATION OF NUMBER OF LOTS**

The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this Section were not exercised.

The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots that could be developed on the land under the standards required for preparing the Existing Zoning Plan in this Section.

326.6 **OPEN SPACE REQUIREMENTS**

- a) *Required Open Space.*

Not less than 50 percent or more than 60 percent of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., “open space”) by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Attorney.

b) *Areas Not Counted as Open Space.*

- (1) The area within all public or private road rights-of-way.
- (2) Golf course.
- (3) The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
- (4) Detention and retention ponds created to serve the project.
- (5) Community drain fields if such areas are not completely underground.
- (6) 50% of the area of wetlands, creeks, streams or existing ponds.
- (7) 50% of the area of floodplains and 50% of areas of slopes that are 20% or over.
- (8) Lakes.
- (9) Off-street parking areas.

c) *Standards for Open Space.*

The following standards shall apply to the preserved open space required by this Section:

- (1) The open space may include a recreational trail, picnic area, children’s play area or other use that, as determined by the Planning Commission, is substantially similar to these uses.
- (2) Open space areas, when part of an Open Space Preservation Project in an Agriculture or Rural Agriculture Zone, may be used for farming activities which include but are not limited to the growing of crops, fruits and vegetables and the raising and keeping of farm animals, however, farm buildings are not counted toward open space area.

d) *Methods to Preserve Open Space.*

The applicant shall submit before final approval of the project a copy of the conservation easement, plat dedication, restrictive covenants, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space

required by this Section in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this Section. The legal instrument shall:

- (1) Indicate the proposed permitted use(s) of the open space.
- (2) State the parties who have an ownership interest in the open space.
- (3) Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, walking trails, picnic areas, park or playground equipment, or similar improvements that are approved by the Planning Commission.
- (4) Require that the open space be maintained by parties who have an ownership interest in the open space.
- (5) Provide standards for scheduled maintenance of the open space, including necessary pruning and harvesting of trees and new plantings.

326.7 **DEVELOPMENT REQUIREMENTS**

a) *Water and Sanitary Sewer.*

Open Space Preservation projects shall be served by either public or community water and sanitary sewer OR by private wells and septic systems subject to the approval of the Ottawa County Health Department.

b) *Minimum Lot Sizes and Setbacks.*

In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning Plan the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located.

- (1) For Open Space Preservation projects the minimum lot sizes shall not be less than the following:

	<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>
Ag Zone	20,000 square feet	110 feet
RA Zone	30,000 square feet	110 feet
LDR without existing public or community sanitary sewer or water	13,500 square feet	100 feet
LDR with either existing public or community water <u>or</u> sanitary sewer	10,000 square feet	70 feet

- (2) The minimum setback for buildings may be reduced to not less than 20% of the minimum required setbacks for the zoning district in which the Open Space Preservation project is located.
- (3) *The Planning Commission may allow a decrease in the above minimum lot sizes however, for the purpose of achieving the number of lots allowed by the Existing Zoning Plan.*

c) *Compliance with Zoning District.*

The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except for the lot size and setback requirements.

- d) For lots in an open space preservation project, farm animals are not allowed to be kept or raised on lots that are one acre or less. For purposes of this section, farm animals are considered to be beef and dairy cattle, goats, pigs, horses, mink, poultry and similar fur bearing or feathered animals excluding rabbits or like sized animals which can be kept in a cage.

e) *Maximum Number of Lots.*

The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission or by the Sliding Scale regulations of Section 503 if the project is located within an Ag zone.

f) *Perimeter Lots.*

Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation development be designed and constructed with lot sizes and setbacks on the perimeter that will be reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing). *The Planning Commission may however, allow a decrease in the minimum lot sizes specified in Section 326.7(b)(1) for non-perimeter lots for the purpose of achieving the number of lots allowed by the Existing Zoning Plan.*

g) *Sidewalks.*

The Planning Commission may require sidewalks in accordance with the Township's Site Condominium regulations or Subdivision Ordinance.

h) *Private Roads.*

A private road that is part of an Open Space Preservation project shall comply with the requirements for private roads as contained in Chapter 29 of this Ordinance.

i) *Grading.*

Grading shall comply with the following requirements:

- (1) To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
- (2) All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.

326.8 STANDARDS FOR APPROVAL

Prior to approving a site plan for an Open Space Preservation project, the Planning Commission shall require that the standards of Section 1806 be satisfied. If these standards and the other requirements noted in this section or in other Township ordinances are met, the site plan shall be approved.

326.9 CONDITIONS OF APPROVAL

As part of an approval to an Open Space Preservation Plan, the Planning Commission may impose additional conditions in accordance with Section 1807 of this Ordinance.

326.10 VALIDITY OF APPROVED SITE PLANS

- a) An approved Open Space Preservation Plan that is also approved under the Township's Site Condominium Ordinance or Subdivision Ordinance shall remain valid as prescribed in these Ordinances.
- b) For all other approved Open Space Preservation Plans, the approval shall be valid for one year from the date of approval as regulations by Section 1808 of this Ordinance.

326.11 PERFORMANCE GUARANTEE

The Planning Commission may require reasonable performance guarantees in accordance with Section 1809 of this Ordinance.

326.12 AMENDMENTS TO APPROVED SITE PLAN

Amendments to an approved Open Space Preservation Plan shall comply with the requirements of Section 1810 of this Ordinance. (ord. no. 78 eff. Dec.3, 2002)

Sec. 327. WIND ENERGY SYSTEMS (WES)

327.1 **PURPOSE**

The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the Township, in order to allow the safe, effective, and efficient use of wind energy.

327.2 **DEFINITIONS**

a) Wind Energy System (WES) – shall mean any combination of the following:

- (1) A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- (2) A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- (3) A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device;
- (4) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
- (5) The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

(Note: For purposes of this section a windmill traditionally used to pump water shall not be considered a Wind Energy System.)

b) On Site Use Wind Energy System – A WES the purpose and use of which is to provide energy to only the property where the structure is located, or to adjacent properties under the same ownership or control as the property where the structure is located, or by the mutual consent of adjacent property owners.

c) Single WES for Commercial Purposes – A single WES placed upon a parcel or parcels with the intent to sell or provide electricity to a site or location other than the premises upon which the WES is located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

d) Wind Farm – Clusters of two or more WES placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the WES are located. The WES may or may not be owned by the owner of the property upon which the WES is placed.

e) Utility Grid Wind Energy Systems – A WES designed and constructed to provide electricity to the electric utility grid.

- f) WES Testing Facility/MET (meteorological) Tower - A structure and equipment used to determine the potential for the placement of a WES, containing instrumentation such as anemometers designed to provide wind data.
- g) Structure Mounted WES – A WES mounted or attached to an existing structure or building.
- h) Interconnected WES – A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.
- i) WES Height – The distance from the ground at normal grade to the highest point of the WES.
- j) WES Setback – The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.
- k) Nacelle - In a wind turbine, the nacelle refers to the structure that houses all of the generating components, gearbox, drive train, and other components.
- l) Shadow Flicker – Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects such as dwellings.
- m) Applicant- The person, firm, corporation, company, limited liability corporation or other entity which applies for Township approval under this section, as well as the applicant's successor(s), assign(s), and/or transferee(s) to any approved WES or WES Testing Facility or MET Tower. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES or WES Testing Facility or MET Tower. The obligations regarding a zoning approval for any approved WES or WES Testing Facility or MET Tower shall be with the owner of the WES or WES Testing Facility or MET Tower, and jointly and severally with the owner and operator or lessee of the WES or WES Testing Facility or MET Tower if different than the owner.

327.3 **WIND ENERGY SYSTEMS (65 FT. AND UNDER) ALLOWED AS A PERMITTED USE:**

- a) Any On Site Use Wind Energy System including structure mounted WES which are 65 feet or less in total height shall be a permitted use in all zoning districts subject to the following:
 - (1) The height of the WES with the blade in vertical position shall not exceed 65 feet.
 - (2) A WES shall be set back from all lot lines a distance equal to 1.5 times the height of the WES as measured from the lot line to the base of the tower and no portion of the WES, including the guy wire anchors, shall be located within or above the required front, side, or rear yard setback.

- (3) A structure mounted WES shall have a distance from the nearest property line equal to 1.5 times the height of the WES as measured from the point of attachment to the structure or building to the top of the WES with the blade in the vertical position.
- (4) A permit shall be required to be obtained from Wright Township to construct and operate an On Site Use WES 65 feet or less in total height. A permit shall be issued after an inspection of the WES by Wright Township or an authorized agent of the Township, and where the inspection finds that the WES complies with all applicable state construction and electrical codes, local building permit requirements, and all manufacturers installation instructions.
The WES shall not operate nor remain on the property unless a permit has been issued. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township.
- (5) An On Site Use WES may provide electrical power to more than one dwelling unit, provided the dwelling units are located on property or properties that are adjacent to the property or properties on which the WES is located.

327.4 **SPECIAL USE PERMIT REQUIRED FOR WIND ENERGY SYSTEMS
& WIND TESTING FACILITIES WHICH ARE OVER 65 FT.**

Any WES including a structure mounted WES which is greater than 65 feet in height, Wind Farms, Single WES for Commercial Purposes, and Utility Grid Wind Energy Systems and Wind Testing Facility (MET Tower) may be allowed as a Special Use only within the "A"-Agriculture, "RA"-Rural Agriculture, C, Community Commercial and "I"-Industrial Districts subject to the regulations and requirements of this section and also the general special land use review procedures and standards of Chapter 19 of this Zoning Ordinance.

- a) **Site Plan Requirements** – For those WES for which a Special Use is required and for WES Testing Facility or MET Tower the following items shall be included with or on the site plan. However the Planning Commission may modify the site plan requirements at the request of the applicant if such information is determined by the Planning Commission to not be relevant to the proper review of the Special Land Use request.

The applicant may request any such modifications from the Planning Commission after filing the application and the applicable fee and escrow amount. The request for site plan modifications may be made during Commission review of the Preliminary or Final Site Plan. Any requested modifications that are not approved by the Commission shall be included on the site plan and subject to additional review at the discretion of the Planning Commission.

- (1) All requirements for a site plan contained in Chapter 18.

- (2) All lot lines, acreages, and dimensions including a legal description of the parcel containing the WES or MET Tower including a depiction of any area that is leased from the property owner.
- (3) A location map of the proposed WES or WES Testing Facility or MET Tower sufficient to show the character of the area surrounding the proposed WES or WES Testing Facility or MET Tower.
- (4) Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed for the WES or WES Testing Facility or MET Tower.
- (5) Specific distances from the WES or WES Testing Facility or MET Tower structures to all other buildings, structures, and above ground utilities on the parcel or parcels upon which the WES or WES Testing Facility or MET Tower is proposed to be located.
- (6) Location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel(s) upon which the WES or WES Testing Facility or MET Tower is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
- (7) Locations and height of all buildings, structures, and above ground utilities within 300 feet of the exterior boundaries of the lot or parcel where the proposed WES or WES Testing Facility or MET Tower is proposed to be located.
- (8) Land Contour lines located on the lot or parcel(s) on which the WES or WES Testing Facility or MET Tower is proposed to be located, as well as within 300 feet of the boundaries of the parcel(s).
- (9) Access drives to the WES and WES Testing Facility or MET Tower including dimensions and composition, with a narrative describing proposed maintenance of the drives.
- (10) All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
- (11) Security measures proposed to prevent unauthorized trespass and access.
- (12) Standard drawings of the structural components of the WES or WES Testing Facility or MET Tower, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
- (13) Additional information as required by Chapter 19 Special Land Uses of this Ordinance, or as required by the Planning Commission.

- b) **Height.** The height of a WES for which a Special Use is required and the height of a WES Testing Facility or MET Tower shall be determined by compliance with the requirements of this Section 327
- c) **Setbacks.** The minimum setback for placement of a WES or a WES Testing Facility or MET Tower shall be equal to 1.5 times the height of the WES or WES Testing Facility or MET Tower. No part of a WES or WES Testing Facility or MET Tower, including guy wire anchors shall be located within or above any required front, side, or rear yard setback.

In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project. A reasonable set back shall be maintained from overhead electrical transmission lines.

- d) **Maintenance Program Required** – The applicant shall provide a written description of the maintenance program to be used to maintain the WES and WES Testing Facility or MET Tower, including a maintenance schedule of types of maintenance tasks to be performed. The WES and WES Testing Facility or MET Tower must be kept and maintained in good repair and condition at all times. If a WES or WES Testing Facility or MET Tower is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation.
- e) **Decommissioning Plan Required.** The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES and the WES Testing Facility or MET Tower become obsolete or abandoned.
- f) **Siting Standards and Visual Impact.**
 - (1) WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
 - (2) A WES shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. No striping of color or advertisement shall be visible on the blades or tower.
- g) **Security** – If a special use is approved pursuant to this section, The Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval.

327.5 **STANDARDS FOR ALL WES AND MET TOWERS**

a) **Sound Pressure Level.**

- (1) On Site wind energy systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
- (2) Utility Grid Systems and Wind Farms shall be subject to the requirements of Section 327.5 (a)(1) above but the sound pressure level shall be measured at the property line closest to the WES at the outside boundary of all property used for the Utility Grid System or Wind Farm. In addition, the applicant shall provide modeling and analysis that will demonstrate that the Utility Grid System or Wind Farm will not exceed the maximum permitted sound pressure.

b) **Shadow Flicker** – The Planning Commission may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur, and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.

c) **Construction Codes, Towers, and Interconnection Standards** - All WES and WES Testing Facilities and MET Towers shall comply with the following:

- (1) All applicable state construction and electrical codes and local building permit requirements;
- (2) Federal Aviation Administration requirements. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded.
- (3) The Michigan Airport Zoning Act (Public Act 23 of 1950);
- (4) The Michigan Tall Structures Act (Public Act 259 of 1959);
- (5) FAA regulations for private landing strips in or adjacent to Wright Township.
- (6) The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.
- (7) All distribution lines from the WES shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install,

place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

- c) **Maintenance** -WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.

- d) **Rotor or Blade Clearance.** Blade arcs created by a WES shall meet the following as applicable:
 - (1) A minimum of **30** feet of clearance over from any structure, adjoining property and tree.
 - (2) Blade arcs created by a WES mounted on an existing structure shall have a minimum clearance of eight feet.
 - (3) The minimum height of the lowest position of the rotor or blade shall be at least 30 feet above the ground.

- e) **Safety.**
 - (1) Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
 - (2) To prevent unauthorized access, each WES and WES Testing Facility or MET Tower must comply with at least one of the following provisions, and more than one if required by the Planning Commission or the Building Inspector or their agent:
 - (3) Tower climbing apparatus shall not be located within 12 feet of the ground.
 - (4) A locked anti-climb device shall be installed and maintained.
 - (5) A tower capable of being climbed shall be enclosed by a locked, protective fence at least 10 feet high topped with barbed wire.
 - (6) All WES and WES Testing Facilities or MET Towers shall have lightning protection.
 - (7) If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors. All guy wire anchors shall be fenced to the height of six (6) feet.

- e) **Signs.**
 - (1) Each WES and Testing Facility or MET Tower shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall include the following information:

- (2) The words “Warning: **Electrical Hazard**”.
 - (3) Emergency phone numbers.
 - (4) A WES and Testing Facility or MET Tower shall not include any advertising of any kind, except the nacelle may have lettering that exhibits the manufacturer’s and/or owner’s identification.
- f) **Electromagnetic Interference** – WES and WES Testing Facilities shall be designed, constructed and operated so as not to cause radio and television interference.
- g) **Inspection** – The Township shall have the right upon approving any WES and WES Testing Facility or MET Tower to inspect the premises on which the WES or WES Testing Facility or MET Tower is located at all reasonable times upon notification of the property owner. The Township may hire a consultant to assist with any such inspections at the applicant’s cost.

(Ord. No. 106 eff. July 28, 2008)

**CHAPTER 4
ZONING DISTRICTS
AND MAPS**

Sec. 400. DIVISION INTO ZONING DISTRICTS.

For the purpose of this Ordinance, all the unincorporated area of the Township of Wright, County of Ottawa, and State of Michigan, is hereby divided into the following zoning districts.

Agricultural

Low Density - Single Family Residence

Medium Density - One and Two Family Residence

High Density Residential

Community Commercial

Industrial

Mobile Home Park

RA, Rural Agricultural

Open Space Planned Unit Development

Marne Village District

Sand Creek Watershed Overlay Zone

(ord. no. 5 eff. Oct. 11, 1978, Amended by ord. no. 48 eff. Nov. 30, 1999)

Sec. 401. ZONING MAP.

The area assigned to said districts and the boundaries thereof shown upon the map entitled “Official Zoning Districts Map of Wright Township” are hereby established, and said map and all proper notations, references and other information shown thereon are hereby made a part of this Ordinance.*

(ord.no.5 eff. Oct. 11, 1978)*

* [For amendments to Zoning Map see Chapter 28: Zoning Map Amendments; Descriptions of Rezoned Properties.]

Sec. 402. **BOUNDRIES OF ZONING DISTRICTS.**

Where uncertainty exists as to the boundaries as shown on the Official Zoning Districts Map, the boundaries of zoning districts shall be interpreted as following along section lines or lines of customary subdivision of such sections; or the centerlines of highways, streets, alleys, or open areas; or property lines on record at the office of the Register of Deeds of the County of Ottawa on the date of enactment of this Ordinance; or the extension of any said lines. In all other circumstances not covered by the above, the Board of Appeals shall interpret the district boundaries.

(ord. No. 5 eff. Oct. 11, 1978)

CHAPTER 5
AGRICULTURAL DISTRICT

(Ord. 48, eff. Nov. 30, 1999, as amended July 28, 2008) (See Chapter 3 "Restrictions Applicable to All Districts)

Sec. 500. INTENT.

- a) This district is primarily set aside for farming, horticulture, animal husbandry, dairying, and other agricultural activities. Vacant fallow land and wood lots are also included.

People contemplating building a home in the agricultural zone should be aware of the unusual and specific conditions normally associated with land used in farming; such as, but not limited to, odors, noise, sprays and dust.

The regulations of the Agricultural District are intended to ensure that land areas within Wright Township that are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands.

- b) Other specific purposes for which this district is established include:
- (1) To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention, surface water purification and groundwater recharge areas, and as habitat for plant and animal life; and which have an important aesthetic and scenic value which contributes to the unique character of the agricultural district.
 - (2) To provide the basis for land tax assessments that reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes.
 - (3) To prevent the conversion of agricultural land to non-farm development which when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
 - (4) To protect farmland from speculative increases in land value.
 - (5) To prevent loss of farmland.
 - (6) To prevent conflicts between agricultural activities and residences.
 - (7) To prevent encroachment of urban and suburban services into agricultural areas.
 - (8) To encourage long-term investment in improvements needed to maintain and expand agricultural production by creating a stable environment for such production.
 - (9) To reduce the amount of land consumed in rural areas for nonagricultural use.

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- (10) To prevent intrusion of uses into farm areas which are incompatible with general farming activities.
- (11) To permit services and uses which are necessary to support farming activities.
- (12) To allow a limited amount of non-farm dwelling units in agricultural zones. To this end, the number of non-farm dwellings allowed on a parcel of land shall be based on a schedule of density contained in this article and shall be known as a sliding scale. However, it should be noted that the primary intended use of this district is agricultural activities and that these activities may not be compatible with non-farm residents. ***For complaints regarding farm related issues contact the Michigan Department of Agriculture 1-**

Sec. 501. PRINCIPAL USE.

Land in the Agricultural District may only be used for the following purposes:

- (a) Both general and specialized farming, including horticultural, dairying, raising of farm animals, farm forestry, orchards, vineyards and apiaries, and other similar uses which are operated in compliance with the applicable regulations of the Michigan Agricultural Commission, but no farm shall be operated for the disposal of garbage. ((ord. no.69 eff. May 28,2002)
- (b) Single family.
- (c) Greenhouses and nurseries, including retail sales of plant material grown on site.
- (d) Retail sales of food or agricultural products, provided that all of the following conditions or requirements shall be met:
 - 1) The total area devoted or used for such sales shall not exceed 10,000 square feet, including the square footage of any buildings or structures.
 - 2) The food or agricultural products may be consumed or used on or off the premises.
 - 3) The Owner of the market is to be the Owner or operator of the farm on which the market is located.
 - 4) Adequate parking must be provided which does not interfere with or obstruct the normal flow of traffic on adjacent roads or highways.
 - 5) Items which are not produced on farms owned or operated by the Owner of the market site shall not occupy more than 30% of the total sales area.
 - 6) Items that are not produced on farms owned or operated by the Owner of the market shall not occupy more than 50% of the floor space of any structure erected for such use.

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7) Other activities intended to enhance or attract customers to the location, such as, but not limited to, hayrides, sales and displays of crafts, cross country skiing, or other activities associated with farm markets, shall be permitted as accessory to the farm market, provided that such activities must be compatible with agricultural or horticultural areas and not infringe upon or adversely affect adjacent property and property owners.

8) The preparation and sale of foods for consumption on or off premises such as doughnuts, pies, pastries, and other food or juice items which are customarily prepared and sold at such agricultural markets is permitted as an accessory use if required licenses or approval of local health department is obtained and maintained.

- (e) Churches, parish houses, rectories and convents.
- (f) Schools.
- (g) Public parks, public recreation areas and municipal buildings.
- (h) Earth bermed and underground dwellings.
- (i) Private stables operated in compliance with all applicable regulations of the Michigan Agricultural Commission. (ord. no.70 eff. May 28, 2002)
- j) Home occupations.
- k) Sorting, packaging and processing of farm produce, but only if such produce is grown primarily on that parcel or by the owner of that parcel. Commercial canning and freezing activities are prohibited as permitted uses.
- l) Family day care and adult day care homes with no more than six (6) minor children or adults.
- m) State licensed adult foster care family homes with no more than six (6) adults.
- n) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- o) Essential public services.
- p) Livestock production facilities and manure storage facilities operated in compliance with all applicable regulations of the Michigan Agriculture Commission. (ord. no. 59 eff. Aug. 21, 2001)

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- q) Farm labor housing of any size as an accessory use to a farm provided the following conditions are met in addition to the other requirements of the Agricultural District:
 - 1) Compliance with the Michigan Public Health Code being Act 368 of the Public Acts of Michigan of 1978, as amended, including any rules promulgated pursuant thereto.
 - 2) The occupants are employed for farm labor at sometime by the owner of the property, while they occupy the housing.
 - 3) Mobile homes may be used to provide such housing.
 - 4) Farm labor housing may be permitted as a principal use on a parcel which contains a minimum of one acre and which complies with all other requirements of this section. This parcel shall abut the farm parcel where the laborers are employed and both parcels shall be under the same ownership. Creation of such a parcel shall not be considered a split under the sliding scale table in Section 503 herein unless the parcel is converted to a non-farm dwelling unit in which case it shall be counted as a split.

- (r) Uses customarily incidental to the permitted principal use.
(ord. no. 48 eff. Nov. 30, 1999)

- (s) Single-family dwellings designed as Open Space Preservation Projects as regulated by Section 326. (ord. no. 78 eff. Dec. 3, 2002)

- (t) Wind Energy Systems in accordance with Section 327 of this Ordinance.
(ord. no. 106 eff. July 28, 2008)

Sec. 502. SPECIAL USES.

The following uses may be permitted as a special land use (also known as a special exception use) when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- a) Agricultural service establishments which are the primary use of a parcel and which engage in performing agricultural, animal husbandry, or horticultural services on a fee or contractual basis, including but not limited to the following:
 - 1) Centralized bulk collection, refinement, storage and distribution of farm products to wholesale and retail markets (such as grain cleaning and shelling; sorting, grading, and packing of fruits and vegetables for the grower and agricultural produce milling and processing);

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- 2) The storage and sale of seed, feed, fertilizer, and other products essential to agricultural production;
 - 3) Crop dusting;
 - 4) Fruit packing;
 - 5) Farm equipment sales, service, and repair;
 - 6) Veterinary services;
 - 7) Facilities used in the research and testing of farm products and techniques;
 - 8) General repair and welding of farm implements and farm machinery.
- b) Commercial kennels;
 - c) Extractive uses such as stripping of topsoil, sand, rock, gravel, lime, or other soil or mineral sources, including gravel pits and quarries, per Section 307 of this Ordinance.
 - d) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
 - e) Commercial stables provided that such use is operated in compliance with all applicable regulations of the Michigan Agricultural Commission. (ord.no.70 eff. May 28, 2002)
 - f) Storage of boats, trailers, RV's, motor homes, off-road vehicles, jet ski's, snowmobiles, antique motor vehicles, other motor vehicles, and similar non-farm items in farm buildings as regulated by Section 1910 herein. (ord. no. 85 eff., Dec. 30, 2003)
 - g) Bed and breakfast establishments per Chapter 19 herein.
 - h) Wind Energy Systems in accordance with Section 327 of this Ordinance. (Ord. no. 106 Eff. July 28, 2008)
 - i) Ethanol production facilities as regulated by Chapter 19 herein. (ord. no. 107 eff. Dec. 2, 2008)
 - h) Group day care homes that provide care to not less than seven and not more than twelve minor children. (ord. no. 109 eff. June. 2, 2009)

Sec. 503 **SLIDING SCALE FOR LOT SPLITS & DWELLINGS**

(a) The maximum number of lots that may be divided or split from a lot of record for new dwelling units in this Agricultural zone shall be based on the gross area of the lot of record which is to be divided, as listed on the following table:

**Permitted Lot Split Table
("Sliding Scale")**

<u>Size of Lot of Record</u>	<u>Number of Buildable Lots Allowed</u>
0 - 40 acres	1
40.1 - 80 acres	2
80.1 - 120 acres	3
120.1 - 160 acres	4

(b) In addition to the splits or divisions permitted under Subsection (a) above, every lot which contains a single family dwelling existing before the Township's amendment of this Subsection (b) on August 10, 2005, shall be allowed to split a lot from the lot of record and create a new lot for the existing dwelling. This new lot need not comply with the maximum lot size requirements contained in Section 504.1 for dwellings, but shall be not less than one acre in size and shall have a lot width of at least 150 feet and all setbacks shall be met.

The lot remaining after the permitted lot(s) for new dwellings are created is not a buildable lot and a building permit shall not be issued for this remaining parcel. For example, if the lot of record contains 50 acres and two lots for two new dwellings are created with a lot size of two acres each, then the remaining parcel, which would consist of 46 acres, would be unbuildable and a building permit would not be issued for this 46 acre parcel.

(c) Any lot created in violation of Subsections (a) or (b), above, shall not be buildable (i.e., cannot have a building or dwelling built, placed or used thereon.)

(d) The maximum number of *new dwellings* that may be built on lots created from a lot of record shall be based on the gross area of the lot of record which is to be divided, as listed in the following table:

**Permitted Number of Dwelling Units
("Sliding Scale")**

<u>Size of Lot of Record</u>	<u>Number of Residential Dwellings Allowed</u>
0 - 40 acres	1
40.1 - 80 acres	2
80.1 - 120 acres	3
120.1 - 160 acres	4

The parcel remaining after the permitted lot(s) for new dwellings are created (as specified in Subsection (b), above) is not a buildable lot and a building permit shall not be issued for this remaining parcel. (ord. no. 96 eff. August 30, 2005)

Sec. 503.1 LOTS WITHOUT PUBLIC ROAD FRONTAGE.

A lot may be created which does not abut a public street. Such lot shall not contain a dwelling unit except as may be permitted by Section 504.1 herein but may contain farm buildings as

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defined herein as well as essential service buildings and structures and radio and cellular towers and antennas. (ord. no. 96 eff. August 30, 2005)

Sec. 503.2 **MONITORING LOT SPLITS.**

Wright Township recognizes that proper administration of the “sliding scale” concept is important in meeting the intent of this Ordinance. The following procedures have been established to help ensure proper monitoring of lot splits.

- a) Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
- b) An allotment of dwelling units possible under this Ordinance shall be made for each parcel in the Agriculture District.
 - (1) As allotments are used up, the official map and register shall be updated to reflect these changes.
 - (2) The official map and register shall be maintained by the Township Clerk and copies made available for inspection by the public.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 504. **DISTRICT REGULATIONS.**

Buildings and structures shall not be erected or enlarged in the Agricultural District unless the following requirements are met and maintained:

Sec. 504.1 **MINIMUM LOT AREA AND WIDTH.**

All lots created after August 10, 2005 for the purposes of constructing a single family dwelling shall comply with the following regulations:

- (a) A lot shall be a minimum of one acre and a maximum of two acres in size except as may be otherwise allowed by Section 503(b) herein.
- (b) A lot shall be created to comply with at least one of the following standards:
 - (1) A lot shall have a minimum width of 150 feet at the front lot line abutting a public road.
 - (2) A lot must have no more or no less than 20 feet of width at the front line abutting a public road. This width shall be maintained to a point where the lot must expand to be at least 150 feet in width as measured across the front of the dwelling from side lot line to side lot line. Such lot shall not be subject to the lot depth to width ratio requirements of this Ordinance.

- (3) A lot must have frontage on an easement and the easement must be at least 20 feet in width.

The lot shall have a minimum width of 150 feet. This width is measured from side lot line to side lot line across the front of the dwelling.

- (c) A driveway serving a single dwelling shall comply with the driveway requirements of Chapter 29 of this Ordinance.
- (d) If two lots from the same lot of record are created according to the requirements of Section 504.1(b) (2) or (3) above such lots shall abut each other along the full length of a common property line unless it can be demonstrated that such an arrangement is not feasible due to steep topography, wetlands, soils which are not suitable for on-site septic systems or other similar site features.

If these two lots abut they shall be served by a shared driveway. This shared driveway shall comply with the requirements for shared driveways contained in Chapter 29 herein.

- (e) No more than two lots permitted under Subsection (b) (2) and (3) above may be created from a lot of record.
- (f) Lots which are to be created under Subsection (b) (2) and (3) above must first obtain the approval of the Planning Commission. The following procedures shall be followed in seeking this approval from the Planning Commission.

- (1) An application shall be submitted to the Township Clerk on the same form used for site plan review along with any fee as may be set by the Township Board. Along with this application ten copies of an accurate drawing to scale shall be submitted. This drawing shall illustrate the proposed land division and the method of access to demonstrate compliance with the requirements of this Chapter.

- (2) The Clerk shall transmit this drawing and the application to the Planning Commission for consideration at the next meeting of the Commission. The Commission shall make a decision on the request within 60 days of the submittal of all required information or the request shall be considered to be approved.

- (3) In its consideration the Commission must find that the request satisfies the following standards in order to approve the request.

- (i) The driveway and dwelling shall be located so as to minimize or avoid conflicts between the residents of the proposed dwelling and nearby farmland and to have the least impact on the ability to farm the adjacent land taking into account odors, pesticide and fertilizer application noise from farm equipment operation and other activities normally associated with farming.

- (ii) The driveway and dwelling unit shall be located on land that is difficult or unlikely to be used for agricultural production due to soil types, poor drainage, wetlands, topography, woods or similar conditions.
- (iii) The lot and driveway shall not have the effect of dividing land into such isolated or small areas that these areas cannot feasibly be used for farming.

(4) The Planning Commission may attach reasonable conditions for any approval granted hereunder. If the Commission finds that the request does not satisfy the above criteria, the Commission shall deny the request.

(5) If the Commission approves the request the applicant must also obtain approval of the proposed lot split as required by the Township Land Division Ordinance. If the request includes a shared driveway the procedures and standards of Section 2911 must also be met. (ord. no. 96 eff. August 30, 2005)

Sec. 504.2 MAXIMUM BUILDING HEIGHT.

No principal building shall exceed a height of thirty five (35) feet.

Sec. 504.3 MINIMUM FRONT YARD.

Each lot or parcel shall have a minimum front yard of fifty (50) feet along each public street right-of-way line that abuts the lot or parcel or along an access easement as may be permitted by Section 504.1 herein. . (ord. no. 96 eff. August 30, 2005)

Sec. 504.4 MINIMUM SIDE YARD.

Each lot or parcel shall have minimum side yards of not less than fifteen (15) feet on each side.

Sec. 504.5 MINIMUM REAR YARD.

Each lot or parcel shall have a minimum rear yard of fifty (50) feet in depth from the rear lot line.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 504.6 SEPTIC SYSTEM & WELL PLACEMENT.

A septic system and well shall be on the same lot as the dwelling which is served by such septic system and well. . (ord. no. 96 eff. August 30, 2005)

Sec. 505. PLATS AND CONDOMINIUMS.

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In the Agricultural Zoning District, all lots platted under the State Land Division Act of 1996, PA 591 of 1996, as amended, and the Condominium Act, PA 59 of 1978, as amended, must have the required lot width on public roadways and approved private roads which existed as of the effective date of this Section.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 506. MINIMUM FLOOR AREA.

Dwelling units in the A District shall have the following minimum floor areas. The square footage shall be measured to the outside dimensions of the dwelling and shall not include attached garages, unenclosed porches or other accessory structures.

- a) One-Story Dwelling: All one-story dwellings shall have a minimum of nine hundred, sixty (960) square feet of area, except that dwellings with less than three (3) bedrooms must only have a minimum of seven hundred, twenty (720) square feet of area.
- b) Two-Story Dwellings: All two-story dwellings shall have a minimum of seven hundred twenty (720) square feet of area on the first floor.
- c) Split Level, Bi-Level, and Raised Ranch: All split level, bi-level, and raised ranch dwellings shall have a minimum of seven hundred, twenty (720) square feet of area above grade.
(ord. no. 48 eff. Nov. 30, 1999)

Sec. 507. ACCESSORY BUILDINGS.

Accessory buildings shall be located not less than (fifteen) 15 feet from the side and rear lot lines, and fifty (50) feet from the front lot line. (ord. no. 48 eff. Nov. 30, 1999) *No accessory building may be located in the "required front yard."

CHAPTER 6
RA – RURAL AGRICULTURAL
ZONE

(Ord. No. 22, eff. Sept. 22, 1998 as amended July 28, 2008) (See Chapter 3 “Restrictions
Applicable to All Districts)

Sec. 600. DESCRIPTION AND PURPOSE.

This district is intended to provide for residential development in a rural setting close to agricultural land use areas and zoning districts. With a density of one (1) dwelling unit per one and one-half (1-1/2) acres, this zoning district will permit general and specialized farming activities, but on a much smaller scale than the Agricultural Zoning District.

The large lots and agricultural activities permitted in the R-A District are intended to satisfy a demand for a semi-rural life style without using up prime agricultural land.

The R-A District is also intended to serve as a transition or buffer zone between the Agricultural District and more intense land uses and divert development pressure away from the large areas of unique farmland in Wright Township. (ord. no. 32 eff. Sept. 22, 1998)

Sec. 601. PRINCIPAL USES.

Land in the R-A District may only be used for the following purposes:

- (a) Both general and specialized farming, including horticultural, dairying, raising of farm animals, farm forestry, orchards, vineyards and apiaries, and other similar uses which are operated in compliance with all applicable regulations of the Michigan Agricultural Commission, but no farm shall be operated for the disposal of garbage. (ord. no.69 eff. May 28, 2002)
- (b) One family dwelling per lot or parcel.
- (c) Greenhouses and nurseries, including retail sales of plant material grown on site.
- (d) U-pick farm operations.
- (e) Churches, parish houses, rectories and convents.
- (f) Schools.
- (g) Public parks, public recreation areas and municipal buildings.
- (h) Earth bermed and underground dwellings.
- (i) Private stables operated in compliance with all applicable regulations of the Michigan Agricultural Commission. (ord. no.70 eff. May 28, 2002)

- (j) Retail sales of food or agricultural products as regulated by Section 502(5) herein.
- (k) Home occupations.
- (l) Storing, packaging and processing of farm produce, but only if such produce is grown primarily on that parcel. Commercial canning and freezing activities are prohibited.
- (m) Child and adult day care homes with no more than six (6) minor children or adults.
- (n) State licensed adult foster care family homes with no more than six (6) adults.
- (o) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- (p) Essential public services.
- (q) Private roads in accordance with Wright Township Ordinances No. 29.
- (r) Uses customarily incidental to the permitted principal use.
(ord. no. 32 eff. Sept. 22, 1998)
- (s) Single family dwellings designed as Open Space Preservation Projects as regulated by Section 326. (ord. no.78 eff. Dec. 3, 2002)
- (t) Wind Energy Systems in accordance with Section 327 of this Ordinance.
(ord. no. 106 eff. July 28, 2008)

Sec. 602. SPECIAL USES.

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- (a) Commercial kennels.
- (b) Golf courses and country clubs.
- (c) Veterinary establishments.
- (d) Extractive uses such as stripping of topsoil., sand, rock, gravel, lime, or other soil or mineral resources, including gravel pits and quarries, per Section 307 of this Ordinance.
- (e) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.

(f) Commercial stables provided that such use is operated in compliance with all applicable regulations of the Michigan Agricultural Commission. (ord. no.70 eff. May 28, 2002)

(g) Bed and breakfast establishments per Chapter 19 herein.(ord. no. 32 eff. Sept. 22, 1998)

(h) Storage of boats, trailers, RV's, motor homes, off-road vehicles, jet ski's, snowmobiles, antique motor vehicles, other motor vehicles, and similar non-farm items in farm buildings as regulated by Section 1910 herein. (ord. no. 85 eff., Dec. 30, 2003)

(i) Wind Energy Systems in accordance with Section 327 of this Ordinance. (ord. no. 106 eff. July 28, 2008)

Sec. 603. DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged in the R-A District unless the following requirements are met and maintained:

Sec. 603.1 MINIMUM LOT AREA AND WIDTH.

All lots or parcels must be at least one and one-half (1.5) acres in area, with a minimum width of one hundred-fifty (150) feet at the front lot line. In determining whether a lot satisfies the minimum lot size requirements of this section, any part of a lot which is subject to a public or private right-of-way for road purposes may be included in the calculation of the area of the lot, except that no more than two hundred (200) feet of such frontage shall be utilized for the calculation.

Sec. 603.2 MAXIMUM BUILDING HEIGHT.

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

Sec. 603.3 MINIMUM FRONT YARD.

Each lot or parcel shall have a minimum front yard of fifty (50) feet in depth from each public or private street right-of-way line that abuts the lot or parcel.

Sec. 603.4 MINIMUM SIDE YARD.

Each lot or parcel shall have minimum side yards of not less than fifteen (15) feet on each side.

Sec. 603.5 MINIMUM REAR YARD.

Each lot or parcel shall have a minimum rear yard of fifty (50) feet in depth from the rear lot line.

(ord. no. 32 eff. Sept. 22, 1998)

Sec. 604. MINIMUM FLOOR AREA.

Dwelling units in the R-A District shall have the following minimum floor areas. The square footage shall be measured to the outside dimensions of the dwelling and shall not include attached garages, unenclosed porches, or other accessory structures.

- (a) One-Story Dwelling: All one-story dwellings shall have a minimum of nine hundred sixty (960) square feet of area, except that dwellings with less than three (3) bedrooms must only have a minimum of seven hundred twenty (720) square feet of area.
- (b) Two-Story Dwelling: All two-story dwellings shall have a minimum of seven hundred twenty (720) square feet of area on the first floor.
- (c) Split Level, Bi-level, and Raised Ranch: All split level, bi-level and raised ranch dwellings shall have a minimum of seven hundred twenty (710) square feet of area above grade.
(ord. no. 32 eff. Sept. 22, 1998)

Sec. 605. ACCESSORY BUILDINGS.

Accessory buildings shall be located not less than twenty-five (25) feet from the side and rear lot lines, and fifty (50) feet from the front lot line.

(ord. no. 32 eff. Sept. 22, 1998)

*No accessory building may be located in the "required front yard."

Sec. 606. FRONT YARD SETBACK – LIMITATION ON USE.

No livestock shall be kept in the front yard setback area.

(ord. no. 32 eff. Sept. 22, 1998)

CHAPTER 7
LDR - LOW DENSITY - SINGLE
FAMILY RESIDENTIAL ZONE

(Ord. No. 48, eff. Nov. 30, 1999 as amended July 28, 2008) (See Chapter 3 "Restrictions
Applicable to All Districts)

Sec. 700. DESCRIPTION AND PURPOSE.

This district is intended to provide for low-density residential development with single family detached dwellings as the predominant land use. Lot sizes are permitted to vary depending upon the availability of public utilities. Preservation of natural resources and rural character need to be given special consideration in any residential development. Certain non-residential uses such as churches, schools and parks are also allowed uses.

Sec. 701. PRINCIPAL USES.

Land in the LDR District may only be used for the following purposes:

- a) Single family dwellings.
- b) Churches, parish houses, rectories and convents.
- c) Schools.
- d) Public parks, public recreation areas and municipal buildings.
- e) Earth bermed and underground dwellings.
- f) Private stables, provided there is at least 2.5 acres of land for the first horse and one acre of land for each additional horse. Horses shall not be kept within the front yard setback.
- g) Home occupations.
- h) Family day care and adult day care homes with no more than six minor children or adults.
- i) State licensed adult foster care family homes with no more than six adults.
- j) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- k) Essential public services.
- l) Private roads in accordance with Wright Township Ordinances No. 29.
- m) Uses customarily incidental to the permitted principal use.

- n) Single-family dwellings designed as Open Space Preservation Projects as regulated by Section 326 on parcels that are not served by existing public sanitary sewer.
(ord. no.78 eff. Dec. 3, 2002)
- (o) Wind Energy Systems in accordance with Section 327 of this Ordinance.
(ord. no. 106 eff. July 28, 2008)

Sec. 702. SPECIAL USES.

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- a) Golf courses and country clubs.
- b) Veterinary establishments.
- c) Housing for the elderly, including retirement housing, convalescent and nursing care facilities.
- d) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- e) Group day care homes that provide care to not less than seven and not more than twelve minor children.
- f) Bed and breakfast establishments per Chapter 19 herein.

Sec. 703. DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged in the LDR District unless the following requirements are met and maintained:

Sec. 703.1 MINIMUM LOT AREA AND WIDTH.

- a) For lots that are not served by public sanitary sewer, the minimum lot size shall be 30,000 square feet with a minimum width of 132 feet at the front lot line.
- b) For lots with either public sanitary sewer or public water or a community septic or well system, the minimum lot area shall be 20,000 square feet with a minimum of 100 feet of lot width at the front lot line.
- c) For lots with both public sanitary sewer and water or a community septic and well system, the minimum lot area shall be 12,000 square feet with a minimum of 80 feet of lot width at the front lot line.

Sec. 703.2 MAXIMUM BUILDING HEIGHT.

No building or structure shall exceed a height of thirty-five feet.

Sec. 703.3 MINIMUM FRONT YARD.

Each lot or parcel on a County primary road shall have a minimum front yard of 50 feet from each public or private street right-of-way line that abuts the lot or parcel. For all other lots and parcels the minimum front yard shall be 25 feet.

Sec. 703.4 MINIMUM SIDE YARD.

Each lot or parcel shall have a minimum side yard of not less than 10 feet on each side.

Sec. 703.5 MINIMUM REAR YARD.

Each lot or parcel shall have a minimum rear yard of 35 feet from the rear lot line.

Sec. 704. MINIMUM FLOOR AREA.

Dwelling units in the LDR District shall have the following minimum floor areas. The square footage shall be measured to the outside dimensions of the dwelling and shall not include attached garages, unenclosed porches or other accessory structures.

- a) One-Story Dwelling: All one-story dwellings shall have a minimum of 960 square feet of area, except that dwellings with less than three bedrooms must only have a minimum of 720 square feet of area.
- b) Two-Story Dwelling: All two-story dwellings shall have a minimum of 720 square feet of area on the first floor.
- c) Split Level, Bi-Level, and Raised Ranch: All split level, bi-level and raised ranch dwellings shall have a minimum of 720 square feet of area above grade.

Sec. 705. ACCESSORY BUILDINGS.

There shall be no more than one accessory building per lot. Such buildings shall be a minimum of five feet from the side and rear lot lines, and shall be in keeping with the character of the principal building and surrounding property. The height of an accessory building shall not be more than 16 feet. (Ord. No. 48 amended by ord. no. 77 eff. Dec. 3 2002)

*No accessory building may be located in the "required front yard."

Sec. 706. ADDITIONAL REGULATIONS.

- a) Parking shall be provided in accordance with the requirements of Chapter 21.
- b) Site plan review is required for all Special Land Uses under Chapter 18.

**CHAPTER 8
MDR - MEDIUM DENSITY
RESIDENTIAL**

(Ord. No. 48, eff. Nov. 30, 1999 as amended July 28, 2008)(See Chapter 3 “Restrictions
Applicable to All Districts)

Sec. 801. DESCRIPTION AND PURPOSE.

This district is intended for those single-family dwellings within the community of Marne. The required minimum lot size and setbacks are reflective of existing conditions in this area and are designed to reduce the number of non-conforming lots and buildings. Two family dwellings are also permitted in this district but only if public sanitary sewer is provided.

Sec. 802. PRINCIPAL USES.

Land in the MDR district may only be used for the following purposes:

- a) Single family dwellings.
- b) Two family dwellings.
- c) Churches, parish houses, rectories and convents.
- d) Schools.
- e) Public parks, public recreation areas and municipal buildings.
- f) Earth bermed and underground dwellings.
- g) Home occupations.
- h) Family day care and adult day care homes with no more than six minor children or adults.
- i) State licensed adult foster care family homes with no more than six individuals.
- j) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- k) Essential public services.
- l) Private roads in accordance with Wright Township Ordinances No. 29.
- m) Uses customarily incidental to the permitted principal use.
- n) Wind Energy Systems in accordance with Section 327 of this Ordinance.
(ord. no. 106 eff. July 28, 2008)

Sec. 803. SPECIAL USES.

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- a) Group day care homes that provide care to not less than seven and not more than twelve minor children.
- b) Homes for the elderly including retirement housing, convalescent and nursing care facilities.
- c) Wireless telecommunications towers and antennas in accordance with Section 316 of this Ordinance.
- d) Bed and breakfast establishments per Chapter 19 herein.

Sec. 804. DISTRICT REGULATIONS.

Sec. 804.1 MINIMUM LOT AREA AND WIDTH.

- a) For single-family dwellings, the minimum lot size shall be 9,000 square feet with a minimum width of 66 feet at the front lot line.
- b) For two family dwellings, the minimum lot size shall be 13,000 with a minimum lot width of 100 feet at the front lot line.

Sec. 804.2 MINIMUM FRONT YARD.

There shall be a minimum front yard of 20 feet from each public or private street right-of-way line that abuts the lot or parcel.

Sec. 804.3 MINIMUM SIDE YARD.

There shall be a minimum side yard of at least five feet on each side of a single family dwelling and ten feet on each side of a two family dwelling.

Sec. 804.4 MINIMUM REAR YARD.

There shall be a minimum rear yard of 35 feet.

Sec. 804.5 MAXIMUM BUILDING HEIGHT.

A building or structure shall not exceed a height of 35 feet.

Sec. 805. MINIMUM FLOOR AREA.

Dwelling units in the MDR District shall have the following minimum floor areas. The square footage shall be measured to the outside dimensions of the dwelling and shall not include attached garages, unenclosed porches or other accessory structures.

- a) One-Story Dwelling: All one-story dwellings shall have a minimum of 960 square feet of area for a single family dwelling, except that single family dwellings with less than three bedrooms must only have a minimum of 720 square feet of area.

A two family dwelling shall have a minimum of 1,750 square feet.

- b) Two-Story Dwelling: All two-story dwellings shall have a minimum of 720 square feet of area on the first floor.
- c) Split Level, Bi-level, and Raised Ranch: All split level, bi-level and raised ranch dwellings shall have a minimum of 720 square feet of area above grade.

Sec. 806. ACCESSORY BUILDINGS.

There shall be no more than one accessory building per lot. Such buildings shall be a minimum of five feet from the side and rear lot lines, and shall be in keeping with the character of the principal building and surrounding property. The height of an accessory building shall not be more than 16 feet. (Ord. No. 48 amended by ord. no. 77 eff. Dec. 3 2002)

*No accessory building may be located in the "required front yard."

Sec. 807. ADDITIONAL REGULATIONS

- a) Parking shall be provided in accordance with the requirements of Chapter 21.
- b) Site plan review is required for all Special Land Uses under Chapter 18.
- c) All principal uses in this district shall be served by public sanitary sewer.

CHAPTER 9
HDR - HIGH DENSITY RESIDENTIAL

(Ord. No. 48, eff. Nov. 30, 1999 as amended July 28, 2008)(See Chapter 3 “Restrictions
Applicable to All Districts)

Sec. 901. DESCRIPTION AND PURPOSE.

The HDR District is intended to allow primarily for multiple family dwellings although certain non-residential uses would also be permitted by special use permit. Zoning in the High Density Residential District is permitted only for lands served by public sanitary sewer, public or community water supply (for potable water and fire protection) and paved roads. Such districts can serve as transition zones between non-residential areas and are generally located on or near major thoroughfares.

Sec. 902. PRINCIPAL USES.

Land and buildings in the HDR district may only be used for the following purposes:

- a) Two family dwellings.
- b) Multiple family dwellings with up to four units per building.
- c) Churches, parish houses, rectories and convents.
- d) Schools.
- e) Public parks, public recreation areas and municipal buildings.
- f) Elderly housing including retirement housing, convalescent and nursing care facilities.
- g) Home occupations.
- h) Family day care and adult day care home with no more than six minor children or adults.
- i) State licensed adult foster care family homes with no more than six individuals.
- j) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- k) Essential public services.
- l) Private roads in accordance with Wright Township Ordinances No. 29.
- m) Uses customarily incidental to the permitted principal use.
- (n) Wind Energy Systems in accordance with Section 327 of this Ordinance.
(ord. no. 106 eff. July 28, 2008)

Sec. 903. SPECIAL USES.

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- a) Multiple family buildings with no more than 12 dwellings per building.
- b) Group day care homes that provide care to not less than seven and not more than twelve minor children.
- c) Wireless telecommunications towers and antennas in accordance with Section 316 of this Ordinance.

Sec. 904. DISTRICT REGULATIONS.

Sec. 904.1 MINIMUM LOT AREA AND WIDTH.

- a) Two family dwellings - 13,000 square feet with 100 feet of lot width.
- b) Three family dwellings 16,500 square feet with 125 feet of lot width.
- c) Four family dwellings - 22,000 square feet with 125 feet of lot width.
- d) For dwellings with more than four units per building -4,356 square feet of lot area for each unit with 150 feet of lot width.
- e) For all other uses - 20,000 square feet with 150 feet of lot width.

Sec. 904.2 FRONT YARD.

There shall be a minimum front yard of 25 feet from each public or private road abutting the lot.

Sec. 904.3 SIDE YARD.

For a two, three or four family building, there shall be a minimum side yard of ten feet on each side. For all other uses, the minimum side setback shall be 20 feet.

For multiple family buildings that abut a different zoning district, the minimum side yard setback shall be 30 feet.

Sec. 904.4 REAR YARD.

For two, three or four family dwellings, there shall be a rear yard of 35 feet. For all other uses, the minimum rear yard setback shall be 50 feet.

Sec. 904.5 **MINIMUM BUILDING SEPARATION.**

The minimum distance between multiple family buildings shall be 20 feet.

Sec. 904.6 **MAXIMUM BUILDING HEIGHT.**

The maximum building height shall be 35 feet.

Sec. 904.7 **OPEN SPACE/RECREATION AREA.**

Ten percent of the gross site area shall be set aside as open space and recreation area. This shall include a combination of all or some of the following: tennis courts, ball fields, swimming pool, play structures, lawn, field and wooded areas.

Sec. 905. **FLOOR AREA.**

Two-Family Dwelling - See Section 805.

Sec. 906. **FLOOR AREA – MULTI FAMILY DWELLING.**

Each multi-unit apartment in this district shall have a minimum amount of square feet of usable floor area exclusive of porches, garages, basements, or utility areas as follows:

- a) One bedroom unit - a minimum of 650 square feet.
- b) Two bedroom unit - a minimum of 750 square feet per unit.
- c) Three bedroom unit - a minimum of 850 square feet per unit.
- d) For each bedroom over three an additional 100 square feet will be required.

Sec. 907. **ACCESSORY BUILDING.**

There shall be no more than two accessory buildings per principal building. Such buildings shall be a minimum of five feet from the side and rear lot lines. The height of an accessory building shall not be more than 16 feet. (Ord. No. 48 amended by ord. no. 77 eff. Dec. 3 2002)

*No accessory building may be located in the "required front yard."

Sec. 908. **ADDITIONAL REGULATIONS.**

- a) Parking shall be provided in accordance with the requirements of Chapter 21.
- b) Site plan review is required for all multiple family dwellings and for all Special Land Uses under Chapter 18.
- c) Site condominiums shall be regulated by Chapter 17.

- d) Two family dwellings shall, insofar as practicable, be designed to have the exterior appearance of a single family dwelling by appropriate placement of exterior doors, garages and driveways.
- e) In order to provide variety in appearance and provide buildings that are in keeping with the small town and village character of the Township, multiple family buildings shall be designed to avoid excessive length and boxlike appearance and to have varied architectural features.
- f) All uses in this district shall be served by public sanitary sewer and by public or community water supply system (for potable water and fire protection purposes).
- g) Where an HDR zone abuts an LDR or MDR zone, or a parcel with existing single-family houses, a buffer zone shall be provided as required by the landscape regulations of this Ordinance.

CHAPTER 10
COMMUNITY COMMERCIAL

(Ord. No. 48, eff. Nov. 30, 1999 as amended July 28, 2008) (See Chapter 3 "Restrictions Applicable to All Districts)

Sec. 1001. INTENT.

This district is intended for the purpose of accommodating a wide variety of retail and service establishments to serve the shopping needs of local residents and the motoring public.

Sec. 1002. PRINCIPAL USES.

Land in the Community Commercial District may only be used for the following purposes:

- a) Retail establishments.
- b) Personal and business services.
- c) Hotels and motels.
- d) Medical and dental clinics.
- e) Offices and banks.
- f) Restaurants, delicatessens, coffee houses including sit-down and carry out establishments excluding those with drive in or with drive through facilities.
- g) Public buildings.
- h) Business or trade schools.
- i) Dancing, art, and music studios.
- j) Health and physical fitness establishments.
- k) Research and testing laboratories.
- l) Mortuaries and funeral homes.
- m) Gas station/convenience stores.
- n) Ambulance service establishments.
- o) Motor vehicle service stations and gas service stations which perform such services as tire sales and installation; oil changes; brake, shocks and exhaust work; engine analysis and tune-ups; front end alignments; heating and air conditioning repair and similar minor vehicle repair services. All such services shall take place within an enclosed building and

no materials or parts shall be kept outdoors. Limited outdoor repair of vehicles is permitted provided such activities do not create a nuisance to adjacent properties.

- p) Motor vehicle detailing establishments excluding spray painting and body repair of motor vehicles.
- q) The repair of products sold by a permitted use in this district, provided it does not constitute the principal use and all such work is performed inside.
- r) Catering establishment.
- s) Pet shop including grooming services.
- t) Tire shops including recapping and re-treading.
- u) Indoor or outdoor commercial recreation facilities such as bowling centers, indoor theaters, skating rinks, racquet clubs, miniature golf, video amusement establishments, pool and billiard establishments or similar uses.
- v) Retail building supply and equipment stores.
- w) Retail nurseries and garden centers.
- x) Printing, lithography, publishing, and photocopy establishments.
- y) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- z) Essential public services.
- aa) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- bb) Private roads in accordance with Wright Township Ordinances 29.
- cc) Uses customarily incidental to the permitted principal use.
- (dd) Wind Energy Systems in accordance with Section 327 of this Ordinance.
(ord. no. 106 eff. July 28, 2008)

Sec. 1003. **SPECIAL USES.**

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- a) Open air businesses including but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile homes, mobile or modular homes, and similar uses.
- b) Sexually oriented businesses per Wright Township Ordinances 34, 35, and 40.
- c) Veterinary establishments that also provide kennel services.
- d) Housing for the elderly, including retirement housing, convalescent and nursing care facilities.
- e) Wireless telecommunication towers and antennas in accordance with Section 316 of this Ordinance.
- f) Mini-warehouses and self-storage facilities. Outside storage of any items including vehicles, boat trailers, building materials or similar items is prohibited.
- g) Automatic and self-serve vehicle wash facilities.
- h) Public or private clubs, lodges, or similar places of assembly and banquet halls.
- i) Restaurants that have drive up or drive through windows.

Sec. 1004 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged in the Community Commercial District unless the following requirements are met and maintained:

Sec. 1004.1 MINIMUM LOT AREA AND WIDTH:

- a) For lots that are not served by public sanitary sewer, the minimum lot area shall be 30,000 square feet with a minimum of 150 feet of width at the front lot line.
- b) For lots that are served by sanitary sewer, the minimum lot area shall be 12,000 square feet with a minimum of 82.5 feet at the front lot line.

Sec. 1004.2 MAXIMUM BUILDING HEIGHT.

A principal building shall not exceed a height of 35 feet and an accessory building shall not exceed a height of 16 feet.

Sec. 1004.3 **MINIMUM FRONT YARD.**

Each lot or parcel on a County primary road shall have a minimum front yard of 50 feet from each County primary road right-of-way line that abuts the lot or parcel. For all other lots and parcels the minimum front yard shall be 30 feet.

Sec. 1004.4 **CORNER LOTS.**

For corner lots abutting a County primary road, the setback along the County primary road shall be 50 feet and the other setback shall be a minimum of 30 feet.

Sec. 1004.5 **MINIMUM SIDE YARD.**

There shall be no side yard requirement in this district except where a Community Commercial Zone abuts a residential zone or Rural Agricultural zone a side yard of at least 25 feet must be maintained.

Sec. 1004.6 **MINIMUM REAR YARD.**

There shall be a rear yard of at least 25 feet except where a Community Commercial zone abuts a residential zone, or Rural Agricultural zone the setback shall be at least 50 feet.

Sec. 1004.7 **GREENBELT.**

A greenbelt, as determined by the Wright Township landscape regulations, shall be erected and maintained on the side and rear of any commercial premises where the same abuts a residential or Rural Agricultural zone, and such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses.

Sec. 1004.8 **STRUCTURE FAÇADE.**

Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining the facade requirements of this section, the following criteria shall be considered:

- (1) The location of the addition or renovation relative to the existing building.
- (2) The size relative to the existing building.
- (3) The location of the existing building.
- (4) Whether compliance with this Section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
- (5) The practicality of requiring compliance with this Section based on the design and structural integrity of the existing building.
- (6) Whether modifications of the building will have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

(ord. no.5 eff. Oct.11, 1978; amended by Ord. no. 94 eff. May 31, 2005)

Sec. 1005. ACCESSORY BUILDINGS.

There shall be a maximum of two accessory buildings on each lot. Accessory buildings shall be no closer than five feet to the side or rear lot lines and 20 feet to the principal building.

*No accessory building may be located in the “required front yard.”

Sec. 1006. ADDITIONAL REGULATIONS.

- a) Parking shall be provided in accordance with the requirements of Chapter 21.
- b) Site plan review is required for all permitted uses and Special Land Uses under Chapter 18.

CHAPTER 11
VILLAGE DISTRICT ZONE

(Ord. No. 48, eff. Nov. 30, 1999 as amended July 28, 2008) (See Chapter 3 “Restrictions
Applicable to All Districts)

Sec. 1101. INTENT

This zoning district is designed to specifically address that area designated as the Marne Village District in the 1998 Master Land Use Plan of Wright Township. This area contains a mixture of public, retail, and residential uses which give it a distinct village-type identity. Land use regulations in this district will allow current uses to continue and will allow existing single family houses to be converted to retail, service, or office uses to serve the Village District and Marne area. Site development standards have been established to reflect existing setback distances with the Planning Commission having the ability to modify these setbacks to achieve the intent of this District.

The owner or operator of the business will be permitted to live on the premises. Another purpose of these regulations is to create a zone where the existing single family houses are conforming in order to avoid the need for variances when buildings are improved or replaced. Design standards will ensure that the appearance of uses in this district will maintain a village-type atmosphere.

Sec. 1102. PRINCIPAL USES.

Land and structures in the Marne Village District may only be used for the following purposes:

- (a) Uses permitted by Section 1002 herein.
- (b) One two and three family dwellings.
- (c) Churches and similar places of worship.
- (d) Schools.
- (e) Public parks, public recreational areas, and municipal buildings.
- (f) Dwelling units may be permitted within a building where the principal use is commercial subject to the following conditions:
 - (1) One dwelling unit is permitted for each storefront.
 - (2) The dwelling unit shall only be located on the second or third floor of the building.
 - (3) Each dwelling unit shall contain a minimum of 600 square feet of floor area.
 - (4) Off-street parking shall be provided as required by this Ordinance.
 - (5) A building permit shall be obtained to establish a dwelling unit in order to ensure compliance with the requirements of this section and with the building code, fire code and district health department. The entire building containing the dwelling

unit shall also be brought into compliance with the building code and fire code before an occupancy permit is issued.

- (g) Wind Energy Systems in accordance with Section 327 of this Ordinance. (ord. no. 106 eff. July 28, 2008)

Sec. 1103. SPECIAL USES.

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- a) Special uses as permitted by Section 1003 herein.
- b) Four to eight dwelling unit building provided there is compliance with the lot size and dwelling unit size requirements of Sections 904.1 and 906 herein.
- (c) Bed and Breakfast establishments as regulated by Chapter 19 herein.

Sec. 1104. DISTRICT REGULATIONS.

Buildings or structures shall not be erected or enlarged in the Marne Village District unless the following requirements are met and maintained:

Sec. 1104.1 MINIMUM LOT AREA AND WIDTH.

None required except for four to eight unit buildings as noted above.

Sec. 1104.2 MINIMUM FRONT YARD.

The minimum front yard shall be the average front yard as determined by Section 321 herein. The Planning Commission may increase or decrease this setback in order to achieve a development that is compatible in appearance and function with nearby uses.

Sec. 1104.3 MINIMUM SIDE YARD.

- (a) Residential uses and improvements to existing residential uses: A minimum side yard of five feet shall be required on each side of a single, two and three family dwelling. For all buildings with more than three dwellings the minimum setback shall be 10 feet.
- (b) For non-residential uses that abut a residential use or zone, a side yard of five feet shall be required. For all non-residential uses that abut another non-residential use or zone, no side yard shall be required, or a side yard shall not be less than five feet.
*A common wall may be shared.

Sec. 1104.4 MINIMUM REAR YARDS.

- (a) All residential uses and improvements to existing residential uses: A minimum rear yard of 25 feet shall be required.
- (b) Non-residential uses: A minimum rear yard of 10 feet shall be required for all non-residential uses, except where a new non-residential use is adjacent to a residential use the rear yard shall be 25 feet. The Planning Commission may decrease the setback if landscaping or fencing is provided to protect the privacy and establish a buffer for the adjacent residential use.

Sec. 1104.5 MAXIMUM BUILDING HEIGHT.

No building or structure shall exceed a height of thirty-five (35) feet.
(ord. no. 67. eff. Feb. 26, 2002)

Sec. 1105. EXISTING NON-CONFORMING USES.

All uses in the Marne Village District existing as of (date of ordinance adoption), shall be allowed to continue as legal non-conforming uses until and if those uses are converted, improved or expanded. At the time a legal non-conforming use is converted, improved, or expanded, the district regulations for that use shall apply.

Sec. 1106. DESIGN STANDARDS.

The construction of a new building or the alteration of an existing building that is to be used for non-residential use as permitted by this Chapter shall comply with the following standards:

- (a) The building shall have roofs compatible with nearby buildings.
- (b) The exterior walls shall be brick, wood, aluminum or vinyl siding that is similar in appearance to adjacent dwellings.
- (c) A walkway shall be provided from the existing or proposed sidewalk to the front building entrance.
- (d) Required parking shall be provided in the side or rear yard. Off street parking shall be designed so vehicles are not required to back onto the public street.
- (e) Landscaping or fences required by this ordinance shall be provided along those lot lines which abut residential uses to provide a measure of visual and sound privacy for adjoining residents.
- (f) The Planning Commission, in reviewing the site plan for permitted uses, may vary these standards in order to achieve the intent and purpose of this District.
- (g) Dumpsters shall not be located within the front yard and shall be screened or located so as to be visually unobtrusive.

- (h) Sidewalks shall be installed along the street frontage in accordance with the standards of the Ottawa County Road Commission.

Sec. 1107. ACCESSORY BUILDINGS.

There shall be a maximum of two accessory buildings on each lot. Accessory buildings shall be no closer than five feet to the side or rear lot lines and 20 feet to the principal building.

*No accessory building may be located in the “required front yard.”

Sec. 1108. ADDITIONAL REGULATIONS.

- a) Parking shall be provided in accordance with the requirements of Chapter 21.
- b) Site plan review is required for all use in the Marne Village District according to the requirements of Chapter 18 herein.

CHAPTER 12
INDUSTRIAL DISTRICT

(Ord. No. 48, eff. Nov. 30, 1999 as amended July 28, 2008) (See Chapter 3 “Restrictions
Applicable to All Districts)

Sec. 1200. INTENT.

It is the intent of this Chapter to provide for the development of a variety of industrial and manufacturing uses that can be characterized by low land coverage and the absence of objectionable external effects. Regulations contained in this district are designed to encourage the development of industrial areas that will be compatible with one another and with adjacent or surrounding districts.

Sec. 1201. PERMITTED USES.

Land and/or buildings may be utilized for the following uses only:

- a) Manufacture, 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.
 - 5) Furniture and fixtures.
 - 6) Paperboard containers, building paper, building board, and bookbinding.
 - 7) Printing and publishing.
 - 8) Manufacturing of engineering, measuring, optic, medical, lenses, photographic, and similar instruments.’
 - 9) Jewelry, silverware, toys, athletic, office, and tobacco goods, musical instruments, signs and displays, and similar manufacturing establishments.
- b) General manufacturing, fabrication and assembly operation.
- c) Research and development testing and experimental laboratories and manufacturing.
- d) Essential public services.
- e) Trade and industrial schools.
- f) Tool and die manufacturing establishments
- g) Wireless telecommunications towers and antennas in accordance with Section 316 of this Ordinance.
- h) Private roads in accordance with Wright Township Ordinances 29.
- i) Mini warehouses and self-storage facilities. Outside storage of any materials including vehicles, boats, and trailers is prohibited.
- j) Any similar industrial uses which meet the intent of this district when authorized by the Planning Commission.

- k) Uses customarily incidental to the permitted principal use.
- l) Wind Energy Systems in accordance with Section 327 of this Ordinance. (ord. no. 106 eff. July 28, 2008)

Sec. 1202. SPECIAL USES.

The following uses may be permitted as a special land use when approval is obtained from the Planning Commission. Such uses are subject to the Special Land Use provisions of this Ordinance.

- a) Asphalt, concrete, or similar refining and manufacturing.
- b) Salvage yards.
- c) Refuse and garbage incinerators.
- d) Scrap tire collection sites and scrap tire processors.
- e) Manufacture of gas, coke, or coal tar products.
- f) Manufacture of ammunition, fireworks, or other explosives.
- g) Stockyards and slaughterhouses.
- h) Blast furnaces drop forges, petroleum refining, metal stamping, and similar uses.
- i) Solid waste processing facility, including composting as an incidental use.
- j) Essential public service buildings.
- k) Warehousing, storage, or transfer buildings.
- l) Truck terminals, including maintenance and service facilities.
- m) 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.
- n) Central dry-cleaning plants.
- o) The manufacture, assembly, treating or packaging of previously prepared chemical products such as plastics, perfumes, synthetic fibers.
- p) Lumberyards and other building equipment supply establishments.
- q) Commercial fuel depot.
- r) Vehicle repair or body shops provided all work is performed within an enclosed building and storage of vehicles is within an area which is well screened from the view of nearby properties and roadways.
- s) Contractor equipment yards and operations.
- t) Uses which sell equipment, vehicles or machinery normally used for industrial purposes or in the construction trades except for vehicles used primarily for on-road travel. Such uses may display these items outdoors. (Ord. No. 48, eff. Nov. 30, 1999 as amended by Ord. No. 83, eff. April 22, 2003)
- u) Outdoor display and sale of items which are manufactured, repaired or serviced as part of a use permitted by Sections 1201 and 1202 of this Ordinance. Other items which may not have been manufactured, repaired, or service by the permitted use but which are the same or similar to such items may also be displayed and sold on a limited basis as determined by the Planning Commission. (Ord. No. 48, eff. Nov. 30, 1999 as amended by Ord. No. 83, eff. April 22, 2003)
- v) Wind Energy Systems in accordance with Section 327 of this Ordinance. (ord. no. 106 eff. July 28, 2008)

Sec. 1203. DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged in the Industrial District unless the following requirements are met and maintained:

Sec. 1203.1 MINIMUM LOT AREA AND WIDTH.

- a) The minimum lot area shall be 20,000 square feet with a minimum of 150 feet of width at the front lot line.

Sec. 1203.2 MINIMUM FRONT YARD.

Each lot or parcel shall have a minimum front yard of 40 feet from each road right-of-way line that abuts the lot or parcel. If an Industrial Zone faces a Residential or Rural Agricultural Zoning District or an area recommended for such use in the Township Master Plan, the minimum front yard setback shall be 100 feet.

Sec. 1203.3 MINIMUM SIDE YARD.

The minimum side yard requirement shall be 25 feet except where an Industrial Zone abuts a Residential Zone or Rural Agricultural Zoning District or an area recommended for such use in the Township Master Plan, a side yard of at least 50 feet must be maintained.

Sec. 1203.4 MINIMUM REAR YARD.

There shall be a rear yard of at least 25 feet except where an Industrial Zone abuts a Residential Zone or Rural Agricultural Zoning District or an area recommended for such use in the Township Master Plan, the setback shall be at least 50 feet.

Sec. 1203.5 MAXIMUM BUILDING HEIGHT.

A principal building shall not exceed a height of 35 feet and an accessory building shall not exceed a height of 16 feet.

Sec. 1203.6 GREENBELT.

A greenbelt, as determined by the Wright Township landscape regulations, shall be erected and maintained on the side and rear of any industrial premises where the same abuts a Residential or Rural Agricultural Zone, and such greenbelts shall also be required where industrial premises and uses abut existing nonconforming residential uses.

Sec. 1204. ACCESSORY BUILDINGS.

There shall be a maximum of two accessory buildings on each lot. Accessory buildings shall be no closer than twenty five feet to the side or rear lot lines and 20 feet to the principal building and shall not be located within any front yard. Where an Industrial Zone abuts a Residential or Rural Agricultural Zoning District or an area recommended for such use in the Township Master Plan, the side and rear setback shall be 50 feet.

Sec. 1205. SITE DEVELOPMENT STANDARDS.

The following development standards are designed to mitigate negative impacts on nearby properties and shall apply to all uses in the Industrial District.

- a) Any material which is stored or kept outside and which faces or abuts a non-industrial use shall be screened by a solid fence or wall at least six feet in height and no material shall be stacked higher than the fence. Further, all business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.
- b) Industrial equipment on a site, including trucks, shall not be operated in a manner such that it produces noise above 75 decibels when measured at the nearest occupied residential dwelling unit.
- c) Operations that involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating ground water and surface water.
- d) Any use permitted in the Industrial Zone shall not create a vibration that is discernible to off-site residents or occupants.
- e) Dumpsters shall not be located within the front yard and shall be screened.
- f) Uses which discharge to the Township's waste water treatment facility may be required to pre-treat waste if the Planning Commission determines pre-treatment is necessary to protect the operation of the treatment facility.
- g) Structure Facade - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public street shall be finished with face brick, wood, glass, stone, or fluted cement block, or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns as may be provided for in any duly adopted Ordinances and/or Building and Fire Codes.

Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining the facade requirements of this section, the following criteria shall be considered:

- (1) The location of the addition or renovation relative to the existing building.
- (2) The size relative to the existing building.
- (3) The location of the existing building.
- (4) Whether compliance with this Section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
- (5) The practicality of requiring compliance with this Section based on the design and structural integrity of the existing building.
- (6) Whether modifications of the building will have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

Sec. 1206. ADDITIONAL REGULATIONS.

- a) Parking shall be provided in accordance with the requirements of Chapter 21.
- b) Site plan review is required for all permitted uses and Special Land Uses under Chapter 18.

CHAPTER 13
MHP - MOBILE HOME PARK
DISTRICT

Sec. 1300. PURPOSE AND REGULATION.

The purpose of this district is to allow for the establishment of mobile home parks and related accessory uses. A mobile home park within this zoning district shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, being Act 96 of 1987, as amended and the Michigan Administrative Code. A mobile home park established within this district shall be subject to the site plan review procedures of Chapter 18 herein and all other applicable regulations of this zoning ordinance.
(ord. no. 48 eff. Nov. 30, 1999)

CHAPTER 14
OS-PUD - OPEN SPACE
PLANNED UNIT
DEVELOPMENT DISTRICT

(Ord. No. 48, eff. Nov. 30, 1999 as amended July 28, 2008)

Sec. 1400. PURPOSE

(a) It is the intent of this Chapter to offer an alternative to traditional subdivisions through the use of an Open Space Planned Unit Development (OS-PUD). An Open Space PUD is the process of designing residential communities in which the most important design step is identifying the land that is to be preserved as open space. Most dwellings would abut this permanently preserved open space in order to provide views and convenient access for residents.

Some degree of flexibility is permitted in the use, building placement and lot size requirements for OS-PUD developments, but it is also intended that each OS-PUD district afford reasonable protection to uses that are near and adjacent to the OS-PUD district. An OS-PUD is intended primarily for single-family dwellings but the process of designing an OS-PUD is also adaptable to multi-family uses as well. The OS-PUD District is intended for the following purposes:

- (1) Implementing the goals and objectives of the Township's Master Plan relating to preservation of open space, rural character and natural resources;
- (2) Assuring the permanent preservation of open space and other natural resources and allowing for the continuation of limited farming activities.
- (3) Providing recreation areas within a reasonable distance of all residents of the Open Space PUD;
- (4) Allowing innovation and greater flexibility in the design of residential developments;
- (5) Facilitating the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- (6) Ensuring compatibility of design and use between neighboring properties and a density substantially consistent with that permitted in the current zoning district;
- (7) Encouraging a less sprawling form of development, thus preserving open space as undeveloped land;
- (8) Preserving wildlife habitat.

(b) These regulations are intended to preserve the character of the Township through the creation of residential neighborhoods with supporting open space. It is the intent of these

regulations to produce a development substantially consistent with Zoning Ordinance standards, yet to allow for modifications from the general standards to meet the intent of this Ordinance.

(c) The provisions of this Chapter are not intended, nor shall they be applied, to circumvent the land use planning decision inherent in the Township's Master Plan. A OS-PUD that is otherwise qualified under this Chapter shall be approved only if the resulting land use and the density and other characteristics thereof are substantially consistent with the Master Plan's provisions or land use designations for the lands involved.

Sec. 1401. AUTHORIZATION.

An Open Space PUD zoning district may be approved by the Township Board in any location that is recommended for Rural Agricultural or Low, Medium and High Density Residential use by the Wright Township Master Plan in accordance with the procedures of this Ordinance. The granting of an Open Space Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this ordinance. An approval granted under this chapter, including all aspects of the final plan and conditions imposed, shall constitute part of the Zoning Ordinance.

Sec. 1402. ELIGIBILITY CRITERIA.

To be eligible for Open Space PUD consideration, the applicant must present a proposal for residential development that meets the following:

(a) **Recognizable Benefits.** An Open Space PUD shall result in recognizable and substantial benefits both to the residents of the project and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high quality architectural design, combination of lots which would not result in as desirable a development if developed separately, extensive landscaping, sensitivity to adjacent residential land uses, unique site design features, preservation of natural features, preservation of farm land and maintenance of rural appearance.

(b) **Minimum Size.** The parcel shall be a minimum of five contiguous acres.

(c) **Unified Control.** The proposed development shall be under unified ownership or control, so that one person or entity has proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions indicating that the development will be completed in its entirety as proposed.

(d) **Guarantee of Dedicated Open Space.** The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all dedicated open space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice

of such transfer is provided to the Township and the land uses continue as approved in the Open Space PUD plan, unless an amendment is approved by the Township Board.

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

The agreement shall:

- (1) Indicate the proposed allowable use(s) of the dedicated open space.
- (2) Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
- (3) Provide standards for scheduled maintenance of the dedicated open space including necessary pruning, harvesting of trees and new plantings.
- (4) Provide for maintenance to be undertaken by Wright Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance. Any costs incurred by the Township shall be assessed to the owners of the property within the OS-PUD.

Sec. 1403. PERMITTED USES.

Land and buildings in an Open Space PUD may only be used for the following uses or combination of such uses:

- (a) Single family detached dwelling units.
- (b) Two family attached dwelling units (duplexes) provided that such dwellings shall not constitute more than 15% of the total dwellings in an OS-PUD.
- (c) Multi-family dwelling units up to twelve units per building but only if the land requested for rezoning to Open Space PUD is designated for such use in the Township Master Plan.
- (d) Other uses as may be allowed by the future land use recommendation of the Township Master Plan and the equivalent zoning district listed in Section 1406.
- (e) Limited farming activities if conducted upon the Dedicated Open Space within the OS-PUD and only if the land is recommended for RA use by the Township Master Plan. For purposes of this Section farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of a OS-PUD, the project shall demonstrate that the farming activities will not pose a nuisance or a hazard to the residents of the OS-PUD.

- (f) Golf courses, tennis courts, ball fields, bike paths, walking paths, playground, community buildings, and similar recreational facilities as well as day care facilities, provided such uses are accessory to the residential uses in the OS-PUD and designed to be used primarily by residents of the OS-PUD.
- (g) Accessory uses, structures and buildings that are customarily associated with the uses specified above.
- (h) Wind Energy Systems in accordance with Section 327 of this Ordinance.
(ord. no. 106 eff. July 28, 2008)

Sec. 1404. DEVELOPMENT REQUIREMENTS

The lot area, lot width, building setback, and yard requirements applicable within an OS-PUD shall be determined by the Planning Commission and Township Board in order to achieve the purposes of this section, to carry out the site design principles in Section 1408 and to apply proper site planning criteria to achieve integration of the project with the characteristics of the project area. Other criteria that shall be used in making these determinations shall include the following:

- (a) Number and type of dwelling units.
- (b) Proximity and impact of the OS-PUD on adjacent existing and future land uses.
- (c) Preservation of existing vegetation or other natural features on site.
- (d) Topography of the site.
- (e) Provision of water, sanitary sewer and storm sewer or approval of the Ottawa County Health Department for on site well and septic systems.
- (f) Access for emergency vehicles to all dwellings.

Sec. 1405. MINIMUM OPEN SPACE REQUIREMENTS.

- (a) An Open Space PUD shall provide and maintain a minimum of 40 percent of the gross area of the site as Dedicated Open Space or a minimum of two acres of the site's gross area as open space, whichever is greater.

All areas identified as Primary Conservation Areas in Section 1407 shall be preserved as open space. However, ONLY ONE HALF of the Primary Conservation Areas shall be counted as part of the 40 PERCENT DEDICATED OPEN SPACE required by this Section.

The remainder of the land to be counted as Dedicated Open Space shall consist of Secondary Conservation Areas also defined in Section 1407, except as noted in Section 1405(e).

(b) Only open space areas meeting the standards in Section 1405(f) shall be included in the calculations for the minimum Dedicated Open Space area.

(c) All land within a development not devoted to a residential unit, an accessory structure or use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be set aside as open space for recreation, conservation, or preservation in an undeveloped state. Connections with adjacent open space and bike paths shall be encouraged.

(d) If a golf course is included as open space, it shall not account for more than 50 percent of the minimum required Dedicated Open Space.

(e) Areas Not Considered Dedicated Open Space. The following land areas shall not be classified as Dedicated Open Space for the purposes of this Section:

- (1) The area within any public street right-of-way.
- (2) The area within private road access easements.
- (3) Any easement for overhead utility lines unless adjacent to qualified open space.
- (4) Fifty percent of any floodplain, lakes, streams or other surface water bodies, or wetlands.
- (5) The area within a platted lot or site condominium lot.
- (6) Parking areas.

(f) Standards for Dedicated Open Space. The following standards shall apply to the Dedicated Open Space provided in the development:

- (1) Dedicated Open Space shall be for use by all residents of the OS-PUD.
- (2) The dedicated open space may either be centrally located, along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
- (3) If the site contains a lake, stream or other body of water, a portion of the Dedicated Open Space shall abut the body of water.
- (4) A portion of the Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right-of-way, and this area shall be left in its natural condition or landscaped to help reduce the view of houses on site from the adjacent roadway and preserve the rural view.

- (5) A Dedicated Open Space area shall be configured such that the open space is reasonably usable by residents of OS-PUD. The minimum size of a Dedicated Open Space area shall be 20,000 square feet; provided, however, that the required open space abutting a public street may be less than 20,000 square feet; and, further provided, that the Planning Commission may approve other Dedicated Open Space areas of less than 20,000 square feet if such areas are designed and established as pedestrian or bicycle paths or are otherwise determined by the Planning Commission to be open space reasonably usable by residents of the OS-PUD.
- (6) Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
- (7) Open space areas shall be located so as to be reasonably accessible to the residents using them. Pedestrian access points to the Dedicated Open Space areas shall be provided and shall be clearly identified by signs or a visible improved path for safe and convenient access.
- (8) Grading in the Dedicated Open Space shall be minimal, with the intent to preserve existing topography where practical except for uses permitted by Section 1407A(f)(9).
- (9) Dedicated Open Space may consist of ball fields, tennis courts, swimming pools and related buildings, community buildings and golf courses, and similar recreational facilities. These uses however shall not utilize more than 50 percent of the Dedicated Open Space.

(g) Allowable Accessory Structures and Uses in the Dedicated Open Space. A structure or building accessory to a recreation or conservation use or an entryway may be erected within the Dedicated Open Space, subject to the approved open space plan. These accessory structure(s) and building(s), shall not exceed, in the aggregate, one percent of the dedicated open space area. Accessory structures or uses of a significantly different scale or character than any abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands as determined by the Planning Commission and Township Board.

Sec. 1406. DENSITY BASED ON ZONING DISTRICT EQUIVALENT OF FUTURE LAND USE CATEGORY.

(a) An area that is requested for rezoning to OS-PUD shall only be developed in accordance with the density and land uses recommended by the Township Master Plan. The permitted number of dwellings per acre (density) for the proposed OS-PUD area shall be based on the density requirements of the zoning district that is the equivalent of the future land use category proposed by the Master Plan. The zoning district equivalent for the Master Plan future land use category and the density permitted are contained in the following Density Table.

Density Table

<u>Master Plan Category</u>	<u>Zoning District</u>	<u>Maximum Ave. Density</u>
Rural Agricultural	= Rural Agricultural	.66 unit/acre (1.5 acres per unit)
Low Density Residential	= Low Density Residential	1.45 units/ac. w/o public sanitary sewer & water. 2.17 units/ac. w/ either public or community water or sanitary sewer. 3.63 units/acre w/ both public or community water & sanitary sewer.
Medium Density Residential	= Medium Density Res.	4.84 units/ac. 6.7 units/acre for two family dwellings.
High Density Residential	= High Density Residential	6.7 units/ac. for two family dwellings 7.92 units/ac. for three and four family dwellings 10 units/ac. for greater than a four family dwelling

(b) **Formula to Determine Number of Dwellings** To determine the number of dwelling units which may be constructed within the Open Space PUD, multiply the permitted density from the Density Table by the total acreage of the site excluding *all* those areas within the 100-year flood plain, wetland areas and areas permanently inundated by water such as lakes, ponds, streams and rivers, *one-half* of the areas with existing slopes of 20% or more and *one half* of the area of any golf course. The Planning Commission and the Township Board may in their discretion allow fewer dwelling units than would otherwise be permitted by this section.

The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Natural Resources or by an analysis performed by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Planning Commission.

(c) **Formula for Additional Dwellings** Additional dwellings above what is allowed by Section 1406(a) & (b) may be permitted at the discretion of the Township Board and Planning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the OS-PUD. Items which could be added to a OS-PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:

- (1) Provision of recreational facilities such as playground areas with play equipment, ball fields, golf course, bike path, walking path, man-made lake, community building or similar recreation facility.
 - (2) Additional landscaping to preserve or enhance the rural view along the roadway.
 - (3) Enhancement of existing wetlands, subject to applicable regulations.
 - (4) Provision of additional unique open space or mature stands of trees that would be of recognizable benefit to Township residents.
 - (5) Provision of a public or private community water and/or sanitary sewer system.
- (d) If additional dwelling units are to be permitted, the maximum number of dwelling units shall be determined by multiplying the density permitted in the Density Table by the total acreage of the site *including* wetlands, floodplain, bodies of water, steep slopes, golf courses, and portions of the site within existing road right of way. In no case shall the number of dwelling units exceed what is permitted by this subsection.

Sec. 1407. **PROCEDURES**

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- (a) **Preapplication Conference.** Before submitting an application for a OS-PUD, an applicant may meet with the Planning Commission or Township Zoning Administrator, Planner or Engineer to submit information regarding a proposed OS-PUD and to confer with the Planning Commission, or staff, about the proposed application and the OS-PUD.
- (b) **Application for OS-PUD Approval.** An application for OS-PUD rezoning shall be in accordance with the application procedures for site plan review as required by Chapter 18 of this Ordinance.
- (c) **Preliminary Open Space Plan.** The applicant shall prepare a preliminary site plan using the four step design process described below:

STEP 1

Prepare a site plan of the proposed OS-PUD development that identifies the *Primary Conservation and Secondary Conservation Area* that shall include:

Primary Conservation Areas

- wetlands
- floodplains
- creeks, streams, ponds or lakes soils that will not sustain buildings
- steep slopes (20% or over)
- habitats of unique or endangered species

Secondary Conservation Areas

- woodlands
- farm land
- meadows and hedgerows
- farm buildings and fences
- historic, cultural, and archeological features
- views into and out of the site
- any other area which, due to significant natural or cultural features, is determined to be worthy of preservation

Next, identify on the plan those Secondary Conservation areas that shall be preserved as Dedicated Open Space.

Next, identify potential development areas where houses can be located.

Next, determine the number of houses permitted for the site by Section 1406 herein.

STEP 2

On the same site plan, illustrate the tentative location of house sites. Within Open Space PUD developments, house sites shall be identified before determining the location of lot lines and streets. The location of house sites shall be based upon the following criteria:

- House sites shall be located within the potential development areas identified in Step 1 and outside the boundaries of the *Primary Conservation Areas* and the *Secondary Conservation Areas* identified in Step 1 as Dedicated Open Space.
- Houses should be placed so that the predominant view from the house is of open space and not of dwellings on the opposite side of the street.
- Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way.
- In order to maintain scenic views and rural character, dwellings placed directly on hilltops shall be discouraged if the dwelling is unscreened from the view of nearby properties and roads. If such dwellings are permitted, they should be one story to avoid walkout type dwellings from having the appearance of a three story dwelling and detracting from the rural view.

STEP 3

Next illustrate the location of streets and trails. The following criteria shall apply when locating streets and trails:

- Avoid crossing wetlands, wildlife habitat, or other sensitive natural areas with streets. Travel lanes may be split into a boulevard-style street with natural areas between the travel lanes.

- Avoid long straight street segments that encourage speeding; curving roads or shorter straight segments at 90 degrees to each other are preferable.
- Whenever possible, street systems should be designed to produce *terminal vistas* (views) of open spaces, village greens, water features, meadows or playing fields.
- Where possible, streets should allow *single loading* of house sites, which allows all homes views of open spaces within the development.
- Every effort should be made to connect each street with another so that dead ends are minimized, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets or adjoining neighborhoods. These cul-de-sacs should be designed with a central island where existing trees can be preserved or native species can be planted.
- Whenever possible, streets serving new developments should be designed to connect with adjoining properties.
- Open Space PUD's should provide a trail system that provides pedestrian and bicycle linkage throughout the development, that takes advantage of the *Primary* and *Secondary Conservation Areas*. Linkage to future neighborhoods and developments that may occur adjacent to the development may be provided and are encouraged.

STEP 4

Next draw the location of lot lines within the development.

- Lots shall be of a size and width necessary to obtain approval from the Ottawa County Health Department. If permitted by the Health Department, septic drain fields may be located within designated open space areas outside the lot lines.
- In addition to the preliminary site plan, the applicant shall provide documentation from the Ottawa County Health Department that the soil types in the buildable areas are acceptable for on site well and septic systems.
- If the applicant is also seeking approval for the private road, information required by the Wright Township Private Road Ordinance herein shall also be submitted.

(d) **Environmental Impact Assessment**. The Planning Commission may require an environmental impact assessment as part of the Preliminary or Final Site Plan. This assessment shall describe the effect and impact that the proposed OS-PUD will or may have upon or with respect to the following matters.

- (1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation; the effect, if any, on surrounding property values.
- (2) Population in the immediate area and the Township; local school systems; traffic congestion.

- (3) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
 - (4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare;
 - (5) General appearance and character of the area; historic structures and places; archeological sites and artifacts.
 - (6) Such other matters as the Planning Commission may request to be included. If requested by the Planning Commission, the environmental impact assessment shall include statements or comments from the following public agencies or officials concerning those aspects of the proposed land use within their respective responsibilities and jurisdictions: County health department; county road commission; county drain commissioner; department of natural resources; intermediate school district; local board of education; county sheriff's department local fire department and other appropriate agencies.
 - (7) Traffic impact study.
 - (8) A community impact analysis.
 - (9) An economic feasibility study for the principal uses of the proposed OS-PUD.
 - (10) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.
- (e). **Review of Preliminary Development Plan.** The Planning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the OS-PUD, together with any recommended changes or modifications thereof. A copy of the Planning Commission's recommendations as contained in the minutes of the Planning Commission shall be forwarded to the Township Board. Such review and other consideration of the preliminary plan shall take place at a public meeting or meetings of the Planning Commission, and at meetings of committees of the Commission, where appropriate. The recommendations of the Planning Commission to the applicant, regarding the OS-PUD, shall be based on the following considerations:
- (1) The requirements of this Ordinance.
 - (2) How well the preliminary site plan conforms to the four step design process of this Section.
 - (3) The setback and placement of buildings and structures.
 - (4) Ingress to and egress from the OS-PUD and proposed buildings and structures therein, including motor vehicle and pedestrian safety and convenience, traffic flow and control and emergency access.

- (5) Off-street parking and loading areas where required.
 - (6) Screening and buffering, including type, dimensions and character of materials used therefore.
 - (7) Water supply and sanitary sewage disposal, including locations, availability and compatibility, the preservation of natural resources and natural features.
 - (8) Open spaces and recreational areas.
 - (9) Drainage courses, flood plains, lakes, streams, and wetlands.
 - (10) The number of dwellings proposed.
 - (11) Impact and adverse effects, if any, upon adjacent and nearby lands, the surrounding area and the Township.
 - (12) Other aspects and effects of the OS-PUD, as reasonably deemed appropriate by the Planning Commission.
- (f) **Advisory Public Hearing.** In the course of its consideration of the preliminary development plan, the Planning Commission may, in its discretion, convene an advisory public hearing in order to receive public comments concerning the preliminary development plan. For such hearing, the Planning Commission shall follow the procedures as found in Section 2402 of this Ordinance. (ord. no. 101 eff. June 13, 2007)
- (g) **Final Development Plan.**
- (1) After receiving the recommendations of the Planning Commission on the preliminary development plan, the applicant for OS-PUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Final Site Plan Review as contained in Chapter 18 of this Ordinance. Copies of the plan shall be forwarded to the Planning Commission.
 - (2) The final development plan shall contain all of the information required for Final Site Plan review unless the same is waived by the Planning Commission as not being reasonably necessary for the consideration of the OS-PUD plus the following:
 - (i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary development plan, including all of the recommendations of the Planning Commission thereon, or if the applicant has not incorporated all of such recommendations, the final development plan shall indicate such fact and shall state the basis or grounds upon which such recommendations have not been included.

- (ii) Projected time for completion of the entire OS-PUD; proposed phasing, if any, of the OS-PUD and the projected time for completion of each phase.
- (iii) Any other information reasonably required by the Planning Commission in connection with its review of the OS-PUD and consideration of the rezoning of the lands in accordance with the OS-PUD plan.
- (h) **Public Hearing on Final Development Plan.** The Planning Commission shall hold a public hearing which will be noticed according to the procedures set forth in Section 2402 of this Ordinance. This public hearing shall be on the final development plan and the application for rezoning in accordance with the plan. The giving of public notice for the public hearing and the convening of the hearing shall proceed in the same manner and in accordance with all of the requirements of a public hearing by the Planning Commission for a rezoning of lands within the Township, as set forth in the **Public Act 110 of** 2006 and this Ordinance. (ord. no. 101 eff. June 13, 2007)
- (i) **Consideration of Final Development Plan by Planning Commission.** After public hearing, the Planning Commission shall make recommendations concerning the final development plan and the modifications in the final development plan, to the Township Board. The Planning Commission may recommend in favor of the rezoning of the lands in accordance with the final development plan; may recommend against rezoning of the lands in accordance with the final development plan; or may recommend such rezoning only if certain changes or modifications in the OS-PUD are made or if certain specified conditions are imposed. The recommendations of the Planning Commission shall then be transmitted to the Township Board.
- (j) **Standards for Approval.** In making a recommendation to approve a OS-PUD, the Planning Commission must find that the proposed OS-PUD meets the following standards:
 - (1) Granting the OS-PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
 - (2) The OS-PUD will not result in a significant increase in the need for public services and facilities and will not place a significant burden upon surrounding lands or the natural environment, unless the resulting adverse effects are adequately provided for or mitigated by features of the OS-PUD as approved.
 - (3) The OS-PUD will be compatible with the Master Plan of the Township and consistent with the intent and purpose of this chapter.
 - (4) The OS-PUD will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.
 - (5) Protects all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction except as approved for essential services or recreation amenities.

- (6) Preserves and maintains mature woodlands, fields, pastures, meadows, orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
 - (7) Designs around existing hedgerows and treelines between fields or meadows, and minimize impacts on woodlands greater than 5 acres.
 - (8) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public road rights-of-way.
 - (9) Avoids siting new construction on prominent hilltops or ridges by taking advantage of lower topographic features.
 - (10) Protects the rural roadside character by establishing buffer zones along scenic corridors and improves public safety and vehicular carrying capacity by avoiding development that front directly on to existing roadways.
 - (11) Includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
 - (12) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.
- (k) **Final Consideration of OS-PUD by Township Board.** The Township Board shall review the final development plan and the recommendations submitted by the Planning Commission. The Township Board shall determine whether the final development plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township. Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the final development plan and grant the rezoning request.
- (l) **Conditions of Approval.** The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.
- (1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed project under

consideration, residents, and landowners immediately adjacent to the proposed project,, and the community as a whole.

- (2) They shall be related to the valid exercise of the police power, and the purposes that are affected by the proposed project.
- (3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed OS-PUD under consideration, and be necessary to insure compliance with those standards.

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

If the Township Board approves the final development plan and the proposed application for rezoning, it may rezone the property in accordance with the Township Rural Zoning Act as amended. The Zoning Ordinance amendment shall be forwarded to the Township clerk for inclusion in the Township Ordinance Book. Publication of the rezoning ordinance or publication of a summary of the provisions thereof shall be accomplished in the manner provided by law.

Sec. 1408. AMENDMENTS TO APPROVED PUD.

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

The following items shall be considered as minor changes:

- (1) Reduction of the size of any building and/or sign.
- (2) Movement of buildings and/or signs by no more than ten (10) feet.
- (3) Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping.
- (4) Changes of building materials to a higher quality.
- (5) Changes in floor plans that do not alter the character of the use.

- (6) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
- (7) Changes required or requested by the Township for safety reasons.
- (8) Changes that will preserve the natural features of the site without changes the basic site layout.
- (9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- (c) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

Sec. 1409. PERFORMANCE GUARANTEES.

The Township Board, after recommendation by the Planning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Planning Commission. Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the OS-PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Planning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township official.

Sec. 1410. TIME LIMITATIONS ON DEVELOPMENT.

Each OS-PUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Planning Commission may, in its discretion, grant an extension not exceeding one year, provided that the OS-PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the OS-PUD. If the OS-PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, any building permits issued for

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the OS-PUD or any part thereof shall be of no further effect, at the conclusion of said periods of time, and the Planning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

CHAPTER 15
SAND CREEK WATERSHED
OVERLAY ZONE
(Ord. No. 48, eff. Nov. 30, 1999)

Sec. 1500. PURPOSE.

The purpose of this chapter is to establish regulations to preserve and enhance the integrity of Sand Creek, Knauf Drain, East Fork, and associated tributaries that make up the Sand Creek Watershed. These creeks and streams are a valuable natural resource of Wright Township as they contribute to the Township's rural character, provide scenic views and serve as a habitat for fish and wildlife. The regulations are designed to prevent soil erosion along creek banks, prevent sedimentation from entering the creeks, preserve and enhance vegetation along the creeks, and ensure adequate setbacks for buildings, structures and septic systems.

This is an overlay district and is intended to supplement the regulations of any underlying zone.

Sec. 1501. APPLICABLE REQUIREMENTS AND DISTRICT BOUNDARIES.

- a) The requirements of this chapter are in addition to and shall supplement those imposed on the same lands by any underlying zoning provisions of this ordinance or other ordinances of Wright Township. These regulations supersede all conflicting regulations of the underlying zoning districts to the extent of any such conflict.
- b) The boundaries of the Sand Creek Watershed Overlay Zone shall include all lands which are within 100 feet beyond the ordinary high water mark on each side of those creeks and tributaries shown on the Official Wright Township Zoning Map and as described below:
 - 1) Sand Creek
 - 2) Knauf Drain
 - 3) East Fork
 - 4) Flowing tributaries (even if intermittently flowing) of any of the creeks described in (1), (2), and (3) above.

Sec. 1502. DISTRICT REGULATIONS.

- a) Natural Vegetation Strip
 - 1) To minimize erosion, stabilize the creek bank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen manmade structures, and also to preserve aesthetic values of the creek area, there shall be a natural vegetation strip on all banks within 25 feet of the ordinary high water mark; provided, however, that artificially maintained vegetation strips along creek banks within 25 feet of the ordinary high water mark that are in existence at the time of adoption of this

ordinance may continue, but if such artificially maintained vegetation strips thereafter return to a natural state, then they shall not again be artfully maintained.

- 2) Natural ground cover shall be preserved to the fullest extent feasible and where removed it shall be replaced with vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
- 3) Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, so as to achieve a filtered view of the creek from the principal structure and for reasonable private access to the creek. These pruning and removal activities shall insure that a live root system stays intact to provide for stream-bank stabilization and erosion control and to insure that any path to the creek or tributary is no greater than 10 feet in width, and that it will meander down to the ordinary high water mark in a manner which protects the soil and vegetation from erosion. Clear cutting within the natural vegetation strip is prohibited except for maintenance of Ottawa County drains as authorized by the Ottawa County Drain Commission. Upon completion, all stream banks shall be restored to prevent erosion.
- 4) Allowance for maintenance of drain then re-seed (dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, and other plants regarded as a common nuisance under Section 2, Public Act 359 of 1941, as amended, may be removed.)
- 5) Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist and in reforestation efforts.

b) Minimum Setbacks/Floodplain

- 1) A principal building shall be set back at least 100 feet from the ordinary high water mark of any of the creeks or tributaries regulated by this Chapter except as permitted below:
 - i) A principal building to be erected on a vacant legal non-conforming lot of record may be closer than 100 feet to the ordinary high water mark if it is demonstrated to the Zoning Administrator that compliance with this setback requirement would prohibit the construction of the principal structure. The reduction in the setback shall be the minimum necessary to construct the principal structure. The Zoning Administrator may refer such decision to the Planning Commission.
 - ii) For lots that have a steep bank abutting the creek, a principal building may be set back a minimum of 50 feet from the top of the bank. For purposes of this chapter a steep bank shall be defined as being at least 10 feet high (measured vertically from the ordinary high water mark to the top of the

bank) with a slope of at least 33 percent (determined by dividing the vertical height of the slope by the horizontal distance of the slope.)

- c) Septic disposal fields and tanks shall be at least 100 feet away from the ordinary high water mark and shall otherwise be in conformance with the standards of the Ottawa County Health Department.
- d) In no case shall a building or septic disposal field and tank be located within the 100-year floodplain.

Sec. 1503. **EXISTING USES AND STRUCTURES**

Those land uses, buildings and structures which existed before the effective date of this Chapter and which do not conform to the requirements of this Chapter shall be non-conforming and subject to the applicable non-conforming use provisions of this Ordinance. If a natural vegetation strip as regulated herein exists on a lot as of the effective date of this Ordinance, it shall be subject to the regulations of this Chapter, but any regulations, which are more restrictive than these, shall prevail over this Chapter.

CHAPTER 16 ZONING BOARD OF APPEALS

Sec. 1600. BOARD OF APPEALS.

Sec. 1600.1 CREATION OF ZONING BOARD OF APPEALS.

A Zoning Board of Appeals is hereby created. The Zoning Board of Appeals shall consist of three members appointed by the Township Board. In addition, the Township Board may appoint not more than two (2) alternate members for the same term as regular member to the zoning board of appeals. A member of the Township Board may serve as an alternate member of the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals. (ord. no. 101 eff. June 13, 2007) (ord.no.111 eff. July 28,2009)

One of the members of the Zoning Board of Appeals may be a member of the Township Board, and one of the members of the Zoning Board of Appeals shall be member of the Planning Commission. Terms for the members of the Zoning Board of Appeals, including the alternate, shall be for three (3) years, except for the members who are also a member of the Township Board or of the Planning Commission. The terms of the members who are also a member of the Township Board or of the Planning Commission shall be stated in the resolution appointing them to the Zoning Board of Appeals. (ord. no. 58, eff. Jan. 9, 2001)

Sec. 1600.2 MEMBERSHIP.

- (1) The first member of the Board of Appeals shall be a member of the Township Planning Commission.
 - (2) Remaining members of the Board of Appeals shall be selected from the electors residing in the Township and shall be representative of the population distribution and the various interests present in the Township.
 - (3) One member may be a member of the Township Board.
 - (4) An elected officer of the Township may not serve as Chairman of the Board of Appeals
 - (5) No employee or contractor of the Township Board may serve as a member or employee of the Board of Appeals.
- (ord. no. 5 eff. Oct. 11, 1978)

Sec. 1600.3 TERMS OF OFFICE, VACANCIES.

The term of office for members appointed to the zoning board of appeals shall be for 3 years, except for members serving because of their membership on the legislative body, whose terms shall be limited to the time they are members of that body. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)

Sec. 1600.4 **EXPENSES.**

The total amount allowed the Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board. (ord. no. 5 eff. Oct. 11, 1978)

Sec. 1600.5 **REMOVAL FROM OFFICE.**

Members of the Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a 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 constitutes malfeasance in office. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)

Sec. 1600.6 **ATTENDANCE.**

The Township Board of Appeals shall not conduct any business unless a majority of the members of that Board are present. (ord. no. 5 eff. Oct. 11, 1978)

Sec, 1600.7 **OFFICERS.**

The Board shall elect from its membership, a Chairman, a Vice Chairman, and such other offices at it may deem necessary. (ord. no. 5 eff. Oct. 11, 1978)

Sec. 1600.8 **RULES OF PROCEDURE.**

(a) The Board shall adopt Rules of Procedure. These rules shall be made available for public inspection at the office of the Board. (ord. no. 5 eff. Oct. 11, 1978)

(b) A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. The member may consider and vote on the other unrelated matters involving the same property. (ord.no.111 eff. July 28,2009)

Sec. 1600.9 **MEETINGS.**

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals in its Rules of Procedure may specify. The Chairman, or in his absence, the Vice Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals, and notices of such meetings shall comply with the requirements of Act 267 of the Public Acts of 1976, known as the Open Meetings Act. The Board of Appeals shall maintain a record of its proceedings in accordance with the Open Meetings Act, including attendance of all Board members and the vote of each member upon every question. (ord. no. 5 eff. Oct. 11, 1978)

Sec. 1600.10 **POWERS OF THE BOARD OF APPEALS.**

The Board shall have the power to hear appeals:

(1) Where it is alleged that there is an error or misinterpretation of this Ordinance in any order, requirement, decision, grant, or refusal made by the Building Inspector or any other Administrative Board or official charged with the enforcement of the provisions of this Ordinance. Or,

(2) Where, by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographical conditions or other extraordinary condition of land, buildings or structure, or of the development of property immediately adjacent to the property in question, the literal enforcement of the requirements of this Ordinance would cause practical difficulties or unnecessary hardship.

(3) Provided, however, that the Board shall not have any jurisdiction or authority to hear appeals of any decision of the Planning Commission regarding applications for rezoning, applications for Planned Unit Development, or applications for special exception uses. (ord. no. 5 eff. Oct 11, 1978 amended by ord. no. 29.5 eff. Nov. 25, 1997)

Sec. 1600.11 **VARIANCES.**

No variances in the provision or requirements of this Ordinance shall be authorized by the Board unless the Board makes findings, based upon competent material and substantial evidence on the whole record, that all of the following facts and conditions exist:

- (1) Special conditions or circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district and which conditions or circumstances will cause unnecessary hardship and practical difficulties if the Zoning Ordinance is enforced upon the land, structure, or use.
- (2) Literal interpretation of the provisions of this Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

- (3) Special conditions or circumstances do not result from the actions of the applicant.
- (4) With respect to use variances, the property cannot reasonably be used in a manner consistent with existing zoning.

Nonconforming use of neighboring lands, structures, or buildings shall not in itself be considered grounds for the issuance of a variance.
(ord. no. 5 eff. Oct. 11, 1978)

Sec. 1600.12 **AUTHORIZATION OF DEVIATIONS IN PARTICULAR CIRCUMSTANCES.**

The Township Board of Appeals may, after public hearing, without making the findings required by Section 1200.11, grant authorization of deviations from the literal terms of this Ordinance in the following limited circumstances:

- (1) The vertical extension of a building which was in existence on the effective date of this Ordinance (October 11, 1978) may be authorized to bring the building to the total height indicated for such building in the original drawings of the building, as long as the building is designed and constructed to carry the additional stories necessary for such added height.
- (2) The enclosure of an existing open porch whenever such enclosure is consistent with the character of the adjoining neighborhood.
(ord. no. 5 eff. Oct. 11, 1978 amended by ord. no. 29.5 eff. Nov. 25, 1979)

Sec. 1600.13 **PROCEDURE.**

The following procedures shall be required:

- (1) An appeal for variance from any ruling of the Building Inspector or other administrative officer or Board administering any portion of this Ordinance or an application for special exceptions authorized by this Ordinance may be taken by any person or governmental department affected or aggrieved.
- (2) The Board of Appeals shall not consider any application or appeal without the payment by the applicant or appellant to the Township Treasurer of a fee as established by Resolution of the Township Board. Said fee shall be retained by the Township notwithstanding the result of the application or appeal and shall be used as provided by law.
- (3) A Notice of Appeal specifying the grounds there of shall be filed with the Chairman of the Board of Appeals within thirty (30) days after the date of the action appealed from. A copy of the notice shall promptly be served upon the officer from whom the

appeal is taken who shall forthwith transmit to the Board of Appeals all records upon which the action appealed from was taken.

- (4) The Board of Appeals shall refer all land use variances to the Planning Commission within five (5) days after receipt of the appeal. The Planning Commission shall review the appeal and submit its recommendation to the Board of Appeals. No decision shall be made by the Board of Appeals until the recommendation of the Planning Commission is received, provided such recommendation shall be made within sixty (60) days of the referral to the Planning Commission. The recommendation of the Planning Commission shall not be binding upon the Board of Appeals.
- (5) When an application or appeal has been filed in proper form with the required data and the fee has been paid, the Chairman of the Board of Appeals shall immediately place said application or appeal upon the calendar for hearing and cause notices stating the time, date, place and object of the hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used. An affidavit of mailing must be filed with the Board of Appeals prior to the hearing. Any party may appear at such hearing in person or by agent or by attorney. Notice to the general public is required by the Open Meetings Act. (ord. no. 101 eff. June 13, 2007)
- (6) An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a circuit court. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)

Sec. 1600.14 **CONDITIONS OF APPROVAL.**

In authorizing a variance or exception, the Board of Appeals may, in addition to the specific conditions or approval called for in this Ordinance, attach thereto such other conditions regarding the location, character, landscaping, or treatment reasonably necessary to the furtherance of the intent and spirit of this Ordinance and the protection of the public interest. (ord. no. 5 eff. Oct. 11, 1978)

Sec. 1600.15 **DECISIONS.**

- (1) The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination and to that end shall have all powers necessary to enforce their decision and may issue or direct the issuance of a permit.
- (2) The Board of Appeals shall decide all applications and appeals within thirty (30) days after the final hearing thereon. The grounds for the decision of the Board of Appeals shall be stated in any motion for approval or denial.
- (3) A copy of the decision by the Board of Appeals shall be transmitted to the applicant, or appellant, the Planning Commission, and to the Building Inspector. No building permit shall be issued until such copy has been received by the Building Inspector.
- (4) A decision of the Board of Appeals shall not become final until the expiration of five (5) days from the date such decision is made unless the Board of Appeals shall find immediate effect of such decision is necessary to the preservation of the property and personal rights and shall so certify on the record.
- (5) A decision on any matter before the Board of Appeals shall require a majority concurring vote. No use variance can be granted unless approved by at least 2/3 of the membership of the Zoning Board of Appeals. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)
- (6) Final Action on Appeals - The decision of the Zoning Board of Appeals shall be final. However, any person having an interest affected by any such decision may appeal to the circuit court to the extent and in the manner permitted by law.

Such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of the decision. The records of the Zoning Board of Appeals shall be made available for the court's review. (ord.no.111 eff. July 28, 2009)

Sec. 1600.16 TIME LIMITATIONS.

If a variance or other requested action is granted or authorized, the necessary building permits shall be obtained and any authorized action shall be begun within six (6) months after the date of the authorization or variance and shall be completed within one (1) year of said date. The Board of Appeals may, upon good cause shown, extend either the six (6) or twelve (12) month period. Should the applicant fail to obtain the necessary permits or fail to commence work within such subsequent period, it shall be conclusively presumed that the applicant has waived, withdraw, and abandoned his appeal and all permissions, variances, and permits shall be deemed automatically rescinded. (ord. no. 5 eff. Oct. 11, 1978)

Sec. 1600.17 STAY OF PROCEEDINGS.

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An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Township Board of Appeals after the Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings should not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the officer from whom the appeal is taken, and on due cause shown. (ord. no. 5 eff. Oct. 11, 1978)

Sec. 1600.18 **LIMITATIONS ON BOARD OF APPEALS.**

The Board of Appeals may not through any decision, interpretation or action alter, vary or otherwise negate any provision of this Ordinance except as specified. Where the Board of Appeals finds recurrent requests for relief from specific provisions of this Ordinance or where the Board of appeals finds that specific provisions are creating unnecessary hardship, the Board of Appeals shall recommend to the Planning Commission that the Planning Commission recommend zoning ordinance amendments to the Wright Township Board as provided by law. (ord. no. 5 eff. Oct. 11, 1978)

CHAPTER 17
REVIEW AND APPROVAL OF
SITE CONDOMINIUMS

(Ord. No. 48, eff. Nov. 30, 1999 as amended by Ord. no. 101 eff. June 13, 2007)

Sec. 1700. PURPOSE AND SCOPE.

Site condominiums are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations. Site condominiums may also include general common elements consisting of common open space, recreational areas, streets, and other areas and amenities available for use by all owners of condominium units within the development.

This chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium plans to ensure that site condominiums comply with this Ordinance and other applicable Township ordinances.

Sec. 1701. DEFINITIONS.

For purposes of this chapter, the following words and phrases are defined as follows:

- a) "Building envelope" means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the areas of each condominium unit within which the dwelling and any accessory structures may be built.
- b) "Building site" means either:
 - 1) The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
 - 2) The area within the condominium unit, taken together with any contiguous and appurtenant limited common element.

For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitations, height, area, yard, and density requirements) or with

other applicable laws, ordinance or regulations, a “building site” shall be considered to be the equivalent of a “lot.”

- c) “Condominium Act” means Public Act 59 of 1978, as amended.
- d) “Limited common element” means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium development for the exclusive use of the owner of the site condominium unit.
- e) “Site condominium development” means a plan or development consisting of not less than two site condominium units established in compliance with the Condominium Act.
- f) “Site condominium development plan” means the plans, drawings and information prepared for a site condominium development as required by Section 66 of the Condominium Act and as required by this chapter for review of the development by the Planning Commission and the Township Board.
- g) “Site condominium unit” means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
- h) Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meaning given to them in the Condominium Act: “common elements”; “condominium documents”; “condominium unit”; “contractible condominium”; “convertible area”; “expandable condominium”; “general common elements”; and “master deed.”

Sec. 1702. REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION

- (6) a) Prior to final review and approval of a site condominium development plan by the Township Board, a preliminary site condominium development plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this chapter. Such review shall take place following a public hearing by the Planning Commission on the preliminary plan. Such hearing shall be noticed and held in accordance with Section 2402 of this ordinance. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)
- b) Application for review and approval of a site condominium development plan shall be initiated by submitting to the Township Clerk:

- 1) A minimum of 10 copies of a preliminary site condominium development plan which complies with the requirements of the Township Subdivision Ordinance, Appendix I of the Wright Township Zoning Ordinance; and
 - 2) An application fee in accordance with the fee schedule established by resolution of the Township Board.
- c) The Planning Commission shall review the preliminary site condominium development plan in accordance with the standards and requirements contained in the Township Subdivision Ordinance Appendix I of the Wright Township Zoning Ordinance. All of the requirements for plats, as set forth therein, shall be requirements for site condominium developments. In addition, the following standards and requirements shall apply:
- 1) In its review of a site condominium development plan, the Planning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development layout and design, or other aspects of the proposed development.
 - 2) The building site for each site condominium unit shall comply with all applicable provisions of this ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height.
 - 3) If a site condominium development is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the Ottawa County Road Commission. All private streets in a site condominium development shall be developed as required by the Township Private Road Ordinance.
 - 4) If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Ottawa County Department of Health and the Township in accordance with applicable standards.
 - 5) The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium development.

Sec. 1703. PLANNING COMMISSION RECOMMENDATION

After reviewing the preliminary site condominium development plan, the Planning Commission shall prepare a written statement of recommendations regarding the proposed site condominium development, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

Sec. 1704. REVIEW AND APPROVAL OF FINAL PLANS BY TOWNSHIP BOARD.

- a) After receiving the Planning Commission's recommendations on the preliminary plan, the applicant shall submit to the Township Clerk a minimum of 7 copies of a final site condominium development plan that complies with the requirements of this section and of the Township Subdivision Ordinance, Appendix I of the Wright Township Zoning Ordinance. All of the requirements for plats, as set forth therein, shall be requirements for site condominium developments. The Township Clerk shall forward the copies of the final plan to the Township Board.
- b) The final site condominium plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan that was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission prior to approval of the plan by the Township Board.
- c) After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the Township Board shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements provided by the Township Subdivision Ordinance, Appendix I of the Wright Township Zoning and other applicable procedures, standards and requirements provided by this chapter.
- d) As a condition of approval of a final site condominium development plan the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium development for which approval is sought to be deposited with the Township as provided by Section 16f of the Township Rural Zoning Act.

Sec. 1705. CONTENTS OF SITE CONDOMINIUM PROJECT PLANS.

A condominium development plan shall include the documents and information required by Section 66 of the Condominium Act and by Township Subdivision Ordinance, Appendix I of the Wright Township Zoning Ordinance and shall also include the following:

- a) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- b) A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
- c) A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- d) A narrative describing the overall objectives of the proposed site condominium development.
- e) A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- f) A street construction, paving and maintenance plan for all private streets within the proposed condominium development.

Sec. 1706. CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM DEVELOPMENT PLAN.

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium development except in compliance with a final site condominium development plan as approved by the Township Board, including any conditions of approval.

Sec. 1707. COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS.

No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium development may be occupied or used until all required improvements have been completed and all necessary utilities installed.

Sec. 1708. EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS

Approval of a final site condominium development plan shall not constitute approval of expandable or convertible portions of a site condominium development unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

Sec. 1709. **CHANGES TO APPROVED PLAN.**

Any change proposed in connection with a development for which a final site condominium plan has previously been approved shall be regulated by this section.

a) The following definitions shall apply:

- 1) “Exempt change” means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:
 - i) a change in the name of the development; in the name of a street within the development; or in the name of the developer;
 - ii) a change in the voting rights of co-owners or mortgagees; or
 - iii) any other change in the site condominium development which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a development which is subject to regulation under the Zoning Ordinance.
- 2) “Major change” means a major change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that could result in:
 - i) an increase in the number of site condominium units;
 - ii) any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.
- 3) “Minor change” means a minor change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that will result in:
 - i) a decrease in the number of site condominium units;

- ii) a reduction in the area of the building site for any site condominium unit;
 - iii) a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
 - iv) a reduction in the total combined area of all limited common elements of the site condominium;
 - v) any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.
- b) Any change that constitutes a major change shall be reviewed by the Planning Commission, at a public hearing and with the notice required for an original approval of a site condominium development, and shall also be reviewed and approved by the Township Board, as provided in this chapter for the original review and approval of preliminary and final plans.
- c) Any change that constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Planning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this chapter for an original approval.
- d) Any change that constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the exempt changes shall be filed with the Township Clerk.

Sec. 1710. INCORPATION OF APPROVED PROVISIONS IN MASTER DEED.

All provisions of a final site condominium development plan which are approved by the Township Board as provided by this chapter shall be incorporated by reference in the master deed for the site condominium project. Further, all major changes to a development shall be incorporated by reference in the master deed. A copy of the master deed as recorded with the Ottawa County Register of Deeds shall be provided to the Township within 10 days after recording.

Sec. 1711. COMMENCEMENT OF CONSTRUCTION.

Construction of an approved site condominium development shall commence within two years after such approval and be diligently pursued to completion in accordance with the terms and conditions of the approval. Such two-year period may be extended by the Township Board in its discretion, for additional periods of time as determined appropriate by the Board. Any such extension shall be applied for by the applicant within such two-year period.

Sec. 1712. **VARIANCES.**

A variance from the provisions of this chapter may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this chapter is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the Township Board, after recommendation by the Planning Commission, may permit a variance or variances which are reasonable and within the general policies and purposes of this chapter. The Planning Commission and Township Board may attach conditions to the variance.

CHAPTER 18
SITE PLAN REVIEW
(Ord. No. 48, eff. Nov. 30, 1999)

Sec. 1800. PURPOSE.

The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the Township, to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the Township Planning Commission and Township Board in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance and achieve the purposes of the Wright Township Master Plan.

Sec. 1801. SITE PLAN REVIEW REQUIRED.

A site plan shall be submitted for review and approval prior to the issuance of a building permit as follows:

- a) **Planning Commission Review:**
 - 1) Any new principal commercial, office, industrial, business, or institutional use or a residential use having more than a two family dwelling unit. Farm buildings as defined herein, in the Agricultural and Rural Agricultural zoning district, shall not require site plan review.
 - 2) An alteration of the building or property or change in the use of a building or property which results in the increase in the intensity of the use or results in the need for more parking spaces as required by this Ordinance.
 - 3) Special land uses and planned unit developments.
 - 4) All other uses requiring site plan approval as required by this Ordinance.
- b) **Staff Review:** The following uses shall be reviewed by the Zoning Administrator, or the Township Planner and Township Engineer if deemed necessary by the Zoning Administrator, to ensure compliance with the site plan review requirements. The Zoning Administrator may also refer such uses to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance.
 - 1) Expansion of an existing use or building that does not increase the intensity of the use or result in the need for additional parking as required herein and which would not otherwise require review by the Planning Commission.
 - 2) Construction of a building or structure that is accessory to the principal use or building.

Review of site plans by the Zoning Administrator shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived and document reasons for the waiver.

Sec. 1802. APPLICATION AND PROCEDURES.

- a) An application for site plan review along with ten (10) sets of the site plan shall be submitted to the Clerk in accordance with the submittal schedule established by the Planning Commission along with the fee as set by the Township Board. The application shall at a minimum contain the following information:
 - 1) The applicant's name, address and phone number.
 - 2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
 - 3) The name, address and phone number of the owner(s) of record if different than the applicant.
 - 4) The address of the property.
 - 5) Legal description of the property.
 - 6) Current zoning.
 - 7) Project description.
 - 8) Size of the parcel in acres.
 - 9) Signature of the applicant and owner of the property.

Sec. 1803. PRELIMINARY SITE PLAN REVIEW.

- a. If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission. The purpose of this procedure is to allow discussion between the applicant and the Planning Commission, to better inform the applicant of the acceptability of the project before significant engineering efforts are incurred which might be necessary for final site plan approval.

- b. Applications for preliminary site plan review shall be made in accordance with the application procedures of this section.
- c. Upon receipt of the preliminary site plan and application, the Township Clerk may forward copies to the Township Fire Chief, Planner, Engineer and others as necessary for review and subsequent report to the Planning Commission. The Clerk shall send the application and site plan to members of the Planning Commission prior to the meeting at which it will be considered.
- d. The preliminary site plan shall be drawn at a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') and shall contain the following information unless specifically waived by the Planning Commission.
 - 1) Existing adjacent streets and proposed streets, public or private, as well as development within 100 feet of the site.
 - 2) Parking lots and access points.
 - 3) Proposed buffer strips or screening.
 - 4) Significant natural features and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
 - 5) Existing and proposed building.
 - 6) General topographical features including existing contour intervals not greater than ten feet.
 - 7) Proposed method of providing public or private utilities including storm drainage.
 - 8) Also, small scale sketch of properties, streets, and zoned uses of land within one-half (1/2) mile of the site.
- e) The Planning Commission shall review the preliminary site plan and may make recommendations to assist the applicant in preparing a final site plan which will conform to the standards of this Ordinance.

Sec. 1804. FINAL SITE PLAN REVIEW.

- a) If desired by the applicant, a final site plan may be submitted for review without first receiving preliminary site plan approval. Application for final site plan review shall be made in accordance with the application procedures of this section and shall be reviewed in accordance with the same procedures for preliminary site plans.

- b) Final site plans shall be drawn at a scale of not more than one inch to 100 feet and shall contain the following information unless specifically waived by the Planning Commission:
- 1) The date on which the site plan was prepared.
 - 2) The name, address and professional seal of the architect, landscape architect, engineer or professional surveyor who prepared the plan.
 - 3) A north arrow and legal description based upon the most current survey.
 - 4) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within 100 feet of the site.
 - 5) Existing and proposed topographic elevations at two-foot intervals on the site and to a distance of 50 feet outside the boundary lines of the site.
 - 6) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
 - 7) Location of existing and proposed buildings, their intended use, the length, width and height of each building, and the square footage of each building.
 - 8) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
 - 9) Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drainfields, and utility easements.
 - 10) Location and type of all sidewalks, bike paths, and other walkways.
 - 11) Location, type and size of any walls, fences or other screening devices.
 - 12) Location of all proposed landscape materials, including size and type of plantings.
 - 13) Location, size and height of all proposed accessory structures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, and methods of screening, signs, and existing and proposed utility poles. Rooftop or outdoor equipment shall also be indicated, including proposed methods of screening where appropriate.

- 14) Proposed parking areas and access drives showing the number and size of spaces and aisles, loading areas, handicapped access ramps, and the method of surfacing such areas.
 - 15) Exterior lighting showing areas of illumination and type of fixtures as well as the method of shielding lights from adjacent properties and roadways.
 - 16) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands. Vegetation that is to be retained on the site must be illustrated.
 - 17) Location of existing and proposed slopes that are 20 percent or greater.
 - 18) Zoning and land use on adjacent properties.
 - 19) Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by this Ordinance or by state or federal agencies.
 - 20) The Planning Commission may request architectural elevation drawings of a building and cross-section drawings of the site.
 - 21) Small-scale sketch of properties, streets and zoned uses of land within one-half (1/2) mile of the site.
- c) The final site plan for developments that have been proposed in phases shall generally conform to the approved preliminary plan.
- d) The Planning Commission may require written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, the environment and natural features.

In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

Sec. 1805. **FINAL SITE PLAN APPROVAL.**

- a) The Planning Commission shall review the final site plan according to the general standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny, or approve with conditions the final site plan.

If approved, the applicant shall revise the site plan as necessary and submit the final site plan to the Zoning Administrator, Planner, Engineer, Fire Chief or others as necessary to ensure that all revisions as required by the Planning Commission have been made.

- b) Upon approval of the final site plan, three copies of this plan shall be stamped as approved, dated, and signed by the Zoning Administrator. One copy of the approved plan shall be retained by the applicant, one shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Clerk. (ord. no. 72, eff. June 12, 2002)
- c) The Building Inspector shall issue a building permit upon receipt of an approved final site plan, providing all other applicable Township regulations have been met including compliance with the Township building code.

Sec. 1806. STANDARDS FOR APPROVAL.

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this section or in other Township ordinances are met, the site plan shall be approved.

- a) The Planning Commission shall have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.
- b) Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the Township's landscape provisions.
- c) All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- d) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. A development shall respect the natural resources of the Township.
- e) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- f) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.

- g) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Township Fire Department.
- h) A pedestrian circulation system that is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.
- i) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a condition appropriate to the traffic volume and type of traffic they will carry.
- j) Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Provisions shall be made to accommodate storm water, prevent erosion particularly during construction, and prevent the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- k) Exterior lighting shall be arranged so that illumination is deflected away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Flashing or intermittent lights shall not be permitted. Excessive lighting of buildings or structures shall be minimized to reduce light pollution.
- l) All loading and unloading areas and outside storage areas including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height. The finished side of any wall, fence or other screen shall face adjacent properties.
- m) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or any occupancy permit is granted.

Sec. 1807. CONDITIONS OF APPROVAL.

- a) As part of an approval to any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.

- b) Such conditions shall be related to and ensure that the review standards of Section 1806 are met.
- c) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership.
- d) A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- e) A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as part of the minutes of the Planning Commission.
- f) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

Sec. 1808. VALIDITY OF FINAL SITE PLANS.

- a) Approval of the final site plan is valid for a period of not longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be null and void.
- b) Upon written application, filed prior to the termination of the one-year review period, the Planning Commission may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

Sec. 1809. PERFORMANCE GUARANTEE.

The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Planning Commission. Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein. In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate Township

official. Furthermore, the Planning Commission may recommend to the Township Board the rebate or refund of a proportionate share of a cash bond.

Sec. 1810. AMENDMENTS TO APPROVED SITE PLAN.

- a) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- b) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of buildings and/or signs by no more than 10 feet.
- 3) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
- 4) Changes of building materials to a higher quality.
- 5) Changes in floor plans that do not alter the character of the use.
- 6) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
- 7) Changes required or requested by the Township for safety reasons.
- 8) Changes that will preserve the natural features of the site without changing the basic site layout.
- 9) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

- (1) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

CHAPTER 19
SPECIAL LAND USES

(Ord. No. 48, eff. Nov. 30, 1999 as amended by Ord. no. 101 eff. June 13, 2007)

Sec. 1900. PURPOSE OF SPECIAL LAND USES.

Uses allowed by special land use permit only have been identified as those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests for special land uses, and for placing conditions upon such permits.

Sec. 1901. PROCEDURE FOR ALL SPECIAL LAND USES.

In order to obtain approval for a special land use, the applicant shall do the following:

- a) File a completed application with the Township Clerk for submission to the Planning Commission, together with a site plan in compliance with Chapter 18, and other materials necessary to demonstrate that all requirements for the applicable special land use have been met. In its discretion, the Planning Commission or Township Board may require submission of an environmental impact assessment, traffic impact study, utility system plan, storm water management plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the special land use. Each such application shall be accompanied by the filing fee provided therefore as specified in the Township Board resolution then in effect.
- (7) b) Upon receipt of an application for a Special Land Use, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the Special Land Use application. Notice of the public hearing shall be published and delivered in accordance with Section 2402 of this Ordinance. The public hearing shall be conducted at the first Planning Commission meeting where the final site plan is presented. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)
- c) The notice shall indicate the following:
 - 1) The nature of the special land use requested.
 - 2) The property that is the subject of the special land use request.
 - 3) When and where the special land use request will be considered.
 - 4) When and where written comments will be received concerning the request.
 - 5) Unless the approving body has already scheduled a public hearing, the notice shall indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure within 300 feet of the boundary of the property being considered for a special land use.

- d) At the initiative of the Planning Commission (or the Township Board with respect to any uses for which the Board is the approving body), or upon the request of the applicant or a property owner or an occupant of a structure located within 300 feet of the boundaries of the subject property, a public hearing with notification as required for a notice of a request for a special land use approval shall be held before a special land use decision based on discretionary grounds is made.

Sec. 1902. GENERAL STANDARDS.

To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this ordinance for specific special land uses:

- a) The special land use shall be established, laid out and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof.
- b) The special land use must not have an adverse effect on water and sewer services, storm water drainage, road capacity and volume of traffic and traffic safety and circulation.
- c) The special land use must not have an adverse effect on police and fire services and other public safety and emergency services.
- d) The special land use must not have an adverse effect on the need and demand for public services and the protection and preservation of natural features and natural resources.
- e) The special land use must not have an adverse impact upon other pertinent land use factors including but not limited to the view from adjacent and nearby lands; off-street parking and loading; refuse removal and similar services; control of noise, glare and vibration; signs; outdoor lighting.
- f) The special land use shall be fully provided with safe and reliable facilities for the collection and disposal of sanitary sewage and the providing and distribution of water supply. In the discretion of the Planning Commission, water and sewer plans shall be submitted for review by the Township's consulting engineer.
- g) The special land use must be consistent with the intent and purposes of this ordinance and the Comprehensive Plan.

Sec. 1903. DECISION.

The Planning Commission (or the Township Board with respect to any uses for which the Board is the approving body), shall deny, approve or approve with conditions a request for a special and use. The decision shall be incorporated in the minutes or in a separate statement containing the conclusions relative to the special land use under consideration specifying the basis for the decision and any conditions imposed.

Sec. 1904. CONDITIONS OF APPROVAL.

The Planning Commission may impose reasonable conditions on the approval of a special land use. Said conditions shall meet the following requirements:

- a) Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.
- b) Be designed to insure that said use is compatible with adjacent land uses and activities.
- c) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- d) Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
- e) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- f) The conditions imposed with respect to the approval of a special land use shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions that are changed.

Sec. 1905. EXPIRATION OF PERMIT.

A special land use permit shall expire one year after it is granted, unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request by the applicant, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.

Sec. 1906. REVOCATION OF PERMIT.

If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit will be revoked within 15 days of such notification. If said violation is not corrected within 15 days, the Planning Commission shall revoke the permit. Furthermore, such a violation is hereby

declared to be a violation of the zoning ordinance, subject to all of the remedies and penalties provided for in this ordinance.

Sec. 1907. PERFORMANCE STANDARDS.

The following provisions are standards for specific special land uses that must be satisfied to qualify for a special land use, in addition to the general standards set forth in this Chapter.

Sec. 1908. STANDARDS FOR APPROVAL OF APPLICATIONS FOR SEXUALLY ORIENTED BUSINESSES:

An application to the Planning Commission for approval of a special land use to operate a sexually oriented business shall be approved if all of the following requirements have been met:

- a) No sexually oriented business shall be permitted on a lot or parcel that is within 1,000 feet of a principal or accessory structure of another sexually oriented business within the Township.
- b) No sexually oriented business shall be located in any principal or accessory structure that already contains a sexually oriented business.
- c) No sexually oriented business shall be located within 1,000 feet of any parcel which is zoned Low Density - Single Family Residence; Medium Density - One and Two Family Residence; High Density Residential; or any Planned Unit Development (PUD) which contains residences.
- d) No sexually oriented business shall be located on a lot or parcel within 1,000 feet of a public park, school, child care facility, library, playground, church, or place of worship, whether in the Township or an adjoining municipality.
- e) The proposed use for a sexually oriented business shall otherwise comply with all requirements of the Community Commercial District; with all requirements of this Ordinance regarding off-street parking, loading, and storage areas; and with all requirements of this Ordinance pertaining to landscaping.
- f) Any sign or signs proposed for the sexually oriented business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations for any type which violate the restrictions of this Section, nor include any animated illumination or flashing illumination.
- g) Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches in height, that:
 - 1) “Persons under the age of 18 years are not permitted to enter the premises.” And,

- 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- h) No product for sale or gift, nor any picture or other representation of any product for sale or gift shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
- i) All off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.
- j) No sexually oriented business shall be open for business prior to ten o’clock a.m., nor after ten o’clock p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean-up, preparation, record keeping, and similar purposes.
- k) Except in the case of an adult motel, any booth, room, or cubicle available for use by a patron of a sexually oriented business for the purpose of viewing any entertainment characterized by the showing or depiction of Specified Anatomical Areas or Specified Sexual Activity must comply with the following requirements:
 - 1) It must be handicap accessible to the extent required by the Americans with Disabilities Act;
 - 2) It must be unobstructed by any door, lock, or other entrance/exit control device;
 - 3) It must have at least one side which is totally open to a public, lighted aisle, so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
 - 4) It must be illuminated so that a person of normal visual acuity could look into the booth, room, or cubicle from its entrance adjoining the public aisle and clearly determine the number of persons within; and
 - 5) It must have no holes or openings in any side or rear walls, unless such holes or openings are for the purpose of providing utilities, ventilation, or temperature control services to the booth, room or cubicle, or unless such holes or openings are otherwise required by building code requirements.
- l) For the purposes of this Section, measurements for all setback determinations shall be made from the nearest point of the lot lines of the applicant’s lot or parcel to the structures or to the lot lines of the lots or parcels from which the applicant’s muse must be setback. (ord. No. 40 eff. March 23, 1999)

Sec. 1909. BED AND BREAKFAST

In addition to providing a site plan as required by this Ordinance, an applicant for a bed and breakfast shall also provide a floor plan noting total square footage of the dwelling unit and the use and square footage of each room.

The following standards shall be met:

- a) There shall be no separate cooking facilities in the bedroom area.
- b) One off-street parking space shall be provided for each transient room in the bed and breakfast. All off-street parking spaces shall also conform to the requirements of Chapter 21 herein.
- c) The dwelling unit in which the bed and breakfast is located shall be the principal residence of the operator/owner and said operator/owner shall live on premises when the bed and breakfast operation is active.
- d) The bed and breakfast shall comply with all applicable regulations of the Ottawa County Health Department and the State of Michigan.
- e) A bed and breakfast shall be permitted one sign not to exceed six square feet and shall be setback five feet from the front and side lot lines.

Sec. 1910. STORAGE IN FARM BUILDINGS

If approved by the Planning Commission, a special land use for the storage of boats, trailers, RV's, motor homes, off-road vehicles, jet ski's, snowmobiles, antique motor vehicles, other motor vehicles, and similar non-farm items in farm buildings may be permitted in accordance with the procedures set forth in this Chapter and upon all of the following conditions:

- a) The applicant must demonstrate to the Planning Commission that the building or buildings proposed for storage have been in existence for five years prior to the date of the application for a Special Land Use under this Section and were used as a farm building or buildings as defined in this Ordinance.
- b) Such storage activity shall be operated by only the owner or owners of the land where such barn or other building is located; the party desiring to store the permitted items need not be an owner of such lands.
- c) All storage shall take place only in a fully enclosed building.
- d) No repairs, maintenance or other work on any such boats, boat trailers, off-road vehicles, motor vehicles, or other equipment shall take place, except that the owner of the property may repair, maintain and otherwise deal with his or her own such equipment, to the same extent as otherwise permitted in the A or RA District.
- e) Any buildings used for such storage shall be located at least 15 feet away from any property boundary line.

- f) The storage permitted by the terms of this section shall be carried out only in a safe and non-hazardous manner. Any application for the special land use shall include information on whether gasoline or other fuel will be kept in the tanks of any stored boats or other stored vehicles and if so, such application shall state what means will be used to safeguard the building from fire. A copy of any such application and plan shall be forwarded by the Township office to the Township Fire Chief for review and comment prior to the public hearing for the Special Land Use.
- g) No provision of this section shall be deemed to prohibit such storage activities as would otherwise be permitted on the part of the property owner, as to his or her own equipment and/or vehicles, under the terms of the A or RA District.
- h) A site plan drawn to scale shall be submitted with the application which illustrates property lines, existing buildings, and setbacks from all property lines, driveways, driving aisles, approximate locations of nearby houses, and exterior lights. A floor plan of the building shall also be submitted. The Planning Commission may require additional information to assist in its review.
- i) One sign may be provided. Such sign shall not be illuminated and shall consist of one of the following:
 - (i) A sign may be attached to the wall of the building used for storage. Such sign shall not be more than 32 sq. ft. in area.
 - (ii) A sign mounted on the ground. Such sign shall not be more than 16 sq. ft in area with the top of the sign no more than six feet above grade. A ground mounted sign shall be set back a minimum of five feet from the front and side lot lines.

(ord. no. 85 eff., Dec. 30, 2003)

Sec. 1911. STANDARDS FOR APPROVAL OF ETHANOL PRODUCTION FACILITIES
(ord. no. 107 eff., Dec. 2, 2008)

- a) Intent. The intent of this section is to provide regulations for the proper location and safe operation of ethanol production facilities in order to protect the safety and welfare of nearby residents, to protect property, and to preserve the natural environment.

An ethanol production facility shall comply with the following requirements in addition to satisfying the Special Use standards and site plan review requirements of this Ordinance.

- b) Definition. “Ethanol production facility” means a facility that ferments, distills, dewater, or otherwise produces agriculturally derived ethanol.
- c) Information Required. An applicant for an ethanol production facility shall provide the following information along with any additional information requested by the Planning

Commission. This information shall be provided to and reviewed by the Planning Commission before a public hearing is held on the Special Use request.

- 1) A general description of the proposed plant;
 - 2) The process that will be used to produce the ethanol;
 - 3) Fire protection measures;
 - 4) Truck traffic information such as number of truck trips per day, travel route(s), and type of truck(s);
 - 5) Water needs and impact of proposed water usage on nearby private water wells;
 - 6) Proposed treatment of grain dust;
 - 7) Written documentation from the applicable Ottawa County, State of Michigan and Federal agencies that the proposed use will comply with the regulations of these agencies;
 - 8) A comprehensive by-product management plan that includes the following:
 - (i) Method of storage or use of by-products including any proposed land application and feeding or watering of livestock;
 - (ii) Land area necessary for application of by-product;
 - (iii) Numbers of livestock necessary for feeding and watering of by-products;
 - (iv) Contracts with landowners if necessary for land application of by-products and selling of by-product for feed or water;
 - (v) Any other proposed method of storage of by-product.
 - 9) Number of employees to be employed at the ethanol production facility;
 - 10) Hours of shipping and receiving;
 - 11) Description of the manner in which ethanol will be stored at the ethanol production facility;
and
 - 12) Description of the buildings and/or structures in which the ethanol will be produced and stored, specifically describing the materials of which the buildings and/or structures are constructed.
- d) Development and Operation Standards. An ethanol production facility shall comply with the following standards:
- 1) Lagoon systems, including, but not limited to, aerobic treatment lagoons and controlled discharge lagoon systems, are prohibited.
 - 2) Tanks used to store ethanol shall be of a size which would require review and approval by the Michigan Department of Environmental Quality.
 - 3) All vehicles transporting corn for use at the ethanol production facility, ethanol, or any by-product of the ethanol production facility, shall adhere to the applicable load limits and all other applicable local, state, and federal transportation and motor vehicle regulations.
 - 4) The equipment, storage tanks and buildings used in the production of ethanol shall be a minimum of 100 feet from any property line; however, the Planning Commission shall have the authority to require a greater setback if in the opinion of the Commission a greater setback is necessary to satisfy the intent of this section. In making this determination, the Planning Commission shall consider the following:

- (i) The recommendation of the Township Fire Chief;
 - (ii) The location and number of nearby residents;
 - (iii) The amount of ethanol proposed to be produced and stored on the site;
 - (iv) The type of building housing the production equipment;
 - (v) Comments from applicable Ottawa County, State of Michigan or Federal agencies that would regulate the proposed operation;
 - (vi) Comments from any experts or consultants retained by the Commission to assist it in the review of the application;
 - (vii) Information relevant to the safety of nearby residents provided at the public hearing.
- 5) Sufficient land area must exist for the application of by-products, or there shall be sufficient means of utilizing the by-product through livestock consumption. Sufficient storage of the by-product must be provided prior to its disposal through land application, livestock consumption or sale.
- 6) The owner or operator of the ethanol production facility must provide proper methods to prevent fire which might be caused by grain dust or activities occurring on the site.
- e) Approvals Required. The applicant shall obtain the appropriate approvals from the Michigan Department of Environmental Quality (MDEQ) and shall obtain all necessary permits and approvals from all county, state and federal agencies from which approval is required. The owner or operator of the ethanol production facility shall provide the Township with proof of compliance with all approvals annually and at any other time as requested by the Township.
- f) Approval Standards. The Planning Commission shall not approve an ethanol production facility unless it determines that the proposed use meets the following standards in addition to the Special Use standards of this chapter:
- 1) The use shall not create a fire or other safety hazard.
 - 2) The use shall not produce air pollution nuisances such as noxious odors or dust.
 - 3) The operation and by-products shall not pose a hazard or threat to the safety and health of nearby residents.
 - 4) The use shall not have a negative impact on private wells. The Planning Commission may request information that demonstrates that private wells will not be negatively impacted by the ethanol production facility.
 - 5) The ethanol production facility shall comply with the Development and Operation Standards for Ethanol Production Facilities set forth in Section 1911(d) herein.
 - 6) The ethanol production facility shall comply with the fire prevention codes adopted by reference by the Township and with all additional requirements established by the Township Fire Chief.
 - 7) The ethanol production facility shall comply with the requirements of the State of Michigan Building Code.
 - 8) The ethanol production facility shall comply with all applicable local, county, state, and federal government regulations, including, but not limited to, regulations concerning air quality, land application of by-products, and storage of

ethanol. If the Planning Commission approves the use, the applicant must obtain the approval of all necessary local, county, state and federal agencies, and must provide proof of such approval to the Township, before operating the ethanol production facility.

- 9) The owner or operator of the ethanol production facility shall provide proof of general liability insurance in an amount to be determined by Wright Township with documentation approved by legal counsel. The insurance company shall notify the clerk of Wright Township in writing at least ten (10) days before the expiration, revocation or cancellation of said insurance.
- g) Inspection. An approved ethanol production facility shall be subject to reasonable inspection by Township officials or their agents upon proper notification of the owner or operator in order to ensure compliance with the requirements of this section and any conditions imposed with the approval.

Sec. 1912 **DESIGN AND OPERATIONAL STANDARDS FOR GROUP DAY CARE HOMES** (ord. no. 109 eff., June. 2, 2009)

- a) A group day care home shall not be closer than 1500 feet to: another licensed group day care home; another adult foster care small or large group home licensed under the adult foster care licensing act, PA 218 of 1979 as amended; a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, PA 368 of 1978 as amended; a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- b) All outdoor play areas shall be enclosed by a fence that is at least 48 inches high and complies with the applicable regulations for fences as required by this Zoning Ordinance.
- c) One off-street parking space shall be provided for each non-family employee of the group day care home in addition to parking normally required for the residence. A driveway may be used to fulfill this requirement.
- d) Hours of operation shall not exceed 16 hours in a 24-hour period, and activity pertaining to the day care operation shall be limited between the hours of 10:00 pm and 6:00 am.
- e) Group day care homes shall only be permitted in a safe environment. Such environment, both on the premises and adjacent to such property, shall be free from nuisance or hazardous conditions that would place children's health or safety at risk. Such conditions might include but are not limited to bodies of water, unacceptable exposure to traffic, noise, air contaminants, vibration, explosive materials, or similar conditions and activities.
- f) Group day care homes shall be operated in such a manner so as to be consistent with the visible characteristics of the area where it is proposed. In determining whether the

proposed group day care home would meet this standard the Planning Commission shall evaluate the following factors:

- 1) Traffic volumes to be generated once the group day care home is in operation;
 - 2) Adequacy of parking or drop-off sites;
 - 3) The effect of noise and the general operation of the group day care home on nearby residents.
- g) As a condition of approval, the Planning Commission may require conditions or site improvements as necessary to ensure the health and safety of children.

CHAPTER 20
LANDSCAPING
(Ord. No. 48, eff. Nov. 30, 1999)

Sec. 2000. PURPOSE

The purpose of this Chapter is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts and buffers between uses and along roadways, and adjacent to buildings. Landscaping is considered by the Township to be an important element of land development that is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township.

The landscape standards of this chapter are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

Sec. 2001. APPLICABILITY

The standards contained in this Chapter shall be applicable to any site plan, special land use or planned unit development request which is submitted for review and approval by the Planning Commission subject to the following limitations:

- a) These regulations shall not apply to individual single and two family dwellings.
- b) For existing and proposed uses which require site plan approval to either expand or be built, landscaping as noted herein shall be installed insofar as practical. The Planning Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this chapter. In doing so, the Commission shall consider the following criteria:
 - 1) The amount of space on the site available for landscaping.
 - 2) Existing landscaping on the site and on adjacent properties.
 - 3) The type of use on the site and the size of the development.
 - 4) Existing and proposed adjacent land uses.
 - (a) The effect that the required landscaping would have on the operation of the existing or proposed land use.

Sec. 2002. GENERAL REGULATIONS

- a) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
- b) All landscaping shall be hardy plant materials and shall be maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but not longer than one growing season.
- c) For the purpose of this Chapter, a corner lot is considered as having front yards along each street and the appropriate landscaping shall be provided for both.
- d) All plant materials shall be installed so as not to alter drainage patterns on the site or on adjacent properties.

Sec. 2003. GREENBELTS

A greenbelt shall be provided by any non-residential use, including parking lots for any multi-family building with four or more dwellings when such use abuts a single, two or three family dwelling or a residential zoning district, including planned unit development zones. The greenbelt shall be provided along the lot line that abuts the residential use or zone according to the following requirements:

- a) Required greenbelts for buildings shall have a minimum width of 25 feet, except such greenbelt shall be reduced to 10 feet when abutting an existing nonconforming residential use. Greenbelts for parking lots shall have a minimum width of 15 feet.
- b) For each 100 feet of length or portion thereof of greenbelt, plantings shall consist of at least:
 - 1) Two deciduous canopy trees.
 - 2) Two understory trees.
 - 3) Four evergreen trees.
- c) Berms, walls and fences may be permitted within a greenbelt area. The Planning Commission may reduce the amount of required plantings by up to 50% if the berm, fence or wall achieves the intent of this chapter.

Sec. 2004. FRONT YARD LANDSCAPING

Except for necessary driveways, frontage roads, service drives, or walkways, the front yard shall be landscaped according to the following minimum requirements:

- a) One canopy tree, two evergreen trees and one understory tree for each 50 feet in length of road frontage.
- b) Landscaping shall be located so it does not obstruct the vision of drivers entering or leaving the site.
- c) Earthen berms within the front yard are encouraged to provide variety in appearance and for screening of parking areas.

Sec. 2005. PARKING AREA LANDSCAPING

All off-street parking areas except those serving a four family dwelling or less, shall be landscaped according to the following minimum requirements.

- a) One canopy tree for every eight parking spaces, with a minimum of two trees, planted adjacent to and within the parking area.
- b) To provide shade and to break up the visual monotony of large asphalt covered areas, parking lots shall contain individual curbed landscape islands throughout the parking lot. Larger islands at least 18 feet x 18 feet, planted with at least two canopy trees and six shrubs are encouraged but the Commission may approve smaller but more numerous islands which are at least 9 feet wide with at least one canopy tree if sufficient number are installed to achieve the intent of this Section. Any shrubs planted within these islands shall be maintained at a maximum height of three feet. Plantings shall be at least three feet from the edge of the island to avoid contact with vehicles.
- c) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants, or obstruct drivers' sight distance within the parking area and at driveway entrances.
- d) Where any off-street parking area abuts or faces a public right-of-way, a minimum three-foot-high, continuous, obscuring screen may be required between the parking area and the public road right-of-way line. The screen may be comprised of plant material, berming or any combination of these elements and shall be setback from the edge of the parking area to avoid damage from snow plowing.

Sec. 2006. SIZE AND TYPE

- a) Proposed plantings shall conform to the following minimum sizes except that the Planning Commission in its discretion may allow or require variations in the size of plantings in order to achieve the intent and purpose of this chapter:
 - 1) Evergreen trees: 4-5 feet height
 - 2) Deciduous Canopy trees: 2 inches caliper
 - 3) Understory trees: 2 inches caliper

- 4) Upright evergreen shrub: 2 feet height
 - 5) Spreading evergreen shrub: 18 inch spread
- b) Suggested types of trees to be planted may include, but need not be limited to, the following:
- 1) Canopy Trees: Maple, Ash, Locust, Sycamore, Oak, Linden, Ginkgo, Beech.
 - 2) Understory Trees: Callery Pear, Star Magnolia, Hawthorn, Flowering Crabapple, Flowering Dogwood, Flowering Cherry.
 - 3) Evergreen Trees: Norway Spruce, Austrian Pine, White Pine, Blue Spruce, Hemlock, Douglas Fir, Cedar.

CHAPTER 21
OFF STREET PARKING
(Ord. No. 48, eff. Nov. 30, 1999)

Sec. 2100. PURPOSE.

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in residential and nonresidential zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

Sec. 2101. SCOPE.

- a) At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Article.
- b) No parking or loading area or space which exists at the time of the adoption of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Article.
- c) Parking areas must be in the same zoning classification as the property it serves.

Sec. 2102 LOCATION OF PARKING AREAS

- a) For all residential uses, the number of parking spaces required by this Article shall be located on the same lot or parcel as the dwelling units served.
- b) For all other uses, the number of parking spaces required by this Article shall be located on the same lot, or lots under the same ownership, within 300 feet of the building it is intended to serve, measured from the building to the nearest parking space of the on-premise parking lot.

Parking on lots under different ownership within 300 feet of the building it is intended to serve shall also be permitted if such arrangement does not result in a parking deficiency for the other use, and a legal agreement specifying the terms for the parking arrangement, signed by all involved parties is provided.

Sec. 2103. GENERAL REQUIREMENTS

- a) Units of Measurement
 - 1) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

- 2) When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.
- b) Shared Parking and Mixed Occupancy
- 1) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
 - 2) Joint or collective provision of off-street parking areas 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 except that the Planning Commission may approve a lesser parking requirement for such uses if evidence of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission.
- c) Parking Requirements for Uses Not Listed
- 1) The minimum parking space requirements for all uses shall be as listed in Section 2106. For uses not specifically listed in Section 2106, the Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use that is listed in Section 2106. The Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

Sec. 2104. **DESIGN, LOCATION, AND CONSTRUCTION REQUIREMENTS**

The following regulations shall apply to all uses except one and two family dwellings and farm uses.

a) **Parking Lot Surface and Drainage**

All drives, driveways, and parking spaces shall be surfaced with asphalt or cement pavement. Such surfaces shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.

In order to reduce the amount of impervious surface and the corresponding storm water runoffs as well as improve parking lot aesthetics, the Planning Commission as the case may be, may approve alternate parking lot surfaces for overflow parking or employee parking. Such alternate parking lot surfaces may include but shall not be limited to gravel, crushed stone, or products that are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces.

b) Lighting

Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within 150 feet of a Residential or Rural Agricultural Zoning District or an area recommended for such use in the Township Master Plan shall not exceed 23 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff.

c) Parking Lot Setback

All off-street parking areas, except those serving residential dwellings with less than five dwelling units, shall be set back a minimum of 5 feet from the rear and side lot lines, and a minimum of 15 feet from the front lot line. The Planning Commission may permit parking aisles or vehicle maneuvering areas to encroach within the parking setback where substantial additional screening or landscaping acceptable to the Planning Commission is provided.

d) Traffic Islands

Parking areas shall be designed to delineate access aisles or drives and to provide drivers proper sight distance at the end of parking rows where such rows intersect access aisles or drive. The Planning Commission may require traffic islands, striped pavement or other methods to achieve this.

e) Pedestrian Protection

Parking lots shall be designed to limit the number of points where pedestrians must cross in front of vehicles. In particular, vehicle access in front of building entrances and exits should be minimized. Landscaped pedestrian walkways to and from parking areas may be required to enhance pedestrian safety.

f) Greenbelts

Where off-street parking areas for non-residential uses abut or are across the street from residentially zoned property, a greenbelt not less than 15 feet wide shall be provided adjacent to the parking area. The greenbelt shall be landscaped according to the landscape requirements of this Ordinance.

g) Driveways

Driveways serving off-street parking areas shall be at least 20 feet from any residentially zoned property.

h) Snow Storage

Snow shall not be stored in areas with plantings or where it may create visibility problems for drivers or pedestrians.

i) Side and Rear Location

Parking areas wherever reasonably possible shall be placed at the side or rear of buildings.

j) Uses Permitted

Off-street parking areas shall only be used for the parking of motor vehicles and for no other purposes.

Sec. 2105. SIZE OF PARKING SPACE AND AISLE

Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 1206E-1

**TABLE 2105-1
MINIMUM STANDARDS FOR SIZE OR PARKING AISLES AND DRIVEWAYS**

Parking Angle	Maneuvering Aisle Width		Parking Stall Width	Parking Stall Length	Total Width of 2 Stalls of Parking Plus Maneuvering Aisle	
	One Way	Two Way			One Way	Two Way
0° parallel	12 feet	22 feet	8.5 feet	22 feet	29 feet	39 feet
Up to 53°	13 feet	22 feet	9.0 feet	18 feet	49 feet	58 feet
54° to 74°	16 feet	22 feet	9.0 feet	18 feet	52 feet	58 feet
75° to 90°	12 feet	24 feet	9.0 feet	18 feet	48 feet	60 feet

Sec. 2106. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

Each use shall provide spaces in conformance with the following schedule of requirements:

<u>Use</u>	<u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>
a) Residential	
1) Single family, two family, or multiple family with three or more bedrooms.	Two for each dwelling unit.
2) Multiple family with one or two bedrooms.	Two for each two bedroom dwelling unit and 1.5 for each one bedroom dwelling unit.
3) Efficiencies	One for each dwelling unit.
4) Mobile Home Parks	Two for each mobile home or mobile home site.

- 5) Elderly housing or retirement communities. For independent living units, one for each unit. For “interim” or “intermediate care” units, one for each two beds, plus one per employee. Should the units revert to another use, then the required parking shall be re-determined based on the new use.
- 6) Bed and breakfast, boarding houses. One for each guest room plus two for the dwelling unit.

b) Institutional/Public Assembly

- 1) Churches, temples, mosques, synagogues, or similar types of facilities. One space per each four seats in the worship room.
- 2) Hospitals. One for each two beds plus one for each staff doctor, plus one for each two employees other than doctors.
- 3) Outpatient care stations. Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.
- 4) Child Care Centers. One space for every eight children of licensed capacity, plus one space for each employee. A minimum of three employee spaces shall be required.
- 5) Elementary, junior high, middle schools. Two spaces per classroom, plus one and space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity.
- 6) High schools. Eight spaces per classroom, or one space per each four seats of maximum seating capacity for that indoor place of assembly having the greatest capacity, whichever is greater.
- 7) Private club and lodges. One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.
- 8) Auditoriums (non-school), stadiums, and sports arenas. One space per each three seats.
- 9) Conference rooms, exhibit halls, halls, One space per each four persons allowed

ballrooms, civic clubs, or similar places of assembly without fixed seats whether public or private.

within the banquet maximum occupancy load as determined by the Township building or fire codes.

10) Libraries, museums, and non-commercial art galleries.

One parking space per 400 square feet of gross floor area.

c) Offices

1) Medical/dental clinics or offices.

Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.

2) General office buildings.

One space per 300 square feet of gross floor area. A minimum of four spaces shall be required.

3) Banks, credit unions, or savings and loans.

Six spaces per 1,000 square feet of gross floor area, plus two spaces per each non-drive-through automatic teller plus four on-site waiting spaces for each drive up window or drive through automatic teller.

d) Retail and Service Uses

1) Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet.

Four spaces per 1,000 square feet of stores, and usable floor area.

2) Retail centers containing between 400,000 and 600,000 square feet.

Four and one-half spaces per 1,000 square feet of usable floor area.

3) Retail centers containing greater than 600,000 square feet.

Five spaces per 1,000 square feet of usable floor area.

4) Other retail uses not otherwise specified herein.

One space per 200 square feet of usable floor area plus one per employee.

5) Supermarkets and grocery stores.

One space per 200 square feet of usable floor area.

6) Personal service establishments not otherwise provided herein.

One space per each 300 square feet of usable floor area plus one per employee.

7) Appliance stores.

Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.

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| 8) Automobile service stations. | Two parking spaces per each service bay, plus one per each per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space. |
| 9) Automobile wash establishments (automatic). | One parking space per each employee, plus fifteen on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit. |
| 10) Automobile wash establishments (self-service). | One parking space per each employee, plus three on-site waiting spaces at each wash-bay entrance. |
| 11) Barber shops, beauty salons. | Two for each barber or beauty operator chair/station plus one for every two employees. |
| 12) Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area. | One space per 200 square feet of usable floor area plus one for each employee. |
| 13) Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area. | Three and one-half spaces per 1,000 square feet of usable floor area plus one for each employee. |
| 14) Convenience stores. | Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required. |
| 15) Dry cleaners. | Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required. |
| 16) Funeral homes and mortuaries. | One space per 50 square feet of parlor and chapel areas. |
| 17) Furniture, carpet, and home furnishing stores. | One space per 800 square feet of usable floor area. |
| 18) Hotel, motel, or other commercial lodging establishment. | One space for each guest room, plus one for each two employees, plus amount required for accessory uses provided at the rate of fifty percent of the requirements for such uses as specified herein. |

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| 19) Laundromats. | One space per each three washing machines. |
| 20) Mini-storage houses/warehouses. | Six spaces. |
| 21) Motor vehicle dealerships. | One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required. |
| 22) Quick oil change establishments. | Two spaces per bay plus one per each employee. |
| 23) Recreational vehicle and boat dealerships. | One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required. |
| 24) Restaurants that serve non-fast food and have no drive-through window. | Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater. |
| 25) Restaurants that serve mostly take out, with six or less booths or tables. | Six spaces plus one for each employee. |
| 26) Restaurants that serve fast food and have no drive through window. | Seven spaces per 1,000 square feet of gross floor area. |
| 27) Restaurants that serve fast food and have a drive through window and indoor seating. | Fifteen spaces per 1,000 square feet of gross floor area, plus three designated drive through, short term waiting spaces plus 10 on site waiting spaces. |
| 28) Restaurants that serve fast food and have a drive through window, but no indoor seating. | Fifteen spaces. |
| 29) Video rental stores. | One space per each 100 square feet of gross floor area plus one per each employee. |
| 30) Service companies doing repair. | Two spaces per 1,000 square feet of electrical, and plumbing work gross floor area. A minimum of five spaces shall be required. |

e) Recreational Entertainment

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| 1) Arcades. | One space for every 70 square feet of gross floor area. A minimum of six spaces shall be |
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| | required. |
| 2) Batting cage facilities. | Three spaces per cage. |
| 3) Bowling centers. | Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc. |
| 4) Golf driving ranges. | One and one-half spaces per tee. |
| 5) Golf courses, miniature. | One and one-half spaces per each hole. |
| 6) Golf courses, par-three. | Three spaces per hole. |
| 7) Golf courses. | Five spaces per hole. |
| 8) Health fitness centers. | Five spaces per 1,000 square feet of gross floor area. |
| 9) Movie theaters. | One space per each four seats, plus four spaces per screen. |
| 10) Racquetball and tennis centers. | Five spaces per 1,000 square feet of gross floor area or six spaces per court, whichever is greater. |
| 11) Public recreation centers. | Five spaces per 1,000 square feet of gross floor area. |
| 12) Roller/ice skating rink. | Six spaces per 1,000 square feet of gross floor area. |

f) Industrial Uses

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| 1) Manufacturing, light industrial, and research establishment. | One and one-half parking spaces per 1,000 square feet of gross floor area. |
| 2) Wholesale, warehouses, or distribution facilities, and trucking terminals. | One parking space per each 1,500 square feet of gross floor area or one per employee whichever is greater. |

g) Deferred Parking Construction

In order to avoid excessive amounts of impervious surface, the Planning Commission may approve a development that provides less than the minimum number of parking spaces required herein if the applicant demonstrates to the satisfaction of the Planning Commission that a reduced amount of total parking space will meet the projected parking needs of the project due to:

- 1) The nature, size, density, location or design of the proposed development, including the design of the circulation and parking plan;
- 2) The availability of vacant or otherwise undeveloped land on the same parcel as shown on the proposed development plan, will remain available to provide additional off-street parking space if additional parking space is subsequently determined to be necessary by the Planning Commission to meet the parking needs of the development;
- 3) Characteristics of the development which will affect the parking needs, including factors such as nonconflicting peak hours of operation and the sharing of spaces by different uses; and
- 4) Any other factors reasonably related to the need for parking for the proposed development.

Sec. 2107. BARRIER FREE PARKING AND DESIGN REQUIREMENTS

a) Barrier free parking shall be provided as follows:

<u>Total Parking in Lot</u>	<u>Minimum Number of Accessible Spaces Required</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
401 to 700	14
701 to 1,000	1 per 50 spaces provided or fraction thereof
Over 1,000	20 plus 1 per 100 over 1,000 or fraction thereof

b) Requirements for barrier free parking spaces, curb, ramps, and signs shall be as required by the Township Building Code and the Michigan Barrier Free Rules.

Sec. 2108. OFF-STREET LOADING REQUIREMENTS

a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.

- b) Required loading spaces shall not be included in the count of off-street parking spaces.
 - c) Loading spaces shall not use any portion of any public right-of-way.
 - d) Maneuvering space for trucks using the loading spaces shall be provided on-premise, and shall not necessitate the use of public right-of-way.
 - e) Loading spaces shall not be located within the front yard. This shall apply to both front yards on each street side of a corner lot.
 - f) The design, location, and screening of off-street loading areas shall be reviewed at the time of Site-Plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.
- (1) Off-street loading spaces shall be no closer than 50 feet to any Residential Zone unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.

CHAPTER 22 SIGNS

Sec. 2200. DESCRIPTION AND PURPOSE

This chapter is intended to regulate the size, number, location and manner of display of signs in Wright Township so as to be consistent with the following purposes.

- (a) To protect and further the health, safety and welfare of residents, property owners and visitors.
- (b) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
- (c) To conserve and enhance community character.
- (d) To promote uniformity in the size, number or placement of signs within districts.
- (e) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.
- (f) To avoid visual pollution and hazardous conditions while recognizing the rights of business and non-business uses to communication.
- (g) To recognize that special circumstances or events may create a need for portable signage for a limited and reasonable period of time.
- (h) To ensure that the ordinance does not regulate the content or any information included on the sign.

Sec. 2201. DEFINITIONS

- (a) Agricultural Industry Sign: A sign which identifies items, products, breeds of animals, poultry or fish, materials, or farming methods used on a farm as well as signs for farm organizations.
- (b) Billboard/Off-Premise Sign - A sign structure advertising a service, establishment, merchandise, or entertainment which is not sold, produced, manufactured or furnished at the property upon which said sign is located.
- (c) Commercial Establishment - A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed

structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

- (d) Community Special Event Sign: A portable sign sponsored by governmental agencies or non - profit organizations that is erected for a limited time to call attention to special events of interest to the general public. .
- (e) Construction Sign: A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
- (f) Community Service Group Sign - A sign which displays the name or logo of an agency, organization or group whose primary purpose is to promote or provide community or public service such as the Rotary Club, Jaycee's, Lions Club, American Legion or Ambuc's.
- (g) Directional Sign, On-Site: A sign which gives directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs.
- (h) Identification Sign: A sign which identifies the name of a family, a farm, a historical site or an address.
- (i) Flag Sign - A flag which is attached to a pole and which contains the name, logo or other symbol of a business, company, corporation, or agency of a commercial nature.
- (j) Freestanding Sign: A sign, not attached to a building or wall, which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.
- (k) Ground Sign: A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.
- (l) Incidental Sign: A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g. a credit card sign or restroom sign or sign indicating hours of business, or signs on gas pumps.
- (m) Memorial Sign - A sign, tablet, or plaque memorializing a person, event, structure or site.
- (n) Mural: A design or representation applied to, or painted or drawn on a wall or structure which does not advertise an establishment, product, service, or activity.

- (o) Nameplate: A non-illuminated, on-premise sign attached to the face of the building giving only the name, address and/or occupation of an occupant or group of occupants.
- (p) Non-Commercial Sign - A sign either portable or non-portable not advertising commerce, trade, or location and not otherwise defined herein. **A political sign is a non-commercial sign.**
- (q) On-Premise Sign - A sign structure advertising an establishment, service, merchandise, or entertainment which is sold, produced, manufactured or furnished at the property upon which sign is located.
- (r) Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing", "No Hunting" signs or "Gas Main" signs.
- (s) Pole Sign - A free standing sign which is supported by a structure, or poles, or braces. The width of the supporting structures must be less than 50 percent of the width of the sign.
- (t) Political Sign – A portable sign that encourages a particular vote in a scheduled election.
- (u) Portable Sign: A sign that is not permanent or affixed to a building or structure and by its nature may be or is intended to be moved from one location to another such as “A” frame signs or signs on moveable trailers whether rented or owned, devices such as banners, pennants, flags (not including flags of state or organizational flags when displayed in the manner prescribed by law), search lights, twirling or sandwich type signs, sidewalk or curb signs, and balloons or other air or gas filled figures.
- (v) Projecting Sign - A display sign which is attached directly to the building wall, extends more than 15 inches from the face of the wall and projects in such a way that the message is perpendicular to the wall to which it is attached.
- (w) Reader Board: A portion of a sign on which copy is changed manually.
- (x) Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- (y) Sign: A device, structure, fixture, or placard which may use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity or otherwise intended or used to advise or inform.
- (z) Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.

- (aa) Window Sign: A sign installed inside a window and intended to be viewed from the outside.
- (bb) Vehicle Sign: A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, trailers, semi-trailers or airplanes.

Sec. 2202. **SIGNS NOT REQUIRING A PERMIT**

The following signs do not require a permit and shall be exempted from **all** provisions of this Ordinance except for the regulations of Section 2204 and 2205 herein.

- (a) Official traffic signs erected by a government agency.
- (b) Government signs two square feet or less.
- (c) Non-commercial signs.
- (d) Window signs.
- (e) Memorial signs.
- (f) Murals of a non-commercial nature.
- (g) Signs not visible from any street.
- (h) Signs for essential services which are two square feet or less.
- (i) Placards.
- (j) Community service group or agency signs two square feet or less.
- (k) Nameplates two square feet or less.
- (l) Newspaper box signs
- (m) Identification signs for historical site, farm, family or address.
- (n) Incidental signs two square feet or less.
- (o) Flags or insignia of any nation, State, township, community organization or educational institution or flags of a non-commercial nature.
- (p) Off premise signs for the retail sale of agricultural products.
- (q) Community special event signs.

Sec. 2203. **SIGN PERMITS AND APPLICATION**

- (a) A sign permit shall be required for the erection, use, and construction of all permanent signs except those exempted by Section 2202 herein. A sign permit shall be required for portable signs permitted herein.
- (b) **Application** An application for a sign permit shall be made to the Township Zoning Administrator along with a fee, which shall be set by the Township Board from time to time. The application, at a minimum, shall include the following:
 - (1) Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign.
 - (2) Address or permanent parcel number of the property where the sign will be located.

- (3) A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected, and showing the proposed sign in relation to buildings and structures along with setback from lot lines.
 - (4) Two accurate drawings to scale of the plans and specifications, method of construction and attachment to structures or ground. If required by the Zoning Administrator the applicant shall provide engineered stress sheets (sealed plans) and calculations showing that the sign and structure are designed according the requirements of the Township Building Code for wind load restrictions.
 - (5) Any required electrical permit shall be attached to the application.
 - (6) The zoning district in which the sign is to be located.
 - (7) Any other information which the Zoning Administrator may require in order to demonstrate compliance with this Ordinance.
 - (8) Signature of applicant or person, firm or corporation erecting the sign.
- (c) **Electrical Signs.** All signs requiring electrical service shall be reviewed for compliance with the National Electrical Code as administered by the State of Michigan. Approval of electrical signs shall be noted on or attached to the sign permit.
- (d) **Issuance of Sign Permit** The Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Township ordinances are met. A sign authorized by a permit shall be installed or under construction within six months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued upon filing of a new application and fee.

Sec. 2204. **DESIGN, CONSTRUCTION AND LOCATION STANDARDS**

- (a) All signs, including sign supports and structural members, shall be properly maintained as originally approved and shall not be allowed to become unsightly or a safety hazard through disrepair or as a result of the weather.
- (b) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- (c) Signs shall not be placed in, upon or over any public right-of-way, or alley, except as may be otherwise permitted by the Ottawa County Road Commission, Michigan Department of Transportation or the Township Board.
- (d) A utility pole, or other support structure not specifically designed as sign support structure, shall not be used for the placement of any sign unless specifically approved for such use.
- (e) A sign shall not be erected in any place - where in the opinion of the Zoning Administrator - it may interfere with or obstruct the view of drivers or those on foot or bicycle, or create any type of safety hazard.
- (f) A sign shall not be erected where by reason of its position, shape, color, or other characteristics, it may interfere with, obstruct or be confused with an official traffic sign, signal, or device or constitute a nuisance per se
- (g) A sign shall not contain flashing lights or moving parts except for automatic changeable copy signs or barber pole signs.

- (h) A wall sign shall not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- (i) A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.

Sec. 2205. **SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS**

The following sign regulations are applicable to all zoning districts.

- (a) All signs shall be stationary and shall pertain only to the business or activity conducted on the premises except for billboards, non-commercial signs, community special event signs and signs advertising farm products or operations as permitted herein.
- (b) An awnings to which signs are affixed or displayed shall maintain a minimum clear space of seven feet from the bottom of the sign to the ground.
- (c) Real estate signs are permitted in any Zoning District. Such signs shall not exceed 16 square feet.
- (d) Community special event signs, including banner signs, are permitted in any District, subject to the following restrictions.
 - (1) Such signs may be located either on or off the lot on which the special event is held.
 - (2) Such signs shall have a maximum size of 32 square feet in area, and a maximum height above ground level of eight feet. However, the Township Board may allow a modification of these requirements for an event which is of interest to a broader audience than those who live in the immediate area of the event.
 - (3) Such signs shall be erected no more than 21 days preceding the special event which is being advertised and removed within seven days of the conclusion of the special event which is being advertised.
 - (4) A sign permit may not be required by the Township; however, banners across public streets may require a permit from the Ottawa County Road Commission
- (e) On-Site Directional signs are permitted in any District subject to the following restrictions:
 - (1) Such signs shall not exceed four square feet in area and three feet in height, and shall be setback at least five feet from any side lot line.
 - (2) Directional signs shall be limited to traffic control functions only.
- (f) Non-commercial signs are permitted in all zoning districts subject to the following restrictions:
 - (1) Such signs shall be subject to the regulations for signs contained in Section 2204 herein.

- (2) Such signs shall not exceed 32 square feet in size, however, more than one such sign is allowed per parcel in all districts except the Village District. Only one non-commercial sign is permitted per parcel and the size of the sign shall not exceed 16 sq. ft in the Village District.
- (g) Off premise signs advertising the retail sale of agricultural products as regulated by Section 501(d) herein are permitted in any district. Such signs shall be no larger than 16 square feet and no higher than eight feet above ground level.

Sec. 2206. NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES

- (a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- (b) Nonconforming signs may be maintained and repaired so as to continue the useful life of the sign but may not be expanded, enlarged, or extended.
- (c) A nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- (d) A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.
- (e) A non-conforming sign shall not continue to be used after the activity, business or use to which the sign is related has been discontinued for a period of 180 days or longer. Such discontinuance shall be considered conclusive evidence of an intention to abandon the sign. At the end of this period of abandonment, the sign shall either be removed or altered to conform to the provisions of this section. All costs of removal shall be at the property owner's expense.

Sec. 2207. MEASUREMENT OF SIGNS

- (a) Unless otherwise specified within this ordinance for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- (b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- (c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less except for billboards as specified herein.

Sec. 2208. **BILLBOARDS**

Billboards are permitted only in those areas which are within 100 feet of the I-96 right of way subject to the following:

- a) Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.

Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection (b) below.

- b) A billboard shall not be located within 2640 feet of another billboard measured in any direction.
- c) A billboard shall not be located within 500 feet of the following zoning districts: Low Density Residential, Medium Density Residential, High Density Residential, Mobile Home Park, Village District, and Open Space Planned Unit Development.
- d) A billboard shall not be located closer than 75 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the billboard is located.
- e) Billboards may be constructed to a maximum size of 120 square feet per face.
- f) The height of a billboard shall not exceed 35 feet above the grade of the ground on which the billboard is placed or the grade of the abutting roadway, whichever is higher.
- g) A billboard may be illuminated, provided 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. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- h) The provisions of this subsection 2208 shall not apply to the following types of signs:
 - 1. Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with rules promulgated by the State Department of Transportation relative to the lighting, size, number and spacing thereof.

2. Signs advertising the sale or lease of the real property upon which the sign is located or a sign for a business located on the property.

Sec. 2209. **A, RA & RESIDENTIAL DISTRICTS**

The following signs are permitted in the Agricultural, Rural Agricultural, LDR, MDR, HDR, Mobile Home Park, and OS-PUD Zoning Districts

- (a) **Wall Sign** - Wall signs are allowed for permitted uses (other than dwellings) for buildings with public street frontage abutting the parcel. More than one wall sign is permitted per wall but the sign or signs shall only be placed on that wall which directly faces the street. The size of a single wall sign or the cumulative total of all wall signs attached to a wall shall not exceed 10 percent of the area of the wall or no more than 64 square feet.
- (b) **Ground Sign** - For permitted uses other than dwellings.
 - (1) One per parcel not to exceed 50 square feet in area.
 - (2) The height of a ground sign shall not exceed six feet above ground level.
 - (3) Ground signs shall be setback a minimum of 5 feet from the side lot lines. A front setback is not required.
- (c) **Pole Sign** - For permitted uses other than dwellings.
 - (1) One per parcel not to exceed 32 square feet in area
 - (2) The height of the pole sign shall not exceed 15 feet. There shall be a minimum height between the bottom of the sign and ground level of five feet.
 - (3) Pole signs shall be setback a minimum of 5 feet from the side lot lines. A front setback is not required.
- (d) **Portable Signs** - Only one portable sign shall be permitted on a parcel at any one time for a period not to exceed a total of 30 days in any calendar year. A portable sign shall not exceed 32 square feet in area and shall be back lit only and not have any flashing, colored or glaring lights. Such signs shall be placed outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site. A sign permit must be obtained before placing a portable sign on any parcel for any length of time except for those exempted under Section 2202.
- (e) Antique signs, collectible signs, logo's and signs of an historical nature which represent or advertise a business or use no longer in existence may be placed on the walls of accessory buildings or dwellings but in no case shall the total size of such signs exceed 32 sq. ft. per parcel.

Sec. 2210. **COMMUNITY COMMERCIAL DISTRICT, INDUSTRIAL DISTRICT
AND FAIRGROUNDS DISTRICT**

The following signs are permitted in the C, I and Fairgrounds Zoning Districts.

(a) **Wall Sign**

Each commercial establishment may place more than one wall sign on the wall or walls of the commercial establishment which directly face or front upon a public or private street. The size of a single wall sign or the cumulative total of all wall signs attached to a wall shall not exceed 10 percent of the area of the wall or no more than 100 square feet.

(b) **Free Standing Sign** - One ground sign or pole sign per parcel subject to the following regulations:

(1) **Pole Sign** - A sign no more than 50 square feet shall be permitted for each parcel and shall also be subject to the following:

- (a) For those parcels with more than one commercial establishment, the size of the sign may be increased to no more than 75 square feet.
- (b) Signs shall not exceed 25 feet in height and shall have a minimum height between the bottom of the sign and the ground of seven feet.
- (c) Signs shall be setback a minimum of 5 feet from the side lot lines. A front setback is not required.

(2) **Ground Signs** - One sign of no more than 50 square feet shall be permitted for each parcel and shall also be subject to the following:

- (a) For those parcels with more than one commercial establishment, the size of the ground sign may be increased to no more than 75 square feet.
- (b) The height of a ground sign shall not exceed six feet above ground.
- (c) Ground signs shall be setback a minimum of 5 feet from side lot lines. A front setback is not required.

(c) **Vehicle Service Station Signs**

Establishments which provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of such signs shall not exceed three square feet. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be permitted.

(d) **Industrial Park Identification Sign**- One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs to identify the park and the industries within.

(e) **Portable Signs**- Only one portable sign shall be permitted on a parcel at any one time for a period not to exceed a total of 30 days in any calendar year. A portable sign shall not exceed 32 square feet in area and shall be back lit only and not have any flashing, colored or glaring lights. Such signs shall be placed outside of the public right-of-way and shall

not hamper the visibility of a driver on or off the site. A sign permit must be obtained before placing a portable sign on any parcel for any length of time.

(f) **Flag Signs**

One per parcel not to exceed 24 square feet. The flag sign shall be displayed on a pole. If the flag sign shares the same pole as the United States or the State of Michigan flag, the sign shall be the smaller of these.

(g) **Race Track Signs**

Signs pertaining to race tracks authorized by Wright Township Ordinance No. 63 as amended shall be subject to the regulations of Section 2501(d) (7) of this Zoning Ordinance.

Sec. 2211. **VILLAGE DISTRICT**

The following signs are permitted in the Village Zoning District.

(a) **Wall Signs**

Each commercial establishment or business shall be permitted to have a wall sign or signs. Wall signs are permitted for each public or private street frontage abutting the parcel. More than one wall sign is permitted per wall but the sign or signs shall only be placed on that wall which directly faces the street. The size of a single wall sign or the cumulative total of all wall signs attached to a wall shall not exceed 32 square feet.

b) **Projecting Signs**

One sign per building not to exceed 12 square feet. The sign shall be a minimum of seven feet above the ground and not project more than five feet from the building or be more than two feet from the edge of the street whichever is less.

(c) **Ground Signs**

One sign of no more than 32 square feet shall be permitted for each parcel and shall also be subject to the following:

- (1) For those parcels with more than one commercial establishment, the size of the ground sign may be increased to no more than 50 square feet.
- (2) The height of a ground sign shall not exceed six feet above ground.
- (3) Ground signs shall be setback a minimum of 5 feet from side lot lines. A front setback is not required.

(d) **Pole Sign** – For permitted uses other than dwellings

- (1) One per parcel not to exceed 20 square feet in area.
- (2) The height of the pole sign shall not exceed 15 feet. There shall be a minimum height between the bottom of the sign and ground level of 5 feet.
- (3) Pole signs shall be setback a minimum of 5 feet from the side lot lines. A front setback is not required.

(e) **Vehicle Service Station Signs**

Establishments which provide repair services and/or gasoline for vehicles either as a principal or accessory use may display directional signs over individual doors or bays. The size of such signs shall not exceed three square feet. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be permitted.

- (f) **Portable Signs** – Only one portable sign shall be permitted on a parcel at any one time for a period not to exceed a total of 30 days in any calendar year. A portable sign shall not exceed 32 square feet in area and shall be back lit only and not have any flashing, colored or glaring lights. Such signs shall be placed outside of the public right-of-way and shall not hamper the visibility of a driver on or off the site. A sign permit must be obtained before placing a portable sign on any parcel for any length of time.

- (g) **Flag Signs**
One sign per parcel, not to exceed 24 square feet, is allowed to be displayed on a pole. If the flag sign shares the same pole as the United States or State of Michigan flag, the sign shall be the smaller of these.

**CHAPTER 23
AMENDMENTS**

(Ord. No. 30, eff. Jan. 27, 1998 as amended by Ord. no. 101 eff. June 13, 2007)

Sec. 2300. AMENDMENT PROCEDURE.

The Township Board upon its own motion, or the Planning Commission upon its own motion, or any interested part or public body may initiate a zoning amendment by submitting a written request to the Planning commission. The following procedure shall be mandatory:

- (a) All applicants shall submit a formal application for zoning amendments to the Township Clerk, who shall forward the application to the Planning Commission. If the applicant is a private party, the application shall be accompanied by a fee, as established by Resolution of the Township Board, to be used to defray the costs of consideration of the proposed amendment.
- (b) Notice of Public Hearing.
 - Before submitting its recommendations on a proposed amendment of the text or district change, the Planning Commission shall hold at least one public hearing, ***notice of which shall be given in accordance with Section 2402*** of this Ordinance. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. Additionally:
 - (1) Notice by certified mail, not less than fifteen (15) days prior to the hearing, to each electric, gas, pipeline and telephone public utility company that registers its name and mailing address with the Planning Commission for the purpose of receiving such notice. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)
 - (2) Notice by certified mail, *at least fifteen (15)* prior to the date of the hearing, to any railroad operating within the district or zone affected by the proposed amendment. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)
- (c) At the public hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that all proper notices have been made.
- (d) The Planning Commission shall conduct the public hearing, noting all comments and reports requested or noting the absence thereof. The Township Planning Commission shall transmit a summary of comments received at the public hearing and the proposed zoning ordinance amendment, along with a recommendation of granting or denying the amendment to the Township Board. (ord. no. 5 eff. Oct. 11, 1978 as amended by ord. no. 101 eff. June 13, 2007)
- (e) If the Planning Commission desires to make changes not permitted in item (e) above, it shall either adjourn the hearing, announcing at that time the time and place of the

continuation thereof or set a new time and place for a new public hearing following the procedures set forth in the preceding paragraphs.

- (f) If the Planning Commission votes to approve the amendment it shall forward the amendment to the County Planning Commission and to the Township Board with recommendation for approval or denial. All recommendations shall contain the reasons therefore. The County function is merely advisory. However, lack of compliance with this requirement may result in the amendment being declared void. The County Planning Commission has thirty (30) days within which to submit its recommendation to the Township Board.
- (g) After receiving a County recommendation or upon expiration of the thirty (30) day period in which the County must act, the Township Board shall consider the proposed amendment. No public hearing before the Township Board is required unless such public hearing is requested in writing by an owner of property within the Township.
- (h) After receiving a County recommendation or upon expiration of the thirty (30) day period in which the County must act, the Township Board shall consider the proposed amendment. No public hearing before the Township Board is required unless such public hearing is requested in writing by an owner of property within the Township, but the Township Board may hold additional hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall be published and delivered in accordance with Section 2402 of this Ordinance. The board is **REQUIRED** to hold a public hearing upon request of any property owner by certified mail to Clerk. Notice of any such public hearing must be given in same manner as required for public hearing by Planning Commission. (see Section 2402 of this Ordinance.) (ord. no. 5 eff. Oct. 11, 1978, amended by ord. no. 30 eff. Jan. 27, 1998 as amended by ord. no. 101 eff. June 13, 2007)
- (i) The Township Board may adopt or deny the proposed amendment with a concurring vote of three (3) of its members, if the decision is consistent with the recommendations of the Planning Commission. A concurring vote of four (4) members of the Township Board is necessary to adopt or reject the proposed amendment contrary to the recommendations of the Planning Commission.

**CHAPTER 24
ADMINISTRATION AND
ENFORCEMENT**

(Ord. No. 48, eff. Nov. 30, 1999 as amended by Ord. no. 101 eff. June 13, 2007)

Sec. 2400. ADMINISTRATION AND ENFORCEMENT.

Sec. 2400.1 BUILDING PERMITS AND PLANS.

No structure or part thereof, except buildings used for agricultural purposes and located in the agricultural zone, shall be constructed, reconstructed, erected, moved, enlarged, or altered in any district unless a building permit has been granted by the Building Inspector. Application shall be filed by the owner or his agent and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a site plan, and such other information as is deemed necessary to provide for the enforcement of this Ordinance and the reasonable judgment of the Building Inspector.

- (a) Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as set by Resolution of the Township Board to defray the costs of administration and inspections shall accompany any plans or applications.
- (b) No building permit shall be issued unless the plans and intended use conform in all respects to the provisions of this Ordinance. All building permits shall expire one year from their date of issuance. A copy of all approved building permits shall be sent to the Township Tax Assessor.
- (c) No building permit shall be issued until the owner verifies that the lot involved has been created in conformance with State and Township subdivision regulations.
- (d) The Building Inspector shall have a reasonable period of time to review all plans and specifications prior to taking appropriate action thereon.
- (e) All permits shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken. (ord. no. 5 eff. Oct. 11, 1978)

Sec. 2400.2 DUTIES OF THE BUILDING INSPECTOR.

This Ordinance shall be enforced by the Building Inspector, who shall in no case issue any building permit nor grant any occupancy permit where the proposed structure, alteration or use would be in violation of any provisions of this Ordinance except under written order of the Board of Appeals, the Township Board, or a Court of competent jurisdiction.

- (a) **VIOLATIONS.** The Building Inspector shall investigate any alleged violation of the Zoning Ordinance coming to his attention. If a violation is found to exist, he shall serve written notice upon the owner to cease said violation as provided by law. If said owner

fails to act diligently to correct said violation and does not correct such violation within fourteen (14) days or any extension of time authorized by the Township Board, the Building Inspector shall serve notice upon the owner, notify the Township Board and prosecute such violator to terminate said violation before a Court of property jurisdiction.

(b) **INSPECTION OF BUILDINGS AND STRUCTURES.** As work progresses under a building permit, the holder there of or his authorized agent shall cause the Building Inspector to be notified at the following stages of construction:

- (1) Upon completion of the footings and of the foundation walls.
- (2) Upon completion of the rough frame of the structure including the application of roof shingles and sidewall sheathing and the installation of wiring and rough plumbing and chimneys and before lath is applied.
- (3) Upon total completion of the work authorized by the building permit and before occupancy.

Inspection of the building or structure shall be made within three (3) days following receipt of notification.

Should the permit holder fail to comply with the requirements at any stage of construction, the Building Inspector is hereby authorized to cancel the permit issued and shall cause notice of such cancellation to be securely posted upon said construction, and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof. No further work shall be undertaken or permitted upon such construction until a valid permit shall thereafter have been issued.

(C) **RECORDS.** The Building Inspector shall keep records of all applications, and permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one family houses, and records of all fees submitted with applications. The same shall form a part of the records of his office and shall be available to the Township Board and all other officials of the Township.

(ord. no. 5 eff. Oct. 11, 1978)

Sec. 2400.3 **CERTIFICATE OF OCCUPANCY.**

No building or structure hereinafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all ordinances of the Township. Where any special use conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. Where a building permit is not involved, a fee as set by Resolution of the Township Board shall be charged for each Certification of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector. A copy shall be sent to the Township Clerk and Township Assessor. (ord. no. 5 eff. Oct. 11, 1978)

Sec. 2400.4 VIOLATIONS OF ORDINANCE.

Any person, firm, or corporation which violates the provisions of this ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than Fifty Dollars (\$50.00) plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A “repeat violation” of this ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, or corporation within six months of a prior violation of this Ordinance, and for which the person, firm, or corporation admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than Two Hundred, Fifty Dollars (\$250.00), plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than Five Hundred Dollars (\$500.00), plus costs and other sanctions. The Township shall have all remedies available to it to cure or correct the violation of this Ordinance, and shall not be limited only to the sanctions herein provided. A violation of this Ordinance shall constitute a nuisance per se, and each day that a violation exists shall constitute a separate violation. The Township Supervisor, the duly appointed Township Attorney, and the duly appointed Township Zoning Administrator are authorized to enforce the provisions of this Ordinance by all means available to the Township, including, but not limited to, the issuance of summons and complaints or the issuance of appearance tickets. (ord. no. 31.5 eff. June 23, 1998)

Sec. 2401. FEES AND ESCROW CHARGES.

The applicant for a zoning ordinance amendment (whether to the text or to the zoning map), special use or special exception use permit, planned unit development, site plan review, zoning board of appeals review/appeal, variance application, or any other zoning review or permit required by the terms of this Ordinance, shall pay the fees and escrow charges established thereto to the Township Clerk. All fees shall be paid in accordance with the fee schedule established by resolution of the Township Board.

The Township Board shall by resolution establish fees for the administration of this Ordinance, including all proceedings and matters that may arise under it. A list of current fees shall be available for review by the public during Township office hours at the Township office. The fees, or any of them, may be changed from time to time by resolution of the Township Board. The applicant shall pay all applicable fees upon the filing of any application, proposed site plan, zoning ordinance amendment request, zoning map amendment request, site plan review request, special use or special exception use permit application, planned unit development application, zoning board of appeals review/appeal, variance application, or any other zoning review or permit required by the terms of this Ordinance.

In addition to regularly established fees, the Township Board may also require an applicant to submit to the Township, prior to Township review of the application, an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. Any amount so required shall be known and referred to as the applicant’s “escrow fee”. The

purpose of the escrow fee is to defray the reasonable costs and expenses incurred by the Township during and in connection with the review of the application and other related proceedings, whether or not the application is granted, and whether it is granted in whole or in part.

All such costs and expenses incurred by the Township shall be charged to the applicant's escrow fee, and may include, but shall not be limited to, Township engineering fees, Township attorney fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, publication costs, and other reasonable costs and expenses incurred in regard to the review and action upon the application. The Township shall have the right to retain from the applicant's escrow fee the amount necessary to reimburse the Township for all such reasonable costs and expenses it incurs to review and act upon the application.

If the amount initially deposited with the Township is insufficient to fully reimburse the Township for all such costs and expenses, the Township Clerk shall notify the applicant and no further action shall be taken upon the application until the applicant has made a further deposit into the escrow fee, so that it has on deposit with the Township sufficient funds to fully reimburse the Township for all of its reasonable expenses incurred for the application. Any amounts deposited by the applicant into its escrow fee which are not used to reimburse the Township for its expenses incurred to review the application shall be refunded to the applicant.

No building permits or occupancy permits shall be issued unless and until the Township has been fully paid for all expenses it has incurred to review the application.
(ord. no.46 eff. June 22, 1999)

Sec. 2402. PUBLICATION AND DELIVERY NOTICE OF PUBLIC HEARING.

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

- a) The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- b) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - (1.) The applicant;
 - (2.) All persons to whom real property is assessed within 300 feet of the property that is the subject to the application;

- (3.) The occupants of all structures within 300 feet of the property that is the subject of the application; and

If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.

If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing. (ord. no. 111. eff. July 28, 2009)

- (c) The notice of public hearing shall include the following information:

- (1) A description of the nature of the application or request.
- (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
- (3) State when and where the application or request will be considered.
- (4) Identify when and where written comments will be received concerning the application or request.
- (5) The times and location at which the proposed ordinance can be reviewed by interested persons.
- (6) Include the name of the public body, with address and telephone number. (ord. no. 101 eff. June 13, 2007)

CHAPTER 25
FAIRGROUNDS DISTRICT
(Ord. No. 5, eff. Nov. 6, 2001)

Sec. 2500 INTENT.

This district is intended to permit the Berlin Fair held annually in Marne and sponsored by the Berlin Fair Association and associated fair uses as a principal use within its own zone. Due to the availability of the buildings and fair grounds outside of the annual fair week, this district may also be utilized for outdoor gatherings, shows, displays, sporting or music events and similar outdoor activities, subject to the provisions of this chapter and all ordinances of the Township.

This district also recognizes the existing vehicle racetrack on the fairgrounds property. This use is permitted consistent with the requirements of Wright Township Ordinance No.63, the Vehicle Race Track Ordinance as well as all other ordinances of the Township in order for the Township Board to regulate racetrack activities so they are operated safely and in a manner that does not noticeably exceed its historical operation.

Sec. 2501 PRINCIPAL USES.

Land and structures in the Fairgrounds District may only be used for the following purposes:

- a) The Fair and associated uses including but not limited to:
 - 1) Amusement rides and games.
 - 2) Animal shows, sales and boarding.
 - 3) Sale of food and souvenirs.
 - 4) Temporary quarters for Fair employees and workers.
 - 5) Concerts and shows associated with the on-going Fair activities.
 - 6) Fireworks in accordance with State of Michigan law
 - 7) Fair offices.
 - 8) Other activities and uses normally occurring with the Fair.
 - 9) Short term camping associated with the annual Fair.

- b) Shows, demonstrations, displays, music and sporting events, flea markets, craft shows, entertainment events and similar uses which occur outside of the annual Fair time period and temporary signs associated with such uses. Such signs shall not exceed 32 square feet and shall comply with all other requirements of the Wright Township Sign Ordinance. The operators of such uses or Fairground officials shall register the proposed use with the Township office seven days before the event in order to provide adequate notice of the event to public safety officials. Registration shall be on a form provided by the Township. If the services of public safety officials are necessary for an event, the applicants shall be responsible for all associated costs.

- c) Renting of Fairgrounds buildings for the storage of vehicles and equipment. Outside storage of vehicles or equipment is prohibited.
 - d) Outdoor vehicle race track and associated uses when authorized by the Township Board under Township Ordinance No.63. Such associated uses may include but are not limited to:
 - 1) Ticket and concession sales.
 - 2) Restrooms.
 - 3) Announcers booth.
 - 4) Race track offices.
 - 5) Vehicle and equipment maintenance and storage buildings. Use of these buildings for vehicle repair and maintenance is prohibited except for vehicles owned and operated by Race Track and Fairgrounds owners and operators.
 - 6) Lighting for the racetrack and customer parking.
 - 7) Signs and scoreboards subject to Township Board approval except for those signs which are not visible from off site or which are incidental to the operation of the race track such as directional and concession signs.
 - 8) Grandstand seating and suites.
 - 9) Short term camping associated with the Race Track activities but only if specifically authorized by the Township Board under Ordinance No. 63, the Vehicle Race Track Ordinance.
 - 10) Other uses when specifically authorized by the Township Board under Ordinance No.63, the Vehicle Race Track Ordinance.
- e) Off street parking for the Fairgrounds District shall be exempt from the paving and setback requirements of Chapter 21, however, dust from such parking areas shall be controlled through watering and other appropriate measures to prevent it from blowing off site.

Sec. 2502 DISTRICT REGULATIONS.

Buildings and structures shall not be enlarged or erected in the Fairgrounds District unless the following requirements are met and maintained:

Sec. 2502.1 MINIMUM LOT AREA AND WIDTH.

None required.

Sec. 2502.2 MINIMUM SETBACKS FOR BUILDINGS AND STRUCTURES.

Fifty feet from the front lot line and 100 feet from all other lot lines.

Sec. 2502.3 MAXIMUM BUILDING HEIGHT.

Thirty five feet except that the Township Board may permit a building or structure to be higher if it is demonstrated that such height does not create a hazard or safety problem for fire fighters or a visual nuisance for nearby residents or property owners.

Sec. 2503 SITE PLAN REVIEW FOR FAIRGROUNDS AND RACE TRACK.

- a) Buildings within this District which are erected after the adoption of this Chapter and which will be open to the public shall be reviewed by the Planning Commission in accordance with the requirements of Chapter 18 herein (Site Plan Review) before a building permit is issued.
- b) Permitted uses associated with the vehicle Race Track which did not exist prior to the effective of this chapter, Nov.6, 2001, may be operated when authorized as a major or minor change in accordance with Ordinance No. 63. A site plan for major changes shall be submitted to the Planning Commission in accordance with the requirements of Chapter 18 herein and Ordinance No. 63.

CHAPTER 26
VALIDITY
(Ord. No. 48, eff. Nov. 30, 1999)

Sec. 2600. **VALIDITY.**

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

(ord. no. 5 eff. Oct. 11, 1978)

CHAPTER 27
PRIOR VIOLATIONS
(Ord. No. 48, eff. Nov. 30, 1999)

Sec. 2700. **PRIOR VIOLATIONS.**

The adoption of this Ordinance shall not prevent or bar the continuance of institution of any proceeding for offenses heretofore committed in violation of any existing ordinance.
(ord. no. 5 eff. Oct. 11, 1978)

CHAPTER 28
ZONING MAP AMENDMENTS

Sec. 2800. DESCRIPTIONS OF REZONED PROPERTIES

Sec. 2800.1 PARCEL NO. 70-06-35-200-008

REZONING FROM AGRICULTURAL TO INDUSTRIAL. The Official Zoning Districts Map of Wright Township, established by Section 401 of the Wright Township Zoning Ordinance of 1978, is hereby amended to rezone from the Agricultural Zone District to the Industrial Zone District the following described property:

E 53 A OF S½ NE ¼

EXC E 891 FT

SEC 35 T 8 R 13 26.6 AC

(ord. no.5 eff. Oct.11, 1978; amend. eff. Oct.31, 1983)

Sec. 2800.2 PARCEL NO. 70-06-35-400-007

REZONING FROM AGRICULTURAL TO INDUSTRIAL.

N 330 FT OF E 726 FT OF E ½ OF SE ¼ EXC COM NW COR, TH E ALG N LI 190.34 FT, S 03D 30M 27S E 330 FT TO S LI, W ALG S LI 189.57 FT TO W LI, N ALG W LI 330 FT TO BEG. 4.06 A SEC 35T 78N R13W.

(ord. no.5 eff. Oct.11, 1978; amend. eff. Oct.18, 1989)

Sec. 2800.3 PARCEL NO. 70-06-35-300-012

REZONING FROM MEDIUM DENSITY TO LIGHT INDUSTRIAL.

PART OF NE ¼ OF SW ¼ COM AT E ¼, TH N 89D 47M 01S W 2650.68 FT TO CEN ¼ COR, TH S ALG N&S ¼ LI 508.17 FT TO BEG TH S 411.72 FT TO N'LY R/W LI I-96, TH N 65D 51M 35S W 582.65 FT ALG SD R/W, TH N 504.89 FT TO S'LY R/W LI OF G.T.R.R., TH S 69D 26M 18S E 237.2 FT ALG SD R/W, TH S 02D 53M 23S W 132 FT, S 69D 26M 18S E 330.68 FT TO BEG, EXC FRANKLIN ST R/W SEC 35 T8N R13W.

(ord. no.5 eff. Oct.11, 1978; amend. eff. July18, 1990)

Sec. 2800.4 PARCEL NO. 70-06-34-450-003

REZONING FROM COMMUNITY COMMERCIAL TO INDUSTRIAL.

PART OF NE ¼ OF SE ¼ COM N 85D14M W 317.64 FT ALG CEN LI OF STATE ST FR INTERS OF CEN LI OF STATE ST & CEN LI OF WATER ST, TH S 0D04M E 243.32 FT PAR TO E SEC LI TO N'LY LI OF CONS POWER R/W, TH N 69D30M W 152.35 FT ALG SD N'LY R/W LI, TH N 60D30M W 75 FT ALG SD R/W LI, OF STATE ST, TH S 85D14M E 165.88 FT TO BEG. SEC 34 T8N R13W .93A

(ord. no.5 eff. Oct.11, 1978; amend. eff. Nov.14, 1990)

Sec. 2800.5 PARCEL NO. 70-06-35-361-001

REZONING FROM COMMUNITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

PART S ½ OF SW ¼ COM NW COR LOT 10 MC CLURE'S SUBD, TH S 1D52M E 209.3 FT TO N'LY LI HAWLEY'S ADD TH SW'LY ALG N'LY LI HAWLEY'S ADD 11.7 FT, TH N 37D02M W 260.7 FT, TH N 88D03M E 160 FT TO BEG. SEC 35 T8 R13

(ord. no.5 eff. Oct.11, 1978; amend. eff. Apr.14, 1993)

Sec. 2800.6 PARCEL NO. 70-06-35-375-007

REZONING FROM MEDIUM DENSITY TO COMMUNITY COMMERCIAL

LOT 1 EXC E 134 FT. NORTON'S ADD TO BERLIN

(ord. no.5 eff. Oct.11, 1978; amend. eff. Nov.10, 1993)

Sec. 2800.7 **PARCEL NO. 70-06-35-100-027**
REZONING FROM COMMUNITY COMMERCIAL TO INDUSTRIAL
THAT PART OF SW ¼ OF NW ¼ LYING S OF G.T.R.R.& N& W OF NEW US-16. SEC 35 T8N R13W 3.5A
(ord. no.5 eff. Oct.11, 1978; amend. eff. Aug 24, 1995)

Sec. 2800.8 **PARCEL NO. 70-06-34-200-004**
REZONING FROM LOW DENSITY RESIDENTIAL TO AGRICULTURAL.
W ½ of NE ¼ S OF NEW US-16 & N OF OLD US-16 EXC A STRIP 33 FT WIDE NE'LY OF & ADJ TO OLD
US-16 SEC 34 T8 R13
(ord. no.5 eff. Oct.11, 1978; amend. eff. Jan. 8, 1997)

Sec. 2800.9 **PARCEL NO. 70-06-35-300-021; 70-06-35-300-024**
REZONING FROM COMMUNITY COMMERCIAL TO INDUSTRIAL.
PART OF SW ¼, COM NE COR NW ¼ OF SW ¼, TH W 209 FT, S 0D 41M E 265.02 FT, S 66D 10M 12S E
225.02 FT ALG N'LY R/W LI HWY I-96, TH N 355.92 FT TO BEG SEC 35 T8N R13W
(ord. no.5 eff. Oct.11, 1978; amend. eff. Feb 19, 1997)

Sec. 2800.10 **PARCEL NOS. 70-06-09-300-010; 70-06-09-300-011; 70-06-09-300-013; 70-
06-09-300-015; 70-06-09-300-017; 70-06-09-300-018; 70-06-09-300-019; 70-
06-09-300-020**
REZONING FROM AGRICULTURAL TO LOW DENSITY RESIDENTIAL.

Parcel No. 70-06-09-300-010
Part of SE ¼ of SW ¼ COM 882.38 FT W OF S ¼ COR, TH W 243.1 FT, N 04D46M38S W 131.57 FT, N 204.34
FT, W 211.23 FT TO W LI OF SE ¼ OF SW ¼, N 802.13 FT, E 161.58 FT, S 750.45 FT, E 172.15 FT, S 51.67 FT,
E 120.53 FT, S 103.33 FT, W 10 FT, S 233.12 FT TO BEG.

Parcel No. 70-06-09-300-011
Part of SE ¼ OF SW ¼ COM 1125.48 FT W OF S ¼ COR, TH W 194.38 FT TO SW COR OF
SE ¼ OF SW ¼, TH N 335.5 FT, TH E 211.23 FT, S 204.34 FT, TH S 04D46M38S E 131.57 FT TO BEG. SEC 9
T8N R13W

Parcel No. 70-06-09-300-013
Part of the SE ¼ of the SW ¼ of Sec 9, T8 N, R13 W, Wright Township, Ottawa County MI, described as follows:
BEG on the North-South ¼ LI at a PT being N 00D00M00S E 840.00 FT from the S ¼ COR of said sec; TH N
89D04M31S W 164.00 FT parallel with the S LI of said sec; TH N 00D00M00S E 10.00 FT; TH N 89D04M31S W
100.00 FT; TH S 00D00M00S W 10.00 FT; TH N 89D04M31S W 236.00 FT; TH N 00D00M00S E 150.00 FT
ALG W LI of the E 500.00 FT of the SW ¼ of said sec; TH S 89D04M31S E 500.00 FT along the N LI of the S
990.00 FT of the SW ¼ of said sec; TH S 00D00M00S W 150.00 FT along the aforementioned North-South ¼ LI
to the place of beg.

Parcel No. 70-06-09-300-015
Part of SE ¼ OF SW ¼ COM 632.38 FT W OF S ¼ COR, TH N 517 FT, W 240 FT, S 284.88 FT, TH E 250 FT TO
BEG. SEC 9 T8N R13W.

Parcel No. 70-06-09-300-017
Part of SE ¼ OF SW ¼ COM 510 FT N OF S ¼ COR, TH N 150 FT, N 89D 04M 31S W 583 FT, S 150 FT, TH S
89D 04M 31S E 583 FT TO BEG. SEC 9 T8N R13W

Parcel No. 70-06-09-300-018

Part of SE ¼ OF SW ¼ COM NW COR, TH S 177.81 FT, E 161.58 FT, TH S 01D 01M 11S E TO PT 517 FT N OF S SEC LI, TH E TO PT 583 FT W OF N&S ¼ LI, TH N 150 FT, E 83 FT, TH N 330 FT, E 500 FT TO N&S ¼ LI, TH N 321.35 FT M/L TO NE COR OF SE ¼ OF SW ¼, TH W 1321.79 FT TO BEG. SEC 9 T8 R13W

Parcel No. 70-06-09-300-019

Part of SE ¼ OF SW ¼ COM S ¼ COR, TH W 632.38 FT, N 517 FT, TH W 240 FT TO BEG, TH S 181.55 FT, W 120.53 FT, N 51.67 FT, W 172.15 FT, TH N 01D 01M 11S W TO N LI OF S 517 FT OF SE ¼ OF SW ¼, TH E ALG SD LI TO BEG. SEC 9 T8N R13W

Parcel No. 70-06-09-300-020

Part of SE ¼ OF SW ¼ COM S ¼ COR, TH W 632.38 FT, N 517 FT, TH S 89D 04M 31S E 583 FT TO N&S ¼ LI, TH S ALG SD LI TO BEG. SEC9 T8N R13W
(ord. no.5 eff. Oct.11, 1978; amend. eff. June 10,1997)

Sec. 2800.11 **PARCEL NO. 70-06-35-100-029**

REZONING FROM AGRICULTURAL TO MEDIUM DENSITY RESIDENTIAL.

Part of the W ½ of the NW ¼ SEC 35, T8N, R13W, Wright Township, Ottawa County, MI, described as:
Commencing at the NW corner of said SEC 35; thence SE 831.59 FT along the centerline of 16th Ave. to the true place of beginning; thence S 52D 46M 15S W 399.50 FT; thence S 50D 26M 45S E 154.08 FT; thence N 52D 46M 15S E 365.00 FT more or less to the centerline of 16th Avenue; thence NW'LY 150.00 FT to the place of beginning.
(ord. no.5 eff. Oct.11, 1978; amend. eff. July 22, 1997)

Sec. 2800.12 **PARCEL NO. 70-06-35-300-011**

REZONING FROM MEDIUM DENSITY RESIDENTIAL TO INDUSTRIAL.

Part of NE ¼ of SW ¼ COM S 02D 53M 23S W 376.26 FT FROM CEN ¼ COR, TH S 02D 53M 23S W 132 FT, N 66D 34M 41S W 330 FT, TH N 02D 53M 23S E 132 FT TO S'LY LI OF G.T.R.R. R/W, TH S 66D 34M 41S E 330 FT ALG SD LI TO BEG, EXC FRANKLIN ST R/W. SEC 35 T8N R13W
(ord. no.5 eff. Oct.11, 1978; amend. eff. March 24, 1998)

Sec. 2800.13 **PARCEL NOS. 70-06-34-100-020; 70-06-34-100-019**

REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

Parcel No. 70-06-34-100-020

NW ¼ LYING S'LY OF OLD US-16, EXC COM INTERS S LI OF OLD US-16 & N&S ¼ LI, TH S 450 FT TH NW'LY 791 FT, TH NE'LY 450 FT TO A PT ON S LI OLD US-16 BEING 500 FT NW'LY FROM PT OF BEG, TH SE'LY TO BEG, ALSO EXC COM INTER 24TH AVE & S LI IRONWOOD OR (OLD US-16), TH S1362 FT, E 685 FT, S 309 FT, E 573 FT, N 656 FT, W 783 FT, TH N 1015 FT TO S LI SD IRONWOOD

Parcel No. 70-06-34-100-019

Part of NW ¼ of Sec 34, T8 N, R13 W, Wright Township, Ottawa County, MI, described as beg. on the W LI of said Sec 34 at a PT which is N 00D00'00", E 309.00 ft AL said W LI from the W ¼ corner of said Sec 34; TH N 00D00'00" E 362.00 ft along said W LI; TH S 89D38'00" E 705.00 FT parallel with the S LI of the NW ¼ of said Sec; TH S 00D00'00" W 671.00 ft to a PT on the S LI of the NW ¼ of said Sec; TH N 89D38'00" W 20.00 ft along said S LI of the NW ¼; TH N 00D00'00" E 309.00 FT; TH N 89D38'00" W 685.00 ft to the PT of beg of this description. Parcel is subject to highway rights over the W 33.0 ft thereof for 24th Ave.
(ord. no.5 eff. Oct.11, 1978; amend. eff. December 22, 1998)

Sec. 2800.14 PARCEL NO. 70-06-33-300-009, 70-06-33-300-013, 70-06-33-400-019
REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

All of parcel 70-06-33-300-009, described as the E ½ of the SE ¼ of the SW ¼ of the SW ¼ of Section 33, Town 8 North, Range 13 West, Wright Township, Ottawa County, MI.

All of parcel 70-06-33-300-013, described as the SE ¼ of the SW ¼ of Section 33, Town 8 North, Range 13 West, Wright Township, Ottawa County, MI and the NE ¼ of the SW ¼ of the SW ¼ of said Section 33.

All of parcel 70-06-33-400-019, described as the SW ¼ of the SE ¼ of Section 33, Town 8 North, Range 13 West, Wright Township, Ottawa County, MI except the south 400 feet of the West 463 feet thereof.
(ord. no.5 eff. Oct.11, 1978; amend. eff. January 26, 1999)

Sec. 2800.15 PARCEL NO. 70-06-30-100-006
REZONING FROM AGRICULTURAL TO INDUSTRIAL.

Part of NW FRL ¼ beginning 1547 feet S & S 86D45M15S E 233 feet from NW corner, TH S 40D13M45S E 308 feet, TH S 02D26M15S W 380 feet, TH S 68D47M25S E to N LI of new US-16, TH E'y ALG N LI of RD to a point 40 RDS W of N & S ¼ LI, TH N to a point 20 RDS N of E & W ¼ LI, TH E 40 RDS, N 520.5 feet to S LI of old US-16, TH NW'y ALG SD LI 693 feet, S 94.5 feet, W 1554 feet, S 42 feet, W 97 feet to beginning Section 30 T8N R13W 33.5 A M or L.
(ord. no.5 eff. Oct.11, 1978; amend. eff. March 23, 1999)

Sec. 2800.16 PARCEL NO. 70-06-28-100-004
REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

SW ¼ NW ¼ Section 28 T8 R13 40 A
(ord. no.5 eff. Oct.11, 1978; amend. eff. April 27, 1999)

Sec. 2800.17 PARCEL NO. 70-06-31-400-003
REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

SE ¼ OF SE ¼, EXC TH PART LYING E OF RD RUNNING ALG E SIDE & CATERING THRU SE COR
SEC31 T8N R13W
(ord. no.5 eff. Oct.11, 1978; amend. eff. May 25, 1999)

Sec. 2800.18 PARCEL NO. 70-06-34-300-010
REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

2.44 acres of parcel 70-06-34-300-010 as described: Part of the NW ¼ of the SW ¼ of Section 34, Town 8 N, Range 13 W, Wright Township, Ottawa County, MI, beginning on the W section line at a point being S 00 00' 00" a distance of 200 feet from the W ¼ corner of said Section 34; thence S 89 56' 18" E 528 feet parallel with the E/W ¼ line; thence S 00 00'00" a distance of 201.35 feet; thence N 89 56'18" W 528 feet; thence N 00 00'00" a distance of 201.35 feet along the W section line to the place of beginning.
(ord. no.5 eff. Oct.11, 1978; amend. eff. May 25, 1999)

Sec. 2800.19 PARCEL NO. 70-06-29-200-001
REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

All of N 42 RDS of N ½ NE ¼ EXC COM NE corner TH S 32 RDS, W 10 RDS, N 32 RDS, E 10 RDS TO BEG.
Section 29 T8 R13.
(ord. no.5 eff. Oct.11, 1978; amend. eff. June 22, 1999)

Sec. 2800.20 PARCEL NO. 70-06-34-400-012
REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

The S $\frac{3}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Town 8 N, range 13 W, Township of Wright, Ottawa County, MI, except part of the SE $\frac{1}{4}$ of Section 34, Town 8 N, range 13 W, described as; beginning at a point on the S line of Section 34, distant W 669.6 feet from the SE corner of Section 34 and proceeding thence W 650.4 feet; thence N 00 17' W 600 feet; thence E 258 feet to the centerline of Sand Creek; thence SE'ly along the centerline of Sand Creek to the place of beginning. Also except that part lying E of a line described as: beginning on the S line of said section at a point being N 90 00'00" W 548.29 feet from the SE corner of said Section 34; thence N 00 00'00" E 254.19 feet; thence N 14 42'55" W 1000 feet to the place of ending of said line.
(ord. no.5 eff. Oct.11, 1978; amend. eff. September 7, 1999)

Sec. 2800.21 **PARCEL NOS. 70-06-34-449-001;70-06-34-449-002;70-06-34-449-003;70-06-34-449-004;70-06-34-449-015;70-06-34-449-017;70-06-34-449-019;70-06-34-449-021;70-06-34-449-022;70-06-34-449-023;70-06-34-450-004; 70-06-34-450-009; 70-06-34-450-010; 70-06-34-450-020; 70-06-35-302-005; 70-06-35-302-006; 70-06-35-302-007;70-06-35-302-009;70-06-35-302-011;70-06-35-302-012;70-06-35-302-013; 70-06-35-305-001; 70-06-35-305-002; 70-06-35-305-003; 70-06-35-305-004; 70-06-35-305-005; 70-06-35-305-006; 70-06-35-305-007; 70-06-35-305-008; 70-06-35-305-009; 70-06-35-305-010; 70-06-35-305-011; 70-06-35-305-012; 70-06-35-305-013; 70-06-35-351-001; 70-06-35-351-002; 70-06-35-351-003; 70-06-35-351-004; 70-06-35-351-005; 70-06-35-351-006.**

REZONING FROM COMMERCIAL TO MARNE VILLAGE DISTRICT

Parcel No. 70-06-34-449-001

PART OF NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ COM AT NE COR, TH W 171.6 FT, S 514 FT TO NW COR OF LOT 97, PLAT OF BERLIN, TH NE'LY ALG W LI OF LOTS 98-99 OF SD PLAT TO E SEC LI, TH N TO BEG. SEC 34 T8N R13W 1.5 A.

Parcel No. 70-06-34-449-002

LOTS 98 & 99 PLAT OF BERLIN

Parcel No. 70-06-34-449-003

N 2 FT OF LOT 96 & ALL OF LOT 97. PLAT OF BERLIN

Parcel No. 70-06-34-449-004

LOT 96, EXC N 2 FT. PLAT OF BERLIN

Parcel No. 70-06-34-449-015

S 50 FT OF N 112 FT OF LOT 92, PLAT OF BERLIN, & ALSO PART OF NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ COM AT SW COR OF N 112 FT OF LOT 92, PLAT OF BERLIN, TH N'LY ALG W LI OF SD LOT 92 TO NW COR OF S 50 FT OF N 112 FT OF SD LOT, TH W'LY PAR TO STATE ST 48 FT, S 25 FT, E 30 FT, S 25 FT, E'LY TO BEG. SEC 34 T8N R13W & PLAT OF BERLIN

Parcel No. 70-06-34-449-017

N 24 FT OF LOT 93 & ALL OF LOT 94, ALSO PART OF LOT 95 COM 49.5 FT E OF SW COR OF LOT 95, TH W 49.5 FT, TH N 3 FT, TH SE'LY TO BEG. PLAT OF BERLIN

Parcel No. 70-06-34-449-019

N 22.79 FT OF LOT 93, ALSO LOTS 94 & 95 PLAT OF BERLIN, ALSO PART OF NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ COM NW COR OF LOT 95 PLAT OF BERLIN, TH W 119 FT M/L TO CEN LI SAND CREEK, S'LY ALG SD CEN LI TO

INTERS OF SD CEN LI SAND CREEK & EXTENDED S LI OF N 22.79 FT OF LOT 93 PLAT OF BERLIN, TH E 178 FT M/L TO W'LY LI OF PLAT OF BERLIN, TH N'LY ALG W LI OF LOTS 93,94 & 95 TO BEG. PLAT OF BERLIN & SEC 34 T8N R13W

Parcel No. 70-06-34-449-021

LOT 92 EXC N 112 FT, PLAT OF BERLIN, ALSO PART OF NE ¼ OF SE ¼ COM N 850 17M W 117 FT FROM INTERS OF WATER ST & STATE ST, TH N 85D 17M W 75 FT ALG CEN LI OF STATE ST, TH N 109 FT TH S 85D 17M E 45 FT, S 25 FT, S 85D 17M E 30 FT, TH S 25 FT, E'LY TO W LI OF PLAT OF BERLIN, TH S'LY ALG SD LI TO BEG. SEC 34 T8N R13W

Parcel No. 70-06-34-449-022

PART OF LOT 93 PLAT OF BERLIN & PART OF SE ¼ SEC 34 COM SE COR OF N 22.79 FT OF LOT 93, TH S 36.4 FT ALG E LI OF LOT 93, TH W 60.76 FT, S .5 FT, TH W 257 FT M/L TO CEN LI OF SAND CREEK, TH NE'LY 55 FT M/L ALG SD CEN LI TO ITS INTERSECTION WITH A LI RUNNING W FROM BEG, TH E ALG S LI OF N 22.79 FT OF LOT 93 277 FT M/L TO BEG. PLAT OF BERLIN & SEC 34 T8N R13W

Parcel No. 70-06-34-449-023

PART OF LOTS 92 & 93 PLAT OF BERLIN & PART OF SE ¼ OF SEC 34 COM ON CEN LI OF STATE ST N 85D 17M W 190 FT FROM INTERS OF CEN LI OF STATE ST & CEN LI OF WATER ST (NOW 16TH AVE), TH N 109 FT, S 85D 17M E 45 FT, TH S 84D 52M 13S E 29.25 FT, E 82.37 FT ALG S LI ON N 62 FT OF LOT 92, TH N 68.81 FT ALG E LI OF LOTS 92 & 93 TO SE COR OF N 59.19 FT OF SD LOT 93, TH W 60.76 FT, S .5 FT, TH W 257 FT M/L TO CEN LI OF SAND CREEK, TH SE'LY ALG SD CEN LI TO CEN LI OF STATE ST, TH S 85D 17M E 35 FT M/L ALG CEN LI OF STATE ST TO BEG. PLAT OF BERLIN & SEC 34 T8N R13W

Parcel No. 70-06-34-450-004

PART OF NE 1/4 OF SE 1/4 COM NW COR OF LOT 3, PLAT OF BERLIN, TH N 85D14M W ALG CEN LI OF STATE ST TO PT 317.64 FT FR INTERS OF CEN LI OF STATE ST & CEN LI OF WATER ST, TH S ODO4M E 243.32 FT PAR TO E SEC LI TO N'LY LI OF CONSUMERS POWER R/W, TH S 69D30M E TO W LI OF PLAT OF BERLIN, TH N ALG SD W LI TO BEG. SEC 34 T8N R13W
.9 A

Parcel No. 70-06-34-450-009

PART OF LOT 5 COM 90 FT S OF NW COR, TH N 90 FT TO NW COR, TH E'LY ALG N LI 132 FT, TH S 151.5 FT, TH NW'LY TO PT DESC AS BEING 96.5 FT S & 11 FT W FR NE COR OF SD LOT, TH W'LY TO BEG. PLAT OF BERLIN

Parcel No. 70-06-34-450-010

PART OF LOT 5 COM AT SE COR, TH N 13.5 FT, TM NW'LY TO A PT ON W BOUNDARY OF SD LOT 75 FT N OF SW COR, TH S 75 FT TO SW COR, TH E'LY TO BEG. PLAT OF BERLIN

Parcel No. 70-06-34-450-020

LOTS 1 THUR 4. PLAT OF BERLIN

Parcel No. 70-06-35-302-005

LOT 27 PLAT OF BERLIN

Parcel No. 70-06-35-302-006

LOTS 25 & 36 PLAT OF BERLIN

Parcel No. 70-06-35-302-007

LOT 24 PLAT OF BERLIN

Parcel No. 70-06-35-302-009
LOT 30 & S 66 FT OF LOT 31 LYING E'LY OF US-16. PLAT OF BERLIN

Parcel No. 70-06-35-302-011
LOT 28 LYING E'LY OF US-16 & LOT 29. PLAT OF BERLIN

Parcel No. 70-06-35-302-012
LOTS 34 & 35 LYING SE'LY OF US-16. PLAT OF BERLIN

Parcel No. 70-06-35-302-013
LOT 33, ALSO LOT 31 LYING SE'LY OF US-16, EXC S 66 FT. PLAT OF BERLIN

Parcel No. 70-06-35-305-001
LOTS 22 & 23 PLAT OF BERLIN

Parcel No. 70-06-35-305-002
LOTS 20 & 21 PLAT OF BERLIN

Parcel No. 70-06-35-305-003
LOT 19 PLAT OF BERLIN

Parcel No. 70-06-35-305-004
LOT 18 PLAT OF BERLIN

Parcel No. 70-06-35-305-005
LOT 16 & N 12 FT OF LOT 15 PLAT OF BERLIN

Parcel No. 70-06-35-305-006
LOT 17 & N 12 FT OF LOT 14 PLAT OF BERLIN

Parcel No. 70-06-35-305-007
PART OF LOTS 13,14 & 15 COM ON E LI OF STATE ST 66 FT NW'LY OF TH MOST S'LY COR OF LOT 13, TH NW'LY ALG STATE ST TO SW COR OF LOT 15, TH N 54 FT, TH E 264 FT TO E LI OF LOT 14, TH S 54 FT, TH W 140.3 FT, TH NW'LY PAR TO STATE ST 26.8 FT, TH SW'LY 100 FT TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-305-008
PART OF LOTS 13 & 15 COM ON E LI OF STATE ST AT MOST S'LY COR OF LOT 13, TH NW'LY ALG STATE ST 66 FT, TH NE'LY 100 FT PAR TO SE'LY LI OF LOT 13, TH SE'LY PAR TO STATE ST 66 FT, TH SW'LY 100 FT TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-305-009
PART OF LOTS 11,12 & 13 COM NE COR OF LOT 11, TH N TO NE COR OF LOT 13, TH W 140.3 FT, TH S 35D24M E 33FT, TH SW'LY TO NW COR OF LOT 12, TH S 35D24M E 43 FT, TH N 54D36M E TO S LI OF LOT 13, TH E TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-305-010
PART OF LOTS 11 & 12 COM ON E LI OF STATE ST 10 FT SE'LY OF TH MOST S'LY COR OF LOT 12, TH NE'LY 80 FT PAR TO TH SE'LY LI OF LOT 12, TH NW'LY PAR TO STATE ST 43 FT, TH SW'LY 80 FT ALG NW'LY LOT LI OF LOT 12, TH SE'LY ALG STATE ST 43 FT TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-305-011

PART OF LOTS 10 & 11 COM N 35D24M W 32 FT FR MOST S'LY COR OF LOT 10, TH N 54D36M E 80 FT, TH N 35D24M W 31.5 FT, TH N 54D36M E TO E LI OF LOT 10, TH N TO SE COR OF LOT 13, TH W ON MOST N'LY LI OF LOT 11 TO PT BEING N 35D24M W 56 FT FR SE'LY LI OF LOT 11, TH S 54D36M W TO PT BEING S 35D24M E 10 FT & N 54D36M E 70 FT FR MOST W'LY COR OF LOT 11, TH S 35D24M E 44 FT, TH S 54D36M W 70 FT, TH S 35D24M E 46 FT TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-305-012

PART OF LOT 11 COM N 35D24M W 12 FT FR MOST S'LY COR OF LOT 11, TH N 35D24M W 44FT, TH N 54D36M E 70 FT, TH S 35D24M E 44 T, TH S 54D36M W 70 FT TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-305-013

LOTS 8 & 9 & PART OF LOT 10 COM MOST S'LY COR OF LOT 10, TH N 35D24M W 32 FT, TH N 54D36M E 80 FT, TH N 35D24M W 31.5 FT, TH N 54D36M E TO E LI OF LOT 10 TH S'LY TO MOST N'LY COR OF LOT 9 TH SW'LY TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-351-001

LOT 6, EXC COM SW COR, TH N'LY ON W LOT LI 30 FT, TH N 71D22M E 128 FT TO E SIDE OF LOT, TH S 37D44M E 89.8 FT TO SE COR OF LOT, TH W ALG S LI TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-351-002

COM AT SW COR OF LOT 6, TH ALG W LI OF SD LOT N 30 FT, TH N 71D22M E 128.6 FT TO E LI OF SD LOT, TH S 37D44M E 70 FT ALG E LI OF SD LOT, TH S 77D57M W 74.6 FT TO S LI OF SD LOT, TH W 91.4 FT TO BEG & BEING FART OF LOT 6. PLAT OF BERLIN

Parcel No. 70-06-35-351-003

PART OF LOT 6 COM AT SE COR, TH NW'LY ALG NE'LY LI OF SD LOT 19.8 FT, TH SE'LY 74.6 FT TO A PT ON S LI OF SD LOT 85.5 FT W OF BEG, TH E TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-351-004

PART OF LOT 7 COM AT NW COR, TH S 20 FT, TH SE'LY TO A PT ON E BOUNDARY 57.2 FT SE'LY OF NE COR OF SD LOT, TH NW'LY 57.2 FT TO NE COR, TH W ALG N SIDE TO BEG. PLAT OF BERLIN

Parcel No. 70-06-35-351-005

PART OF LOT 7 & PART OF SW ¼ OF SEC 35 COM 29.4 FT N OF SW COR OF LOT 7, TH S 70D25M E 278 FT TO STATE RD, TH N 36D10M W 100.1 FT, TH NW'LY TO PT ON W LI OF SD LOT 20 FT S OF NW COR, TH S 16.6 FT TO BEG, OWNED & OCCUPIED AS ONE PARCEL. PLAT OF BERLIN

Parcel No. 70-06-35-351-006

A STRIP OF LAND 33 FT WIDE BEING 16.5 FT ON EACH SIDE OF FOL DESC CEN LI, COM ON W LI OF SEC 35 1296.95 FT N OF SW COR, TH S 71D 26 M E 400 FT M OR L TO CEN OF STATE RD BEING PART OF LOT 7, VIL OF BERLIN & PART OF SW ¼ SEC 35, OWNED & OCCUPIED AS ONE PARCEL. PLAT OF BERLIN .6 A MOR L

(ord. no.5 eff. Oct.11, 1978; amend. eff. Nov. 30, 1999)

Sec. 2800.22 **PARCEL NO. 70-06-28-200-009**

REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

The NW ¼ of the NE ¼, except the W 330 ft, also except the E 330 ft of the W 660 ft of the N 396 ft, also the N 43 ft of the E 20 ft of the SW ¼ of the NE ¼, SEC 28 T8N, R13W, Wright Township, Ottawa County, MI

(ord. no.5 eff. Oct.11, 1978; amend. eff. May 23, 2000)

Sec. 2800.23 **PARCEL NO. 70-06-29-100-003**
REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.
NE ¼ OF NW ¼ OF NW ¼, EXC PARCEL IN NW COR BEING 313 FT E & W BY 278.3 FT N & S. SEC 29
T8N R13.
(ord. no.5 eff. Oct.11, 1978; amend. eff. July 25, 2000)

Sec. 2800.24 **PARCEL NOS. 70-06-28-300-001; 70-06-28-300-003; 70-06-29-100-005**
REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL.

Parcel No. 70-06-28-300-001
NW ¼ OF SW ¼ SEC 28 T8 R13

Parcel No. 70-06-28-300-003
SW ¼ OF SW ¼ N OF G.T.R.R. EXC A STRIP 49.5 FT WIDE N OF & ADJ TO SD RR SEC 28 T8 R13

Parcel No. 70-06-29-100-005
NW ¼ OF NW ¼ OF NW ¼, EXC N 12 RDS. SEC 29 T8 R13
(ord. no.5 eff. Oct.11, 1978; amend. eff. August 22, 2000)

Sec. 2800.25 **PARCEL NOS. 70-06-34-200-015; 70-06-34-400-005; 70-06-34-400-007; 70-06-34-400-021**
REZONING FROM AGRICULTURAL TO FAIR GROUNDS DISTRICT

Parcel No. 70-06-34-200-015
Part of E ½ SEC 34 T7N R13W COM N ¼ COR, TH S 0D 08M 18S E 1905.15 FT & S 45D 38M 22S E 266.01 FT
ALG S'LY LI OF BERLIN FAIR DR TO PT OF BEG, TH S 45D 39M 22D E 1422.21 FT ALG SD LI, TH N 85D
56M W 1203.98 FT, N 0D 09M 43S W 419.23 FT ALG N&S ¼ LI TO NW COR OF SE ¼, TH N 0D 08M 18S W
309.73 FT ALG N&S ¼ LI TO PT 8 0D 08M 18S W 450 FT FROM INTERS N&S ¼ LI & S'LY LI BERLIN
FAIR DR, TH N 35D 36M 42S E 324.75 FT TO BEG. SEC 34 T8N R13W.

Parcel No. 70-06-34-400-005
Part of E ½ OF SE ¼ COM AT INTERS OF US-16 & E 1/8 LI, TH S 1148 FT, TH E 551 FT TO CEN OF US-16,
TH NW'LY ALG CEN OF US-16 TO BEG, EXC COM 272 FT N, 14D27M W ALG US-16 FR S LI OF NE ¼ OF
SE ¼, TH W 282.08 FT, N 0D30M E 258 FT, N 35D09M E 118.8 FT TO US-16, TH SE'LY ALG RD CEN LI
419.3 FT TO BEG. SEC 34 T8N R13W.

Parcel No. 70-06-34-400-007
N 339 FT OF E ½ OF SW ¼ OF SE ¼, EXC W 16.5 FT. SEC 34 T8N R13W

Parcel No. 70-06-34-400-021
S ¾ OF NW ¼ OF SE ¼ LYING SW'LY OF US-16, EXC N 90 FT. SEC 34 T8N R13W
(ord. no.5 eff. Oct.11, 1978; amend. eff. Jan. 15, 2002)

Sec. 2800.26 **PARCEL NOS. 70-06-26-100-001; 70-06-26-100-002; 70-06-26-100-007; 70-06-26-100-011; 70-06-26-100-012; 70-06-26-100-019; 70-06-26-100-024; 70-06-26-100-025; 70-06-26-100-026; 70-06-26-100-029; 70-06-26-100-030; 70-06-26-300-004; 70-06-26-300-019; 70-06-26-300-022; 70-06-26-300-033; 70-06-26-300-034; 70-06-26-300-039; 70-06-26-300-040; 70-06-27-200-002; 70-06-27-200-004; 70-06-27-200-005; 70-06-27-200-006; 70-06-27-200-008; 70-06-27-200-012; 70-06-27-200-017; 70-06-27-200-018; 70-06-27-400-004; 70-**

**06-27-400-005; 70-06-27-400-006; 70-06-27-400-007; 70-06-27-400-010; 70-06-27-400-011;
70-06-27-400-014; 70-06-27-400-015; 70-06-27-400-016; 70-06-27-400-017**
REZONED FROM LOW DENSITY RESIDENTIAL AND AGRICULTURAL TO ALL
AGRICULTURAL.

PARCEL NO. 70-06-26-100-001

W 5 A OF N 38 A OF NW ¼ SEC 26 T8N R13W 5 A

PARCEL NO. 70-06-26-100-002

E ½ W 10 A OF N 38 A NW ¼ SEC.26 T8 R13 5A

PARCEL NO. 70-06-26-100-007

COM 38 RDS S OF NW COR TH E 196 FT, S 102 FT W 196 FT N 102 FT TO BEG. SEC.26 T8 R13 .6A

PARCEL NO. 70-06-26-100-011

S 100FT OF N ½ OF NW ¼ LYING W'LY OF PENN R.R. R/W. SEC26 T8R13W 5.7A

PARCEL NO. 70-06-26-100-012

N 150 FT OF W ¾ OF S ½ OF NW ¼. SEC. 26 T8 R13W 7A

PARCEL NO. 70-06-26-100-019

S 364.4 FT OF NW ¼ SEC 26 T8 R13W 22A

PARCEL NO. 70-06-26-100-024

S 331.3 FT OF N 706.66 FT OF W ¾ OF S ½ OF NW 1/4 , ALSO PART OF S ½ OF NW ¼ COM 364.4 FT N OF
W ¼ COR, TH E 2640 FT, N 298 FT, W 660 FT, S 44 FT, W 1980 FT, TH S 254 FT TO BEG, EXE COM NE
COR, TH W ALG N LI OF PARCEL 62.46 FT, TH S 35D13M30S E 100.94 FT TO N & S ¼ LI, TH N ALG N &
S ¼ LI 78.72 FT TO BEG. SEC 26 T8N R13W 30.5 A

PARCEL NO. 70-06-26-100-025

PART OF S ½ OF NW ¼ COM 150 FT S OF NW COR, TH S 195.3 FT, E 266 FT, N 195.3 FT, TH W 266 FT TO
BEG. SEC 26 T8N R13W 1.19A

PARCEL NO. 70-06-26-100-026

S 225.3 FT OF N 375.3 FT OF W ¾ OF S ½ OF NW ¼ EXC N 195.3 FT OF W 266 FT. SEC 26 T8N R13W 8.81A

PARCEL NO. 70-06-26-100-029

PART OF NW ¼ OF NW ¼ COM 729 FT S OF NW COR, TH S 20 FT, E 196 FT, N 82D 46M 20S E 97.92 FT, N
108 FT, W 97.15 FT, S 102 FT, W 196 FT TO BEG. SEC 26 T8N R13W

PARCEL NO. 70-06-26-100-030

PART NW ¼ NW ¼ COM 749 FT S OF NW COR, TH S 571 FT, E 769.8 FT, N 693 FT, W 476.65 FT, S 108 FT,
S 82-46-20 W 97.92 FT, TH W 196 FT TO BEG. SEC 26 T8 R13

PARCEL NO. 70-06-26-300-004

PART SW ¼ SW ¼ COM 643.9 FT N OF SW COR, TH N 213 FT, TH E PART TO S LI TO E LI, TH S 175.4 FT,
TH W 511.5 FT, TH S 37.6 FT, TH W TO BEG. SEC 26 T8 R13 6.5 A

PARCEL NO. 70-06-26-300-019

PART N ½ SW ¼ COM W ¼ COR TH E ALG E & W ¼ LI 2220 FT, TH S 645.78 FT, W 899.99 FT, S 145 FT, W
1320 FT, N ALG W SEC LI 794.17 FT TO BEG. SEC 26 T8 R13 37.48 a

PARCEL NO. 70-06-26-300-022

PART OF N ½ OF SW ¼ COM 794.17 FT S OF W ¼ COR, TH E 330 FT, S 200 FT, W 330 FT, N 200 FT TO BEG. SEC 26 T8N R13W 1.515 A

PARCEL NO. 70-06-26-300-033

PART OF SW ¼ OF SW ¼ COM N 0D 02M 10S W 856.9 FT FROM SW SEC COR, TH N 0D 02M 10S W 234.08 FT, S 89D 55M 06S E 433 FT, S 0D 02M 10S E 233.46 FT, TH W 433 FT TO BEG. SEC 26 T8N R13W 2.32A

PARCEL NO. 70-06-26-300-034

PART OF SW ¼ OF SW ¼ COM S 0D 02M 10S E 1323.98 FT FROM W ¼ COR, TH S 89D 55M 06S E 433 FT ALG N LI OF S 1/3 OF SW 1/4 , TH S 0D 02M 10S E 233 FT, N 89D 55M 06S W 433 FT. TH N 0D 02M 10S W 233 FT TO BEG. SEC 26 T8N R13W 2.32A

PARCEL NO. 70-06-26-300-039

S 33D FT OF N ½ OF SW ¼ EXC COM SW COR, TH N 190 FT, S 89D 52M 54S E 1150 FT, S 190 FT, N OF N ½ OF SW ¼, TH N 190 FT TO BEG. SEC 26 T8N R13W 14.91 A

PARCEL NO. 70-06-26-300-040

PART FO SW ¼ COM 1134.15 FT S OF W ¼ COR, TH S 89D 52M 54S E 1150 FT, S 190 FT, N 89D 52M 54S W 1150 FT ALG S LI OF N ½ OF SW ¼, TH N 190 FT TO BEG. SEC 26 T8N R13W 5.02A
S 330 FT OF N ½ SW ¼ SEC 26 T8 R13 20 A

PARCEL NO. 70-06-27-200-002

PART OF N ½ OF NE ¼ COM 410 FT E OF NW COR, TH S PAR TO N & S ¼ LI TO N 1/8 LI, TH E ALG SD N 1/8 LI TO E SEC LI, TH N 100 FT, TH W PAR WI N 1/8 LI TO PT 660 FT W OF N & S ¼ LI, TH N PAR TO N & S ¼ LI TO N SEC LI, TH W 250 FT TO BEG. SEC 27 T8N R13W 12.2 A

PARCEL NO. 70-06-27-200-004

NE ¼ OF NE ¼ OF NE ¼, EXC COM SE COR, TH W 16 RDS, N 10 RDS, E 16 RDS, S 10 RDS TO BEG. SEC 27 T8NR13W 9A

PARCEL NO. 70-06-27-200-005

PART NE ¼ NE ¼ COM SE COR, TH W 16 RDS, N 10 RDS, E 16 RDS, S 10 RDS TO BEG. SEC 27 T8 R13 1 A

PARCEL NO. 70-06-27-200-006

N 150 FT OF S ½ OF NE ¼, EXC W 410 FT. SEC 27 T8NR13W

PARCEL NO. 70-06-27-200-008

S ½ NE ¼ EXC COM 410 FT E OF NW COR, TH E TO NE COR, TH S ALG E SEC LI 150 FT, TH W PAR TO N 1/8 LI TO PT S OF BEG. TH N 150 FT TO BEG, ALSO NW ¼ SE ¼, ALSO N ½ NE ¼ SE 1/4 , ALSO N ½ NE ¼ SE ¼, ALSO NW ¼ SE ¼ SEC27 T8 R14 132.31 A

PARCEL NO. 70-06-27-200-012

PART OF NE ¼ COM 962.87 FT S OF NE SEC COR, TH S 262 87 FT, N 89D 28M 25S W 1989.59 FT, N 0D 25M 36S E 262.52 FT, TH S 89D 29M E 1987.63FT TO BEG. SEC27 T8NR13W 11.99A
N ½ NE ¼ EXC COM NE COR, TH W 880 FT. S 198 FT, E 220 FT, S 462 FT, E 660 FT, N 660 FT TO BEG.
ALSO EXC COM 410 FT E OF NW COR, TH S PAR TO N & S ¼ LIN TO N 1/8 LI, TH E ALG SD N 1/8 LI TO E SEC LI, TH N 100FT. TH W PAR WITH N1/8 LI TO PT 660 FT W OF N & S ¼ LI, TH N PAR TO N & S ¼ LI TO N SEC LI, TH W 250 FT TO BEG.

PARCEL NO. 70-06-27-200-017

12/31/2003

PART OF NE ¼ COM 662.87 FT S OF NE SEC COR, TH S 150 FT, N 89D 29M W 600 FT, N 150 FT, TH S 89D 29M E 600 FT TO BEG. SEC 27 T8N R13W 2.07 A

PARCEL NO. 70-06-27-200-018

PART OF NE ¼ COM 812.87 FT S OF NE SEC COR, TH S 150 FT, N 89D 29M W 661.35 FT, N 300 FT, TH S 89D 29M E 61.35 FT, S 150 FT, TH S 89D 29M E 600 FT TO BEG. SEC 27 T8N R13W 2.49A

PARCEL NO. 70-06-27-400-004

PART OF S ½ OF NE ¼ OF SE ¼ COM SE COR, TH N 130 FT, W 330 FT, S 130 FT, E 330 FT TO BEG. SEC 27 T8N R13W 1A

PARCEL NO. 70-06-27-400-005

N ½ OF N ½ OF S ½ OF SE ¼ . SEC 27 T8N R13W 20 A

PARCEL NO. 70-06-27-400-006

N ½ S ½ N ½ S ½ SE ¼ SEC 27 T8 R13 10 A

PARCEL NO. 70-06-27-400-007

S1/4 N ½ S ½ SE ¼ SEC 27 T8 R13 10 A

PARCEL NO. 70-06-27-400-010

PART OF SE ¼ OF SE ¼ COM 662.05 FT N & S 89D 59M 15S W 33 FT FROM SE SEC COR, TH S 124 FT, S 89D 59M 15S W 845.22 FT, N 124 FT, TH ALG N LI OF S ½ OF S ½ OF SE ¼ N 89D 59M 15S E 845.22 FT TO BEG. SEC 27 T8N R13W 2.4A

PARCEL NO. 70-06-27-400-011

PART OF SE ¼ OF SE ¼ COM 414.05 FT N & S 89D 59M 15S W 33 FT FROM SE SEC COR, TH S 89D 59M 15S W 845.22 FT, N 124 FT, N 89D 59M 15S E 845.22 FT, TH ALG W LI OF 16TH ST 124 FT TO BEG. SEC 27 T8N R13W 2.4A

PARCEL NO. 70-06-27-400-014

S ½ OF NE ¼ OF SE ¼ EXC COM NE COR, TH W 435.6 FT, S 200FT, E 435.6 FT, TH N ALG E SEC LI TO BEG, ALSO EXC COM SE COR SD S ½ OF NE ¼ OF SE ¼, TH N 130 FT, W 330 FT, S 130 FT, TH E 330 FT TO BEG. SEC 27 T8N R13W 17A

PARCEL NO. 70-06-27-400-015

PART OF S ½ OF NE ¼ OF SE ¼ COM NE COR, TH W 435.6 FT, S 200 FT, E 435.6 FT, TH N ALG E SEC LI TO BEG. SEC 27 T8N R13W 2A S ½ NE ¼ SE ¼ EXC CON SE COR, TH N 130 FT, W 330 FT, S 130 FT, E 330 FT TO BEG. SEC 27 T8 R13 19A

PARCEL NO. 70-06-27-400-016

(NO LEGAL ON FILE)

PARCEL NO. 70-06-27-400-017

E 415 FT OF S 160 FT OF S ½ OF S ½ OF SE ¼ SEC 27 T8N R13W S ¼ SE ¼ EXC COM NE COR, TH S 248 FT. W 878.22 FT. N 248 FT, E 878.22 FT TO BEG. SEC 27 T8 R13 35A
(ord. no.5 eff. Oct.11, 1978; amend. by ord. 75, eff. Dec. 3, 2002)

Sec. 2800.27 Parcel No. 70-06-34-400-004

REZONING FROM AGRICULTURAL DISTRICT TO BERLIN FAIRGROUNDS DISTRICT.

All of parcel 70-06- 34-400-004 , described as Part of the E ½ of SE ¼ Com 272 FT N 14D27M W ON CEN OF US-16 FR S LI OF NE ¼ OF SE ¼, TH W 282.08 FT N 0D30M E 258 FT, N 35D09M E 118.8 FT TO US-16, TH SE'LY ALG RD OF CEN LI 419.3 FT TO BEG. SEC 34 T8 R13.
(ord. no.5 eff. Oct.11, 1978; amend. by ord. 84, eff. Nov.25, 2003)

Sec. 2800.28 Parcel No. 70-06-02-200-005
ZONING CORRECTED FROM COMMUNITY COMMERCIAL TO AGRICULTURAL.
PART OF SE ¼ OF NE ¼ COM 280.5 FT W OF SE COR, TH W 107.25 FT, N 198 FT, E 107.25 FT, S 198 FT TO BEG. SEC 2 T8N R13W
(ord. no.5 eff. Oct.11, 1978; clarified by Zoning Board of Appeals, eff. Nov. 24, 2003)

Sec. 2800.29 Parcel No. 70-06-02-200-006
ZONING CORRECTED FROM COMMUNITY COMMERCIAL TO AGRICULTURAL.
PART OF SE ¼ OF NE ¼ COM 11 RDS W OF E ¼ COR, TH W 99 FT, N 198 FT, E 99 FT, S 198 FT TO BEG. SEC 2 T8N R13W.
(ord. no.5 eff. Oct.11, 1978; clarified by Zoning Board of Appeals, eff. Nov. 24, 2003)

Sec. 2800.30 Parcel No. 70-06-35-351-007
ZONING CORRECTED FROM COMMUNITY COMMERCIAL TO VILLAGE DISTRICT
PART OF SW ¼ SEC 35 & PART OF LOT 7 PLAT OF BERLIN COM ON E R/W LI OF WATER ST N 1134.5 FT & E 10.18 FT FROM SW COR SEC 35 TH ALG SD E LI OF WATER ST N 02D 35M 06S E 103.34 FT, TH ALG S'LY LI OF FORMER GR RR R/W S 69D 32M 18S E 295.5 FT, TH S 89D 59M 16S W 158.6 FT, TH W 122.82 FT TO BEG. SEC 35 T8N R13W & PLAT OF BERLIN.
(ord. no.5 eff. Oct.11, 1978; clarified by Zoning Board of Appeals, eff. Nov. 24, 2003)

Sec. 2800.31 Parcel No. 70-06-35-300-018, 025
ZONING MAP CLARIFIED: The line dividing the Medium Density and Low Density zones should follow the property line between Parcel No. 70-06-35-300-018 and Parcel No. 70-06-35-300-025.
(ord. no.5 eff. Oct.11, 1978; clarified by Zoning Board of Appeals, eff. Nov. 24, 2003)

Sec. 2800.32 Parcel No. 70-06-26-300-009, 70-06-26-300-012, 70-06-26-300-015, 70-06-26-300-026, 70-06-26-300-028, 70-06-26-300-030, 70-06-26-300-031, 70-06-26-400-007, 70-06-26-400-009, 70-06-26-400-014, 70-06-26-400-016, 70-06-26-400-018, 70-06-26-400-019, 70-06-26-400-020, 70-06-35-200-001, 70-06-35-200-002, 70-06-35-200-004, 70-06-35-200-006, 70-06-35-200-011, 70-06-35-200-012.

DEPTH OF LOW DENSITY DETERMINED TO BE 230 FEET FROM GARFIELD ST.
RIGHT OF WAY FOR ALL THE ABOVE LISTED PARCELS.

70-06-26-300-009
PART SW ¼ SW ¼ COM 980.5 FT E OF SW COR, TH N 681.5 FT, TH W 169.08 FT, TH S 37.6 FT, TH W 31.02 FT, TH S 643.9 FT, TH E 200 FT TO BEG.

Sec. 26 T8 R13 3 A

70-06-26-300-012

TH W 330 FT OF E 907.5 FT OF S 660 FT OF SE ¼ SW ¼

Sec. 26 T8N R13W 5 A

70 06 26 300 015

12/31/2003

PART OF SW ¼ OF SW ¼ COM 980.5 FT E OF SW COR, TH E TO PT 144.3 FT W OF SE COR OF SW ¼ OF SW ¼, TH N 681.5 FT, W 198.12 FT, S 681.5 FT TO BEG. SEC 26 T8N R13W 3.1 A

70 06 26 300 026

PART OF SW ¼ COM SE COR OF SW ¼ OF SW ¼, TH W 144.3 FT, N 681.5 FT, E 200 FT, S 681.5 FT, W 55.7 FT TO BEG. SEC 26 T8N R13W

70 06 26 300 028

SE ¼ SW ¼ EXC W 55.7 FT OF S 681.5 FT, ALSO EXC E 577.5 FT ALSO EXC S 660 FT OF W 330 FT OF E 907.5 FT. SEC.26, T8N, R13W 16.63A

70 06 26 300 030

E 577.5 FT OF SE ¼ OF SW ¼ EXC E 200 FT OF S 660 FT. SEC 26 T8N R13W 14.5A

70 06 26 300 031

E 200 FT OF S 660 FT OF SE ¼ OF SW ¼. SEC 26 T8NR13W 3A

70 06 26 400 007

S 208.71 FT OF W 208.71 FT OF E 1099.71 FT OF SE ¼. SEC 26 T8 R13 1 A.

70 06 26 400 009

S 208.71 FT OF W 208.71 FT OF E 1308.42 FT OF SE ¼. SEC 26 T8N R13W.

70 06 26 400 014

W 208.71 FT OF S 208.71 FT OF E 1517.13 FT OF SE ¼. SEC 26 T8N R13W .96A

70 06 26 400 016

PART OF S 37/40 OF SE ¼ W OF GR&I RR COM 891 FT W OF SE SEC COR, TH N 03D 07M 30S E 1012.21 FT, TH N 35D 13M 30S W 1837.31 FT TO N LI OF SD 37/40 OF SE ¼, TH W ALG SD N LI TO N&S ¼ LI, TH S ALG N&S ¼ LI TO S SEC LI, TH E ALG S SEC LI TO BEG, EXC S 313.07 FT OF E 834.84 FT, ALSO PART OF SE ¼ OF SE ¼ W OF GR&I RR COM SE COR, TH W ALG S SEC LI 541 FT, TH N 03D 07M 30S W 991.81 FT TO SW'LY LI OF A STRIP 100 FT WIDE W OF & ADJ TO SD RR, TH SE'LY ALG SD STRIP TO E SEC LI, TH S ALG SD E LI TO BEG. SEC 26 T8N R13W. 82.17 A

70 06 26 400 017

PART OF SE ¼ COM SE COR, TH N 88D 20M 49S W 1571.13 FT & N 01D 10M 46S E 208.71 FT TO PT OF BEG, TH N 01D 10M 46S E 104.36 FT, N 88D 20M 49S W 208.71 FT, S 01D 10M 46S W 313.07 FT, TH S 88D 20M 49S E 108.71 FT, N 01D 10M 46S E 208.71 FT, TH S 88D 20M 49S E 100FT TO BEG. SEC 26 T8N R13W 1.02A

70 06 26 400 018

PART OF SE ¼ COM SE SEC COR, TH N 88D 20M 49S W 1308.42 FT & N 01D 10M 46S E 208.71 FT TO PT OF BEG, TH N 01D 10M 46S E 104.36 FT, N 88D 20M 49S W 208.71 FT, TH S 01D 10M 46S W 104.36 FT, TH S 88D 20M 49S E 208.71 FT TO BEG. SEC26 T8N R13W .50A

70 06 26 400 019

PART OF SE ¼ COM SE SEC COR, TH N 88D 20M 49S W 1099.71 FT & N 01D 10M 46S E 208.71FT TO PT OF BEG, TH N 01D 10M 46S E 104.36 FT, N 88D 20M 49S W 208.71 FT, TH S 01D 10M 46S W 104.36 FT, TH S 88D 20M 49S E 208.71 FT TO BEG. SEC 26 T8N R13W .50A

70 06 26 400 020

12/31/2003

PART OF SE ¼ COM SE SEC COR, TH N 88D 20M 49S W 891 FT & N 01D 10M 46S E 208.71 FT TO PT OF BEG, TH N 01D 10M 46S E 104.36 FT, N 88D 20M 49S W 208.71 FT, S 01D 10M 46S W 104.36 FT, TH S 88D 20M 49S E 208.71 FT TO BEG. SEC 26 T8N R13W .50A

70 06 35 100 004

PART OF NE ¼ OF NW ¼ COM AT NW COR TH E 18 RDS S 40 RDS E 14 RDS S 40 RDS W 32 RDS N 80 RDS TO BEG. SEC 35 T8N R13 12.5 A

70 06 35 100 005

E 250 FT OF W 547 FT OF N 660 FT OF NE ¼ OF NW ¼ SEC 35 T8N R13 3.8A

70 06 35 100 006

N 660 FT OF NE ¼ OF NW ¼ , EXC E 495 FT, ALSO EXC W 547 FT SEC 35 T8N R13 4.2 A

70 06 35 100 007

TH W 350 FT OF TH E 495 FT OF N 660 FT OF NE ¼ OF NW ¼. SEC 35 T8N R13W 5.3 A

70 06 35 100 008

PART OF NE ¼ COM NE COR, TH S 80 RDS, W 48 RDS, N 40 RDS, E TO PT 145 FT W OF N & S ¼ LI, TH N 660 FT, TH E 145 FT TO BEG. SEC 35 T8N R13 14.2 A

70 06 35 200 001

TH N 253 FT OF W 120 FT OF NW ¼ NE ¼. SEC 35 T8N R13 .7A

70 06 35 200 002

W 52 RDS OF NW ¼ OF NE ¼, EXC TH N 253 FT OF W 120 FT THEREOF.
SEC 35 T8N R13W 25.3 A

70 06 35 200 004

NE ¼ OF NE ¼ , EXC E 891 FT. SEC 35 T8N R13W 13.6 A

70 06 35 200 005

Consumers Power Co

70 06 35 200 006

E 541 FT OF NE ¼ NE ¼ SEC 35 T8N R13 16.4A

70 06 35 200 011

E 462 FT OF NW ¼ NE ¼ EXC E 170 FT OF N 512 FT. SEC 35 T8N R13W

70 06 35 200 012

E 170 FT OF N 512 FT OF NW ¼ OF NE ¼ . SEC 35 T8N R13W

(ord. no.5 eff. Oct.11, 1978; clarified by Zoning Board of Appeals, eff. Nov. 24, 2003)

9/6/2005

Sec. 2800.33 **Parcel No. 70-06-35-200-006.**

DEPTH OF LOW DENSITY DETERMINED TO BE 230 FEET FROM 8TH AVE. RIGHT OF WAY FOR THE ABOVE LISTED PARCEL.

70-06-35-200-006

E 541 FT OF NE ¼ NE ¼ SEC.35T8R13 16.4 A

(Ord. no. 5 eff. Oct. 11, 1978; clarified by Zoning Board of Appeals, eff. May 1, 2004)

Sec. 2800.34 **Parcel No. 70-06-36-100-005, 70-06-36-100-009, 70-06-36-100-011, 70-06-36-100-012, 70-06-36-100-013, 70-06-36-100-014.**

DEPTH OF LOW DENSITY DETERMINED TO BE 230 FEET FROM 8TH AVE. RIGHT OF WAY FOR ALL THE ABOVE LISTED PARCELS.

70-06-36-100-005

W 5/8 S ¼ NW ¼ SEC 36T8R13 25 A

70-06-36-100-009

S 210 FT OF N 1078 FT OF W 245 FT OF NW ¼ SEC 36T8R13 1.18A

70-06-36-100-011

PART NW ¼ CUM 1078 FT S OF NW COR, TH S 290 FT, TH E 370 FT, TH N 290 FT, TH W 370 FT TO BEG SEC 36T8R13 3.05

70-06-36-100-012

PART NW ¼ COM 1368 FT S OF NW COR, TH S 135 FT, TH E 370 FT, TH N 135 FT, W 370 FT TO BEG SEC 36T8NR13W 1.14A

70-06-36-100-013

S 50 FT OF N 1668 FT OF W 370 FT OF NW ¼ SEC 36 T8NR13W .42A

70-06-36-100-014

N ¾ OF W 5/8 OF NW ¼ LYING W'LY OF PENN CEN RR EXC 100 FT STRIP ADJ TO & W OF SD RR R/W, ALSO EXC COM 868 FT S OF NW COR TH E 245 FT, S 220 FT, E 125 FT TH S 580 FT, W 370 FT, TH N 800 FT TO BEG SEC 36 T8NR13W 36 A M/L

(Ord. no. 5 eff. Oct. 11, 1978; clarified by Zoning Board of Appeals, eff. May 1, 2004)

Sec. 2800.35 **Parcel No. 70-06-35-375-003, 006.**

REZONING FROM MEDIUM DENSITY RESIDENTIAL DISTRICT TO COMMUNITY COMMERCIAL DISTRICT.

70-06-35-375-003

Lot 3 Norton's Addition to Berlin

70-06-35-375-006

Lot 2 Norton's Addition to Berlin

(ord. no.5 eff. Oct.11, 1978; amend. eff. Sept. 8, 2004)

Sec. 2800.36 **Parcel No. 70-06-28-100-023.**

REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL

70-06-28-100-023

PART OF E ½ OF NW ¼ COM S OD 12M 50S W 330 FT FROM N ¼ COR, TH W 175 FT, S 26D 25M 17S W 1183.39 FT, TH S 20D 32M W 421 FT, TH S 44D 58M 02S E 766.65 FT ALG CEN LI OF JUNIPER DR, TH N OD 12M 50S E 360.77 FT, E 300 FT, TH N OD 12M 50S E 1635.69 FT ALG N&S ¼ LI TO BEG SEC 28 T8NR13W 22.23A

(ord. no.5 eff. Oct.11, 1978; amend. eff. October 23, 2004)

Sec. 2800.37 **Parcel No. 70-06-30-300-002, 012.**

REZONING PORTIONS OF THESE TWO PARENT PARCELS FROM AGRICULTURAL TO COMMUNITY COMMERCIAL

Parent Parcels: SW ¼ OF SEC 30T8NR13W EXC E 1065 FT THEREOF, AND EXC S 1605 FT THEREOF, ALSO EXC THAT PART COM AT THE W 1/4 COR OF SEC 30T8NR13W; TH S 2D 26 M 15S W ALG W LINE OF SAID SEC 900.81 FT; TH S 87D 33M 45S E 33 FT TO BEG; TH N 2D 26M 15 S E 200FT; TH S 87D 33 M 45S E 17 FT; TH N 2D 26M 15S E 232.48 FT; TH N 23D 6 M 53S E 304.5 FT; TH N 72D 25M 37S E 273.22 FT; TH S 2D 26M 15S W 810.85 FT; TH N 87D 33M 45S W 381.23 FT TO BEG, ALSO, E 1065 FT OF SW ¼ EXC S 1605 FT THEREOF (SD 1605 FT BEING MEASURED ALONG W SEC LN). TOGETHER WITH A INGRESS-EGRESS AND PUBLIC UTILITY EASEMENT AS FOLLOWS: N 66 FT OF THE S 1671 FT OF THE SW ¼ SEC 30T8NR13W

The portion rezoned is as follows: PART OF SW ¼ SEC30 T8 NR13W COM W ¼ COR OF SEC 30; TH S 02D 26M 15S W, 900.81 FT ALG W LN OF SD SEC 30 TO PT OF BEG; TH S 87D 33M 45S E, 41423FT; TH N 2D 26M 15S E, 810.85 FT TO S'LY ROW LN OF LIMITED ACCESS HY I-96; THN 72D 25M 34S E, 236.17 FT ALG SD S'LY ROW LN TO E-W ¼ LN OF SD SEC 30; TH S 86D44M20S E, 1939.93 FT ALG SD E/W ¼ LN AND SD S'LY ROW LN TO N-S ¼ LN OF SD SEC30; TH S 2D12M34S W, 1053.51 FT TO N LN OF S 1605 FT OF SD SW ¼ SEC 30; TH N 86D50M17SW, 2580.27 FT ALG SD N LN OF S 1605 FT OF SW ¼ SEC 30 TO SD W LN OF SD SEC 30; TH N 2D26M15S E, 157.09 FT ALG SD W LN OF SAID SEC 30 TO PT OF BEG. SUBJECT TO THE 33 FT ROW OF 48TH ST AND ALL EASEMENTS AND RESTRICTIONS OF RECORD. SUBJECT TO INGRESS-EGRESS AND PUBLIC UTILITY EASEMENT AS FOLLOWS: N 66 FT OF S 1671 FT OF SW ¼ SEC30 T8NR13W. 53.73A, MORE OR LESS.

(ord. no.5 eff. Oct.11, 1978; amend. eff. November 30, 2004)

Sec. 2800.38 **Parcel No. 70-06-34-300-004, 70-06-34-400-024.**

REZONING FROM AGRICULTURAL TO RURAL AGRICULTURAL

70-06-34-300-004

PART OF SW ¼ OF SE ¼ COM SW COR. TH E 674.52 FT, N 1317.18 FT TO S 1/8 LI, TH W 674.52 FT, TH S TO BEG. SEC 34 T8NR13W. 12.3 A.

70-06-34-400-024

E 425 FT OF SE ¼ OF SW ¼ SEC 34 T8NR13W. 20.1 A.

(ord. no.5 eff. Oct.11, 1978; amend. eff. February 21, 2006)

**CHAPTER 29
PRIVATE ROAD AND
DRIVEWAYS**

(Ord. No. 71, eff. May 28, 2002 as amended by Ord. no. 101 eff. June 13, 2007)

Sec. 2900. PURPOSE.

The purpose of this chapter is: to provide for the regulation of the construction, improvement, maintenance, extension, relocation, and use of private roads and driveways within the Township; to require that private roads and driveways are designed with proper width, surface and grade to ensure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles; that said roads are constructed of suitable materials to ensure minimal maintenance; to provide standards for the construction of private roads so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands and natural environment of the Township; to establish the procedures and standards for the issuance of permits; and to establish the provisions for enforcement and penalties and the repeal of provisions inconsistent therewith.

Sec. 2901. DEFINITIONS.

The following definitions shall apply to this Chapter:

- a) Driveway means an improved or unimproved path or road extending from a public right-of-way or approved private road to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof.
- b) Shared driveway means an improved or unimproved path or road extending from a public right-of-way or approved private road to two dwellings, buildings, or structures, intended to provide ingress and egress primarily for the occupants thereof.
- c) Field Driveway means any driveway serving cultivated fields, timberland or undeveloped land not used for industrial, commercial or residential uses. Standards for field driveways shall be those established by the Ottawa County Road Commission.
- c) Private road means the entire length of any undedicated path, trail or road which is privately owned and maintained and which provides or is intended to provide the primary means of ingress or egress to three or more lots, parcels of land, principal buildings, dwelling units or structures or combination thereof.

Driveways providing access to a single building, dwelling or structure are not considered to be part of the private road. Shared driveways that extend from the private road shall be considered to be part of the private road.

- d) Private road easement means an easement which is granted for private access to three or more lots, parcels of land, principal buildings, dwelling units or structures or combination

thereof, whether by grant of easement, private dedication, designation as a common area, or other means, and which contains a private road.

- e) Existing Private Road means a private road which is used to provide access to three or more lots, parcels of land, principal buildings, dwelling units or structures or combination thereof existing as of the date of adoption of this Chapter.
- f) Township Engineer means an engineer as designated by the Township Board.

Sec. 2902. APPLICABILITY.

Private roads are permitted in all zoning districts except the Agricultural District.

Sec. 2903. PRIVATE ROAD PERMIT REQUIRED.

No private road shall be constructed, extended, improved or relocated unless a private road permit has first been applied for and issued by the Township Zoning Administrator. All information, documents and fees required to be included with the private road permit application pursuant to this Chapter shall be filed with the Township before an application is considered complete and ready for consideration.

Sec. 2904. EXISTING PRIVATE ROAD.

After the effective date of this Chapter, no existing private road shall be reconstructed, extended, improved, or relocated, nor shall an existing private road be used or extended to provide access to a lot, dwelling or building which was not provided access by the private road as of the effective date of this Chapter, unless the existing private road is re-constructed according to the minimum construction standards and other requirements of this Chapter. Existing private roads however may be used to access lots which were of record as of the effective date of this Chapter and which have the required lot width on the private road.

Sec. 2905. APPLICATION REQUIREMENTS FOR A PRIVATE ROAD PERMIT.

The application for a Private Road Permit shall include:

- a) The name(s), addresses and telephone numbers of the owners and any other parties having any legal interest in the private road and the private road easement.
- b) The permanent parcel number(s) or legal description of all lots and parcels over which the private road is to be constructed.
- c) A drawing(s), with a scale not less than one inch=200 feet, containing the following information unless specifically waived in writing by the Zoning Administrator, all drawings must be prepared and sealed by an engineer licensed by the State of Michigan:

- (1) Location, route, topographic elevations at two feet intervals per USGS Datum, elevations, and dimensions of the private road in accordance with the standards of this Chapter.
 - (2) Proposed extensions of the private road.
 - (3) A layout including dimensions of the parcels to be served by the private road, including parcels to be accessed by future extensions.
 - (4) The location where the private road is to intersect with any public street.
 - (5) The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private road easement or within twenty (20) feet either side thereof.
 - (6) The location of any lakes, streams and drains within the proposed private road easement or within one hundred (100) feet thereof.
 - (7) The location of any buildings and structures to be located within the private road easement.
 - (8) A detail of the road cross section.
 - (9) A stormwater management plan for construction of the private road and specifications relative to any grading necessary.
 - (10) The road name(s).
- d) A copy of the recorded instruments describing and granting the private road easements.
- e) A copy of a recordable private road maintenance agreement or restrictive covenant as described in Section 2911.
- f) A Soil Erosion and Sedimentation Control Permit issued by the Ottawa County Road Commission or the Soil Erosion and Sedimentation Control Agency having jurisdiction, if applicable.
- g) A driveway permit issued by the Road Commission, if required.

Sec. 2906. PUBLIC HEARING.

All private roads shall be reviewed by the Planning Commission following a public hearing. A notice of the hearing and publishing shall be made in accordance with Section 2402

If a private road is part of a site condominium, platted subdivision, or Planned Unit Development, the public hearing will be held as part of the required review procedure in accordance with Section 2402. (ord. no. 101 eff. June 13, 2007)

Sec. 2907. PROCEDURES FOR PRIVATE ROAD PERMIT.

- a) An application for a private road permit shall be submitted to the Township Clerk along with eight copies of the required drawings and a fee as established by resolution of the

Township Board. The Clerk shall provide notification of the hearing as required by Section 2907.

- b) The Clerk shall forward a completed application and all supporting information to the Township's Zoning Administrator, Fire Chief and Engineer for review. A copy shall also be provided to the Township Supervisor who shall review it for compliance with the Townships' Lot Split Ordinance. The Fire Chief, Engineer, Supervisor and Zoning Administrator shall forward the comments to the Planning Commission prior to the public hearing.
- c) If the Planning Commission determines that the application meets the requirements of this Chapter, approval shall be granted and the Zoning Administrator shall be directed to issue a Preliminary Private Road Permit. This Preliminary Permit shall consist of a stamp noting preliminary approval and contain the signature of the Zoning Administrator and the date. Two copies of the private road plans must be stamped for preliminary approval, one copy shall be kept by the applicant, and one by the Township.

The Preliminary Private Road Permit is not a Final Private Road Permit or building permit of any kind. The Preliminary Private Road Permit is valid for a period of one year from the date of approval and authorizes the construction of a private road in accordance with the terms of the permit. If construction has not commenced within one year of the date of the Preliminary Private Road Permit then the preliminary permit shall expire without further action of the Township. A new permit shall be required before construction can begin.

- d) If the Planning Commission denies the application, the written reasons for denial shall be provided to the applicant within five working days of the date of denial.
- e) If the development which contains the private road is approved by the Planning Commission, the Commission may direct the Zoning Administrator or Planner, and the Fire Chief and Engineer to review any required revisions for compliance with the private road requirements of this Chapter and to issue permits as applicable.
- f) The Planning Commission may require that the applicant comply with reasonable conditions set by the Planning Commission relative to the location, design and construction of the private road and lots created thereon. Such conditions may involve relocation of the right-of-way, relocation of the centerline of the improved portion of the proposed road, alteration of proposed lots, drainage improvements, relocation of curb cut alignments, vegetation improvements, road lighting, change of street name, and other conditions designed to assure the public health, safety, and welfare.
- g) The applicant for a private road permit, all owners of the private road, all those who utilize the private road, and all persons securing a building permit to construct a building served by the private road agree that, by applying for and securing a permit for a building that utilizes the private road, they shall indemnify and hold the Township (as well as its officers, agents, and employees) harmless, from and against any and all claims, causes of action, costs, or damages

for personal injury and/or property damage arising out of the use of the private road or the failure to properly construct, maintain, repair, and/or install a private road. The owner/applicant shall insert the preceding indemnification language into the maintenance agreement and it shall run with the land and shall bind all purchasers of properties benefited by the private road.

- h) Final Compliance Requirements - Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator and Township clerk:
 - (1) A sealed letter from a registered professional engineer stating that the road has been constructed in compliance with the approved private road plans and that all other requirements of this section have been met.
 - (2) A set of record drawings in paper or electronic format of the private road as built.
 - (3) Documentation that the road maintenance agreement, access easement and/or deed restrictions have been recorded with the Ottawa County Register of Deeds office and that the name of the private road has been registered with all agencies required by this Chapter.
- i) Private Road Permit Issuance - Upon approval of items required for final compliance, the Zoning Administrator shall issue a Final Private Road Permit.
- j) Permits for Buildings on Private Roads - A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private road unless (i) a Final Private Road Permit has been issued or (ii) the applicant for the building permit or the owner(s) of the private road easement have provided the Township with an irrevocable letter of credit in an amount determined by the Township to ensure construction of the private road in accordance with the approved Preliminary Private Road Permit. The letter of credit shall contain language providing that it may not be revoked or terminated without 30 days prior written notice to the Township and be valid for a period of one year from the date of the issuance of the building permit. The Township shall have the right to draw on the funds if the private road is not completed to the satisfaction of the Township prior to the expiration of the letter of credit.
- k) In no case shall a certificate of occupancy be issued for any principal building, dwelling or structure located on property accessed by the private road until a Final Private Road Permit is issued by the Zoning Administrator.
- l) As determined by the Zoning Administrator, the Township Engineer may be consulted to review the application and supporting documents pertaining to the issuance of a Final Private Road Permit.
- m) If the completed private road does not satisfy the requirements and conditions of the private road permit, the applicant(s)/owner(s) shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the

time provided shall subject the applicant(s)/owner(s) to the penalties as provided in Chapter 24.

Sec. 2908. STANDARDS AND REQUIREMENTS FOR ALL PRIVATE ROADS.

No private road permit shall be issued unless the proposed construction complies with the standards of this Section.

Minimum Standards for All Private Roads

- a) The private road shall be located within a private road easement. This easement shall have a minimum width of at least 66 feet and shall also provide for utilities to be located within the private road easement.
- b) All lots to be served by a private road shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
- c) A private road shall intersect and connect to a public road.
- d) The area in which a private road is to be located shall have a minimum cleared width of 28 feet that shall be maintained at all times. All overhead branches extending over the traveled surface of the road shall be trimmed and maintained to a height of 20 feet above the ground.
- e) All private roads shall be constructed to the standards of the Ottawa County Road Commission except that private roads serving fewer than eight lots need not be paved and except as otherwise noted herein.
- f) Any private road that terminates at a dead end shall have a means for vehicle turn around acceptable to the Township Fire Department. The turn around may be in the form of a cul-de-sac, with a minimum radius configured in accordance with Ottawa County Road Commission requirements but other turnaround designs may be approved by the Township Fire Chief. Temporary turnarounds may be permitted by the Township when private roads are extended to property boundaries for future access to adjacent properties.
- g) A private road or interconnected private road system shall not serve more than 24 residential lots, or dwelling units, unless a secondary means of egress is provided for the entire property served. This secondary access shall meet the minimum standards of this Section.
- h) Private roads shall be designed with a longitudinal road grade not exceeding 6% to the extent practical. A longitudinal road grade up to a 10% grade may be permitted by the Zoning Administrator and the Township Fire Department if those officers determine that an increase in the road grade will not adversely affect public safety.

- i) The intersections of private roads with other public or private roads shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the Ottawa County Road Commission and/or the Zoning Administrator.
- j) Stop signs shall be provided at the intersection of the private road with the public road.
- k) The minimum distance between intersections of public and/or private street rights-of-way shall be not less than 200 feet as measured along the right-of-way line thereof.
- l) The method and construction technique to be used in crossing any natural stream, or drainage course shall satisfy the requirements of the Township Engineer and any other agency having jurisdiction thereof. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support a 65,000-pound fire department vehicle.

The driving lanes plus shoulders of all private roads shall be setback a minimum of 25 feet from the edge of a stream, drainage course or body of water except where a crossing occurs. In constructing the crossing, measures to prevent soil from entering the stream or drainage way shall be used in accordance with the approved stormwater management plan. Such measures shall also be used to ensure sedimentation does not enter the stream or drainage way after construction of the crossing is completed. Such measures shall be approved in advance by the Township Engineer.

- m) The private road shall be given a name and street signs shall be installed in accordance with the standards and approval of the Ottawa County Road Commission. Each street address shall be posted in a conspicuous place at the driveway serving each property where it is visible from the private road.

The name of the private road shall be approved by and registered with the Wright Township Fire Department and Ottawa County Road Commission. Upon approval, the applicant shall register the street name with Ottawa County Emergency Service agencies.

- n) Upon completion of construction of the private road, the applicant(s)/owner(s) shall remove from the site and properly dispose of any and all debris and rubbish resulting from the construction of the private road.
- o) A private road shall be designed and constructed so that it does not create a nuisance or unsafe condition for residents in existing nearby dwellings or adjacent properties. Items to be considered would include but not be limited to: vehicle noise, headlight glare, view from existing dwellings, storm water runoff and removal of existing trees.
- p) All private roads shall be maintained, repaired, and snowplowed so as to ensure that the private road is safe for travel at all times and so that suitable access is provided for emergency vehicles, in addition to meeting the specific standards provided in this Section.

- q) Any development served by a private road must design and build storm water management facilities in accordance with the requirements of the Ottawa County Drain Commission.
- r) All private roads are subject to periodic inspection by the Township's Fire Department in order to insure that the road is being properly maintained. If the Fire Chief determines that a private road is not being properly maintained in accordance with the requirements of this Ordinance, the Fire Chief shall give notice of the deficiency to the record owners of all parcels that are served by the private road.

Sec. 2909. REQUIRED ROAD WIDTHS.

Private roads shall also comply with the following requirements:

- a) For private roads that provide exclusive access to no more than eight lots, the minimum width of the traveled portion of the road shall be 20 feet.
- b) For private roads that provide exclusive access to more than eight, the minimum width of the traveled portion of the road shall be 22 feet.
- c) For a private road that serves a commercial, office or industrial lot or building, the minimum width of the traveled portion of the road shall be 30 feet. The road shall, at a minimum, be paved in accordance with the requirements of the Ottawa County Road Commission for industrial and commercial streets.

Sec. 2910. PRIVATE ROAD MAINTENANCE AGREEMENT.

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

The applicant agrees that, by filing an application for and receiving a permit for a private road hereunder, they will assure that any buildings or lots thereafter created or constructed on the private road shall also be subject to the recorded maintenance agreement and that the agreement shall be recorded and shall run with the land prior to the construction of the private road. At the Township's discretion, the maintenance agreement shall be subject to the approval of the Township Attorney or such other Township official as the Township designates.

These documents shall include provisions for the following:

- a) A legal description of the private road easement and a legal description of the individual properties to be served by the private road as of the date of recording.

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

Sec. 2911. STANDARDS FOR DRIVEWAYS AND SHARED DRIVEWAYS.

No building permit shall be issued for a building, dwelling or structure that is to be served by a driveway or shared driveway unless the proposed driveway complies with the standards in this section. An applicant for a building permit shall provide documentation as required by the Zoning Administrator to ensure the applicant is complying with the minimum standards of this Section.

If the private driveway exceeds one hundred feet (100') in length, the owner(s) must submit a site plan for the proposed drive to the Township. The site plan must depict the proposed layout of the private driveway; i.e., how the proposed private driveway will be constructed on the land, indicating any turns in the drive, and the width of the drive, and any infrastructure required by this ordinance.

The length of the private driveway shall be measured along a centerline of the driveway from the edge of the public or private road that is nearest to the property served by the driveway to the nearest side of the primary structure served by the driveway.

a) Procedure

- (1) A permit for a driveway shall only be issued if the driveway meets all applicable requirements of this Chapter.
- (2) An application for a shared driveway shall be made to the Zoning Administrator who shall review it for compliance with the requirements of this Chapter for shared driveways. The Zoning Administrator may consult with the Township Fire Chief and Township Engineer.

If the Zoning Administrator determines that the application meets the requirement of this Chapter, approval must be granted. The Zoning Administrator shall provide this approval in writing to the Building Inspector before a building permit can be issued.

b) Minimum Standards for driveways and shared driveways (other than Field Driveways)

- (1) The area in which the driveway or shared driveway is to be located shall have a minimum cleared width of 16.5 feet for the entire length of the driveway which shall be maintained by the property owner or if a shared driveway by those persons having a legal right to use the driveway.
- (2) Overhead branches shall be trimmed to a height of 14 feet above the ground and shall be maintained by the property owner or if a shared driveway by the persons having a legal right to use the driveway.
- (3) A shared driveway shall be located within an easement not less than 33 feet wide.
- (4) The driving surface of a driveway shall be at least 12 feet wide. For a shared driveway, the driving surface shall be at least 16 feet wide.
- (5) The driving surface of a single and shared driveway, excluding a field driveway shall have a sub-base of stable soil and a minimum of six inches of MDOT 22A compacted gravel on the top thereof.
- (6) The driving surface of the driveway or shared driveway shall be crowned to facilitate drainage.
- (7) The longitudinal slope of the driveway or shared driveway shall be not exceed 6%. The Township Fire Chief must specifically approve a steeper driveway.

- (8) The driving surface of the driveway or shared driveway shall be adequately maintained by the property owner, or by those persons with a legal right to use the driveway to ensure the safe passage of private and emergency vehicles.
- (9) When a driveway crosses any natural stream or drainage course, adequate provisions shall be included to maintain the surface water flow to the satisfaction of the Zoning Administrator and any other agency having jurisdiction thereof. The method used in crossing any natural stream, drainage course, or similar feature shall have a sufficient load capacity to safely support a 65,000-pound fire department vehicle.

In constructing the crossing, measures to prevent soil from entering the stream or drainage way shall be used. Such measures shall also be used to ensure soil does not enter the stream or drainage way after construction of the crossing is completed. Such measures shall be approved by the Township Engineer.

- (10) Except where the driveway crosses a natural stream or drainage course, the driveway shall be no closer than 25 feet from the stream or drainage course or other body of water.
- (11) The inside radius of any driveway curve shall be a minimum of 30 feet.
- (12) A shared driveway that extends from a private road may be permitted by the Planning Commission but only for a site condominium, a platted subdivision or Planned Unit Development if the Commission finds that such approval would allow for adequate access by emergency vehicles.
- (13) Before a building permit is issued for any lot to be served by a shared driveway, the applicant shall provide to the Zoning Administrator, a copy of a recorded driveway maintenance agreement prepared in accordance with the requirements of Section 2911 herein.

- c) The application for a building permit for a building, dwelling or structure which is to be served by a driveway or shared driveway shall include a driveway permit as issued by the Ottawa County Road Commission.
- d) A shared driveway that intersects a public road shall be a minimum of 125 feet from another shared driveway, or a private or public road that is on the same side of the road. This distance shall be measured between centerlines. Where compliance with such separation distance cannot be achieved because of existing lot widths, location of other shared driveways or private or public roads, or topographical factors, the separation distance may be reduced to the minimum extent possible.
- e) All private drives that exceed one hundred feet (100') in length are subject to periodic inspection by the Township's Fire Department in order to insure that the drive is being properly maintained. If the Fire Chief determines that a private drive is not being

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properly maintained in accordance with the requirements of this Ordinance, the Fire Chief shall give notice of the deficiency to the record owners.
(ord. no.71 eff. May 28, 2002)

**CHAPTER 30
REGULATIONS FOR THE SUBDIVISION OF
LAND AND PENALTIES FOR VIOLATION**

(Ord. No. 49, eff. Jan.20, 2000 as amended by Ord. no. 101 eff. June 13, 2007)

Sec. 100. DESCRIPTION AND PURPOSE.

This Ordinance is enacted pursuant to Public Act 288 of 1967, as amended, the Subdivision Control Act of 1967. ("Act 288") This Ordinance is intended to provide for the proper and orderly subdivision of land in the Township, to provide for adequate and essential public improvements and utilities, and to promote the public health, safety and welfare.

Sec. 101. FEE SCHEDULE.

Any person filing a plat pursuant hereto shall pay fees established from time to time by resolution of the Township Board, and until the fee is paid the plat shall not be considered or reviewed.

Sec. 102. DEFINITIONS.

All terms herein shall have the meanings and definitions given by Act 288.

Sec. 103. SCOPE AND CONFLICT.

The provisions of this Ordinance apply to all platted subdivisions of land within the Township. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

Sec. 104. CERTIFICATION OF PLATS AND DRAWINGS.

All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

Sec. 105. PRELIMINARY PLAT APPLICATION AND REVIEW PROCEDURES.

A. Submission of plats.

The Proprietor of any land proposed to be subdivided shall submit 10 copies of a preliminary plat, together with supplementary documents, containing the information required by Act 288 and this Ordinance, to the Township Clerk.

B. Preliminary Plat: Required Information.

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- (1) The name or title of the proposed subdivision.
- (2) Legal description of the proposed plat.

- (3) The name, address and telephone number of the Proprietor, developer, record owner and subdivider.
- (4) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
- (5) A small-scale vicinity map showing location of project within the Township, and the name and location of abutting subdivisions.
- (6) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
- (7) The location of all existing features affecting the subdivision, such as railroads, buildings, trees, ditches, watercourses and other physical features.
- (8) Location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
- (9) Location of utility and drainage easements.
- (10) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.
- (11) If the proposed subdivision is not to be served by public sewer and water systems, a written statement from the Ottawa County Health Department regarding the suitability of the soils for on-site septic systems.
- (12) Location and dimension of lots, radii of all curves and approximate location of all setback lines. Lot width shall be shown for each lot, at the required setback line.
- (13) When any part of the subdivision lies within or abuts a floodplain area:
 - a. The floodplain, as established by the state department of natural resources, shall be shown within a contour line.
 - b. The contour line shall intersect the sidelines of the lots.
 - c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
 - d. The floodplain area shall be clearly labeled on the plat with the words "floodplain area."
- (14) Any restrictions to be imposed upon the use of property in the subdivision.

- (15) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.
- (16) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.
- (17) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
- (18) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within one hundred (100) feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- (19) Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways.
- (20) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.
- (21) Location of existing and proposed slopes which are twelve (12) percent or greater, which may be altered by the development or the construction of buildings within the development.
- (22) Zoning and use on adjacent properties.

C. Preliminary Plat: Tentative Approval Procedure.

Preliminary plats shall be referred to the Planning Commission, which shall consider the preliminary plat and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Planning Commission on the preliminary plat. Such public hearing shall follow the noticing and publishing procedures of Section 2402 of this Ordinance. The preliminary plat, together with minutes showing the action of the Planning Commission thereon, shall then be referred to the Township Board. (ord. no. 101 eff. June 13, 2007)

- (2) The Township Board shall approve or disapprove the preliminary plat not later than 90 days after the preliminary plat was first submitted by the proprietor. A resolution approving a plat shall state: (i) the nature and character of the improvements that will be required to be made by the Proprietor; (ii) the periods of time within which the respective improvements must be completed; and (iii) any conditions relating thereto. If the preliminary plat is not approved, the Township Board shall set forth in writing its reasons

for rejection. The Township Board shall record its approval or disapproval on the plat and return one copy to the Proprietor.

(3) Tentative approval under this section shall confer upon the Proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout. The duration of such tentative approval may be extended by the Township Board.

D. Preliminary Plat: Final Approval Procedure.

(1) Following tentative approval of the preliminary plat by the Township Board, the Proprietor shall:

- a. Submit the preliminary plat to all other reviewing authorities as required by Act 288.
- b. Submit a list of all such authorities to the Township Clerk, certifying that the list shows all approving authorities as required by Act 288.
- c. Submit all approvals to the Township Clerk after they have been secured.

(2) Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat, together with all communications from the reviewing agencies, to the Township Board as soon as possible prior to the next regularly scheduled meeting.

(3) The Township Board shall, at its next regularly scheduled meeting or within 20 days following submission of the required materials shall:

- a. Consider and review the preliminary plat and approve it if the Proprietor has met all conditions specified for approval of the preliminary plat.
- b. Instruct the Township Clerk to notify the Proprietor of approval or rejection in writing.

(4) Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two years from the date of approval, the rights granted under Act 288. This period may be extended by the Township Board.

Sec. 106. FINAL PLAT APPLICATION AND REVIEW PROCEDURE.

A. Requirements.

(1) Final plats shall be prepared and submitted as provided in Act 288.

(2) A written application for approval and all recording and other Township and State fees shall accompany all final plats.

(3) The Proprietor shall submit proof of ownership of the land included in the final plat in a form satisfactory to the Township.

(4) The Township may require such other information, as it deems necessary to establish whether the proper parties have signed the plat.

B. Procedure: Final Plat.

(1) The final plat shall be submitted not less than 20 days prior to the next regular meeting of the Township Board. For any plat submitted thereafter, the applicant shall pay an additional fee established by resolution, for the cost of calling a special meeting to comply with Section 167 of Act 288, unless the Proprietor waives compliance with Section 167.

(2) The Township Board shall examine the final plat at the next regularly scheduled meeting or within 20 days after submission of the plat, and the Board shall either approve or disapprove the plat.

C. Improvements and Facilities.

(1) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in Section 106 (D) "Security for Completion." (ord. no. 101 eff. June 13, 2007)

(2) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.

(3) Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk coincident with the submission of the final plat.

D. Security for Completion.

(1) In lieu of completion of some or all required improvements, the Township Board may give final plat approval conditioned upon the proprietor providing a financial guaranty for performance as provided in this section.

(2) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.

(3) Security shall remain in force for a time to be specified by the Township Board.

(4) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in form satisfactory to the Township, from a surety company

authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.

(5) The proprietor may request periodic reductions in the amount of security as public improvements are completed. Township staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

E. Certificates on Final Plat.

The final plat shall include proper certificates for the Township Clerk to certify the approval of the plat by the Township Board, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

Sec. 107. IMPROVEMENTS AND REGULATIONS

The following standards shall apply to all subdivisions within the Township.

A. Lots.

(1) All lots shall face upon, and have direct access to, a public or private street.

(2) The sidelines of lots shall be approximately at right angles or radial to the street upon which the lots face.

(3) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This Ordinance shall not be construed as providing for lots smaller than as specified in the Zoning Ordinance. If public water and sewer are available, the provisions of the Township Zoning Ordinance shall override Section 186 of Act 288.

(4) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.

(5) The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lot lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.

(6) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.

(7) Lots in subdivisions bounded by existing streets shall only have access from internal streets constructed to serve the subdivision and not directly to such existing streets. The Planning Commission and Township Board may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth topography or other natural features of the land to be subdivided.

(8) Greenbelts or landscaped screen plantings shall be located between a residential subdivision and adjacent major arterial streets or railroad rights-of-way. The proposed subdivision plat shall show the location of said greenbelts.

B. Usable Land.

All land shall be platted such that it is usable for building lots or required improvements. Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the Township. For private streets and other areas under the control of a subdivision property owners association or similar organization, the Township may require a recorded agreement whereby the Township may maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.

C. Dedication.

Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards of the private road provisions of Township Ordinance, and shall include easements for public utilities within the street and at least fifteen feet on either side thereof.

D. Street Names.

Street names shall be approved by the Ottawa County Road Commission before printing on the final plat. All streets which are extensions of existing streets must carry the names of such existing streets.

E. Street Alignment and Layout.

(1) The subdivision layout shall conform to the major street and thoroughfare plan and the comprehensive land use plan of the Township.

(2) All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.

(3) If streets are to be dedicated to the public, a sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining property and to future development on contiguous land.

(4) No dead end street or street terminating in a cul-de-sac shall provide access to more than 24 dwelling units.

(5) Intersections of public or private streets shall be at angles of 90 degrees, or as close to such angle as possible, but in no case more than 30 degrees from perpendicular.

F. Street Design Standards.

Public streets, intersections, and cul-de-sacs in plats shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Ottawa County Road Commission.

G. Sidewalks.

(1) Except as otherwise provided in this section, sidewalks at least five feet wide, on both sides of the street, shall be provided for and installed in all plats. A plat shall include right-of-way of sufficient width so as to accommodate such sidewalks.

(2) Such sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Planning Commission and Township Board approve an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.

(3) The following are exceptions from Section 4.08(1) of Act 288:

a. Sidewalks are required on only one side of the street if the other side clearly cannot be developed and if there are no existing or anticipated uses that would generate pedestrian trips on that side.

b. In residential subdivisions, sidewalks are required on one side only of a street intended primarily to provide access to abutting properties if the average lot width on the street is greater than or equal to 100 feet, and if the average density in the subdivision is less than or equal to two dwelling units per acre.

c. In residential subdivisions, no sidewalks are required adjacent to streets intended primarily to provide for access to abutting properties if the average lot width on the street is greater than or equal to 150 feet, and if the average density in the subdivision is less than or equal to 1.5 dwelling units per acre. Provided, however, that a sidewalk shall be required on one side of the street for such portions of any street located within 1,500 feet of a school site which would be on a walking route to the school.

(4) Also in their discretion, the Planning Commission may recommend and the Township Board may approve the waiving, in whole or in part, of the sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Planning Commission and Township Board shall consider and make findings upon the following factors:

- a. Whether the installation of sidewalks would be a reasonably appropriate plat improvement, giving consideration to the convenience of pedestrians, the amount of available land and other applicable circumstances.
- b. The likelihood that pedestrians will make reasonable use of sidewalks in the plat, currently and in the future.
- c. Whether there are other sidewalks already installed on adjacent or nearby lands.
- d. The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the platted lands.

H. Street Lighting.

Adequate street lights may be required to be provided.

- (1) Public electricity, telephone, and gas service shall be furnished to each lot in the subdivision.
- (2) Public sanitary sewer and water, or either of them, shall be provided according to the requirements of the zoning district in which the subdivision is located and in accordance with the Township's sanitary sewer ordinances.
- (3) All utilities shall be installed and maintained underground and in appropriate easements.
- (4) Public utility easements shall be provided along rear lot lines, and also along side lot lines when necessary. The total width of such easements shall be not less than six feet along each lot, or a total of twelve feet for adjoining lots.
- (5) When a proposed subdivision is to be served by a publicly owned or privately-owned public water system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.
- (6) If there is no existing or available publicly-owned water supply system, the subdivider may be required to install a privately-owned public water supply system for drinking and fire protection purposes for the common use of the lots within the subdivision in accordance with the requirements of the Safe Drinking Water Act, Act 399

of the Public Acts of Michigan of 1977, as amended, or successor statute of like import, and with the requirements of Township Ordinance.

I. Natural Features.

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. A development shall respect the natural resources of the Township as recommended in the Township's Master Plan.

J. Drainage.

An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse affect on adjoining lands, or upon lots within the subdivision.

Sec. 108. VARIANCE.

A variance from the provisions of this Ordinance may be granted as follows:

(1) If the Proprietor demonstrates that literal enforcement of this Ordinance is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land, the Township Board, upon recommendation of the Planning Commission, may permit a variance or variances which are reasonable and within the general policy and purpose of this Ordinance. The Township may attach conditions to the variance.

(2) A petition for a variance shall be submitted along with the preliminary plat. Notice that request for a variance has been received shall be included in the notice of public hearing on the preliminary plat provided in Section 2402, and the variance shall be considered during the process of considering the preliminary plat. If a request for a variance arises because of unforeseen circumstances after preliminary plat review, a request for a variance may be submitted, and a recommendation made by the Planning Commission to the Township Board after public hearing following notice given in accordance with Section 2402 of this Ordinance. (ord. no. 101 eff. June 13, 2007)

Sec. 109. ENFORCEMENT

1. No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Township Board in accordance with the requirements of this Ordinance.

2. No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Ottawa County Register of Deeds.

3. Any sale or option or contract to sell, contrary to the provisions of these regulations, shall be voidable at the option of the buyer or person contracting to purchase, or their successors in interest, within two years after the execution of the sales agreement. Such agreements, however, shall be binding upon the vendor, his or her assigns, heirs or devisees.

4. No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.

5. Any act or failure to act done in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

6. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$250 nor more than \$1,000 for the first offense and not less than \$500 nor more than \$2,500 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 this ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Subdivision Control Act.

7. In addition to any other available remedy, the Township may in its discretion bring an action in its own name to restrain or prevent any violation of this ordinance or any continuance of such violation. In such case the person found violating this ordinance shall pay the Township's costs and expenses in enforcing this Ordinance, including its attorneys' fees.

Sec. 110. DIVISION OF PLATTED LOTS.

A. Prohibition.

No lot or other parcel of land located within a recorded plat shall be further partitioned or divided or a building permit issued for a partitioned or divided lot unless such partition or division is first approved by the Township Board as provided in this article. No partition or

division of a lot may result in the creation of a lot that does not satisfy the particular minimum lot dimension requirements of the Township zoning ordinance.

B. Approval of Lot Splits.

(1) Any proprietor or property owner who desires to partition or split a lot, outlot, or other parcel of land located in a recorded plat shall apply to the Township Clerk. The application shall include a detailed statement of the reasons for the requested partition or division, sketch, map or maps prepared to scale showing the proposed division or partition and all adjoining lots, streets, and parcels of land, and a statement from the Ottawa County Health Department indicating the effect of the proposed division or partition upon the safe operation of necessary septic tanks and wells.

(2) The Township Clerk shall transmit the application and report from the Ottawa County Health Department to the Planning Commission, which shall make a recommendation to the Township Board.

(3) In reviewing the application, the Planning Commission and Township Board shall consider whether the request is consistent with all Township Ordinances, Act 288, and other State laws and is consistent with the general public welfare.

(4) Upon receiving the recommendation of the Planning Commission, the Township Board shall either approve or reject the application.

The Township Board may condition its approval of a division or partition upon such reasonable conditions as shall be deemed desirable by the Township Board.

CHAPTER 31
LAND DIVISION ORDINANCE

(Ord. no. 54 Adopted: 6/14/2000 as amended by (ord. no. 101 eff. June 13, 2007))

An ordinance to regulate partitioning or division or parcels or tracts of land, enacted pursuant, but not limited, to Michigan Public Act 288 of 1967, as amended, and Act 246 of 1945, as amended, 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.

Sec. 100. PURPOSE.

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967 PA 288, as amended, 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.

Sec. 102. DEFINITIONS.

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

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.

- B. "Development site" - any parcel or lot on which exists or which is intended for building development other than the following:
Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains; feed crops, and field crops; dairy and dairy products; poultry and poultry products, livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables, Christmas trees; and other similar uses and activities. -
(ii) Forestry Use involving the planting, management, or harvesting of timber.

- C. "Divided" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or 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 Section 108 and 109 of the State Land Division Act.

D. "Exempt split" or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or 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; provided all resulting parcels are accessible for vehicular travel and utilities from existing public roads through existing adequate roads or easements, or through areas owned by the owner of the parcel that can provide such access.

E. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.

F. "Parcel" - a contiguous area or acreage of land which can be described as provided in the Land Division Act.

G. "Parent parcel" - or "parent tract" - a parcel or tract, respectively, lawfully in existence on March 31, 1997.

H. "Planning Commission" - the Planning Commission of Wright Township.

G. "Tract" - two or more parcels that share a common property line and are under the same ownership.

I. "Township Board" - the Township Board of Wright Township.

J. "Township" - the Township of Wright, Ottawa County, Michigan.

Sec. 103. PRIOR APPROVAL REQUIREMENT FOR LAND DIVISION.

Land in the Township shall not be divided without the prior review and approval of the Wright Township Supervisor, or other official designated by the Township Board, in accordance with this ordinance and the State Land Division Act. Provided, however that the following shall be exempted from this requirement:

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

B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

C. An exempt split as defined in this Ordinance.

D. A splitting or partitioning of a parcel or tract that is not subject to the requirements of the State Land Division Act.

Sec. 104. APPLICATION FOR LAND DIVISION APPROVAL.

An applicant shall file all of the following with the Wright Township Supervisor, or other official designated by the Township Board, for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development.

- A. A completed application of such form as may be provided by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines; approximate dimensions; the location of all existing structures on all resulting parcels; and the setbacks of all structures from front, rear, and side boundary lines, and the accessibility of each division for vehicular traffic and public utilities
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land division, detailed information about the division rights available for transfer and the number of division rights to be transferred.
- F. The fee as may from time to time established by resolution of the Township Board for land division pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the State Land Division Act.

Sec. 105. PROCEDURE FOR APPROVAL OF LAND DIVISIONS.

- A. The Township Supervisor, or other official designated by the Township Board, shall approve or disapprove the land division applied for within 45 days after receipt of the application package conforming to the requirements of this Ordinance and the State Land Division Act, and shall promptly notify the applicant of the decision and, if denied, the reason for the denial
- B. Any person or entity aggrieved by the decision of the Supervisor or designee may, within 30 days of said decision, appeal the decision to the Township Board which shall consider and resolve such appeal by a majority vote of said Board. The appeal shall be held at the next regular meeting of the Township Board, or at a special meeting of the Township Board, provided that the applicant (and appellant if the appeal is made by

someone other than the applicant) shall be given notice of the time, date, and place of the meeting at which the appeal shall be considered at least twenty days prior to the meeting.

C. The Township Supervisor or designee shall maintain an official record of all approved and accomplished land divisions or transfers.

D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.

E. 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.

Sec. 106. STANDARDS FOR APPROVAL OF LAND DIVISIONS.

A proposed land division shall be approved if the following criteria are met:

A. All the parcels to be created by the proposed land division(s) shall fully comply with the applicable lot (parcel), yard and area requirements of the Township Zoning Ordinance, including, but not limited to, minimum lot (parcel) frontage/width, minimum road frontage, minimum lot (parcel) area, and minimum front, side, and rear lot or parcel line setbacks.

B. The proposed land division(s) shall comply with all requirements of the State Land Division Act and this Ordinance.

C. The ratio of depth to width of any parcel created by the division shall not exceed four to one, exclusive of access roads, easements, or non-buildable parcels created under Section Seven of this Ordinance and parcels added to contiguous parcels that result in all involved parcels complying with said ratio. The Township Supervisor or designee may permit a greater depth to width ratio if there are unusual topographic or physical conditions existing on the land, the parent parcel contains less than twenty acres, and the potential of adjacent parcels reasonably using the excessive depth of the subject parcel. The permissible depth of a parcel created by a land division shall be the distance between the front and rear lot lines, measured along the medium between the side lot lines. The permissible minimum width shall be the minimum width established by the applicable provision of the Township Zoning Ordinance. The depth to width ratio requirements of this Ordinance do not apply to a new parcel larger than ten acres, and do not apply to the remainder of the parent parcel or parent tract retained by the applicant.

D. All parcels created and remaining shall have adequate accessibility, or an area available therefore, for public utilities and emergency and other vehicles.

Sec. 107. CONSEQUENCES OF VIOLATION OF ORDINANCE.

Any division of land which violates any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate an action in a court of competent jurisdiction for injunctive or other relief to prevent or enjoin any violation of this Ordinance.

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.

EFFECTIVE DATE

Sec. 3200. **EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) days after publication

Approved: October 11, 1978